



LBP LEASING AND FINANCE CORPORATION

(A LANDBANK SUBSIDIARY)

OFFICE CIRCULAR No. OC-18-013

Date of Issue : 27 December 2018
Guidance to : All LLFC Officers and Employees
Subject : **DRUG-FREE WORKPLACE PROGRAM**

POLICY STATEMENT:

It is the policy of LBP Leasing and Finance Corporation (LLFC) to ensure compliance with all pertinent government issuances.

Executive Order No. 66 dated 29 October 2018 was issued by President Rodrigo R. Duterte to institutionalize the Philippine Anti-Illegal Drugs Strategy (PADS) and directing all government offices, including GOCCs to implement the PADS in accordance with their respective mandates. Further, it directs all government entities to formulate and adopt a Drug-Free Workplace Program and to conduct Authorized Drug Testing among their officials and personnel in accordance with R.A. No. 9165 and other relevant issuances, i.e., CSC Memorandum Circular No. 13, s. 2017.

POLICIES AND GUIDELINES:

I. DEFINITION OF TERMS

Chain of Custody Form - A laboratory shall use documented chain of custody procedures to maintain control and accountability of specimens. The date and purpose shall be recorded on an appropriate Custody Form each time a specimen is handled or transferred and every individual in the chain shall be identified. Accordingly, authorized collection staff shall be responsible for each specimen in their possession and shall sign and complete the Custody Forms. The minimum information required on the Custody Form are the following:

1. Information identifying the specimen
2. Date and time of collection
3. Name of testing laboratory
4. Name and signatures of all individuals who had custody of the sample during the collection process

Challenge Test – A drug test conducted as a result of a challenge filed by an officer or employee who tested positive for drug use in a confirmatory test.

Chronic User / Drug Dependent – a person identified for using drugs / other substances (mind-altering or not) without medical need, in an amount large enough or over a period long enough to threaten the quality of life or health and safety of the user or others.

Confirmatory Test – An analytical test using a device, tool or equipment with a different chemical or physical principle that is more specific which will validate and confirm the result of the screening test.

Dangerous Drugs – Include those identified and listed in R.A. No. 9165 and its annexes, subject to any reclassification, addition or removal of any drug from said list by the Dangerous Drugs Board, in accordance with Section 93 of R.A. No. 9165.

Drug Dependency Examination – refers to the examination conducted by an accredited physician to evaluate the extent of drug abuse of a person and to determine whether he/she is a drug dependent or not, which includes history taking, intake interview, determination of the criteria for drug dependency, mental and physical status, and the detection of dangerous drugs in body specimens through laboratory procedures.

Drug Test – the process undertaken to determine the presence of dangerous drugs in a person's system, to include both screening test and confirmatory test.

Experimenter – a person whose drug use began through exploration with limited exposure and no development of regular use or any related harm.

Occasional User – a person who indulges in drug use to create or enhance experience in any social setting.

Random Testing – a method of drug testing where the selection process results in equal probability that any employee from a group of employees will be tested, and without any prior notice of the date and venue.

Rehabilitation – a dynamic process including aftercare and follow-up treatment directed towards the physical, emotional / psychological, vocational, social and spiritual change of a drug dependent to enable him/her to live without dangerous drugs, enjoy the fullest life compatible to his / her capabilities and potentials, and become a law abiding and productive member of the community.

Screening Test – a rapid test performed to establish potential / presumptive positive result.

II. PRE-EMPLOYMENT DRUG TESTING

Drug testing shall be a requirement for initial entry to LLFC service for appointive officials and employees. Any applicant found positive for drug use shall be denied entry to LLFC service.

III. INITIAL AND SUBSEQUENT DRUG TESTING OF LLFC OFFICERS AND EMPLOYEES

Within six (6) months from the effectivity of these guidelines, LLFC Management, through the Corporate Services Group (CSG), shall conduct a mandatory, random and suspicionless drug testing of its incumbent officers and employees as a condition for retention in the service.

The frequency of subsequent random drug tests shall be determined by LLFC Management based on the number of officers and employees, nature of work being discharged by the incumbents, funding, and other logistics. Subsequent random testing shall be periodically conducted in an interval not to exceed two (2) years.

LLFC Management shall conduct the drug test in accordance with the procedures set forth by the Dangerous Drugs Board, which shall be disseminated to their personnel, to include but not limited to the following:

- a. The drug test shall only be conducted by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the DOH.
- b. The randomly selected officers and employees will fill up and sign a chain of custody form issued to them.
- c. The specimen bottles must be properly labeled and taking of specimen samples for screening test must be done in an area where manipulation (e.g. adding of water) is not possible.
- d. Specimen samples found positive in the screening test shall be submitted for confirmatory testing within the same day.

A positive drug test result from the confirmatory test shall immediately be made known to the LLFC President, or to the Head-CSG who shall then notify the concerned officer or employee in writing. Said officer or employee shall have fifteen (15) days from receipt of Notice to challenge the result of the confirmatory test. The challenge test shall be conducted, using the same specimen, by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the DOH. Failure to file a challenge within the prescribed period shall make the positive drug test result from the confirmatory

test final and LLFC Management shall then take the appropriate action as provided in the succeeding section.

A positive drug test result from the challenge test is deemed final and the officer or employee shall be immediately subjected to the provisions in the succeeding section.

The drug test result shall be attached to the 201 file of the officer or employee. All drug test results and records must strictly be held confidential as provided for under the pertinent provisions of R.A. No. 9165.

IV. INTERVENTIONS

1. Officers and employees who are found positive of dangerous drugs at the first instance after the challenge test, or after positive drug test result from a confirmatory test should the concerned officer or employee fail to challenge said result, shall undergo a Drug Dependency Examination, conducted by the DOH or by any medical practitioner accredited by the DOH, to conduct said examination and shall be subjected to the following treatment and rehabilitation program:
 - a. Experimenter – Outpatient, guidance counseling for six (6) months.
 - b. Occasional User – Outpatient, guidance counseling and regular monthly drug testing for six (6) months which shall be at the personal expense of officer or employee concerned.
 - c. Chronic User / Drug Dependent – Mandatory continuous treatment and rehabilitation for a minimum period of six (6) months in a government rehabilitation center, a DOH accredited private rehabilitation program sanctioned under the rules of the Dangerous Drugs Board.
2. An officer or employee found to be an Experimenter shall shoulder the expenses of his / her guidance counseling. The same rule shall also apply to an officer or employee found to be an Occasional User, who shall undergo the guidance counseling and regular monthly drug testing. Time spent for counseling and regular monthly drug testing, if done during office hours, shall be charged against the officer or employee's leave credits. For this purpose, the officer or employee's leave credit shall be utilized and when exhausted, vacation leave credits may be utilized for the purpose. If all leave credits are used, absence shall be on leave without pay.

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

3. Any officer or employee found to be a Chronic User/Drug Dependent, based on the result of the Drug Dependency Examination, and who will undergo a mandatory rehabilitation program for a minimum period of six months shall be considered on sick leave for the entire period of his / her rehabilitation. When the concerned officer or employee's sick leave is exhausted, his / her vacation leave credits may be utilized for the purpose. If all leave credits are used, his / her absence shall be on leave without pay.

The officer or employee shall undertake the processing of his admission to a rehabilitation center in accordance with the provision of R.A. No. 9165 and existing rules of the Dangerous Drug Board.

The officer or employee concerned shall shoulder the expenses of his / her rehabilitation, which shall commence within fifteen (15) days from receipt of Drug Dependency Examination results, to give way to the processing of the necessary clearances.

The officer or employee concerned shall secure a certificate of completion of his / her rehabilitation program and clearance from his / her attending physician that he / she has been successfully rehabilitated and is now fit to return to work. Said officer or employee shall not be allowed to report back to work without first submitting said certification and clearance to LLFC through CSG.

V. ADMINISTRATIVE LIABILITY

1. Officers and employees found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation shall be charged with the administrative offense of Grave Misconduct.
2. Officers and employee who are not issued a certificate of completion (in the case of experimenter and occasional user) or a certificate of completion with clearance (in the case of a chronic user / drug dependent), shall be charged with the administrative offense of Grave Misconduct.
3. Any officer or employee who, after being tested positive of drug use, shall refuse to undergo treatment or rehabilitation, or fails to complete his / her treatment or rehabilitation program, shall be charged with the administrative offense of Grave Misconduct.

The charge of Grave Misconduct shall be grounded on the fact that said officer or employee was tested positive of drug use and not on his / her refusal to undergo or failure to complete his / her treatment.

4. Any officer or employee who refuses, without any valid reason, to submit himself / herself for drug testing, shall be charged with the administrative offense of Gross Insubordination.

5. Officers and employees who, for the second time, have tested positive in a random drug test after completion of his/ her treatment and / or rehabilitation program or shall be found to have used dangerous drugs during the prescribed period of intervention or rehabilitation, shall be charged with the administrative offense of Grave Misconduct.
6. Any officer or employee found to have tampered the result of a drug test or interfered in the conduct of the drug test or in the release of drug test results shall be charged with the administrative offense of Grave Misconduct.
7. Officials and employee caught using or peddling drugs shall be charged with the administrative offense of Grave Misconduct, without prejudice to the filing of appropriate criminal charge/s under R.A. No. 9165 and other pertinent laws.

VI. FUNDS

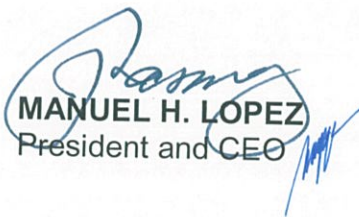
LLFC shall bear the expenses for the conduct of the screening and confirmatory drug test of its employees, subject to existing budgeting, accounting and auditing rules and regulations. Funds for the conduct of the screening and confirmatory drug tests may be sourced LLFC's budget for personnel development. Henceforth, LLFC shall include the funds for the conduct of subsequent drug tests in its annual budget proposal for personnel development.

However, drug test conducted as a result of a challenge to a positive drug test result from the confirmatory test shall be charged to the personal account of the concerned officer or employee.

VII. EFFECTIVITY

These policies and guidelines shall take effect after fifteen (15) days following its uploading in the LLFC website and posting in the LLFC employees' Bulletin Board.

For guidance and compliance.


MANUEL H. LOPEZ
President and CEO