



DRUG-FREE WORKPLACE PROGRAM GENERAL NOTICE FORM



The Department of Administration (DOA) has established and updated a drug-free workplace policy for Government of Guam applicants and employees under the direction of the Executive Branch, pursuant to current and subsequent Executive Orders such as E.O. 2025-03, relevant Guam laws and the DOA Personnel Rules & Regulations. All applicants/persons offered a job in the government must undergo and pass a drug test conducted under the authority of the DOA before working as a condition of employment. Employees must refrain from possessing, distributing, using, or be inhibited by illegal, or prohibited drugs, or alcohol while on duty, in the workplace and at the worksite. The Department of Administration's Drug-Free Workplace Program (DFWP) is designed to accomplish this goal through deterrence, identification, rehabilitation, and disciplinary action. Illegal, or prohibited drugs, or alcohol use could adversely affect employees, as well as public safety, risk damage to government and personal property, and significantly impair day- to-day operations.

Applicants and employees subject to testing are to provide the minimum amount of urine specimen necessary as specified by authorized specimen collectors in a restroom facility. However, when there is reason to believe that the specimen may be altered, the collection will be conducted under direct observation, which is gender based. The collection of specimens other than urine may be required such as for alcohol testing. The types of testing authorized by the DOA include but are not limited to the following:

- a. **Pre-employment:** Initial hire into the government, re-employment, reappointment, and includes the drug testing of an active employee from an autonomous agency who did not previously pass drug testing conducted under the DOA's DFWP and is being hired by a line department/agency with no break in service.
- b. **Random:** Employees occupying a safety sensitive position known as Testing Designated Positions "TDPs" subjected to unannounced drug testing.
- c. **Probable Cause:** An employee may be tested for the presence of alcohol, psychoactive cannabis metabolites, and controlled substances listed in Appendix A-E of Chapter 67 of Title 9, Guam Code Annotated if their supervisor or Appointing Authority has credible reason to believe the employee is in possession of, has distributed, or is under the influence or impaired by drugs or alcohol while on duty or in the workplace, or worksite.
- d. **Post-Accident:** drug testing (to include alcohol) conducted following incidents involving injuries, fatalities, transportation of hazardous materials, transportation of other employees, the public, or minors, or significant property damage.
- e. **Follow-Up:** Drug testing (to include alcohol) during and/or upon completion of a rehabilitation program which will be conducted unannounced under direct observation.
- f. **Retention of Re-employment Rights (P.L. 38-4):** classified employees occupying TDP positions who resign within 30 days of a departmental random drug test that they would have been subjected to must complete and clear said drug test prior to effective date of resignation in order to retain re-employment rights.

The drugs to be tested shall be for, but not limited to Cocaine, Opiates/Opioids (e.g. Heroin, Fentanyl), Phencyclidine (PCP), Amphetamines (e.g. methamphetamines), barbiturates and all controlled substances listed in appendix A-E of Chapter 67 of Title 9, Guam Code Annotated. Cannabis (marijuana) will also be tested (psychoactive metabolites of cannabis for most positions based on probable cause, post-accident and random testing, and non-psychoactive metabolites of cannabis for positions exempted under Section (d) or (e) of Public Law 37-119). Drug test results must indicate that the applicant/employee has passed their drug test consistent with U.S. drug testing industry standards such as the Department of Health and Human Services



DRUG-FREE WORKPLACE PROGRAM GENERAL NOTICE FORM



Mandatory Guidelines for Federal Workplace Drug Testing Programs. Should Federal standards, or Guam laws and executive orders change at any time, DOA will conform its testing to the new standards.

All urine specimens undergo an initial screening to detect drugs and their metabolites. Should the initial screening detect drugs and their metabolites, a second screening shall be conducted utilizing Chromatograph-Mass Spectrometry (GC/MS) to confirm the presence of drugs and their metabolites. In the event your specimen test result is positive, you will be given the opportunity to discuss your test results with the Medical Review Officer (MRO) to establish your legitimate use of the specific drug(s) that was discovered during the urinalysis. However, should you dispute the MRO's report you may exercise your right to contest the drug test results as reported by the MRO. Should you choose to contest the MRO's report, you will have ten (10) business days from the date you were notified by the selecting agency to formally indicate in writing to the Human Resources Division (HRD), Department of Administration (DOA) that you dispute your drug test results. All cost associated with disputing the results reported by the MRO will be at your expense and proof of payment must be received by the HRD prior to any re-test or a secondary review of the same urine specimen. All drug test results will be handled in a confidential manner. Positive drug test results will only be disclosed to you by the Medical Review Officer, the Department of Administration and the hiring Appointing Authority.

Alcohol testing will be conducted based on probable cause, post-accident and follow up testing by trained personnel using a federally approved evidential breath alcohol measurement device.

Illegal or prohibited drug use to include alcohol will not be tolerated. Any employee who has a substance abuse problem is encouraged to seek assistance through their department/agencies Employee Assistance Program Counselor (EAPC). Such assistance may be obtained by contacting the EAPC or the Department of Administration. Should you voluntarily identify yourself to your supervisor or other appropriate management official as a user of illegal or prohibited drugs prior to being informed of a scheduled drug test, you may seek rehabilitation assistance. Should you qualify under the "**Safe Harbor**" provision you will not be subject to disciplinary action or dismissal, provided the terms of "**Safe Harbor**" conditions are being followed. Please note, under "**Safe Harbor**" this will be counted as a "First-Offense" and in the event you test positive for any drug test, are arrested for a drug-related offense, or refuse to take a drug test, you will be subjected to adverse action pursuant to the DFWP, the DOA Personnel Rules, and any applicable executive orders or laws. Should you be selected for or occupy a Testing Designated Position (TDP), you will be required to complete an Employee Individual TDP Notice Form and be advised that you will be subjected to random drug testing. Please note, employees occupying TDP positions are not eligible for "Safe Harbor" pursuant to 10 GCA Ch. 75, §75107.

Furthermore, if you as an employee in the classified service are arrested, charged by indictment, information or magistrate's complaint, or convicted of a drug related offense, you are to notify your department head in writing within seventy-two (72) hours thereof. Failure to provide such required notice is grounds for a separate adverse action pursuant to 4 GCA §4202.1, and §4202.2.

This is a General Notice to all employees that the Department of Administration will administer drug testing and refusal to submit to any required testing will result in discipline, up to and including dismissal. For more information, refer to the Drug-Free Workplace Policy which can be found on our website, www.hr.doa.guam.gov.

/s/ Director, Department of Administration



DRUG-FREE WORKPLACE PROGRAM GENERAL NOTICE FORM



ATTACHMENT 15

Acknowledgement of General Notice of Drug-Free Workplace Program

I acknowledge that the Government of Guam promotes a Drug-Free Workplace Policy (DFWP). The DFWP is available for me to download on the Department of Administration’s Human Resources Division’s website: www.hr.doa.guam.gov under the “HR Branches – Drug Testing Branch” tab. I acknowledge receiving this General Notice and that failure to pass any required testing and refusal to submit to any required testing will result in discipline, up to and including dismissal.

Name of Employee: _____

Last four (4) digits of Social Security Number: _____

Department/Agency: _____

Signature: _____

Date: _____