

DRUG FREE WORKPLACE



POLICY & PROCEDURES

**GPA  
DRUG FREE WORKPLACE  
POLICY**

*We, the Board of Directors of Guam Power Authority, recognize that the employees are the Authority's most valuable asset and their health and safety are of utmost concern.*

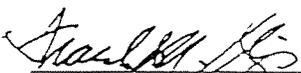
*In compliance with the requirements of the Federal Drug-Free Workplace Act of 1988, we hereby adopt and affirm the GPA Drug Free Workplace Policy. The Authority, therefore, will not tolerate substance abuse or use which imperils the health and well-being of its employees or threatens its service to the public. As a means of ensuring a drug-free environment, GPA will institute a Drug Screening Program for its current and prospective employees.*

*We urge all employees to familiarize themselves with the contents of the Drug-Free Workplace Policy as it contains information governing your rights, duties, responsibilities and actions as an employee of the Guam Power Authority.*

*Adopted this 30th day of May 1995.*

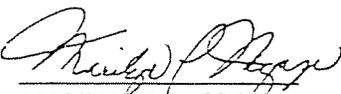
PRESENTED AS TO FORM:

  
A.J. SONNY SHELTON  
Acting General Manager

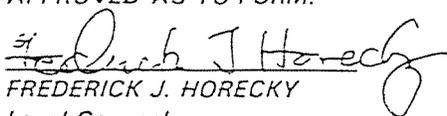
  
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Legal Counsel



# GUAM POWER AUTHORITY

Board of Directors



## RESOLUTION NO. 95-005

### RESOLUTION RELATIVE TO ADOPTING AND IMPLEMENTING A DRUG FREE WORKPLACE POLICY

**WHEREAS**, the Guam Power Authority desires to ensure a drug free and alcohol-free work environment;

**WHEREAS**, the Guam Power Authority desires to provide a safe and healthy work environment for all employees, and a work environment free of any adverse effects on job performance caused by drug or alcohol related problems;

**WHEREAS**, the Guam Power Authority desires to provide efficient and economical services to GPA's customers;

**WHEREAS**, the Guam Power Authority wishes to satisfy and conform with the requirements of Federal Drug-Free Workplace Act of 1988 (P.L. 100-690- and 28 CFR Part 67); and

**WHEREAS**, the Guam Power Authority has previously implemented various regulations and policies designed to foster a drug free workplace and now wishes to enact and implement a comprehensive drug free workplace policy;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Guam Power Authority hereby approves the adoption and implementation of the GPA DRUG FREE WORKPLACE POLICY AND PROCEDURES adopted by this Board at the Special Board of Directors meeting held on May 30, 1995. The GPA FREE WORKPLACE POLICY AND PROCEDURES is hereby adopted and incorporated as an official policy of the Guam Power Authority. To the extent that any prior policy, rule or regulation adopted by the Authority is inconsistent with the GPA DRUG FREE WORKPLACE POLICY AND PROCEDURES, the latter shall govern in all respects. Legal counsel is authorized to make any necessary technical amendments to said policy.

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# **GPA**

## ***DRUG FREE WORKPLACE*** ***POLICY AND PROCEDURES***

***I. DRUG FREE WORKPLACE - Policy***

***II. DRUG FREE WORKPLACE - Standard Operating Procedures  
(SOP)***

***PART 1 - Orientation and Notification Procedures***

***PART 2 - Collection Sites and Laboratories Procedures***

***PART 3 - Reporting and Maintaining Results and Records  
Procedures***

***PART 4 - Referral For Education, Rehabilitation And Treatment  
Procedures***

***PART 5 - Identifying and Documenting Reasonable Suspicion  
(A Guide For Supervisory Chain-Of-Command)***

***GUAM POWER AUTHORITY***  
***DRUG FREE WORKPLACE***  
***POLICY***

# **GPA**

## **DRUG FREE WORKPLACE POLICY**

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# **GPA**

## **DRUG FREE WORKPLACE POLICY**

### ***I. Scope and Purpose:***

*Employees are the Guam Power Authority's most valuable resource and, therefore, their health and safety is a serious concern. The Authority will not tolerate substance abuse or use which imperils the health and well-being of its employees or threatens its service to the public.*

*The use of illegal drugs and abuse of controlled substances, on or off-duty, is inconsistent with law abiding behavior expected of all GPA employees. Employees who use illegal drugs or abuse controlled substances or alcohol, on or off-duty, tend to be less productive, less reliable and prone to greater absenteeism and more accidents resulting in the potential for increased cost, delay and risk in providing services. Ultimately, these types of behaviors threaten the Authority's ability to serve the public and customers.*

*Employees have the right to work in a drug and alcohol free environment and to work with persons free from the effects of drug or alcohol abuse. Employees who abuse drugs or alcohol are a danger to themselves, other employees and the public. Substance abuse inflicts a terrible toll on the Authority's productive resources and the health and well-being of GPA workers and their families.*

*The Authority will vigorously comply with the requirements of the Federal Drug-Free Workplace Act of 1988.*

*In recognition of the Authority's obligation, duty and responsibility to maintain a safe, healthful, and productive work environment for each employee, and in recognition of each employee's obligation, duty and responsibility to perform his/her duties and responsibilities for the public as safely, effectively, and efficiently as possible, the Authority and its employees submit that the work environment and the services performed shall not be adversely affected or impaired in anyway by the use or presence of alcohol or drugs.*

*Lastly, an employee who is influenced or impaired by alcohol or drugs is a hazard and endangers the safety, health and well-being of other people and him/herself.*

**II. Objective:**

1. *To strengthen the leadership of the Guam Power Authority and its employees in ensuring a drug-free and alcohol-free work environment.*
2. *To provide efficient and economical services to GPA's customers.*
3. *To provide a safe and healthy work environment for all employees.*
4. *To provide a work environment free of any adverse effects on job performance caused by a drug or alcohol related problems.*
5. *To provide reasonable assistance toward rehabilitation for an employee seeking help for a drug or alcohol related problem.*
6. *To satisfy and conform with the requirements of the Federal Drug-Free Workplace Act of 1988 (PL 100-690 or 28 CFR Part 67).*

### **III. Policy:**

*It shall be the policy of the Guam Power Authority to maintain a workforce free of substance abuse.*

- 1. Reporting to work or performing work for the Authority while impaired by or under the influence of illegal drugs or alcohol is prohibited.*
- 2. The illegal use, possession, dispensation, distribution, manufacture or sale of a controlled substance by an employee at the worksite, during work hours or while the employee is on duty, official GPA business or stand-by duty is prohibited.*
- 3. Violation of prohibitions of Sections III (1) and (2) above is considered conduct detrimental to GPA service and will result in discipline in accordance with GPA Personnel Rules and Regulations.*
- 4. Employees are required by the Drug Free Workplace Act of 1988 to notify the General Manager or his designee within five (5) days of any criminal drug statute conviction where such conviction was due to an occurrence at the worksite, during work hours or while on duty, official business or stand-by duty.*
  - a. An employee who is convicted of violating any criminal drug statute in such workplace situations as stated above will be subject to the Adverse Action procedures in accordance with GPA Personnel Rules and Regulations.*

- b. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury or both in a court of law.*
- 5. Each GPA employee will be given a copy of the GPA Drug Free Workplace Policy. Employees will be informed that they must abide by the terms of the policy as a condition of employment and of the consequences of any violation of such policy.*

*Notification of this policy is required as part of new employee orientation.*

*Current and new employees must read and sign the Drug Free Workplace Affirmation Form and it will be made a part of their permanent personnel file.*

#### ***IV. Assistance Program:***

*The Guam Power Authority will provide reasonable effort to make available employee assistance programs (subject to the limitation of availability of local resources) to GPA employees for substance abuse education, counseling or rehabilitation. The Authority encourages voluntary treatment for substance abuse.*

#### ***V. Awareness Program:***

*The Guam Power Authority will strive to educate employees about the dangers of substance abuse. The Authority will establish a Substance Abuse Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse.*

*The Authority will use the program in an ongoing educational effort to prevent and eliminate substance abuse that may affect the Authority's workforce.*

*The Substance Abuse Awareness Program will contain provisions to inform employees about the: (1) Dangers of alcohol and drug abuse; (2) GPA Drug Free Workplace Policy; (3) Availability of treatment and counseling for employees who voluntarily seek such assistance; and (4) Sanctions the Authority will impose for violations of its Drug Free Workplace Policy.*

## **VI. Drug Screening Program:**

*The Guam Power Authority will institute a Drug Screening Program for its current employees as well as for newly hired employees. Upon initial implementation of this program, all employees of the Guam Power Authority will be required to submit for a drug screening test. The first drug screening test for all employees shall be conducted and scheduled by the General Manager within a reasonable time after the effective date of this policy. Employees will be notified as to when the testing will begin to take place. A Drug Screening Program shall be established for this purpose.*

## **VII. Nature and Frequency of Drug Testing:**

1. **NATURE:** *GPA's drug testing program includes the following types of drug testing:*
  - a. *Applicant testing;*
  - b. *Random testing of those employees in sensitive positions that have been designated as testing designated positions;*
  - c. *Reasonable suspicion testing;*

- d. *Voluntary testing;*
  - e. *Accident or unsafe practice testing; and*
  - f. *Testing as part of or as follow-up to counseling or rehabilitation.*
2. ***FREQUENCY:*** *The frequency of testing for random testing and follow-up testing is specified in Section XII of the Standard Operating Procedures (SOP). GPA-reserves the right to increase or decrease the frequency of testing based on the needs of GPA, availability of resources, and experience in the program, consistent with the duty to achieve a drug-free workplace.*

### ***VIII. Applicability:***

*The Drug Free Workplace Policy applies to all GPA employees. The term employee means all classified and unclassified employees (see Section 4102 (a) and (b) of 4 GCA).*

***GUAM POWER AUTHORITY***  
***DRUG FREE WORKPLACE***  
***STANDARD OPERATING PROCEDURES***

# **GPA**

## **DRUG FREE WORKPLACE STANDARD OPERATING PROCEDURE**

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**DRUG FREE WORKPLACE  
IMPLEMENTING  
STANDARD OPERATING PROCEDURES  
(SOP)**

**I. Purpose:**

*To implement the Drug Free Workplace Policy, hereafter referred to as "DFW Policy".*

**II. Definitions:**

1. **Administrator** - means the Personnel Services Administrator of the Guam Power Authority.
2. **Alcohol** - means any alcohol or alcoholic beverage as defined in Section 25003 and 25004 of the Government Code of Guam.
3. **Aliquot** - means a portion of a specimen used for testing.
4. **Applicant** - means an individual offered employment in or being promoted, demoted or transferred to any position within GPA.

5. **Chain-of-Custody** - means the method of tracking each requested specimen to maintain control from initial collection to final disposition for samples and accountability at each stage of handling, testing, storing and reporting.
6. **Collection site** - means a place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen or other specimen as required which will be analyzed for the presence of drugs or alcohol.
7. **Collection site person** - means a person who instructs individuals at the collection site and who receives and makes initial examinations of the urine specimen or other specimen provided by those individuals.
8. **Confirmatory test** - means an analytical procedure which is independent of initial test to identify the presence of a specific drug or metabolites and which uses different chemical principle from that of the initial test to ensure reliability and accuracy. At this time gas chromatography/mass spectrometry (GC/MS) is the accepted standard confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine.
9. **Confirmed Positive Result** - means the presence of an illicit substance in the pure form or its metabolites at or above the specified cut off level identified in two consecutive tests which employ different test methods; and which was not determined by appropriate medical, scientific, professional testing or forensic authority to have been caused by an alternate medical explanation or technically insufficient data.

10. **Contracted Medical Doctor** - means a licensed physician contracted by GPA who receives and interprets positive results or confirmatory tests and evaluates those results together with medical history or any other relevant biomedical information to confirm positive results. This person has knowledge of substance abuse and appropriate medical or forensic training.
  
11. **Controlled Substance** - means any drug, narcotic or immediate precursor which is specified or referenced in Chapter 67 of Title 9 GCA (Uniform Controlled Dangerous Substance Act) which may subject a person to criminal penalties. Alternatively, any controlled substance which is listed in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812).
  
12. **Critical Incident** - means a circumstance which occurs while on duty for the Guam Power Authority, on GPA property, or using GPA property that includes:
  - a. An accident involving GPA vehicle causing substantial damage to property or person; or
  - b. Behavior or activity which could cause damage to property or person; or
  - c. Mental or physical impairment sufficient to raise doubt that job duties can be safely or effectively performed; or
  - d. Possession, sale or use of an illegal drug or drug paraphernalia or open container of alcohol; and

- e. *Reasonable suspicion that an employee's action or behavior was caused by alcohol or illegal drugs.*
- 
- 13. *Drug - means any drug, other than alcohol, including but not limited to illegal drugs and prescription or over-the-counter drugs.*
  - 14. *Employee - means all classified and unclassified employees of the Authority. —*
  - 15. *Employee Assistance Program (EAP) - The GPA based counseling program that offers assessment, short term counseling, and referral services to employees for a wide range of drug, alcohol, and mental treatment.*
  - 16. *Employee Assistance Program Coordinator - means the individual responsible for implementing and operating the EAP within GPA, by providing counseling, referral, and education services to employees and supervisors regarding the GPA EAP.*
  - 17. *Employees in Sensitive Position - means*
    - a. *Employees involved in jobs which pose special safety considerations to employees such as use of moving machinery, transportation of goods and persons, use of GPA vehicles, operations and the maintenance of the plants and the handling of high voltage wires and equipment; and*
    - b. *Supervisor/Management personnel.*

- c. *Other positions that GPA determines to involve public health or safety, or other functions requiring a high degree of trust and confidence.*
18. **General Manager (GM)** - *means the General Manager of Guam Power Authority. The General Manager is empowered to appoint and exercise the power to discipline or discharge employees pursuant to Section 4406 of 4 GCA including those rights provided in Section 10112 of 4 GCA and Chapter 8 of 12 GCA.*
19. **Illegal drugs** - *means any controlled substance, drug, narcotic or immediate precursor which is specified or referenced in Chapter 67 of Title 9 GCA (Uniform Controlled Dangerous Substance Act) which may subject an individual to criminal penalties; or a legal drug which has not been legally obtained or is being used by an individual for whom it was not prescribed, or is not being used in a manner, combination or quantity for which it was manufactured, prescribed, or intended.*
20. **Impairment in or Reduction in Job Performance** - *means the quality or quantity of an employee's performance on the job is less than should be expected or accepted, or less than usual, standard, or average as judged against the past job performance of the individual employee.*
21. **Initial test** - *means a screen to eliminate negative urine specimens or other requested specimens from further consideration.*
22. **Legal Drug** - *means any "over-the-counter drug" or "prescription drug" which has been legally obtained and is being used in the manner, combination and quantity which it was manufactured, prescribed or intended.*

23. ***Need to Know*** - for the purposes of this SOP means that confidential information is only to be made known to individuals if it is necessary for the implementation of this procedure, unless the employee has authorized the release of such information.
24. ***Negative Test Result*** - means the absences of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial screen confirmatory test or as determined by a GPA contracted medical doctor.
25. ***On Duty*** - means the span of time the employee is scheduled to work including such time while the employee is on paid standby duty.
26. ***Over-the-counter-drug*** - means any legal drug that can be purchased without a prescription.
27. ***Participate in an education, rehabilitation or treatment program*** - means to engage in, cooperate in, make satisfactory progress in, and complete an education, rehabilitation or treatment program.
28. ***Prescription drug*** - means any drug prescribed for the individual by a licensed medical practitioner.
29. ***Property*** - includes all GPA owned or leased property, worksites, parking lots, vehicles, including property assigned to or used by employees, such as desks, lockers, storage bins.

30. **Random Testing** - means a system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs, and may either be:
- a. Uniform-unannounced testing of testing-designated employees occupying a specified area, element or position; or
  - b. A statistically random sampling of such employees based on a neutral criterion, such as social security numbers.
31. **Reasonable suspicion** - means, as it relates to the DFW Policy, suspicion based on objective facts and reasonable inference drawn from those facts, that an employee's action has been caused by drugs and/or alcohol.
32. **Supervisor/Management** - means an employee having authority to direct, assign, and to recommend the following: promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove other employees. The exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment.

### **III. Employee Duties and Responsibilities:**

- A. An employee shall:
- 1. Continue to observe public trust and confidence by personal support and compliance appropriate to the intent and provisions of this SOP.

2. *Notify an appropriate supervisor before reporting to duty, before using GPA equipment, or before or immediately upon entering GPA property:*
  - a. *When taking any medication or drug, either prescription or non-prescription, which might impair the effectiveness or safety of job performance.*
  - b. *When having taken alcohol which might impair the effectiveness or safety of job performance.*
3. *Consider volunteering for and completing an education, rehabilitation or treatment program if the employee has an addiction to alcohol or drugs which might impair the effectiveness or safety of job performance; or consider participating in an education, rehabilitation or treatment program when directed by the General Manager.*
4. *Encourage other employees, who use a drug or alcohol which might impair the effectiveness or safety of job performance, to volunteer for and complete an education, rehabilitation or treatment program.*

*B. Be aware that:*

1. *Involvement in illegal activity pertaining to the illegal use, sale, purchase, offer, or possession of a controlled substance while on duty or while on GPA property, or while using GPA equipment shall be reported to the Guam Police Department (GPD).*

2. *Being under the influence of a drug or alcohol while on duty or while on GPA property, or while using GPA equipment may result in being reported to GPD and/or ordered off GPA property and placed on immediate suspension.*
  
3. *Violation of the Drug Free Workplace Policy may result in:*
  - a. *— Direction to participate in an education, rehabilitation or treatment program by the General Manager, which may result in direction to participate and complete a drug or alcohol analysis testing process, and/or*
  
  - b. *A disciplinary action, up to and including termination. Section 4203 of 4 GCA will be implemented without exception.*
  
4. *Any recommendation or directive by the General Manager, for education, rehabilitation or treatment program to an employee, or an education, rehabilitation program which has been mutually approved by the General Manager and the affected employee, is available as a possible alternative to disciplinary action. Participation in an education, rehabilitation or treatment program may, or may not, be a mitigating factor in GM's determination of quality of job performance or level of disciplinary action. Use of an education, rehabilitation or treatment program does not replace normal procedures for dealing with unsatisfactory job performance or unsatisfactory conduct.*

5. *Refusal to sign and adhere to an agreement to participate in an education, rehabilitation or treatment program may result in disciplinary action.*
  6. *Participation in an education, rehabilitation or treatment program without any indication(s) of work problem shall not be used in a Performance Evaluation (PE) or disciplinary action.*
  7. *General Manager should be advised either orally or in writing, of any violation of the Drug Free Workplace Policy.*
- C. *The employee must pay all costs, resulting from participation in education, rehabilitation or treatment program, which are not paid by the employee's insurance carrier or other available community resources.*
- D. *The employee must acknowledge that he/she has received and read the Drug Free Workplace Policy and understands its purpose, objectives and employee responsibilities.*

#### **IV. Supervisor Responsibilities**

*In addition to employee responsibilities, a supervisor shall:*

1. *Attend all GPA sponsored training on drug and alcohol awareness and prevention.*
2. *Ensure that each of his subordinate employee has received a copy of the DFW Policy.*

3. *Be available to explain the purpose, objectives, and responsibilities under the DFW Policy to each employee he supervises.*
4. *If a "critical incident" occurs, have the discretion to:*
  - a. *Summon law enforcement, or*
  - b. *Summon medical assistance, or*
  - c. *Order the employee off GPA property and immediately notify the Division Manager or General Manager of the critical incident to approve further action on the situation if placing employee on immediate suspension is necessary, and/or*
  - d. *Recommend to the GM whether the employee should be directed to participate in an education, rehabilitation or treatment program or should be disciplined under the disciplinary procedures.*
5. *If "reasonable suspicion" exists that an employee's work performance is affected by a drug or alcohol problem, recommend to the GM whether or not the employee should be directed to participate in an education, rehabilitation or treatment program or should be disciplined. All critical incidents shall be reported immediately in writing to the GM. If witness(es) is/are involved, make sure that the written report is signed by any witness.*
6. *Maintain the confidentiality, on a need-to-know basis of:*
  - a. *The advice or recommendation given to the GM.*

- b. Any education, rehabilitation or treatment program activity resultant from such advice or recommendation.*
- 7. Cooperate in the rehabilitation efforts of the Authority.*

**V. Division Manager Responsibilities:**

*In addition to employee responsibilities and supervisor responsibilities, each Division Manager shall:*

- 1. Have the responsibility to implement the DFW Policy and its implementing SOP.*
- 2. Maintain a process so that an employee can advise the GM, either orally or in writing, of any violation of the DFW Policy.*
- 3. Maintain a process so that a supervisor can contact the General Manager as soon as possible after a "critical incident" to receive recommendation pursuant to Section IX of the SOP.*
- 4. Have the discretion to direct employee to participate in an education, rehabilitation or treatment program in consultation with the General Manager.*
- 5. Maintain the confidentially, on a need-to-know basis, of:*
  - a. Such advice or recommendation received from an employee or supervisor.*

- b. Any recommendation or advice by the Administrator.*
- 6. Take reasonable steps to ensure that no employee is intimidated or coerced for acting in compliance with or enforcement of the provisions of this policy.*
- 7. Enforce the provision of Section IX of this SOP.*

**VI. Violation of the Drug Free Workplace Policy:**

- A. Any employee violating the DFW Policy is subject to disciplinary action up to and including termination, for the first offense.*
- B. Any employee convicted of violating a criminal drug statute including but not limited to Chapter 67 of Title 9 GCA must inform the General Manager of such conviction (including pleas of guilty and nolo contendere) within five (5) working days of the conviction occurring.*
  - 1. Failure to so inform the General Manager subjects the employee to disciplinary action, up to and including termination for the first offense.*
  - 2. The General Manager reserves the right to offer an employee convicted of a criminal drug statute participation in an approved rehabilitation or drug abuse assistance program as an alternative to disciplinary action. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.*

- C. *An employee suspected of violating the DFW Policy may be directed by the General Manager to complete a drug or alcohol analysis testing process. In no event shall the employee be required to pay for drug or alcohol analysis testing.*

**VII. Drug and Alcohol Awareness Training:**

- A. *The Administrator shall develop and implement an on-going Drug and Alcohol Awareness Training Program for all supervisors.*
- B. *The Administrator shall distribute and explain the DFW Policy at all new employees orientation meetings.*
- C. *Employees have the right to know the dangers of drug abuse in the workplace, the GPA policy about drug and alcohol abuse, and what help is available to combat drug and alcohol problems. In keeping with the need to educate employees on drug and alcohol abuse, the Human Resources Division shall institute an education program for all employees on the danger of drug and alcohol abuse in the workplace.*

**VIII. Employee Assistance Programs (EAP):**

- A. *Function:*  
*The GPA EAP plays an important role in preventing and resolving employee drug use; providing employees an opportunity, with appropriate assistance, to discontinue their drug use; providing educational materials to supervisors and employees on drug use issues; assisting supervisors in confronting employees who have performance or conduct problems and making referrals to appropriate treatment and rehabilitation*

*programs; and to periodically track their progress and encouraging successful completion of the program.*

- 1. The EAP, however, shall not be involved in the collection of urine sample or the initial reporting of test results.*
- 2. Specifically, the EAP shall provide counseling and referral assistance for treatment to employees who self-refer or whose drug tests have been verified positive, and monitor the employees' progress through treatment and rehabilitation.*
- 3. All EAP operations shall be confidential.*

*B. Referral and Availability:*

- 1. Any employee found to be using drugs shall be referred to the EAP.*
- 2. The EAP shall be administered separately from the testing program, and shall be available to all employees without regard to a finding of drug use. The EAP shall provide counseling or rehabilitation for all referrals, as well as education and training regarding illegal drug use.*
- 3. The EAP also shall provide employee referrals for treatment at appropriate facilities. The EAP is available not only to GPA employees, but, when feasible, to the families of employees with drug problems, and to employees with family members who have drug problems.*

C. *Leave Allowance:*

*Absences during working hours for rehabilitation or treatment must be charged to the appropriate leave category in accordance with law and leave regulations.*

D. *The EAP Coordinator shall:*

1. *Implement and operate the EAP within GPA;*
2. *Provide counseling and treatment services to all employees referred to the EAP by their supervisors or on self-referral, and otherwise offer employees the opportunity for counseling and rehabilitation;*
3. *Coordinate with the General Manager, the Contracted Medical Doctor and supervisors, as appropriate;*
4. *Provide educational materials and training to managers, supervisors, and employees on illegal drugs in the workplace;*
5. *Assist supervisors with performance or personnel problems that may be related to illegal drug use;*
6. *Monitor the progress of referred employees during and after the rehabilitation period and provide feedback to supervisors in accordance with the confidentiality requirements;*

7. *Ensure that training is provided to assist supervisors in the recognition and documentation of facts and circumstances that support a reasonable suspicion that an employee may be using illegal drugs;*
8. *Maintain a list of rehabilitation or treatment organizations which provide counseling and rehabilitative programs;*
9. *Serve as the initial point of contact for employees who ask or are referred for counseling;*
10. *Be familiar with all applicable laws and regulations, including drug treatment and rehabilitation insurance coverage to employees;*
11. *In making referrals, consider the nature and severity of the problem, location of the treatment, cost of the treatment, intensity of the treatment environment, other special needs and the preference of the employee;*
12. *Arrange for all testing authorized under this policy; and*
13. *Ensure that all employees subject to random testing receive individual notice prior to implementation of the program, and that such employees return a signed consent and acknowledgement form (CAP).*

E. *Voluntary Referral:*

1. *A fundamental purpose of GPA's Drug Free Workplace Policy is to assist employees who themselves are seeking treatment for drug*

*use. For this reason, GPA will not initiate disciplinary action against any employee who meets all three of these conditions:*

- a. Voluntarily identifies him/herself as a user of illegal drugs prior to being identified through other means;*
- b. Obtains counseling or rehabilitation through an EAP; and*
- c. Thereafter refrains from using illegal drugs.*

*2. Since the key to this provision's rehabilitative effectiveness is an employee's willingness to admit his or her problem, paragraph E. 1. above is not available to an employee who requests protection under this provision after:*

- a. Being asked to provide a urine sample in accordance with this plan; or*
- b. Having been found to have used illegal drugs by Reasonable Suspicion standards or Random Testing.*

## ***IX. Supervisory Procedures:***

*A. Impaired or reduced job performance:*

*Where there is no suspicion or evidence of drug or alcohol related problem, the supervisor shall follow normal performance evaluation and counseling procedures.*

*B. Suspicion of drug or alcohol related problem:*

*1. The supervisor shall follow normal performance evaluation and counseling procedures. In most cases, following the normal performance evaluation and counseling procedures is appropriate to improve an employee's job performance.*

*a. — Also, in most cases, an employee whose job performance is reduced or impaired related to a drug or alcohol problem will have demonstrated a history or pattern of poor job performance sufficient for the supervisor to know of, or have proof of such performance. In this instance, knowledge of and proof of poor performance rating is imperative which, in turn, occasions pre-and-post counseling.*

*b. If on-the-job counseling has not been effective, or if the supervisor has decided that more professional counseling might be effective, recommendation should be made to the GM that the employee participate in an education, rehabilitation or treatment program.*

*c. The causes for the employee's poor job performance may be related to financial difficulties, failing health or marital problems, and could have the same adverse effects on the troubled employee's job performance as a drug or alcohol related problem. An education, rehabilitation or treatment program may be helpful to the troubled employee and to his/her job performance.*

2. *A drug or alcohol related problem is not the only reason for employee referral to an education, rehabilitation or treatment program. However, if a supervisor has reasonable suspicion that the troubled employee's poor job performance is drug or alcohol related, it is most appropriate for recommendation to the GM that the troubled employee participate in an education, rehabilitation or treatment program.*
  
3. *If the GM agrees with the supervisor's recommendation that the employee be directed to participate in education, rehabilitation or treatment program, the Administrator shall offer the employee the option of signing the Agreement to Participate in Education, Rehabilitation, or Treatment Program as an alternative to or mitigation of, disciplinary action in accordance with the adverse action procedures.*
  - a. *When the option is offered, the Administrator shall inform the employee, in writing on the agreement, of the specific disciplinary action(s) that may be sought if the employee refuses the option of participation in the education, rehabilitation or treatment program.*
  
  - b. *In the event the employee fails to comply with a prescribed rehabilitation program, disciplinary action may be issued to the employee.*
  
4. *Refusal to accept the option of participation in an education, rehabilitation or treatment program:*

- a. *Shall not be the sole reason for, or an additional cause for, disciplinary action.*
- b. *Shall result in the specific disciplinary action(s) provided in IX.B.3 of this section.*

C.. *"Critical Incident" or Suspicion of Drug or Alcohol Usage:*

1. *If a supervisor is aware of a "critical incident" or has a reasonable suspicion that an employee is under the influence of drugs or alcohol, the supervisor shall, if time or circumstances permit, follow the suggested procedures:*
  - a. *Observe the appearance, conduct, activity/inactivity, equilibrium, speech, attention span, behavior, mental and physical reactions, and/or note any odor of intoxicants on breath or clothing of the employee.*
  - b. *If possible, have another supervisor or witness observe and note the above factors.*
  - c. *Upon obtaining the facts (noted above in C.1.a.) the supervisor shall:*
    - (1) *Inform the employee of the facts upon which reasonable suspicion is based and request explanations or facts concerning the employee's behavior, conduct, actions, etc., (factors set forth in C.1.a. above) from the employee.*
    - (2) *If the employee chooses to be represented, the supervisor shall not request explanations or facts concerning the employee's*

*behavior without representation and the supervisor shall proceed to paragraph 3 below. The supervisor has the right to have future discussions with the employee with or without the representation regarding this matter.*

*(3) Based on the observation that a "critical incident" has occurred or is occurring, the supervisor shall exercise the discretion set forth in paragraphs (4) and (5) below.*

*(4) If the supervisor decides that it is necessary to summon law enforcement or medical assistance or to order the employee off GPA property, disciplinary action shall be subsequently initiated. The Safety Officer shall be consulted in this situation prior to taking any action to summon law enforcement personnel.*

*(5) If the supervisor decides that it is not necessary to summon law enforcement or medical assistance but does decide to order the employee off GPA property, the supervisor shall:*

*(a) Make the arrangement to transport the employee home.*

*(b) If the employee declines transportation, request the employee, with at least one other witness present, to reconsider his/her decision. If the employee continues to refuse transportation and insists on driving his/her own vehicle, and if in the judgment of the supervisor the employee is not in condition to safely operate a vehicle, the matter shall be reported to the Guam Police Department (GPD). Prior to taking such action shall be referred to the GPA Safety Officer.*

*2. An employee shall not be physically searched nor shall an employee's private property (purse, briefcase, car, etc.) be searched by a supervisor.*

- 3. *A written report concerning the above activities shall be forwarded to the GM. This report shall be signed by the supervisor and any other observing supervisor or witness. A second copy of this report shall be submitted to the Administrator.*

**X. *Exceptions to this policy:***

*Non-performance of normal job duties and responsibilities as directed by assignment or detail shall not result in an employee being accused of violating the DFW Policy.*

**XI. *Employee Rights:***

**A. *Legal Rights:***

*Employees have legal rights that must be honored and respected at all times.*

**B. *Confidentiality Rights:***

*Confidentiality is an essential element of an EAP.*

**1. *Self Referral (Voluntary Participation):***

- a. *All self-referral participation shall be held in confidence unless the employee agrees, through specific written release, that any other party be notified.*

- b. *The self-referral employee's compliance with recommendations or advice from the EAP is voluntary.*
- c. *The self-referred employee's job security and/or promotional opportunities will not be jeopardized by participation.*
- d. *In no event shall this program be used to shield the employee from, or replace, normal procedures for unsatisfactory job performance.*

2. *Directed Participation:*

- a. *Notwithstanding any other provision of the DFW Policy, medical information about any employee shall be treated in accordance with prevailing laws and practices protecting the confidentiality of such information.*
- b. *If, for protection of public health or public safety confidential information is required by law or by judicial proceedings, legal process for obtaining and/or disclosing such information shall be used.*
- c. *Reports to the General Manager or Administrator resulting from education, rehabilitation or treatment program sources shall be strictly limited to statements of compliance or non-compliance.*
- d. *Notwithstanding B.1.a. above, for protection of public health and public safety, disclosure of a drug or alcohol analysis test result without employee agreement may occur*

*when the information is required by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.*

## ***XII. Drug Testing Program:***

- A. The Guam Power Authority has a commitment to a drug-free workplace.*
- B. Drug screen testing will be required in the following situations:*
  - 1. For all applicants as may be required by the Authority.*
  - 2. As part of the annual physical examinations of all individuals employed and authorized to operate any vehicles and machinery owned by GPA or all employees working in sensitive positions for which the health and safety of the public have prevailing consideration.*
  - 3. Random drug screen testing of sensitive positions.*
  - 4. An on-the-job accident, regardless of severity or occurrence, where there is evidence to indicate that the accident or occurrence was in whole or in part the result of the employee's action or inaction and/or the employee exhibited behavior or in other ways demonstrated that the employee may have been using drugs or under the influence of drugs. Post-accident involving operation of GPA vehicle or privately owned vehicle (POV) while on authorized GPA legitimate business activity regardless of severity of accident.*

5. *An on-the-job incident, such as but not exclusive to, a medical emergency that is likely to be attributable to drug use by the employee.*
6. *Reasonable Suspicion Testing including but not limited to:*
  - a. *Direct observation of behavior exhibited by the employee — unable to perform his or her job or which may pose a threat to safety or health.*
  - b. *Physical on-the-job evidence of drug use by the employee.*
  - c. *Documented deterioration in the employee's job performance that is likely to be attributable to drug use by the employee.*
7. *Voluntary Testing*
8. *Follow-up testing as part of or as follow-up to counseling or rehabilitation.*

C. *Random Testing*

1. *Sensitive positions designated for random testing: All the GPA positions are designated for random drug testing.*

*These positions are characterized by critical safety or security responsibilities as related to the mission of GPA (i.e., use of moving machinery, transportation of goods and persons, use of GPA vehicles, operations and maintenance of the plants, and the*

*handling of high voltage wires and equipment). The job functions associated with these positions directly and immediately relate to public health and safety. These positions are identified for random testing because they require the highest degree of trust and confidence (and include supervisors and management personnel, as well as employees with access to sensitive information). GPA reserves the right to add or delete positions determined to be testing designated positions.*

2. *Implementing Random Testing: In implementing the program of random testing the Administrator or Employee Assistance Program Coordinator shall:*
  - a. *Ensure that the means of random selection remains confidential; and*
  - b. *Evaluate periodically whether the numbers of employees tested and the frequency with which those tests will be administered satisfy GPA's duty to achieve a drug-free work force.*
3. *Notification of Selection: An individual selected for random testing, and the individual's first-line supervisor, shall be notified the same day the test is scheduled.*

*The supervisor shall explain to the employee that the employee is under no suspicion of taking drugs and that the employee's name was selected randomly.*

4. *Deferral of Testing: An employee selected for random drug testing may obtain a deferral of testing if the employee's higher-level supervisors concur that a compelling need necessitates a deferral on the grounds that the employee is:*
  - a. *In a leave status (sick, annual, administrative, or leave without pay); or*
  - b. *In official travel status away from the test site or is about to embark on official travel scheduled prior to testing notification. An employee whose random drug testing is deferred will be subject to an unannounced test within the following 60 days.*

*D. Reasonable Suspicion Testing*

*When higher-level concurrence of a reasonable suspicion determination has been made, the appropriate supervisor will promptly prepare a written report detailing the circumstances which formed the basis to warrant the testing. This report should include the appropriate dates and times of reported drug related incidents, reliable sources of information, rationale leading to the test, and the action taken.*

1. *Grounds: Reasonable suspicion testing may be based upon objective facts including but not limited to:*
  - a. *Observable phenomena, such as direct observation of drug use or possession or the physical symptoms of being under the influence of a drug;*

- b. *A pattern of abnormal conduct or erratic behavior;*
  - c. *Arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking;*
  - d. *Information provided either by reliable and credible sources — or independently corroborated; or*
  - e. *Newly discovered evidence that the employee has tampered with a previous drug test.*
2. *Procedures: If an employee is suspected of using illegal drugs, the appropriate supervisor will gather all information, facts, and circumstance leading to and supporting this suspicion.*
- E. *Applicant Testing: The objective of the applicant drug screening testing is to maintain the high professional standards of GPA's work force. It is imperative that individuals who use illegal drugs be screened out during the initial employment process before they are placed on the employment rolls of GPA.*

*This procedure will have a positive effect on reducing instances of illegal drug use by employees working within GPA, and will provide for a safer work environment. For these reasons, drug testing shall be required of all applicants.*

1. *An individual offered employment by the Authority shall be required to take a drug screening test as a condition of employment.*

- a. *Refusal to comply with this requirement will be considered the equivalent of receiving a confirmed "positive" result.*
  - b. *A positive result will disqualify the applicant from holding such employment offer by GPA.*
2. *Vacancy Announcements: Every vacancy announcement for positions designated for applicant testing shall state: ←*

***ALL APPLICANTS TENTATIVELY  
SELECTED FOR THIS POSITION WILL  
BE REQUIRED TO SUBMIT TO  
URINALYSIS TO SCREEN FOR ILLEGAL  
DRUG USE PRIOR TO APPOINTMENT.***

3. *Procedure:*
- a. *The Administrator or Employee Assistance Program Coordinator shall direct applicants to an appropriate collection facility. The drug test must be undertaken as soon after notification as possible, and no later than 48 hours after notice to the applicant.*
  - b. *Applicants shall be advised of the opportunity to submit medical documentation that may support a legitimate use for a specific drug and that information will be reviewed only by the Contracted Medical Review Officer to determine whether the individual is illicitly using an otherwise illegal drug.*

- c. *Human Resources Officials: Upon notification that an individual has been tentatively selected for employment with GPA, the Administrator shall assure, after consultation with the Contracted Medical Review Officer, that a drug test has been conducted on that individual and determine whether the test result is a confirmed positive result.*
  
- d. — *Consequences: GPA will decline to extend a final offer of employment to any applicant with a verified positive test result, and such applicant will have his/her name removed from the certified list. GPA shall inform such applicant that the drug screening testing report indicates that the applicant is not approved for employment to the position applied for.*

F. *Additional Types of Drug Testing*

- 1. *Accident or Unsafe Practice Testing: GPA is committed to providing a safe and secure work environment. Employees involved in on-the-job accidents or who engage in unsafe on-duty job-related activities that pose a danger to others or the overall operation of GPA, may be subject to testing. Based on the circumstances of the accident or unsafe act, the supervisor may initiate testing.*
  
- 2. *Follow-up Testing: All employees referred through administrative channels who undergo a counseling or rehabilitation program for illegal drugs will be subject to unannounced testing following completion of such a program for a period of one year. Such employees shall be tested at the frequency of once a month.*

3. *Voluntary Testing: In order to demonstrate their commitment to GPA's goal of a drug-free workplace and to set an example for other GPA employees, employees not in testing designated positions may volunteer for unannounced random testing by notifying the Administrator or the Employee Assistance Program Coordinator. These employees will then be included in the pool of testing designated positions subject to random testing, and be subject to the same conditions and procedures. Volunteers shall remain in the testing designated positions pool until they withdraw from participation by notifying the Administrator or the Employee Assistance Program Coordinator of such intent at least 48 hours prior to a scheduled test.*
- G. *Drug screening test may screen for any substances listed in chapter 67, of Title 9 GCA (Uniformed Controlled Dangerous Substance Act) or any controlled substances listed in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) as amended.*
1. *Samples from applicants and employees will be screened in all cases to identify the following classes of substances:*
    - a. *Marijuana/Cannabinoids (THC);*
    - b. *Cocaine Metabolites;*
    - c. *Opiates;*
    - d. *Phencyclidine (PCP); and*
    - e. *Amphetamines / Methamphetamine*
    - f. *Barbiturates*
  2. *The GM also may require an employee to undergo a Breath Alcohol Testing (BAT).*

- H. *Location sites of the drug screening specimen collection shall be determined by the Administrator.*
  - 1. *The Administrator shall establish collection and chain-of-custody procedures to be used by all collection sites to insure reasonable consistency, specimen integrity, proper identification and individual privacy.*
  - 2. *Laboratories and test methods used to conduct drug screening test shall follow the standards found in 49 CFR part 40.*
- I. *Individual drug screening test records maintained by the Human Resources Division pursuant to the policy shall be considered confidential by the Authority and its officers to the extent it is appropriate and feasible to observe reasonable expectation of privacy on the part of employees or applicants.*
- J. *All employees shall be informed of GPA's drug screening test policy prior to being subjected to any drug screening. It is the responsibility of the Administrator to ensure that all employees receive the required training concerning GPA's drug screening policies and procedures.*

*Any employee who failed to attend a mandatory Drug Screening Test Policy and Procedures Training including the mandatory Drug Free Workplace scheduled training may be subject to disciplinary action. Failure to attend shall be fully justified by the employee and such report shall be furnished to the Administrator who will take further action if necessary.*

K. *An applicant or employee required to submit to a drug screening test shall be advised by the Administrator of the:*

1. *Methods of drug screening which may be used;*
2. *Substances which may be identified;*
3. *Consequences of a refusal to submit to a drug screening test or of a confirmed positive result; and*
4. *Reasonable effort to maintain the confidentiality of results and any medical information which may be provided.*

L. *Drug Screening Test Consent Form: An applicant or employee shall be required to sign the drug screening consent form.*

1. *Refusal by applicant to sign the consent form will be considered refusal to submit to a drug screening test as a condition of employment and will be considered the equivalent of receiving a confirmed "positive" result for employment and disqualification purposes.*
2. *Refusal by employee to sign the consent form will be considered refusal to submit to a drug screening test as a condition of employment and will be considered the equivalent of receiving a confirmed "positive" result for employment and disciplinary purposes.*

*M. Drug Screening Specimen Collection Location and Time: An applicant or employee shall be informed of the drug screening specimen collection location and time.*

- 1. An employee who is requested to submit to a drug screening test shall be given time off for the duration of the drug screening testing procedures with pay. Reasonable travel time to and from the job site shall be considered compensable time related to the drug screening testing procedures.*
- 2. Failure by an applicant to report to the collection site at the scheduled time will be considered refusal to submit to a drug screen as a condition of employment and will be the equivalent of receiving a confirmed "positive" result for denial of employment and disqualification purposes.*
- 3. Failure by an employee to report to the collection site at the scheduled time will be considered refusal to submit to drug screen as a condition of employment and will be the equivalent of receiving a confirmed "positive" result for continued employment and disciplinary purposes.*

*N. Drug Screening Test Results:*

*Drug screening test(s) results shall be reported in as timely a manner as reasonable and be revealed only to a person(s) authorized by the GM as having an established need-to-know for the information.*

- 1. An employee who is removed from the work site pending the result(s) of the drug screening test because the employee is*

*deemed by the supervisor, or any cognizant authority in the chain-of-command, to pose a threat to safety or health shall be given immediate suspension pending further investigation and final outcome of drug testing results. This is pursuant to the GPA Adverse Action procedures.*

2. *A confirmed "positive" result means the detection of an illegal substance in the pure form or metabolites at or above the specified threshold by two consecutive drug screening tests which employ different test methods and which was not determined by the appropriate medical, scientific, professional testing or forensic authority to have been caused by alternate medical explanations or scientifically insufficient data.*

3. *A "negative" result means no detection of an illicit substance in the pure form or its metabolites at or above the threshold level by the drug screening test.*

4. *Positive Result - Job Applicant:*

*An applicant who receives a confirmed "positive" drug screen result or the equivalent shall have the offer of employment withdrawn and shall be subject to disqualification to the position for a period remaining on the life of the eligibility list to which certified for.*

5. *Positive Result - Permanent Employee*

a. *An employee who receives a confirmed "positive" drug screen result or the equivalent and who has not previously*

*had a confirmed "positive" result or the equivalent may be required to participate in an education, rehabilitation or treatment program pursuant to Section VIII, IX, and XII of this policy. The employee may also be referred to an appropriate drug assessment, education or treatment program by the General Manager depending on the availability of local resources.*

*b. Pursuant to Section III (C), the employee shall be liable for all costs pertaining to his or her education, rehabilitation or treatment program. The employee shall sign and submit to the Administrator the education, rehabilitation or treatment program agreement. This agreement shall be filed with the Human Resources Division.*

*(1) An employee will normally be granted annual or sick leave to participate in an appropriate and approved education or treatment program pursuant to this policy. Leave requests are to be considered on a case-by-case basis and should be substantiated by proof of participation in the education and treatment program.*

*(2) The employee shall be required to provide verification to the Administrator that the employee is participating in an appropriate and approved education, rehabilitation or treatment program.*

*(3) If the supervisor or any cognizant authority in the chain-of-command determines that the employee poses a threat to safety or health at the work site while undergoing treatment or rehabilitation the Division Manager may recommend, and with the approval of the GM, transfer of the employee to perform tasks where safety and health are not compromised or relieve the employee of duties pursuant to the adverse action procedures regarding immediate suspension.*

(4) *Refusal by an employee to participate in an approved education, rehabilitation, or treatment program as a condition of employment will be considered failure by the employee to successfully complete the recommended education, rehabilitation or treatment program. The employee shall be subject to disciplinary or adverse action.*

c. *Successful Completion of Education, Rehabilitation or Treatment Program:*

*Upon completion of the recommended education, rehabilitation or treatment, the employee shall be required to provide or release clinical verification to the Administrator that the employee has successfully completed the recommended education, rehabilitation or treatment program.*

(1) *For the purpose of GPA's drug screening program, successfully completing the recommended education, rehabilitation or treatment program means the employee achieved and maintained a drug-free state and will normally be determined by a "negative" result from an authorized drug screen as specified by the GM.*

(2) *The GM retains the right to require an employee to submit to subsequent drug screens, as necessary, during the authorized education, rehabilitation or treatment program and for a period of twelve (12) months after the program ends to determine or verify that the employee has successfully completed the rehabilitation, education or treatment program.*

6. *Confirmed "Positive" drug screen result: An employee who receives a "positive" drug screen result shall be subject to dismissal in accordance with the adverse action procedures under the following conditions:*

- a. *The employee shall not be subject to dismissal solely on the basis of the confirmed positive result if the employee has not previously had a confirmed positive result or the equivalent and the employee successfully completes an appropriate and approved drug assessment and recommended education, rehabilitation or treatment program.*
  - b. *The employee shall be subject to dismissal if the employee is serving his initial probationary period at the time the employee was given written notice of the drug screen requirement.*
  - c. *The employee shall be subject to dismissal if the employee fails to successfully complete an appropriate and approved drug assessment and recommended education, rehabilitation and treatment program.*
  - d. *The employee shall be subject to dismissal if the employee has previously had a confirmed "positive" result or the equivalent.*
  - e. *This policy shall not preclude the Department Head from proposing disciplinary or adverse action for other mitigating circumstances that occur in addition to a confirmed "positive" result and which are normally grounds for discipline or adverse action.*
- O. *Tampering with Drug Screen Testing Process:*
- 1. *Applicant: Any applicant who intentionally tampers with a sample provided for drug screening, violates the chain-of-custody or identification procedures, or falsifies test results shall have*

*conditional offer of employment withdrawn and such actions shall be grounds for disqualification to the position.*

2. *Current Employee: any current employee who intentionally tampers with a sample provided for drug screening, violates chain-of-custody or identification procedures, or falsifies a test result shall be subject to the adverse action procedures of dismissal.*

*P. Appeal Rights:*

*If an employee or applicant has reason to believe that the technical standards were not adhered to in deriving the employee's or applicant's confirmed "positive" result, the result may be appealed in writing to the GM within fourteen (14) calendar days of receiving written notice of result.*

*Q. Termination of Employment Procedure:*

*If the result of a drug screening test warrants dismissal or other disciplinary action, an employee shall be afforded due process in accordance with GPA's adverse action procedures.*

*R. Drug Screen Retesting:*

*Only the GM has the discretion to authorize retest by the original or a different laboratory on the same or new specimen, if the GM determines that the technical standards established for test methods or chain-of-custody procedures were violated in deriving a confirmed "positive" result or has other appropriate cause to warrant a retest.*

S. *Amendment to Policies and Procedures:*

*The GM reserves the right to modify, supplement, resolve or substitute the policies and procedures stated herein.*

T. *Severability:*

*If any of the provisions of the policies and procedures stated herein or the application for such provisions to any person or circumstances shall be found invalid, the validity of the remainder of the provisions as applied to other persons or circumstances shall not be affected thereby.*

**XIII. *The Personnel Services Administrator shall develop and promulgate the following implementing procedures:***

1. *Orientation and Notification Procedures.*
2. *Collection Sites and Laboratories Procedures.*
3. *Reporting and Maintaining Results, and Security of Records Procedures.*
4. *Referral for Education, Rehabilitation or Treatment Procedures.*
5. *Identifying and Documenting Reasonable Suspicion Procedures.*
6. *Drug Screening Program Training*
7. *Drug and Alcohol Awareness Training Procedures*

*In addition, the Administrator will designate the services of the GPA Safety Division to assist in all manner deemed feasible in the implementation of the drug screening program*

*From time-to-time, the Administrator shall issue such advisory to supervisors and management officials concerning the implementation of the above implementing procedures.*

***GUAM POWER AUTHORITY***

***DRUG FREE WORKPLACE***

***IMPLEMENTATION PROCEDURES  
PART 1***

## **PART 1**

### **ORIENTATION AND NOTIFICATION PROCEDURES**

#### ***I. Scope and Purpose:***

*These procedures implement the requirements of Section XIII(1) of the GPA Drug Free Workplace Standard Operating Procedures (SOP).*

#### ***II. Responsibilities:***

*Conveying complete information about GPA drug screening policy to applicants and employees is essential. Applicants and employees must be given a general statement of policy prior to any drug test being conducted. Applicants and employees must also be given timely official notification of a drug screen test. Orientation and official notification responsibilities are outlined below.*

*The Administrator is responsible for informing divisions of the drug screening policies and procedures and for supplying the divisions with informational materials for distribution to employees. Applicants will be furnished informational materials at time of processing for employment with the Human Resources Division.*

#### ***III. Notification Procedures:***

*Official standardized forms and established reporting methods must be used for all notification procedures.*

- A. *Applicants: The Human Resources Division must complete the following steps when a conditional offer of employment for a position is made to the applicant.*
1. *Inform the applicant that the offer of employment is conditional upon taking and receiving a negative drug screen result. Advise the applicant as to the:*
    - a. *methods of drug screening which may be used;*
    - b. *substances which may be identified;*
    - c. *importance of providing medical information to and cooperating with the collection site personnel;*
    - d. *confidentiality of test results and medical information provided by the applicant; and*
    - e. *consequences of refusing to submit to the drug screen or sign the consent form, failing to report for a drug screen or receiving a confirmed positive result.*
  2. *Schedule a drug screening appointment with the collection site as soon as possible within twenty-four (24) hours after the conditional offer of employment (date the GM selected the applicant).*
    - a. *Give the applicant verbal and written notification of the time and location.*
    - b. *Inform the applicant that it is his/her responsibility to*

*comply with the scheduled appointment.*

3. *Complete the necessary paperwork.*
  - a. *Obtain the signed and dated Affirmation of Policy Form (AFP) from an applicant if it has not already been submitted.*
  - b. *Request the applicant sign and date the Consent and Acknowledgement Form (CAF).*
  - c. *Provide original copies of the forms to the applicant and duplicate copies of the forms and written notice shall be retained by the Administrator.*
  - d. *Maintain a list of applicants sent for drug screens. Only applicants with a signed consent form should be sent to the collection site.*
4. *If the applicant refuses or fails to participate in the drug screening process, inform the applicant that he/she cannot be considered for employment with the Authority until a drug screen is completed; and that the conditional offer of employment has been rescinded by the GM.*

*The Administrator shall document any such non-participation by identifying the applicant, the nature of the refusal or failure, the*

*date of the incident, names of witnesses and the position for which a conditional offer of employment was made.*

5. *Upon selection by the General Manager, the applicant shall be informed of the conditional offer of employment pending the drug screening results. The Administrator shall give written notice to the applicant accordingly.*

a. *If the applicant's drug screen is negative, notify the applicant of the decision to hire the applicant.*

b. *If the applicant's drug screen is positive, notify the applicant that the conditional offer of employment has been rescinded.*

c. *If results are not received within five (5) working days, the Administration will determine whether the applicant complied with the drug screening requirement. If the applicant failed to comply with the request for drug screening, the conditional offer of employment shall be rescinded. The General Manager may select from other candidates in the certification of eligible.*

B. *Current Employees: The Division Manager must complete the following steps when a supervisor has identified and documented reasonable suspicion of substance abuse.*

1. *Review the documented activity or actions which form the basis for the reasonable suspicion circumstances. Make sure the statements relate to work performance or safety.*
2. *Contact the Human Resources Division promptly about the circumstances who will in turn consult with GPA's Legal Counsel, if necessary. Notify the Administrator before meeting with the employee. If it is not feasible because of an emergency situation, inform the Administrator as soon as possible about the situation.*
3. *Discuss the work performance or safety problem with the employee, but make no accusations of drug abuse or addiction. Do this in the manner described in these guidelines involving documentation and identifying reasonable suspicion. If a drug screen is still warranted, continue the steps.*
4. *Inform the employee that as a condition of continued employment, supervisors have the duty and obligation to submit recommendation to require an employee to take a drug screening test. Give the employee a copy of the Affirmation of Policy Form (APF) the employee signed during orientation. Advise the employee as to the:*
  - a. *basis for the reasonable suspicion;*
  - b. *methods of drug screening which may be used;*
  - c. *substances which may be identified;*
  - d. *importance of providing medical information and*

- cooperating with the collection site personnel;*
- e. confidentiality of individual test results and medical information provided by the employee; and*
  - f. consequences of refusing to submit to the drug screen or sign consent forms, failing to report for a drug screen or receiving a confirmed positive result.*
5. *Consult the Human Resources Division to schedule a drug screening time with the collection site as soon as possible, but no later than 24 hours of the suspected actions or of the discussion with the employee.*
- a. After consultation with the Human Resources Division, give the employee verbal or written notification of the time and location.*
  - b. Inform the employee that the employee will be escorted by a Human Resources Division personnel to the collection site.*
6. *Complete the necessary paperwork.*
- a. Request the employee sign and date a Consent and Acknowledgement Form (CAF).*
  - b. Give the employee a copy of the form and forward a copy of the form and the written notice to the Administrator.*



- b. *If the employee's drug screen is confirmed positive and it is the employee's first confirmed positive, the employee will be notified to visit the Human Resources Division as soon as possible for further processing but not later than 24 hours after the receipt of the drug screen test report or immediately the following workday whichever is sooner.*
  
- c. *— If the employee has previously had a confirmed ~~positive~~ result and the drug screen is a confirmed positive result, adverse action will be initiated against the employee. Do not proceed with the rehabilitation provision. Coordinate the notification to the employee in processing the adverse action procedures.*

***GUAM POWER AUTHORITY***

***DRUG FREE WORKPLACE***

***IMPLEMENTATION PROCEDURES  
PART 2***

**PART 2**  
**COLLECTION SITES AND LABORATORIES**  
**PROCEDURES**

***I. Scope and Purpose:***

*This part implements the requirement of Section XIII (2) of the Standard Operating Procedures (SOP).*

***II. Specimen Collection:***

***A. Site Specifications and Locations:*** *A collection site used for GPA's Drug Screening Program will meet the following requirements.*

- 1. Possess all necessary materials, equipment and facilities to provide for the collection, refrigerated temporary marshalling and transportation (shipping or delivery) of specimens to designated laboratory.*
- 2. Employ sufficient qualified personnel, including trained laboratory technicians and necessary security staff, to provide for integrity and security of records and specimens.*
- 3. Execute the chain-of-custody procedures established by the Administrator or such chain-of-custody procedures established jointly between the contracted laboratory and GPA.*

B. *Collection Procedures:*

*The collection site shall be secured at all times. No unauthorized personnel shall be permitted in any part of the collection site where specimens or records are obtained or stored. The collection site shall document which persons are authorized to enter any sensitive or critical part of the collection site premise. The collection site shall assure the Authority that it maintains sufficient security measures. The Authority may from time-to-time request to inspect the collection site's security procedures whenever it deems necessary.*

*Standardized forms and identification methods should be completed accurately throughout the collection process.*

*Procedures for obtaining specimens should allow for individual privacy unless cognizant authority in GPA or collection site personnel has reason to believe that a particular individual may alter or substitute the specimen. When necessary GPA will notify the collection site personnel of reasons for not granting privacy when a drug screen is scheduled.*

*Collection site personnel shall take precautions to ensure that a specimen is not adulterated or contaminated. Collection site staff must ensure that information with a specimen container, on the forms and in the log book accurately relates to a given individual.*

*The steps taken by collection site personnel during specimen collection should adhere to the following minimum standards:*

1. *Maintain a toilet bluing agent in the toilet tank so that the water is blue at all times. No other source of water will be available in the enclosure where the individual voids the sample.*
2. *Request proper photo identification of the individual (e.g. GPA I.D. Badge or Guam Driver's License) and ask to see a signed copy of GPA's consent form.*
  - a. *If proper identification cannot be established or appropriate forms have not been completed at the time the individual arrived at the collection site, collection of specimen should not proceed. Notify the GM or the Administrator immediately.*
  - b. *If the individual fails to arrive at the collection site, notify the General Manager or Administrator immediately.*
3. *Explain the importance of the Medical Information Form (MIF) to the individual and have the individual complete the form with the necessary medical, physical or ingestion of substance information.*
4. *Assign the individual a specimen ID number (SIN) and make appropriate entries on the forms.*
5. *Request the individual remove unnecessary bulky or concealing outer garments such as jackets, boots, coats, or vests and leave personal belongings where items could be concealed such as a purse, wallet, or brief case outside the collection enclosure; and empty items from pockets.*

6. *Instruct the individual to wash and dry the hands prior to urination. After the individual's hands have been washed, do not give the individual access to any water, cleaning agents or other materials which could contaminate the specimen.*
7. *Give the specimen container to the individual and direct the individual to provide the needed amount of specimen in the container in the privacy of a stall or otherwise partitioned area that allows for individual privacy. They are given three (3) minutes only.*
8. *Note any unusual behavior or appearance on the Medical Information Form (MIF). Notify the General Manager or Administrator immediately.*
9. *Receive the container with the specimen from the individual and determine that it contains at least 45 milliliters of urine.*
  - a. *If there is less than 45 milliliters of urine in the container, the test is cancelled. The individual must recollect within an hour.*
  - b. *If necessary, give the individual a reasonable amount of liquid, such as glass of water, to drink for this purpose.*
10. *Allow the individual to wash hands after enough specimen has been provided and submitted.*
11. *Examine each specimen immediately.*

- a. *Measure the temperature of each specimen with a clean device within four (4) minutes of urination to determine if it is within 90.5 to 99.8 degrees fahrenheit.*
  - b. *Inspect each specimen to determine its color and look for any signs of contamination such as sediments or cloudiness.*
  - c. *Note any unusual findings on the Medical Information Form — (MIF).*
  
12. *Seal the specimen container and label with the individual's SIN while the individual observes. Direct the individual to initial and date the specimen label to certify that it is the individual's urine.*
  
13. *Sign and date the specimen label. Initiate and attach the Chain-of-Custody Form (CCF) to accompany the sealed specimen.*
  
14. *Prepare the specimen and CCF for shipment.*
  - a. *If the specimen is not immediately prepared for shipment, ensure that it is appropriately safeguarded in refrigerated temporary storage.*
  - b. *Note the temporary storage place and time span on the attached CCF.*
  - c. *When specimens are ready for shipment, place the containers in packing that is designed to minimize the possibility of damage during shipment, such as padded mailers or specimens boxes. Make sure the containers are sealed securely and that the CCF is attached.*
  - d. *Sign and date the CCF to show when the specimens were secured in the shipping package and seal the package.*

15. *Arrange for shipment and transport of collected specimens to the contracted laboratory.*

C. *Collection Control:*

*The following safeguards should be observed by the collection site personnel during the entire collection process.*

1. *Minimize the number of persons handling specimens.*
2. *Maintain visual contact with the individual and the container before the person enters the urination enclosure and after the person exits. Maintain visual contact of the specimen prior to its being sealed and labeled.*
3. *Allow the individual to observe all handling of the specimen after it is provided and prior to its being sealed and initialed by the individual.*
4. *Maintain possession of the specimen and identification documents until they are securely stored or packed for shipping or transport.*
5. *If there is reason to believe during the collection process that a sample has been contaminated or adulterated by the individual, obtain a second sample under direct observation by a staff of the same gender. Notations of unusual findings, behavior, or appearance during the collection steps constitute grounds for disciplinary action. Therefore, all observations shall be sufficiently documented to sustain any Adverse Action taken against the individual. The collection site personnel shall confirm its*

*observation with immediate supervisor. The General Manager or Administrator shall be notified immediately. The Administrator must make the call before observed collection is done. Two samples are sent then, a) the contaminated; b) the observed.*

### ***III. Transportation of Specimens:***

*The contracted laboratory is responsible for providing transportation arrangements for the specimens from the collection site to the laboratory.*

### ***IV. Laboratory Specifications and Procedures:***

- A. Laboratory(ies) contracted to conduct drug screens on GPA employees and applicants will adhere to the following educational, experience and responsibility requirements for their personnel.*
  - 1. Maintain an individual who is responsible for the day-to day management of the urine testing program, including quality control and meets the following minimum qualifications in analytical forensic toxicology:*
    - a. Certification by the territory of Guam in forensic or clinical laboratory toxicology; or*
    - b. A PH.D in one of the natural sciences with an undergraduate and graduate education in biology, chemistry and pharmacology or toxicology; or*

- c. *Training and experience comparable to PH.D in one of the natural sciences, such as a medical or scientific degree with additional training and laboratory/research experience in biology, chemistry and pharmacology or toxicology.*
  - d. *Appropriate experience in forensic toxicology including the analysis of biological material for illicit drugs; and*
  - e. *Appropriate training and experience in analytical forensic applications such as publication, court testimony, research and other factors which qualify the individual as an expert witness in forensic toxicology.*
2. *Employ an individual who is responsible for the day-to-day operations of the urine testing program and supervision of the technical analysts and meets the following minimum qualifications:*
- a. *A bachelor's degree in the chemical sciences or medical technology or equivalent; and*
  - b. *Training and experience in the theory and practice of laboratory procedures including quality control chain of custody, interpretation of test results and remedial action for observant test results or quality control reports.*
3. *Employ sufficient personnel with the necessary training and experience (including in-service education) to supervise and conduct the work of the urine testing facility. Ensure competency of this staff by documenting their in-service training, reviewing their work and verifying their skills.*

4. *Maintain an up-to-date procedures manual which is available to personnel performing test and followed by those staff.*
  5. *Include qualified personnel for test validation who review all pertinent data and quality control results and certify that the laboratory's result are valid. This may be the individual's responsible for the day-to-day management of operation or their designee(s).*
  6. *Employ a medical director who is responsible for verifying all confirmatory test positive results and meets the following minimum qualifications:*
    - a. *Licensed Physician;*
    - b. *Knowledge of substance abuse; and*
    - c. *Appropriate medical or forensic training in the review of medical history and biomedical information.*
  7. *All laboratory personnel must have proper police clearance from the Guam Police Department.*
- B. *Laboratory(ies) contracted for the GPA's Drug Screening Program must meet the following criteria:*
1. *Maintain stringent security measures to control access.*
  2. *Execute rigorous chain-of-custody procedures approved by the Administrator to maintain control and accountability of all specimens.*

3. *Maintain the capability to perform initial and confirmatory test at the same facility for all five classes of drugs specified in schedule I to IV of section 202 of the Controlled Substance Act (21 USC 812).*
4. *Prepare laboratory standards with pure drug standards which are properly marked as to content and concentrate. Label all standards with dates identifying when the standard was received, prepared or opened and placed in service. The expiration date must also be shown on the standard.*
5. *Use instruments and equipment which are certified for accuracy and reproductibility or checked by gravimetric, calorimetric or other verification procedures before being placed into service and periodically thereafter. This includes volumetric and automatic pipettes, measuring devices and dilutors.*
6. *Establish written procedures for instruments set-up and normal operation, a schedule for checking critical operating characteristics, tolerance limits and trouble shooting and repair. Make available to the Administrator records on preventive maintenance.*
7. *Employ capacity to store all of GPA's specimens at the same facility where testing occurs in secure short-term refrigerated and long-term frozen storage.*
8. *Maintain and make available to the Administrator documentation on all aspects of the drug testing process involving GPA's employees for at least three years. Retain documentation for any*

*test under appeal or legal challenge until all remedies have been exhausted. Documentation includes:*

- a. Personnel files on all individuals authorized to have access to specimens;*
  - b. Chain-of-custody documents;*
  - c. Quality assurance/quality control records;*
  - d. Procedure manuals;*
  - e. All test data and reports;*
  - f. Performance records on performance testing; and*
  - g. Hard copies of computer-generated data.*
- 9. Perform all testing with their own personnel and equipment and not subcontract for work unless otherwise authorized by the General Manager.*
- 10. Permit GPA officials to conduct inspections of the laboratory facilities at will.*
- C. The contracted laboratory shall follow industry standards concerning operations and processes observed in drug testing program. The contracted laboratory must meet the following standards imposed by GPA:*

1. *Laboratory must have a well systematized Chain-of-Custody procedure which include the packing of specimens for shipping from collection site to final destination; completion of testing and verification, reporting of results, storage and final disposition.*
2. *Testing procedures are to be completed within 48 hours to ensure sample integrity and rapid turn around of test results to the General Manager or Administrator. Results are to be reported to the General Manager or Administrator within five (5) working days.*
3. *Standardized forms, record maintenance and requesting methods must be used by laboratory personnel throughout the drug screening process.*
4. *Report any evidence or tampering of specimens to the General Manager or Administrator immediately.*
5. *Follow standard procedure for the handling of shipment of specimens.*
6. *Conduct the initial screening test applying such technology which meets the requirements of the Food and Drug Administration. Screen for the classes of drugs listed below at acceptable cutoff levels approved by the Administrator:*
  - a. *Marijuana/Cannabinoids (THC);*
  - b. *Cocaine Metabolites;*

- c. *Opiates;*
- d. *Phencyclidine (PCP);*
- e. *Amphetamines/Methamphetamine.*
- f. *Barbiturates*

7. *Report as negative all screened specimens where illicit drug levels were not at or above the threshold. Confirm all specimens which showed the presence of drugs above the cutoff levels with a test using different technology to establish a confirmed positive test results and provide quantitative confirmation.*

8. *Conduct confirmatory test using gas chromatography/mass spectrometry (GC/MS) techniques. Confirm for the classes of drugs listed below at acceptable cutoff levels approved by the Administrator.*

- a. *Marijuana/Cannabinoids (THC);*
- b. *Cocaine Metabolites;*
- c. *Opiates;*
- d. *Phencyclidine (PCP);*
- e. *Amphetamines/Methamphetamine.*
- f. *Barbiturates*

9. *Report as negative all specimens where illicit drug levels were not at or above the cutoff and dispose of all sample which produce a result which is reported as negative.*
10. *Review and interpret all confirmatory test positive to certify as an accurate report.*
11. *Review confirmatory test positive results data and compare those with the medical information provided by the employee.*
  - a. *Examine alternate medical explanation for those positive results.*
  - b. *Identify any results based on scientifically insufficient data.*
12. *Recommend reanalysis of the original sample if there is question as to the accuracy or validity of the positive result on the original sample. Obtain approval from the Administrator before ordering such a reanalysis.*
  - a. *Because some analities deteriorate or are lost during freezing and storage of a specimen, quantitation for a retest of such a specimen is not subject to a specific cutoff requirement, but must provide data sufficient to confirm the presence of the drug or metabolite.*
13. *Verify opiates identification with a review of prescription medicines. A confirmed positive result for this class of drugs from the urine test must coincide with clinical evidence of illegal use of an opium, opiate or opium derivative such as morphine codeine.*

*This requirement does not apply if the confirmatory test for opiates identified the presence of monoacetylmorphine.*

- 14. Determine the final recent status. Communicate the result to the Administrator according to the established procedures.*
- 15. Submit to the GPA's contracted Medical Officer for review of documentation of all specimens which showed the presence of the designated substance at or above the cutoff level as the confirmatory test, and were certified by designated laboratory personnel as accurate.*
- 16. Retain samples which produce confirmed positive test results in long-term frozen storage for a minimum of three years, or until the appeal process and all legal remedies have been exhausted. Positive samples should be frozen at 2 degrees centigrade or 20 degrees fahrenheit. Note the time and place of storage on the Chain-of-Custody Form (CCF).*

*D. QUALITY CONTROL:*

*Contracted laboratory(ies) shall maintain a quality assurance program. The standard of the industry should be adhered to.*

*Source: 49 CFR Part 40.*

***GUAM POWER AUTHORITY***

***DRUG FREE WORKPLACE***

***IMPLEMENTATION PROCEDURES  
PART 3***

## **PART 3**

### **REPORTING AND MAINTAINING RESULTS AND RECORDS**

#### ***I. Scope and Purpose:***

*This part implements the requirement of Section XIII (3) of the Standard Operating Procedures (SOP).*

#### ***II. Reporting Requirements:***

*The importance of confidentiality and accuracy in record-keeping throughout the drug screening process cannot be overemphasized. Each person and each office involved in preparing or maintaining records for the drug screen program has certain responsibilities.*

##### ***A. Divisions:***

*Request applicants and employees to read, sign and date the Affirmation of Policy Form (APF). The Human Resources Division will assist in this matter. Employees are to complete this form when they receive orientation about the program. Applicants are to complete this form anytime during the selection process, but it must be done before the applicant is sent for a drug screen. Give the applicant or employee a copy of the signed statement and also forward original copy to Human Resources Division.*

- 1. Initiate the Consent and Acknowledgement Form (CAF). Ask each employee or applicant being requested to take a drug screen to*

*read and sign the CAF. Give a copy to the applicant or employee and forward original copy to Human Resources Division. Instruct the applicant or employee to show the signed copy to the collection site personnel.*

2. *Test results will be reported to the General Manager and/or Administrator. Only these individuals are to receive results of drug screening. It is the responsibility of these authorities to maintain the confidentiality and security of the information.*
  - a. *Results for applicants will be reported as either "Recommended for employment" or "Not Recommended for employment".*
  - b. *Results for employees will be reported as "referral for education, treatment or rehabilitation program required" or "referral for education, treatment, or rehabilitation not required".*
3. *Ask an employee who is required to undergo an assessment and recommended education or treatment program to sign the Release of Information Form (RIF) releasing limited necessary information about the employee's participation. Give a copy of the signed release waiver to the employee and forward original copy of the release to the Human Resources Division which will transmit to the Mental Health and Substance Abuse Department.*
4. *If an employee or applicant refuses to take a drug screen, refuses to sign the consent or release forms or fails to report for a drug screen or treatment program, document the refusal. Include the*

*name of the applicant or employee, the position or the one for which a conditional offer had been made, the nature of the refusal, names of witnesses and the refusal date. For employees, include a discussion of the circumstances which caused the supervisor to have reasonable suspicion that the employee was involved in illicit drugs. Human Resources Division shall retain a copy of the documentation along with a copy of the letter to the GM for disciplinary or disqualification action.*

**B. Collection Site:**

- 1. Ask the applicant or employee to complete the Medical Information Form (MIF). Laboratory personnel shall assign a specific Specimen Identification Number (SIN) for each applicant or employee and enter the SIN on the form. Put the collection site location code on the MIF. Any unusual behavior, circumstances or findings and direct observation should be noted on this form.*
- 2. Initiate the collection site's Chain of Custody Form (CCF) and enter the Specimen Identification Number on the CCF. The employee or applicant, and each person at the collection site who has handled or transferred the specimen, must sign and date the Chain of Custody Form.*
- 3. Forward the Medical Information Form and the Chain of Custody Form along with the sealed specimen to the laboratory. DO NOT RETAIN ANY RECORDS ON EMPLOYEES OR APPLICANTS UNDERGOING DRUG SCREENING.*

C. *Laboratory:*

1. *Continue the Chain-of-Custody Form (CCF) by showing the date and signature of the person receiving the specimen. Report results within five (5) working days of receipt of the specimen. Before any results are requested, the laboratory personnel responsible for the test validation must review and certify all results as accurate.*
2. *Upon completion of initial and confirmatory tests, forward results to the General Manager and/or Administrator.*
  - a. *Report as negative all specimens which are negative on the initial test or are negative on the confirmatory test.*
  - b. *When a confirmatory test positive (CTP) occurs, forward CTP data, test results, Medical Information Form and the Chain-of-Custody Form (CCF) to GPA's contracted Medical Review Officer.*
3. *Each month, provide the Administrator with statistical information regarding the testing of GPA employees and applicants for GPA employment during that month. Report the statistical summaries in aggregate form without any personal identifying information. Include the following information in the summaries.*
  - a. *Initial Test:*

(1) *Number of specimens received*

(2) *Number of specimens reported out (negative)*

(3) *Number of specimens reported positive for:*

- *marijuana metabolites*
- *cocaine metabolites*
- *opiate metabolites*
- *phencyclidine*
- *amphetamines*
- *barbiturates*

**b. *Confirmatory Testing:***

(1) *Number of specimens received for confirmation*

(2) *Number of specimens reported (negative)*

(3) *Number of reanalysis requested*

(4) *Number of specimens confirmed positive for:*

- *marijuana metabolites*
- *cocaine metabolites*
- *opiate metabolites*
- *phencyclidine*
- *amphetamines*
- *barbiturates*

**D. *Medical Review Officer***

1. *Upon receipt of confirmatory test positive data, compare the results with the Medical Information Form (MIF). Retain the MIF and test data. Forward the final results and any comments to the*

*Administrator. DO NOT FORWARD THE MIF OR TEST DATA; RETAIN COPIES OF THESE RECORDS (RESULTS, TEST DATA AND MIF) FOR AT LEAST THREE (3) YEARS.*

2. *Provide monthly summaries of statistical information to the Administrator. Do not include any personal identification information in the statistical summary. Include the following information:*

a. *Number of confirmatory test positive (CTP) results received*

b. *Number of reanalysis requested*

c. *Number of CTP's not leading to confirmed positive results: consistent with legal drug use scientifically insufficient data.*

d. *Number of CTP's leading to Confirmed Positive Results (CPR).*

e. *Number of CPR's for:*

- *marijuana metabolites*
- *cocaine metabolites*
- *opiate metabolites*
- *phencyclidine*
- *amphetamines*
- *barbiturates*

E. *Human Resources Division*

1. *Maintain records for each applicant or employee requested to take a drug screen. Make every reasonable effort to maintain the confidentiality of these records whether they are stored electronically or on paper. Access to drug screening records is considered restricted and will be controlled.*

a. *Retain records forwarded from each of the divisions including the Affirmation of Policy Form (APF) and the Consent and Acknowledgement Forms (CAF); the Release of Information (RIF) and Access to Records Forms (ARF).*

b. *Retain records forwarded from the laboratory including the results and the monthly statistical summaries. Retain information forwarded from the Medical Review Officer (MRO); including the Confirmed Positive Results (CPR) and the monthly statistical summaries.*

2. *Keep records regarding applicants who have received a Confirmed Positive Result. Identify individuals not eligible for probational appointment. Section V below provides further instruction on certification of eligibles and examinations for new employees.*

F. *Applicants and Employees*

*Applicants and employees may request access to their records regarding the drug screening process. The request is made in writing to the GM. Applicants and employees must sign an Access to Records Form (ARF) releasing complete information from the laboratory and Medical Officer*

*to the Administrator and GPA or its officers, and relieving the Administrator, GPA or its officers, laboratory and Medical Review Officer (MRO) from any liability relating to the confidentiality of the individuals records.*

### **III. Maintenance and Security of Records**

*The Human Resources Division is responsible for maintaining strict security and confidentiality of the lists of applicants and employees which are retained until the report of results is received from the Administrator. These records are subject to GPA Confidentiality Policy.*

*Access to these records is restricted to personnel staff having Administrative responsibilities with the Drug Free Workplace Policy Program, persons in the supervisory chain of command, GPA Legal Counsel, the General Manager or his designee, Administrator and Board members upon request. No further access to these records can be authorized without the express consent of the General Manager.*

*The collection site, the laboratory and Medical Review Officer are responsible for maintaining confidentiality of all records related to the drug screening of GPA employees or applicants for GPA employment in accordance with these procedures.*

*The Administrator is responsible for the security and confidentiality of all records in the Administrator's control related to this program. These records are not subject to the Guam Freedom of Information Law (Title V GCA), also known as Guam Sunshine Law, and will not be disclosed publicly. The*

*Administrator will designate and document the personnel staff who will have access to these records.*

#### **IV. Use of Forms**

*Official forms to be used throughout the entire screening process are described in detail below. Samples of the official forms follow Part 5.*

*Indication of a social security number (SSN) on a form by an applicant or employee is on a voluntary basis. This information will help insure proper identification of records.*

##### **A. Affirmation of Policy Form (APF)**

*Affirmation of Policy Form are to be read, signed and dated by applicants and employees during program orientation and prior to any drug screens being conducted. The APF is used as a permanent record of prior knowledge by the applicants and employees of the drug screening policy.*

*The APF contains a general statement of policy. The form also includes an applicant or employee's name, social security number and badge number, signature and the date.*

##### **B. Consent and Acknowledgement Form (CAF)**

*Consent and Acknowledgment Form is to be read, signed and dated by each applicant or employee asked to take a drug screen. If an applicant or employee is requested to submit to drug screening more than once, a new consent form must be signed each time.*

*The CAF is a signed statement of consent to collect and analyze a urine specimen taken for the purpose of a drug screen. It is also used to acknowledge that the results of the screen will be made available to the GM and/or Administrator and the respective Division Manager where the employee works.*

*The CAF includes a space for the applicant's or employee's name, the social security number, badge number, and the employing division. The CAF also includes a space where the applicant and a witness sign and date the form.*

*C. Medical Information Form (MIF)*

*The MIF is used by the applicant or employee to list all prescription and non-prescription drugs, if any, taken within 48 hours of the test.*

*The accuracy of test results depend on information provided on the MIF. Collection site personnel will explain this form to each applicant or employee. Collection site personnel will also note any personal behavior, circumstances or findings on this form.*

*D. Chain-of-Custody Form (CCF)*

*GPA will utilize the Chain-of-Custody Form (CCF) of the contracted laboratory. Prior to implementation of the contracted laboratory's CCF, GPA will issue an advisory to employees officially notifying employees of such form.*

*The CCF is used to note each action taken and each person involved, from the beginning of the drug screening process through the reporting*

*of test results, for each urine sample. The CCF begins with the collection of the sample and continues with sealing of the sample until it is sent to the laboratory. The laboratory then receives, stores, and goes through each step of the testing process. Each succeeding action in the testing process will require the person completing a specific process to sign and date the CCF.*

*The following information must appear on all parts of the urine custody and control form:*

- a. Preprinted identification number*
- b. Donor's employee identification number which is to be entered by the collector.*
- c. Employer's name, address, and identification number.*
- d. Specification for which drugs will be tested.*
- e. Specification for reason for which test is conducted.*
- f. Indication of temperature range and time of reading.*
- g. Areas for information related to transfer of possession.*
- h. Information for collector to complete.*
- i. Laboratory accessioning information.*
- j. Information for donor to complete.*

E. *Release of Information Form (RIF)*

*The RIF is used to permit the release of pertinent education or treatment program information.*

*Employees who are required to undergo an assessment and referral for education or treatment due to confirmed positive drug screen are to read, sign and date this release. This form requires the signature of a witness designated by the Administrator.*

F. *Access to Records Form (ARF)*

*The purpose of the ARF is to allow the applicant or employee access to records concerning their drug screen and to release GPA from any liability regarding the confidentiality of these records. The applicant or employee requesting access to the records must read, sign and date this form. This form requires the signature of a witness by the Administrator.*

G. *Verification of Treatment Form (VTF)*

*The VTF form is used by the Department of Mental Health and Substance Abuse to report the status of an employee at the end of participation. This form is needed to verify the employee's successful completion in order to return to work. An authorized representative of Department of Mental Health and Substance Abuse, the employee, and a witness must sign the VTF.*

H. *Agreement to Participate in Education, Rehabilitation or Treatment Program Form*

*This form is to be read, signed, and dated by an employee who received a confirmed "positive" drug screen result. It is an agreement to participate in an education, rehabilitation or training program. Refusal to sign the agreement or failure to honor the agreement shall result in the disciplinary action stated. This agreement shall be filed with the Human Resources Division.*

I. *Form Supplies*

*The Human Resources Division will provide divisions with copies of the forms they will require.*

**V. *Applicants and Certified Eligibility Lists***

A. *Responsibilities*

*Pursuant to the GPA Personnel Rules and Regulations, the Administrator shall determine when and how an applicant is subject to disqualification and will maintain all related records. An applicant shall be offered conditional employment after being selected pending results of drug screening testing. The Administrator will ensure that a disqualified applicant is removed from the certified list of eligibles. All subsequent certification shall be pursuant to the provisions of the GPA Personnel Rules and Regulations.*

*A division will request a certified list of eligibles through normal procedures when filling a position. If a selected candidate is disqualified from the original certified list, the division may request an additional name for the original certified eligible list before making the next selection.*

*The Administrator shall initiate all actions necessary to have an applicant's name removed from the eligibility list. The applicant shall be notified of the specific reason for the removal. The notice will state the specific reason for the removal.*

## ***VI. Appeals and Adverse Action Procedures***

*A. Consequences: An applicant or employee shall be given official notice of any consequences which may result from the individual's action during the drug screening process or from a confirmed positive result. Consequences which could result during the drug screening process are defined below.*

### *1. Disqualification Actions*

*A confirmed positive result is considered failure by an applicant to meet a necessary conditional qualification of the job and is cause to void the conditional offer of employment.*

*a. Refusal to submit to a drug screen, refusal to sign the consent forms or failure to report for a drug screen by an applicant are considered the equivalent of receiving a*

*confirmed positive result for employment and disqualification purposes.*

- b. Intentionally tampering with the drug testing process by an applicant is considered deception or fraud in the securing of the applicant's eligibility and is cause to withdraw the offer of employment.*

## *2. Disciplinary Actions*

- a. An initial probationary employee's confirmed positive drug screen is considered conduct detrimental to GPA and is cause for immediate dismissal. GPA does not provide an initial probationary employee the opportunity for referral for education, rehabilitation or treatment program.*
- b. An employee's first confirmed positive drug screening result may be considered a threat to safety or inability to perform is cause to require a referral for and participation in a recommended education, rehabilitation or treatment program by the employee as a condition of continued employment.*

*An employee's subsequent confirmed positive result or tampering with the drug screening process is considered conduct detrimental to GPA and is cause for adverse action of dismissal in accordance with CSC Adverse Action Procedures.*

- c. *Refusal to submit to a drug screen, refusal to sign consent or release forms or failure to report for a drug screen are causes for disciplinary action.*
- d. *Failure to successfully complete a recommended education or treatment program is considered failure by the employee to meet a condition of employment and is cause for —dismissal.*
- e. *Refusal to participate or failure to accept the referral to the Department of Mental Health and Substance Abuse for assessment and recommendation for education or treatment program is cause for proposing adverse action.*
- f. *Disciplinary action shall not be recommended for an employee solely on the basis of a confirmed positive result if the employee:*
  - (1) *has not had a prior positive drug screens or the equivalent; and*
  - (2) *has successfully completed the assessment and recommended education, rehabilitation or treatment program.*
- g. *Divisions are not precluded from recommending disciplinary action for other circumstances that occurred in addition to the confirmed positive drug screen if these incidents are normally considered grounds for discipline.*

*B. Appeals Procedures*

*Following are appeals procedures separate and apart from the adverse action procedures of the CSC Adverse Action Procedures. Applicants and employees shall be afforded due process.*

*1. Positive Drug Screen Results*

*Confirmed positive results may be appealed to the General Manager by the applicant or employee within fourteen (14) calendar days of the date the individual was notified and given written notice of the results. Test results may be appealed on the grounds that the result is invalid because of failure to adhere to the technical standards established for the test or chain-of-custody procedures.*

- a. If it is determined by the GM in consultation with the Administrator that the technical standards were not met and that this failure may have altered the results, the General Manager has the discretion to request reanalysis using the original sample. The testing of a second sample will not be allowed in this instance.*
- b. If it is determined by the GM in consultation with the Administrator that the procedures were not followed and that this failure may have resulted in contamination of the sample, the GM has the right to request another specimen be obtained and tested. The Administrator should notify the employee of retesting and process employee for the*

*second drug screening test. Results of a retest will be considered final.*

2. *Disqualification Actions*

*In accordance with Rule 4.09 of GPA Personnel Rules and Regulations, removing the name of the applicant from the eligibility list may be appealed in person or in writing to the GM within ten (10) calendar days of the date the notice received by the applicant.*

3. *Disciplinary Action*

*Appeals regarding a dismissal, demotion, or suspension which resulted from a confirmed positive test result, refusal to participate in a drug screen, altering results, specimens or documents or failure to complete a required referral to the Department of Mental Health and Substance Abuse shall be in accordance with CSC Adverse Action Procedures.*

*A reassignment of duties while awaiting drug screening results or while participating in a treatment program shall be handled in accordance with GPA's grievance procedures.*

***GUAM POWER AUTHORITY***

***DRUG FREE WORKPLACE***

***IMPLEMENTATION PROCEDURES  
PART 4***

## **PART 4**

### **REFERRAL FOR EDUCATION, REHABILITATION OR TREATMENT**

#### ***I. Scope and Purpose:***

*This part implements the requirement of Section XIII (4) of the Standard Operating Procedures (SOP).*

#### ***II. Goal:***

*GPA will solely utilize the Department of Mental Health and Substance Abuse for its referral system for education, rehabilitation or treatment. GPA's plan for addressing the issue of drugs in the workplace includes provisions for counseling and education or treatment. The goal is for the employee to become and remain drug-free. A current employee whose first drug screen yields a confirmed positive result is required to undergo drug assessment and recommended education or treatment at the Department of Mental Health and Substance Abuse. It is GPA's primary objective to retain employee's state of physical and mental capacity as a productive and safe member of the workforce.*

#### ***III. Confidentiality:***

*The nature of the employee's problem or personal information provided to the education/treatment counselor or mental health clinician is private information. This information will not be disclosed to anyone outside the treatment or rehabilitation setting without the employee's consent.*

*The Administrator will need a statement or verification from the Department of Mental Health and Substance Abuse Counselor or Treatment Center clinician as to: 1) whether or not the employee is actively participating in the recommended education or treatment program; and 2) if the program was successfully completed by the employee. This information is necessary to document whether or not the employee meets the rehabilitation requirements. This information will be released only on a need-to-know basis to those persons authorized by the General Manager.*

*Only limited general information concerning the employee's participation in an education, rehabilitation or treatment program will be disclosed to the employee's supervisory chain of command, Human Resources personnel, or other entities not directly in the employee's management chain of command. This includes information necessary to schedule and approve the employee's leave time and to reassign the employee's job responsibilities. Recipients of information that may disclose or can be related to the employee's participation in an education or treatment program shall maintain utmost confidentiality of this information.*

#### ***IV. Authorized Treatment***

*The GM shall approve an employee's referral for drug education or treatment program once the drug screen is a confirmed positive result. The Administrator will initially consult with the employee to notify the employee of the referral to DMH&SA for assessment and education or treatment.*

*The DMH&SA counselor will determine the type of rehabilitation program the employee needs. Rehabilitation programs may vary depending on the nature and severity of the employee's substance use or abuse problem.*

A. *Program Requirements*

*DMH&SA is the only recognized drug assessment, rehabilitation and treatment facility on the island. The services rendered by DMH&SA shall be reimbursed by GovGuam Health Insurance Program. Employees without health insurance coverage shall be self-pay.*

*The DMH&SA shall determine the appropriate type of treatment, education or rehabilitation program needed for the employee. The treatment plan shall be determined by the DMH&SA. This includes the type and length of treatment; whether it is an inpatient or outpatient or both; and whether after-care treatment or follow-up is required.*

B. *Procedures*

*When a Division Manager receives notice from the Administrator that an employee is required to undergo drug assessment and referral to an education, rehabilitation or treatment program because of a confirmed positive drug screen, the following steps should be followed.*

1. *The Division Manager schedules a private meeting with the employee to provide verbal and written notification of the drug screen result and consequences. The Administrator shall be present in this meeting.*
  - a. *Notify the employee that the employee must contact the Human Resources Division Office for referral to DMH&SA in order for the employee to be scheduled for drug assessment evaluation within a reasonable time period.*



*assessment or recommended education, rehabilitation or treatment program or other pertinent information, is considered failure to successfully complete the program. The General Manager will notify the employee of proposed disciplinary action in accordance with the CSC Adverse Action Procedures.*

## **V. Work Responsibilities and Leave Provisions**

### **A. Employee's Job Responsibilities**

*Some education, rehabilitation and treatment programs may require the employee to be on full-time leave; others will not. A division manager may detail an employee to another position or group of duties and responsibilities, if the supervisor has justifiable reasons that the employee is unable to perform his/her normal duties safely while receiving treatment. If the employee is not on leave status for education, rehabilitation or treatment, the employee will be expected to perform assigned work responsibilities during his/her normal work schedule.*

*The employee will be expected to perform satisfactorily if on work status while undergoing an education, rehabilitation or treatment program. The supervisor must continue to document work performance and behavior of the employee. If the employee's job performance is unsatisfactory, the employee may be disciplined for poor work performance. If the employee continues to exhibit behavior which may indicate continued drug use during the education, rehabilitation or treatment period, the supervisor must provide documentation for reasonable suspicion (this is covered in detail in Part 5).*

*The GM may require the employee to submit to subsequent drug screen as necessary or warranted to determine if the employee is making a progressive effort to rehabilitate himself or herself by becoming drug-free, which is important in order to protect the safety and health of employees and the public.*

*B. Leave*

*An employee may be granted leave to participate in an appropriate and approved education, rehabilitation or treatment program. All leave requests shall be pursuant to the Personnel Rules and Regulations. The employee must provide proof of participation in the program to receive approval of leave request.*

*The employee may be granted sick and annual leave, or leave without pay. Whenever possible, the employee shall request that his/her education, rehabilitation or treatment sessions do not conflict with the employee's work schedule. Leave will be granted on a case-by-case basis and will be coordinated and verified with the DMH&SA.*

*If an employee does not report to work at the conclusion of the approved leave period, GPA may initiate disciplinary action in accordance with CSC Adverse Action Procedures.*

***GUAM POWER AUTHORITY***

***DRUG FREE WORKPLACE***

***IMPLEMENTATION PROCEDURES  
PART 5***

## **PART 5**

### **IDENTIFYING AND DOCUMENTING REASONABLE SUSPICION (GUIDE FOR SUPERVISORY CHAIN OF COMMAND)**

#### **I. Purpose:**

*This part implements the requirement of Section XIII(5) of the Standard Operating Procedures (SOP).*

#### **II. Scope:**

*Supervisors play a critical role in the drug screening process for current employees. It is up to the immediate supervisor with appropriate persons in the supervisory chain of command to determine if there is reasonable suspicion of illegal drug use by an employee and whether a drug screen request is appropriate. Legal Counsel may be requested to render assistance in determining the appropriateness of a decision in these situations.*

*The supervisor's action will be determined by each unique situation. Some situations require immediate action usually the same day on the part of the supervisor, while some circumstances require a series of documented steps over a period of time. All supervisors will be trained on the drug screening process, the referral system to the DMH&SA, and documentation of reasonable suspicion.*

*If the supervisor is uncertain about what action if any to take, the supervisor should seek assistance from the Human Resources Division or his immediate supervisor.*

*A. Situations Requiring Immediate Action*

*Situations requiring immediate action (drug screen request) on the part of the supervisor include:*

- 1. an on-the-job accident or occurrence which appears to have been the result of the employee's actions or inactions;*
- 2. an on-the-job incident like a medical emergency that appears to have been caused by illegal drug use by an employee;*
- 3. direct observation by the supervisor, or information reported to and supported by documentation or subsequently verified by the supervisor, that the employee is unable to carry out the responsibilities of the job, or may be a threat to safety; and*
- 4. physical on-the-job evidence of illegal drug use by the employee.*

*An on-the-job accident, incident or failure to execute job responsibilities does not necessarily indicate illegal drug use. However, if a supervisor observes or is aware of any of these situations, and there is reason to believe that illegal drugs may have been involved, the supervisor will proceed with the steps outlined herein to request the employee undergo a drug screen.*

B. *In situations requiring immediate action for a drug screen request, the supervisor will first document the incident which led the supervisor to believe the employee may have been impaired due to drug use. Include a full description of the incident including date, time, people involved, behavior, reactions and how performance was affected or how safety was threatened.*

*Continue to document the situation through notification of and confrontation with the employee. If the employee may be a threat to safety or may cause undue disruption of work activity, the supervisor will see that the employee remains away from the immediate work area while decisions are made regarding the drug screen request.*

*The supervisor will make every effort to consult or confer with his or her immediate supervisor or management official about problem situations taking place or emerging at the worksite. It is recognized that in an emergency (accident or threat to safety) it may not be possible to make timely contact with these parties. In this instance, the employee will be removed from the work area (but not sent home) while attempts to consult with the appropriate authorities take place.*

*The supervisor must continue to be very observant of the situation by documenting carefully and thoroughly the incident and notify the appropriate authorities within the normal chain-of-command as soon as possible about the circumstances.*

### **III. *Patterns of Deteriorating Performance***

*When an employee begins to show a pattern of deteriorating job performance, the supervisor will take a series of steps over a period of time, each of which requires full documentation. Substance abuse can affect an employee's job performance in many ways and supervisors must be aware of them. Supervisors need to be alert for and document the following if appearing as part of a pattern and not as isolated incidents.*

*A leader employee is not a supervisory level employee and does not have any authority as a supervisor in carrying out the department's responsibilities dealing with the Drug Free Workplace Policy. In no event should a leader employee have an involvement on subordinate employee's processing for drug screening.*

#### **A. *General Trends***

- 1. excessive absenteeism, peculiar excuses for absences*
- 2. excessive use of sick leave, particularly for minor illness such as colds, flu, or stomach problems*
- 3. frequent absences on Friday, Mondays or after holidays*
- 4. excessive tardiness*
- 5. long breaks, frequent trips to the bathroom, break area or parking lot and frequent early departures from work*

6. *higher than normal accident rates, both on and off the job*
7. *changes in appearance, such as flushed face, red or bleary eyes, carelessness in dress or appearance; hand tremors*
8. *needle marks on the arms*

*B. Performance Related Trends*

1. *inconsistent work patterns or disruption of work patterns*
2. *decreasing reliability; procrastination; memory gaps*
3. *tendency to neglect details formerly not neglected*
4. *friction with co-workers; placing blame on others*
5. *making consistent bad decisions; missing deadlines*
6. *requesting different job assignments*
7. *seeking loans from co-workers*
8. *wasting office supplies or materials due to errors*
9. *poor service to the public; complaints from the public*
10. *lack of cooperation; confusion*

11. *decreased productivity or quality of work*

12. *morale problems; unacceptable behavior*

*There are other explanations for such trend, and supervisors should be cognizant of this. Supervisors are not to jump to conclusions and should use good judgment. For more guidance on definition, see definition of "reasonable suspicion" in the Standard Operating Procedures (SOP) of the Drug Free Workplace Policy.*

C. *Such objective facts may include characteristics of the employee's appearance, behavior, mannerisms, speech or body odors. It also may be based on actual observation of the ingestion or use of alcohol or a drug by an employee, or be based upon reliable information that an employee is using or has recently used or possessed a controlled substance or was observed with an open container on GPA premises during work hours.*

*Examples include, but are not limited to:*

-- *Equilibrium: Does the person stagger, sway side to side or backward and forward when standing? Does the person stagger when walking?*

-- *Manner of Speech: Is the manner of speech slurred, rapid or exceptionally slow when compared to the person's normal manner of speech?*

-- *Mental reaction: May be done by observing the person in conversation with an other, or by personally conversing*

*with the person. Are statements consistent with the current topic of conversation? Is the person's logical pattern consistent or wander?*

-- *Odor of intoxicants on breath or clothing -Any suspected odor should be noted.*

-- *—Eyes - Are the person's eyes normal? Are the pupils constricted or dilated? Are the eyes extremely red or red rimmed? Does the person have difficulty focusing his eyes?*

-- *General appearance - Is the general appearance normal or abnormal compared to your knowledge of person's occasional dress habits? Is the person's clothing soiled, wrinkled or torn? Is the person usually neat and well groomed?*

-- *Physical actions - Is a normally calm person hyperactive or nervous? Does the person have the "jitters"? Is a normally energetic, active gregarious person dejected, inattentive, or withdrawn?*

-- *Work behavior - Is the person who normally has high quantity or quality of work producing less work or making more mistakes. Reasonable suspicion may be based on observation of intake of alcohol or a drug, or be based on reliable information that the employee was recently observed using or possessing a drug or container of alcohol.*

*Documentation of these patterns of deteriorating work performance is extremely important to the drug screening program. These records provide the basis for supervisors to require an employee submit to a drug screen and a clear record for the employee to review. The performance evaluation process should also be used as a part of the documentation.*

*Document actual events and observations rather than hearsay. Good work should be documented as well as poor performance. Documentation will include specific dates, times, people involved, behavior, reactions, overall performance and a general discussion of the circumstances.*

*Do not include medical diagnosis, conclusion about medical conditions or opinions about causes of the observed behavior.*

*A supervisor is not to request for an employee to undergo a drug screen based on isolated situation (unless it is an emergency situation such as an accident or threat to safety). Nor is a supervisor to request for an employee to submit to a drug screen without first counseling the employee about a problem of deteriorating job performance.*

*During the counseling session, the supervisor is not to diagnose the employee's problem, but point out where and how the employee's work performance has deteriorated. No mention of the employee being a drug abuser or addicted to drugs will be made during these counseling session. Be careful not to make statements that could be construed as defamation of character. Provide the employee with suggestions as to how to improve the employee's work performance to a satisfactory level. Encourage the employee to self-referral to the DMH&SA to deal with the situation which is affecting the employee's work performance.*

*Under normal circumstances, the supervisor should counsel the employee at least twice before requesting that the employee undergo a drug screen test. These counseling sessions must be documented thoroughly.*

*If an employee's job performance has not improved after two documented counseling sessions and the employee continues to exhibit some of the characteristics outlined above, confirm the observations regarding the employee. The supervisor's immediate superior or appropriate management in the chain-of-command should be consulted concerning the documentation of work problems of the employee.*

*Discuss and review the documentation and determine if the circumstances constitute reasonable suspicion that illegal drug use is the reason for the employee's deteriorating job performance. Factors to consider include the general trends and patterns outlined above and comparisons with the employee's previous work performance. Also, refer to the definition of "reasonable suspicion" in the definition provided by the SOP of the Drug Free Workplace Policy.*

*If the division officials (the chain-of-command of the employee) agree that the employee's work performance has declined to a degree that further steps must be taken and that no improvement has been shown after counseling sessions, contact the Human Resources Division. If necessary the Legal Counsel should be consulted as well. The division's officials, Legal Counsel and Human Resources Division may review the documentation on the series of events which led the reporting supervisor to consider recommending drug screening for the employee. If division officials in consultation with Legal Counsel and Human Resources Division concur that drug screening is warranted, the referring division shall initiate the drug screening schedule for the employee as outlined in the SOP and implementing procedures.*

***GUAM POWER AUTHORITY***

***DRUG FREE WORKPLACE***

***FORMS***



## **GUAM POWER AUTHORITY AFFIRMATION OF POLICY FORM (APF)**

### **Statement of Policy**

*The Guam Power Authority is committed to a drug-free workforce to protect the safety of employees and the public. The Authority administers a drug-screening program with strict policies and procedures in place to ensure its accuracy and integrity.*

*It is the policy of the Guam Power Authority that applicants given conditional offer of employment shall submit to a drug screen. In order to protect the safety of employees and the public, no applicant whose test shows illegal drug use will have his/her employment considered.*

*It is the policy of the Guam Power Authority that employees may be required to take a drug screen to show they are drug-free if there is reasonable suspicion or illegal drug use. The Authority will give current employees an opportunity to rehabilitate and return to their jobs as productive members of the workforce. Current employees who do not rehabilitate or who have a second confirmed test which shows illegal drug use may be disciplined in accordance with the Civil Service Commission Adverse Action Procedures.*

*It is the policy of the Guam Power Authority to inform applicants and employees of drug screening program prior to being conducted. The Authority will consider the drug screening results and the medical information provided by applicants and employees as confidential.*

### **Affirmation of Policy**

*As an applicant for or an employee of the Guam Power Authority, I affirm that I have read and understand the meaning of the above statement of policy regarding the Authority's Drug Screening Program. As an applicant, I am aware that my offer of employment is conditional upon the results of a drug screen.*

*As an employee of the Authority, I am aware that I may be required to undergo a drug screen based upon reasonable suspicion, that I will be informed prior to the drug screen, and that I may be referred to an education, rehabilitation or treatment program depending on the results of the drug screen. I acknowledge that the Authority has the*

*right to enforce its drug-free workplace policy through drug screening carried out at the Authority's expense by qualified professionals. I also acknowledge that if I refuse to be tested, I will be subject to disciplinary action.*

*Additionally, I acknowledge and agree that I will not report to work when I am in any way affected by the use of any drug or narcotic, except those lawfully prescribed by a physician, and that if I do so, I will be subject to immediate disciplinary action including dismissal.*

\*\*\*\*\*

Applicant

Employee

Name: \_\_\_\_\_ Badge No.: \_\_\_\_\_

Social Security No.: \_\_\_\_\_

Division/Section: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant/Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Division Manager

\_\_\_\_\_  
Date

Original: Personnel Jacket  
Copy: 1) Applicant/Employee  
2) Human Resources Division



## GUAM POWER AUTHORITY

### CONSENT AND ACKNOWLEDGMENT FORM (CAF)

As an applicant for or an employee of the Guam Power Authority, I hereby consent to and acknowledge that I am scheduled to undergo a drug screen. The drug screen will involve an analysis of a urine sample which I will provide at a designated collection site. The purpose of the screen will be to test for the presence of the following substances: marijuana, cocaine, PCP, opiates, amphetamines and barbiturates. I acknowledge that the drug screen result will be made available to the General Manager and/or the Personnel Services Administrator, HRD. As an applicant, I am aware that my conditional offer of employment will be rescinded should I receive a confirmed positive test result. As an employee, I am aware that I will be referred for an education, treatment or rehabilitation program should I receive a confirmed positive test result. If I refuse to undergo treatment, or if I have received a previous confirmed positive test result, I am aware that I may be subject to disciplinary action in accordance with the Civil Service Commission Adverse Action Procedures. I will present a copy of this form to the Collection Site when I report for my scheduled drug screen.

Name of Applicant or Employee: \_\_\_\_\_

Social Security No.: \_\_\_\_\_ Badge No.: \_\_\_\_\_

Division/Section: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant or Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Division Manager  
or Authorized Designee or Witness

\_\_\_\_\_  
Date

Original: Human Resources Division  
Copy: 1) Collection Site  
2) Employee or Applicant



(CONFIDENTIAL)

## GUAM POWER AUTHORITY

### MEDICAL INFORMATION FORM (MIF)

*I hereby consent to have a specimen of my urine submitted and I understand that it will be used for analysis by Physician's Diagnostic Laboratory. The result of the test on my specimen will be made available to the Guam Power Authority and used for employment evaluation or referral for education, treatment, or rehabilitation. I hereby release all physicians, medical facilities, testing facilities, clinics; and the Guam Power Authority, its employees and officers; from any and all liability whatsoever arising from the release of the information discovered from my test.*

Source ID No.: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Please circle one:    Male    Female

Date of Birth: \_\_\_\_\_

Have you taken any over-the-counter or prescription medication in the last 48 hours?    Yes    No

Date: _____	Time: _____	Medication: _____
Date: _____	Time: _____	Medication: _____
Date: _____	Time: _____	Medication: _____
Date: _____	Time: _____	Medication: _____

*I hereby certify the above statement is accurate and true to the best of my knowledge.*

Signature of Applicant or Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Sample obtained by: \_\_\_\_\_

Signature of Laboratory Personnel: \_\_\_\_\_

Date: \_\_\_\_\_



(CONFIDENTIAL)

## GUAM POWER AUTHORITY

### EDUCATION, REHABILITATION OR TREATMENT VERIFICATION FORM

*This certifies that the following individual participated in a drug evaluation and was recommended for an education, rehabilitation or treatment program as a mandatory referral to the Department of Mental Health and Substance Abuse.*

**Name of Employee:** \_\_\_\_\_ **Badge No.** \_\_\_\_\_

**Social Security No.:** \_\_\_\_\_

*Check appropriate box(es) to designate the individual's status at the end of their program participation:*

1.  *This individual successfully completed the recommended program. Determination is based on clinical evidence contained in our records that the individual is free of illegal drugs.*
  
2.  *This individual failed to successfully complete the recommended program. Determination is based on:*
  - (a)  *failure by the individual to participate; and/or*
  
  - (b)  *clinical evidence contained in our records that the individual is not free of illegal drugs.*

*Clinical evidence includes a drug screening test result.*

Yes     No

**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name of Facility:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Facility Authorized  
Representative**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Employee**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Human Resources Division  
Witness Signature**

\_\_\_\_\_  
**Date**

*Original: Human Resources Division*

*Copy: 1) Employee*

*2) Department of Mental Health and Substance Abuse*



## **GUAM POWER AUTHORITY**

### **ACCESS TO RECORD FORM (ARF)**

*As an applicant or employee of the Guam Power Authority, I request access to all records relative to my drug screening test. I understand that my complete records, including medical review, screening information and results will be released to the General Manager and/or The Personnel Services Administrator, HRD. I understand that by requesting access to these records, I hereby release the Guam Power Authority from any and all liability regarding the confidentiality of these records.*

**Name of Applicant or Employee:** \_\_\_\_\_

**Division/Section:** \_\_\_\_\_

**Social Security No.:** \_\_\_\_\_ **Badge No.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Applicant or Employee**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Human Resources Division**  
**Witness Signature**

\_\_\_\_\_  
**Date**

*Original: Human Resources Division*

*Copy: 1) Employee*

*3 2) Department of Mental Health and Substance Abuse*



(CONFIDENTIAL)

## **AGREEMENT TO PARTICIPATE IN EDUCATION, REHABILITATION OR TREATMENT PROGRAM**

### **Part A**

*Participation in an education, rehabilitation or treatment program is offered to you as an alternative to dismissal from Guam Power Authority.*

### **Part B**

*If you agree to participate, cooperate, make satisfactory progress in, and complete the program as recommended by the General Manager, which may include drug and alcohol analysis testing, the disciplinary action above will not be taken or will be mitigated.*

### **Part C**

*Under any option, satisfactory conduct and satisfactory job performance must be maintained. Your being referred for an education, rehabilitation or treatment program does not replace the General Manager's option to initiate an adverse action against you if unsatisfactory job performance or unsatisfactory conduct continues.*

### **Part D**

*Your signature below signifies your agreement to participate in the education, rehabilitation or treatment program. Refusal to sign this agreement or failure to honor your agreement to participate and comply with the program shall result in the disciplinary action indicated in Part A above.*

\_\_\_\_\_  
**Employee Signature/Badge No.**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**General Manager**

\_\_\_\_\_  
**Date**

Original Copy: Human Resources Division

Copy: Employee



(CONFIDENTIAL)

## CONSENT FOR RELEASE OF INFORMATION

### SIGNATURE AND DATE

Your signature allows us to release to, or obtain information from the following person(s):

1. GENERAL MANAGER: \_\_\_\_\_
2. GPA PERSONNEL SERVICES ADMINISTRATOR: \_\_\_\_\_
3. DEPARTMENT MANAGER/SUPERVISOR: \_\_\_\_\_
4. MEDICAL REVIEW OFFICER: \_\_\_\_\_
5. OTHERS: \_\_\_\_\_

\_\_\_\_\_  
*GPA Referred Client Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Print Name of Client*

Consent to be cancelled on: \_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Initial of Client*

\_\_\_\_\_  
*Human Resources Division Witness Signature*

\_\_\_\_\_  
*Date*



(CONFIDENTIAL)

**ACKNOWLEDGEMENT OF  
DEPARTMENT OF MENTAL HEALTH AND  
SUBSTANCE ABUSE (DMH&SA)**

***Policies and Procedures***

I, \_\_\_\_\_, hereby acknowledge that I am a GPA referral client  
**CLIENT'S NAME**

to the Department of Mental Health and Substance Abuse.

*I, the undersigned, agree to abide by the policies and procedures of the Department of Mental Health and Substance Abuse and all rules and regulations governing conduct, care and treatment. Failure to abide by these rules and regulations or to involve myself in therapy may result in discharge and termination of services by the department.*

\_\_\_\_\_  
**Signature of GPA Referred Client**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name of Client**

\_\_\_\_\_  
**Mailing Address**

\_\_\_\_\_  
**Human Resources Division  
Witness Signature**

\_\_\_\_\_  
**Date**



## GUAM POWER AUTHORITY DRUG FREE WORKPLACE

### SELF-REFERRAL LETTER

This letter acknowledges that you are seeking help with an alcohol and/or drug problem and indicates the Human Resources Division's role in helping you to become and remain alcohol and drug-free.

Treatment of alcohol and drug abuse may require a brief period at a hospital or other rehabilitation facility. The Human Resources Division will identify community resources for treatment and follow-up maintenance for your use. HRD staff will also monitor your recovery periodically during your employment as a supportive influence toward your achieving and maintaining abstinence.

To enable HRD to perform this supportive role, we will need your consent for us to receive communications from your treatment resources about your status and your agreement to permit alcohol and drug screening tests to assure that you are capable of performing your job in a safe and effective manner. Depending on your progress in treatment, management may require tests as part of the medical examination to determine your fitness to work and periodically thereafter.

To ensure that you are eligible for short term disability benefits while absent due to this medical condition, and that you become and remain medically fit for employment, you must achieve and maintain a completely alcohol and drug-free status, regularly attend rehabilitation and maintenance programs and provide us with retest urine and blood specimens for monitoring as requested. In so doing you will meet the medical rehabilitation requirements.

If you do not fully participate in the rehabilitation program or are in violation of Authority rules and regulations under the Drug Free Workplace Policy, such as being at work with a positive test for alcohol or drugs, it will become necessary for HRD to advise management that you have failed to comply with agreed upon actions for rehabilitation to meet the conditions of employment under the Alcohol and Drug Rehabilitation and Control Programs. Failure to comply with the requirements of the Alcohol and Drug Rehabilitation and Control Programs could result in disciplinary action up to and including termination.

For further information, you are referred to the Drug Free Workplace Policy in effect at this affiliate.

### HUMAN RESOURCES DIVISION

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I have read this letter and understand that if I do not fully participate in the rehabilitation program or am in violation of Authority rules and regulations under the Drug Free Workplace Policy, such as being at work with a positive test for alcohol or drugs, it will become necessary for HRD to advise management that I have failed to comply with agreed upon actions for rehabilitation which are conditions of employment under the Drug Free Workplace Policy.

Employee's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_