



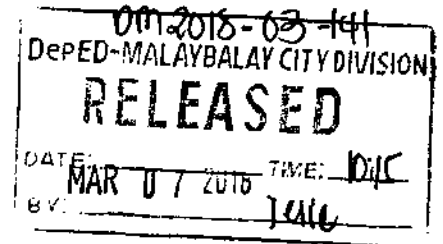
Department of Education
Region X- Northern Mindanao
DIVISION OF MALAYBALAY CITY



DIVISION MEMORANDUM
No. 141 s. 2018

TO : Chief Education Supervisors CID-SGOD
Public/Private Elementary and Secondary School Heads
All Others Concerned
This Division

Edilberto L. Oplenaria
FROM : EDILBERTO L. OPLENARIA, CESO VI
Schools Division Superintendent



DATE : March 6, 2018

SUBJECT: DISSEMINATION OF DEPED MEMORANDUM NO. 37, S. 2017 RE: DEPARTMENT OF EDUCATION DRUG-FREE WORKPLACE POLICY

1. With reference to the herein Department of Education Memorandum No. 37, s. 2017 re: Department of Education Drug-Free Workplace Policy, this Office hereby informs the field of the policy and guidelines on the conduct of authorized Drug Testing for officials and employees, including the teaching and non-teaching personnel of the department.

2. Relative thereto, the Division Office through the Personnel Unit is also directed to provide the list of all the Teaching and Non-Teaching Personnel (Permanent, COS, and Job Order). Further, all Secondary School Heads shall provide the list of all Grades 7 to 12 students. The required lists shall be in excel form and in alphabetical order following the herein format, please see enclosure no. 1 and to be submitted to the Drug-Free Workplace Secretariat through the following: E-mail: margery.lafosa@deped.gov.ph, Telefax: (02)633-7229, fmariu@yahoo.com and hnuessd_depedregionx@yahoo.com, not later than March 9, 2018.

3. Strict compliance with this memorandum is enjoined.

Encl.:
As stated

Copy Furnished:
SGOD-School Health Unit
Records Unit
LEGAL

TO BE POSTED IN THE DIVISION WEBSITE

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NOTE:

Masterlist should be in continuous number and alphabetically arranged. Don't arrange it by department/office. 30 employee per page



Republic of the Philippines
Department of Education

31 JUL 2017

DepEd ORDER
No. **37** s. 2017

DEPARTMENT OF EDUCATION DRUG-FREE WORKPLACE POLICY

To: Undersecretaries
Assistant Secretaries
Regional Directors
Schools Division Superintendents
Division Chiefs
All Others Concerned

1. The Department of Education (DepEd) issues the enclosed **Drug-Free Workplace Policy** to promote the maintenance of a safe and healthy work environment in DepEd workplaces and schools, free from the use of dangerous drugs, to safeguard the health, safety and welfare of its employees, and to reduce health and safety risks to our learners and to the public.
2. The policy includes the Drug Testing Program of DepEd and the guidelines on the conduct of authorized drug test for officials and employees, including teaching and non-teaching personnel of the Department.
3. All DepEd Orders and other related issuances, rules and regulations and provisions, which are inconsistent with these guidelines are hereby repealed, rescinded, or modified accordingly.
4. This policy shall take effect immediately upon its publication on www.deped.gov.ph.
5. Immediate dissemination of and strict compliance with this Order is directed.


LEONOR MAGTOLIS BRIONES
Secretary

Encl.: As stated
Reference: None
To be indicated in the Perpetual Index
under the following subjects:

BUREAUS AND OFFICES
DRUG EDUCATION
EMPLOYEES

HEALTH EDUCATION
OFFICIALS
POLICY

DEPARTMENT OF EDUCATION DRUG-FREE WORKPLACE POLICY

I. BACKGROUND, RATIONABLE AND STATEMENT OF POLICY

1. Drug abuse is a complex and multifaceted psycho-social problem with far-reaching adverse effects. Evidence shows that drug abuse can affect not only the individual and his or her family, but also his or her workplace and community. It can impair job performance, cause medical and social problems, result in costly rehabilitation, and even threaten public safety.
2. The Department of Education (DepEd) has a long history of active involvement in anti-illegal drugs initiatives. Under RA 6425 (The Dangerous Drugs Act of 1972), the Department was already mandated to integrate in the curricula of all public and private school instruction the adverse effects of dangerous drugs, including their legal, social and economic implications. In response to this mandate, the Department had a program called Comprehensive School-Based Drug Abuse Prevention Program (COSDAPP), which involved the development of instructional modules and trainings on leadership, effective parenting, and curriculum integration.
3. Pursuant to RA 7624 (An act Integrating Drug Prevention and Control in the Intermediate and Secondary Curricula as well as in the Non-formal, Informal and Indigenous Learning Systems) Approved on 11 July 1992, DepEd issued DECS Memo No. 388, s. 1995 which institutionalized the National Drug Education Program (NDEP) in schools. NDEP is an education program that has the following components: a) curriculum and instruction; b) co- curricular and ancillary services; c) teacher/staff development; d) parent education and community outreach; and e) research, evaluation and monitoring. This program was intensified further after the passage of RA 9165, or the Comprehensive Dangerous Drugs Act of 2002, and the promulgation of implementing regulations by the Dangerous Drugs Board.
4. DepEd is committed to strengthen the Department's programs on Anti-Illegal Drugs, focusing on three core pillars: (1) Curriculum and Instruction; (2) Co- curricular initiatives; and (3) Preventive drug education and drug testing in the workplace and in schools.
5. The DepEd Drug-Free Workplace Policy forms a central component of the third pillar of the Department's program on Anti-Illegal Drugs. It aims to promote the maintenance of a safe and healthy work environment in DepEd workplaces and schools, free from the use of dangerous drugs, to safeguard the health, safety and welfare of its employees, and to reduce health and safety risks to our learners and to the public.
6. The policy upholds the obligations and duties of DepEd pursuant to Republic Act No. 9165, Dangerous Drugs Board Regulation No. 2, Series

of 2004 (Guidelines for the Formulation and Implementation of a Drug-Free Workplace Program and the Conduct of Authorized Drug Testing by All Offices, Bureaus, and Agencies of the National and Local Governments, Government Owned and Controlled Corporations and Other Institutes of Learning Including State Colleges and Universities), Civil Service Resolution No. 1700653 dated March 2017 (Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for the other Purposes), and other applicable laws, rules and regulations.

II. SCOPE

7. The Policy shall cover the entire DepEd, including the Central Office, Regional Offices, Schools Division Offices, Schools and all other units, with all its officials and employees including teaching and non-teaching personnel, regardless of rank, status and salary.
8. Persons under a contract of service/job order contract with the Department shall be subject to the conduct of random drug testing, which shall be indicated in all new contracts and subsequent contractual renewals with the Department.
9. A drug-free workplace clause shall be incorporated in the contract of all persons under a contract of service/job order stating that: (a) they are under obligation to be drug free for the duration of the contract; and (b) any confirmatory positive result from a random drug testing program of DepEd, unless negated in a challenge test on the same sample, shall result in the automatic pre-termination of the contract of service or job order.

III. DEFINITION OF TERMS

10. As used in this Policy, the following terms shall have the following meaning:
 - a. Workplace - Covers the entire DepEd, including the Central Office, Regional Offices, Schools Division Offices, Schools, and all other units, with all its officials, employees, teaching and non-teaching personnel, contract of service and job order employees, regardless of rank, status and salary.
 - b. Public Officials and Employees - Include any person holding or performing a public function in the Department, regardless of status of employment or engagement.
 - c. Contract of Service/Job Order - Refers to employment covered by a contract pertaining to lump sum work or services such as janitorial, security, or consultancy services where no employer-employee relationship exists; piece work or intermittent job of short duration not exceeding six months on a daily basis; all of which are not covered by Civil Service law, rules and regulations, but covered by COA rules; and the persons involved do not enjoy the benefits received by

government employees, including but not limited to, personal economic relief allowance, cost of living allowance, and representation and travel allowance.

- d. **Dangerous Drugs** – Include those identified and listed in RA 9165 and its annexes, subject to any reclassification, addition or removal of any drug from said list by the Dangerous Drugs Board, in accordance with Section 93 of R.A. No. 9165.
- e. **Drug Dependence** – Refers to a cluster of physiological, behavioral, and cognitive phenomena of variable intensity, in which the use of psychoactive drug takes on a high priority thereby involving, among others, a strong desire or a sense of compulsion to take the substance and having difficulties in controlling substance-taking behavior in terms of its onset, termination, or level of use.
- f. **Authorized Drug Test**- The testing done by any government forensic laboratories or by any of the drug testing laboratories accredited and monitored by the DOH to safeguard the quality of test results. It shall employ, among others, two (2) testing methods, the screening and confirmatory tests. The examination of a person's urine specimen to determine the presence of dangerous drugs shall be done by any government forensic laboratories accredited and monitored by DOH.
- g. **Mandatory Drug Test** – The compulsory submission of an employee for drug testing as required by R.A. 9165 and by the Department's internal policies.
- h. **Random Drug Test** – A method of drug testing where the selection process results in equal probability that any employee from a group of employees will be tested, and without any prior notice of the date and venue.
- i. **Screening Drug Test** – A rapid drug test performed to establish potential or presumptive positive result. It refers to the immunoassay test to eliminate a 'negative' specimen, i.e. one without the presence of dangerous drugs, from further consideration and to identify the presumptively positive specimen that requires confirmatory test.
- j. **Confirmatory Drug Test** – An Analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test. It refers to the second or further analytical procedure to more accurately determine the presence of dangerous drugs in a specimen, which shall likewise be done by any government laboratory or by privately owned and operated drug testing laboratories accredited and monitored by the DOH having confirmatory test capabilities.

- k. **Challenge Test** – A drug test conducted as a result of challenge filed by a public official or employee who tested positive for drug use in a confirmatory test.
- l. **Drug Test Certificate** – A declaration/ statement of the result of the drug test issued by accredited drug testing centers.
- m. **Chain of Custody** – Refers to procedures to account for each specimen by tracking its handling and storage from point of collection to final disposal. These procedures require that the applicant's identity is confirmed and that Custody and Control Form is used from time of collection to receipt by the laboratory. Within the laboratory, appropriate chain of custody records must account for the samples until disposal.
- n. **Drug Dependency Examination** – Refers to the examination conducted by an accredited physician to evaluate the extent of drug abuse of a person and to determine whether he/she is a drug dependent or not, which includes history taking, intake interview, determination of the criteria for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.
- o. **Experimenter** – A person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.
- p. **Occasional User** – A person who indulges in drug use to create or enhance experience in any social setting.
- q. **Chronic User/Drug Dependent** – A person identified for using drugs/other substances (mind-altering or not) without medical need, in an amount large enough or over a period long enough to threaten the quality of life or health and safety of the user or others.
- r. **Treatment** – Medical service rendered to a patient for the effective management of physical and mental conditions arising from his/her drug use.
- s. **Rehabilitation** – A dynamic process including aftercare and follow up treatment directed towards the physical, emotional/psychological, vocational, social and spiritual change of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible with his capabilities and potentials and render him/her able to become a law abiding and productive member of the community.

- t. Drug Counselor – A person trained in the techniques of guidance counseling particularly dealing with cases of drug dependency.
- u. Center – Any of the treatment and rehabilitation centers which undertake treatment, aftercare and follow up treatment of drug dependents. It includes institutions, agencies and the like whose purposes are: the development of skills, arts and technical know-how, counseling and/or inculcating civic, social and moral values to drug dependent patients, with the aim of weaning them away from dangerous drugs and keeping them drug-free, adapted to their families and peers and readjusted into the community as law abiding, useful and productive citizens.

IV. DRUG FREE WORK PLACE COMMITTEE

- 11. The Drug-Free Workplace Committee created under DepEd Memorandum No.32, s. 2017 shall have the duty and responsibility to oversee the implementation of this policy.
- 12. The committee shall meet regularly and report its work to the Secretary of the Department.
- 13. The Office of the Secretary shall allocate adequate funds for the operations of the Committee and the implementation of its programs, subject to the availability of funds and the applicable accounting and auditing laws, rules and regulations.

V. SUBSTANCE ABUSE AWARENESS PROGRAM

- 14. The Committee, in consultation with and through the relevant offices of the Department, shall develop and implement a continuing substance abuse awareness program to inform all Department officials and employees about the policy of maintaining a drug-free workplace and and schools and the dangers posed by the abuse of dangerous drugs.

VI. AUTHORIZED DRUG TESTING

A. Pre-Employment Drug Testing

- 15. Drug testing shall be a requirement for initial entry to the Department for appointive public officials and employees. Any applicant found positive for drug use shall be denied entry to government service. Drug Test Certificates issued by accredited drug testing centers shall be included in the employment records of the officer or employee in the custody of the Personnel Division.

B. Initial and Subsequent General Random Drug Testing of DepEd and Employees

16. Upon Promulgation of this policy, the Department, in coordination with the Drug Free Workplace Committee and through assigned offices of the Department, shall initiate and conduct a mandatory, random and suspicionless drug testing of all incumbent officials and employees of the Central, Regional and Division Offices, and a sample size of all teachers in public Elementary, Junior High, and Senior High Schools.
17. The timing and scope of subsequent drug testing shall be decided by the Department in close consultation and coordination with the Drug-Free Workplace Committee.

VII. PROCEDURES IN THE CONDUCT OF GENERAL RANDOM DRUG TESTING

18. The Bureau of Human Resource and Organizational Development, the Personnel Division, and the School Health Division, in close coordination with the Office of the Secretary and the Drug-Free Workplace committee, shall oversee the random identification and scheduling of officials and employees for the conduct of the drug testing.
19. The Drug-Free Workplace Committee or its designated representatives will notify the selected officers or employees to go to a specified venue at a particular day and time, for the collection of the urine specimen for drug testing.
20. Trained and certified DepEd personnel in specimen collection and drug testing orientation shall assist in the filling-up of appropriate forms, orientation of the official or employee, the collection of urine specimens, and the submission of the specimen to the Department of Health or its designated accredited laboratory, following prescribed procedures and protocols.
21. The drug testing of the urine samples shall consist of the screening test for Methamphetamine (METH) and Tetrahydrocannabinol (THC). If the test turns positive, confirmatory test shall be carried out using the same urine sample, which shall continue to be kept for the purpose of challenging the result.
22. A positive drug test result from the confirmatory test shall immediately be made known to the Secretary, or to the person designated by the Secretary, who shall then notify the concerned official or employee, or person under contract of service or job order. The said official, employee, or person under contract of service or job order shall have fifteen (15) days from receipt of notice to challenge the result of the confirmatory test.

23. The challenge test shall be conducted, using the same specimen, by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the DOH. A positive drug test resulting from the challenge test is deemed final. Failure to file a challenge within the prescribed period shall likewise make the positive drug test result from the confirmatory test final, and the Department shall then take the appropriate action.
24. When the person testing positive from the confirmatory test is under contract of service or job order, this shall be deemed as valid grounds for the pre-termination of the contract and he/she shall be deemed to have breached his/her contractual obligation, unless the confirmatory result is negated by through a challenge test. In case of pre-termination, the person concerned will not be entitled to the recovery of any payment for the remaining period of the unexpired portion of the contract.
25. When the person testing positive from the confirmatory test is an official or employee of the Department, the drug test result shall be attached to the 201 file of the public official or employee. All drug test results and records must strictly be held confidential.
26. A DepEd official or employee confirmed positive for the use of dangerous drugs shall undergo a Drug Dependency Examination conducted by the DOH or by a medical practitioner accredited by the DOH to conduct such examination. Based on the finding, interventions shall be prescribed as follows:
 - a. Experimenter - Outpatient, guidance counseling for six (6) months.
 - b. Occasional User - Outpatient, guidance counseling and regular monthly drug testing for six (6) months which shall be at the personal expense of the official or employee concerned.
 - c. Chronic User/Drug Dependent- Mandatory continuous treatment and rehabilitation for a minimum period of six (6) months in a government rehabilitation center, a DOH-accredited private rehabilitation center, or through a community rehabilitation program sanctioned under the rules of the Dangerous Drug Board.
27. An official or employee found to be an Experimenter shall shoulder the expenses of his/her guidance counseling. The same rule shall also apply to an official or employee found to be an Occasional User, who shall undergo the guidance counseling and regular monthly drug testing. Time spent for counseling and regular monthly drug testing, if done during office hours, shall be charged against the official's or employee's leave credits. For this purpose, the official or employee's leave credits shall be utilized and when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits are used, absence shall be on leave without pay. As proof of successful

completion of the intervention program, employees assessed as an Experimenter or Occasional User shall secure a certification of completion issued by his/her attending guidance counselor.

28. Any official or employee found to be a Chronic User/Drug Dependent and who will undergo a mandatory rehabilitation program for a minimum period of six months shall be considered on sick leave for the entire period of his/her rehabilitation. When the concerned public official's or employee's sick leave is exhausted, his/her vacation leave credits may be utilized for the purpose. If all leave credits are used, his/her absence shall be on leave without pay.
29. The employee shall undertake the processing of his admission to a rehabilitation center in accordance with the provision of R.A 9165 and existing rules of the Dangerous Drug Board. The official or employee concerned shall shoulder the expenses of his/her rehabilitation, which shall commence within fifteen (15) days from receipt of Drug Dependency Examination results, to give way to the processing of the necessary clearances.
30. The official or employee concerned shall secure a certificate of completion of his/her rehabilitation program and clearance from his/her attending physician that he/she has been successfully rehabilitated and is now fit to return to work. Said official or employee shall not be allowed to report back to work without first submitting said certification and clearance to his/her agency.
31. When the employee who tested positive for drug use is a teacher, he/she shall be restricted from handling classes or from activities involving close contact with students while undergoing counselling or rehabilitation and until the necessary clearances are submitted and an evaluation made that the said teacher does not pose any danger to the students. To ensure continuous conduct of classes/activities, a substitute teacher may be hired/assigned as the case may be.
32. Further guidelines may be promulgated on the evaluation of whether teachers no longer pose any danger to students and are fit to return to the classroom. In the meantime, teachers may be assigned at the Division or Regional Offices where they shall not pose any threat to the safety of students.

VIII. Confirmation/Affirmation and Commitment to the Policy

33. All officials and employees of the Department of Education shall sign a confirmation/affirmation and commitment to the policy as follows:

As an official/employee of the Department of Education, I hereby certify that I have read the Department of Education Policy on Drug Abuse in the Workplace and affirm and confirm my commitment to unconditionally abide to all that is provided therein and I shall be answerable to the office/agency for whatever violation that I may commit.

Name & Signature of Official/Employee Date

Attested by:

Name

Designation

IX. ADMINISTRATIVE LIABILITY

34. Any official or employee who refuses, without any valid reason, to submit himself/herself for drug testing, shall be charged with the administrative offense of Gross Insubordination.
35. Officials and employees found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation shall be charged with the administrative offense of Grave Misconduct.
36. Officials and employees who are not issued a certificate of completion (in the case of Experimenter and Occasional User) or a certificate of completion with clearance (in the case of a Chronic User/Drug Dependent), shall be charged with the administrative offense of Grave Misconduct.
37. Any official or employee who, after being tested positive of drug use, shall refuse to undergo treatment or rehabilitation, or fails to complete his/her treatment or rehabilitation program, shall be charged with the administrative offense of Grave Misconduct. The charge of Grave Misconduct shall be grounded on the fact that said public official or employee was tested positive of drug use and not on his/her refusal to undergo or failure to complete his/her treatment.
38. Public officials and employees who for the second time have tested positive in a random drug test after completion of his/her treatment and/or rehabilitation program or shall be found to have used dangerous drugs during the prescribed period of intervention or rehabilitation, shall be charged with the administrative offense of Grave Misconduct.

X. MONITORING AND EVALUATION

39. The Bureau of Human Resource and Organizational Development and the Schools Health Division, in close coordination with the Office of the Secretary and the Drug Free Workplace Committee, shall spearhead the development of a system to monitor and evaluate the implementation of the Policy and the attainment of the Policy objectives.

XI. FINAL PROVISIONS

40. **Separability Clause.** If any provision of this Policy is held to be invalid, the other provisions shall not be affected thereby.
41. **Repealing Clause.** All memoranda, orders, instructions, and circulars inconsistent with this Policy shall be deemed accordingly repealed.
42. **Effectivity.** This policy shall take effect immediately upon its publication on www.deped.gov.ph.