

I Mina' Trentai Dos Na Liheslaturan Guåhan
Resolutions Log Sheet

| Resolution No. | Sponsor | Title | Date Intro | Date of Presentation | Date Referred | Committee / Ofc Referred | Date Adopted |
|-----------------------|--------------------|---|--------------------|----------------------|-----------------|---|--|
| 87-32 (LS) | Committee on Rules | Relative to adding a new Part G, Rule XX to the Standing Rules of I Mina' Trentai Dos Na Liheslaturan Guåhan to establish a drug free workplace policy within the Guam Legislature | 03/27/13 | | | | 4/2/13-Transmitted to the Governor |
| | DATE PASSED | TITLE | TRANSMITTED | | DUE DATE | <small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small> | NOTES |
| | 4/1/2013 | Relative to adding a new Part G to Rule XX of the Standing Rules of I Mina' Trentai Dos Na Liheslaturan Guåhan to establish a Drug Free Workplace Policy within the Guam Legislature. | 4/2/13 | | | | Passed as amended on the Floor. |

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Resolution No. 87-32 (LS)

As amended on the Floor.

Introduced by:

Committee on Rules

Relative to *adding* a new Part G to Rule XX of the Standing Rules of *I Mina'Trentai Dos Na Liheslaturan Guåhan* to establish a Drug Free Workplace Policy within the Guam Legislature.

1 **BE IT RESOLVED BY *I MINA'TRENTAI DOS NA LIHESLATURAN***
2 ***GUÅHAN*:**

3 **WHEREAS, *I Liheslaturan Guåhan*** operates as a separate, co-equal branch
4 of our government, independent of the Executive and Judicial branches; and

5 **WHEREAS,** it is within *I Liheslaturan Guåhan* that the laws, the policies,
6 and mandates are created and set forth for the operations of this government and
7 this island; and

8 **WHEREAS,** all legislative employees, Senators included, have a critical
9 role in the legislative process in formulating public policy for our island; and

10 **WHEREAS,** all legislative employees have a reasonable expectation to
11 work in an environment free from the effects of drug abuse and/or alcohol abuse;
12 and

13 **WHEREAS,** it is the duty and responsibility of *I Liheslaturan Guåhan* to
14 maintain a safe and productive work environment, and to work safely, effectively,
15 and efficiently; and

1 **WHEREAS,** *I Liheslaturan Guåhan* is a zero-tolerance branch of
2 government with regards to illegal drug use; and

3 **WHEREAS,** it *shall* be the policy of *I Liheslaturan Guåhan* to continue to
4 maintain a position of leadership, to operate in an effective workplace
5 environment, and to employ a workforce free of the illegal use of drugs and
6 alcohol; now therefore, be it

7 **RESOLVED,** that *I Mina'Trentai Dos Na Liheslaturan Guåhan* does hereby
8 adopt the attached Drug Free Workplace Policy; and be it further

9 **RESOLVED,** that the Drug Free Workplace Policy be therefore included in
10 the Standing Rules as a new Part G of Rule XX; and be it further

11 **RESOLVED,** that the Executive Director *shall* develop Standard Operating
12 Procedures, using the applicable provisions of the Guam Judiciary's Drug Free
13 Workplace Policy Standard Operating Procedures, to implement the Legislature's
14 Drug Free Workplace Policy adopted by this Resolution. The Standard Operating
15 Procedures *shall* be subject to approval or amendment by the Committee on Rules;
16 and be it further

17 **RESOLVED,** that copies of this Resolution and the Drug Free Workplace
18 Policy be distributed to all employees of *I Liheslaturan Guåhan*.

DULY AND REGULARLY ADOPTED BY *I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN* ON THE 1ST DAY OF APRIL, 2013.



JUDITH T. WON PAT, Ed.D.
Speaker



TINA ROSE MUÑA BARNES
Legislative Secretary



I Liheslaturan Guåhan

DRUG FREE WORKPLACE POLICY

PART G

RULE XX

I Liheslaturan Guåhan

DRUG FREE WORKPLACE POLICY

Section 20.01. Scope and Purpose.

I Liheslaturan Guåhan is mandated by law to efficiently and effectively administer to the people of Guam. It is within the halls of this dignified institution that the laws governing Guam are most respected, and fervently protected and upheld.

Employees play a critical role in the legislative process and are the Guam Legislature's most valuable resources and, therefore, their health and safety is a serious concern. *I Liheslatura* will *not* tolerate the illegal use of drugs or the abuse of alcohol which imperil the health and well-being of its employees or threatens the Legislature's ability to properly fulfill its obligation to the people of Guam as mandated by law.

The illegal use of drugs or abuse of alcohol, on or off-duty, is inconsistent with the law abiding behavior expected of all *Liheslaturan Guåhan* employees. Employees who illegally use drugs or abuse alcohol on or off-duty, may be less productive, less reliable and prone to greater absenteeism, which may result in increased costs, delays and the failure to fulfill professional responsibilities. These behaviors threaten *I Liheslatura's* ability to fulfill its mandated responsibilities.

Employees have a reasonable expectation to work in a drug and alcohol free environment and to work with persons free from the effects of the illegal use of drugs or the abuse of alcohol. Employees who illegally use drugs or abuse alcohol may be a danger to themselves, other employees, and the public. The illegal use of drugs or the abuse of alcohol by employees may decrease *I Liheslatura's* productive resources and the health and well-being of *I Liheslaturan Guåhan* workers and their families.

I Liheslatura will vigorously comply with the applicable requirements of the Federal Drug Free Workplace Act of 1988 (Appendix A).

It is the duty and responsibility of *I Liheslatura* and its employees to maintain a safe and productive work environment, and to perform duties and responsibilities as safely, effectively, and efficiently as possible. In order to accomplish this goal, *I Liheslatura* and its employees *shall*

not be adversely affected or impaired in any way by the illegal use of drugs, the abuse of alcohol, or the presence of illegal drugs.

Section 20.02. Objectives.

(A) To strengthen the leadership of *I Liheslaturan Guåhan* and its employees to ensure a drug-free and alcohol-free work environment.

(B) To provide a safe and productive work environment for *all* employees.

(C) To provide a work environment free of any adverse effects of job performance caused by drug or alcohol related problems.

(D) To provide reasonable assistance toward rehabilitation for an employee seeking help for a drug or alcohol related problem.

(E) To satisfy and conform with the applicable requirements off the Federal Drug-Free Workplace Act of 1988 (PL 100-690 or 28 CFR part 67.)

Section 20.03. Policy.

It *shall* be the policy of *I Liheslaturan Guåhan* to maintain a leadership and workforce free of the illegal use of drugs and abuse of alcohol.

(A) Reporting to work or performing work for *I Liheslaturan Guåhan* while impaired by or under the influence of illegal drugs or alcohol is prohibited.

(B) The illegal use, possession, dispensation, distribution, manufacturing or selling of a controlled substance by an employee at the work-site during normal work hours or while the employee is on duty, on official legislature business, or on stand-by duty is prohibited.

(C) Violation of Sections (A) or (B) above is considered conduct detrimental to the ability of *I Liheslaturan Guåhan* to perform its mandated duties, and a violation of Section 14.04(g) of *I Liheslatura's* Standing Rules, which will result in appropriate actions in accordance with Rule XIII, Section 13.03 of *I Liheslatura's* Standing Rules.

(D) Employees are required to notify the Executive Director within five (5) working days of any criminal drug or alcohol related conviction.

(1) An employee who is convicted of violating any criminal drug or alcohol statute where such conviction was due to an occurrence at the work-site, during normal work hours or while on duty, official business or on stand-by duty will be subject to appropriate actions in accordance with *I Liheslatura's* Standing

Rules.

(2) A conviction means a finding of guilt (including plea of no contest) or the imposition of a sentence by a judge or jury in a court of law.

(E) All employees of *I Liheslaturan Guåhan* will be given a copy of *I Liheslaturan Guahan's Drug Free Workplace Policy* and amendments thereafter. Employees are hereby informed that they must abide by the terms of the policy as a condition of employment and the consequences of any violation of such policy. Notification and receipt of this policy will be required as part of a new employee orientation. Employees must read and sign the Drug Free Workplace Affirmation form which will be made a part of their confidential employee file.

Section 20.04. Employee Assistance Program (EAP).

When required by federal or local law, *I Liheslaturan Guåhan* will make available an Employee's Assistance Program (subject to the limitation and availability of local resources) to employees needing education or counseling or rehabilitation for illegal drug use and alcohol abuse.

Section 20.05. Drug and Alcohol Abuse Awareness Program.

I Liheslaturan Guåhan will educate employees about the dangers of the illegal use of drugs and alcohol abuse. *I Liheslatura* will provide a Drug and Alcohol Abuse Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. This training will be conducted on an annual basis and requires mandatory attendance of all employees.

I Liheslatura will use the program in an ongoing educational effort to prevent and eliminate illegal drug use and alcohol abuse.

The Drug and Alcohol Abuse Awareness Program *shall* provide information to employees as follows:

- (1) The dangers of the illegal use of drugs and abuse of alcohol;
- (2) *I Liheslatura's Drug Free Workplace Policy*.
- (3) The availability of treatment and counseling for employees who voluntarily seek such assistance; and
- (4) The appropriate actions that *I Liheslaturan Guåhan* will take for violations of its

Drug Free Workplace Policy.

Section 20.06. Drug and Alcohol Screening Program.

Upon selection for employment with *I Liheslaturan Guåhan*, employees must take and pass urinalysis testing for illegal use of drugs. Expenses incurred for this examination may be paid using legislative funds. Failure to submit to drug testing will result in immediate disqualification or disciplinary action. Please refer to the standard operating procedures governing this program.

(A) Types of Drug and Alcohol Testing:

1. Pre-Employment testing – Conditional offer of employment;
2. Random testing of testing designated positions;
3. Promotion, demotion, or transfer to a testing designated position - Conditional Offer of Employment;
4. Reasonable Suspicion testing: any employee who is subject to a reasonable suspicion of drug or alcohol abuse;
5. Critical Incident testing;
6. Follow-Up Testing; and
7. Voluntary Testing at the expense of the employee.

(B) Medication.

Employees taking prescribed medication that could interfere with proper performance of their duties will notify their supervisor. The Executive Director reserves the right to require a written physician's statement verifying the effect of the medication on the employee's ability to perform assigned duties. Medications that are the property of staff and have been approved for use on facility premises will be stored in the assigned locker, or be in their possession at all times.

Section 20.07. Applicability.

The Drug Free Workplace Policy applies to all *I Liheslaturan Guåhan* employees.

LEGISLATIVE SESSION ATTENDANCE

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Res No: 87-32 (LS)

Speaker Antonio R. Unipingo Legislative Session Hall


Relative to adding a new Part G to Rule XX of the Standing Rules of I Mina'Trentai Dos Na Liheslaturan Guåhan to establish a Drug Free Workplace Policy within the Guam Legislature.

| NAME | Yea | Nay | Not Voting/ Abstained | Out During Roll Call | Absent |
|--|-----|-----|--------------------------|-------------------------|--------|
| Senator Thomas "Tom" C. ADA | ✓ | | | | |
| Senator V. Anthony "Tony" ADA | ✓ | | | | |
| Senator Frank Blas AGUON Jr. | ✓ | | | | |
| Vice-Speaker Benjamin J.F. CRUZ | ✓ | | | | |
| Senator Christopher M. DUENAS | ✓ | | | | |
| Senator Michael LIMTIACO | ✓ | | | | |
| Senator Brant McCREADIE | ✓ | | | | |
| Senator Thomas "Tommy" MORRISON | ✓ | | | | |
| Senator Tina Rose MUÑA BARNES | ✓ | | | | |
| Senator Vicente (ben) Cabrera PANGELINAN | ✓ | 1 | | | |
| Senator Rory J. RESPICIO | ✓ | | | | |
| Senator Dennis G. RODRIGUEZ, Jr. | ✓ | | | | |
| Senator Michael F. Q.SAN NICOLAS | ✓ | | | | |
| Speaker Judith T. WON PAT, Ed.D. | ✓ | | | | |
| Senator Aline A. YAMASHITA, Ph.D. | ✓ | | | | |

(15)

TOTAL

CERTIFIED TRUE AND CORRECT:

 4/1/13
 Clerk of the Legislature

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

2013 MAR 27

✓

Resolution No. 87-32(LS)

Introduced by:

Rosey J. Gelpi
Committee on Rules

Relative to adding a new Part G, Rule XX to the Standing Rules of *I Mina' Trentai Dos Na Liheslaturan Guåhan* to establish a drug free workplace policy within the Guam Legislature.

1 BE IT RESOLVED BY THE COMMITTEE ON RULES OF I
2 *MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*:

3 WHEREAS, *I Liheslaturan Guåhan* operates as a separate, co-equal
4 branch of our government, independent of the Executive and Judicial
5 branches; and

6 WHEREAS, it is within *I Liheslaturan Guåhan* that the laws, the
7 policies, and mandates are created and set forth for the operations of this
8 government and this island; and

9 WHEREAS, all employees, Senators included, have a critical role in
10 the legislative process in producing important bills, resolutions, and policy
11 for our island; and

12 WHEREAS, all legislative employees have a responsible expectation
13 to work in an environment free from the effects of drug abuse and/or
14 alcohol abuse; and

15 WHEREAS, it is the duty and responsibility of *I Liheslaturan Guåhan*

1 to maintain a safe and productive work environment, to work safely,
2 effectively, and efficiently; and

3 **WHEREAS**, it shall be the policy of *I Liheslaturan Guåhan* to continue
4 to maintain a position of leadership, to operate in an effective workplace
5 environment, and to employ a workforce free of the illegal use of drugs
6 and alcohol, now, therefore, be it

7 **RESOLVED**, that *I Liheslaturan Guåhan* hereby adopts the attached
8 Drug Free Workplace Policy, and be it further

9 **RESOLVED**, that the Drug Free Workplace Policy be therefore
10 included in the Standing Rules as a new Part G, Rule XX; and be it further

11 **RESOLVED**, that copies of this resolution and the Drug Free
12 Workplace Policy be distributed to each and every employee of *I*
13 *Liheslaturan Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON
RULES OF I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN ON
THE 27TH DAY OF MARCH, 2013.**

JUDITH T. WON PAT, Ed.D.
Speaker

RORY J. RESPICIO
Chairperson, Committee on Rules

TINA ROSE MUÑA BARNES
Legislative Secretary



I Liheslaturan Guåhan

DRUG FREE WORKPLACE POLICY

I Liheslaturan Guåhan

DRUG FREE WORKPLACE POLICY

I. Scope and Purpose:

I Liheslaturan Guåhan is mandated by law to efficiently and effectively administer to the people of Guam. It is within the halls of this dignified institution that the laws governing Guam are most respected, and fervently protected and upheld.

Employees play a critical role in the legislative process and are the Guam Legislatures most valuable resources and, therefore, their health and safety are a serious concern. I Liheslatura will not tolerate illegal use of drugs or abuse of alcohol which imperils the health and well-being of its employees or threatens the Legislature's ability to properly fulfill its obligation to the people of Guam as mandated by law.

The illegal use of drugs or abuse of alcohol, on or off-duty, is inconsistent with the law abiding behavior expected of all Liheslaturan Guåhan employees. Employees who illegally use drugs or abuse alcohol on or off-duty, may be less productive, less reliable and prone to greater absenteeism which may result in increased costs, delays and the failure to fulfill professional responsibilities. These behaviors threaten I Liheslatura's ability to fulfill its mandated responsibilities.

Employees have a responsible expectation to work in a drug and alcohol free environment and to work with persons free from the effects of the illegal use of drugs or the abuse of alcohol. Employees who illegally use drugs or abuse alcohol may be a danger to themselves, other employees and the public. Illegal use of drugs or abuse of alcohol by employees may decrease I Liheslatura's productive resources and the health and well-being of I Liheslaturan Guåhan workers and their families.

The *I Liheslatura* will vigorously comply with the applicable requirements of the Federal Drug Free Workplace Act of 1988 (Appendix A).

It is the duty and responsibility of I Liheslatura and its employees to maintain a safe and productive work environment, and to perform duties and responsibilities as safely, effectively, and efficiently as possible. In order to accomplish this goal, I Liheslatura and its employees shall not be adversely affected or impaired in any way by the illegal use of drugs, abuse of alcohol, or the presence of illegal drugs.

II. Objectives:

- (A) To strengthen the leadership of *I Liheslaturan Guåhan* and its employees to ensure a drug-free and alcohol-free work environment.
- (B) To provide a safe and productive work environment for *all* employees.
- (C) To provide a work environment of any adverse effects of job performance caused by drug or alcohol related problems.
- (D) To provide reasonable assistance toward rehabilitation for an employee seeking help for a drug or alcohol related problem.
- (E) To satisfy and conform with the applicable requirements off the Federal drug-Free Workplace Act of 1988 (PL 100-690 or 28 CPR part 67).

III. Policy:

It shall be the policy of I Liheslaturan Guåhan to maintain a leadership and workforce free of the illegal use of drugs and abuse of alcohol.

- (A) Reporting to work or performing work for I Liheslaturan Guåhan while impaired by or under the influence of illegal drugs or alcohol is prohibited.
- (B) The illegal use, possession, dispensation, distribution, manufacturing or selling of a controlled substance by an employee at the work-site, during normal work hours or while the employee is on duty, official legislature business or stand-by duty is prohibited.
- (C) Violation of sections (A) or (B) above is considered conduct detrimental to the ability of I Liheslaturan Guåhan to perform its mandated duties and a violation of Section 14.04(g) of I Liheslatura's Standing Rules which will result in appropriate actions in accordance with Rule XIII, Section 13.03 of I Liheslatura's Standing Rules.
- (D) Employees are required to notify the Administrative Director within five (5) working days of any criminal, drug or alcohol related conviction where such conviction was due to an occurrence at the work-site, during normal work hours or while on duty, official business or stand-by duty.
 - a. An employee who is convicted of violating any criminal drug or alcohol statute in such workplace situations as stated above will be subject to appropriate actions in accordance with I Liheslatura's Standing Rules.
 - b. A conviction means finding guilt (including plea of no contest) or the imposition of a sentence by a judge or jury in a court of law.
- (E) All employees of I Liheslaturan Guåhan will be given a copy of the I Liheslaturan Guahan's Workplace Policy and amendments thereafter. Employees are hereby informed that they must abide by the terms of the policy as a condition of employment and the consequences of any violation of such policy. Notification and receipt of this policy will be required as part of a new employee orientation. Employees must read and sign the Drug Free Workplace Affirmation form which will be made a part of their confidential employee file.

IV. Employee Assistance Program (EAP):

When required by federal or local law, I Liheslaturan Guåhan will make available an Employee's Assistance Program (subject to the limitation and availability of local resources) to employees needing education or counseling or rehabilitation for illegal drug use and alcohol abuse.

V. Drug and Alcohol Abuse Awareness Program:

I Liheslaturan Guåhan will educate employees about the dangers of the illegal use of drugs and alcohol abuse. I Liheslatura will provide a Drug and Alcohol Abuse Awareness Program to assist employees to understand and avoid the perils of drug and alcohol abuse. This training will be conducted on an annual basis and requires mandatory attendance of all employees.

I Liheslatura will use the program in an ongoing educational effort to prevent and eliminate illegal drug use and alcohol abuse.

The Drug and Alcohol Abuse Awareness Program shall provide information to employees as follows:

- The dangers of the illegal use of drugs and abuse of alcohol;
- I Liheslatura's Drug Free Workplace Policy.
- The availability of treatment and counseling for employees who voluntarily seek such assistance; and
- The appropriate actions that I Liheslaturan Guahan will take for violations of its Drug Free Workplace Policy.

VI. Drug and Alcohol Screening Program:

Upon selection for employment with I Liheslatura Guahan, you must take and pass urinalysis testing for illegal use of drugs. All applicants/employees are responsible for all expenses incurred for this examination. Failure to submit to drug testing will result in immediate disqualification or disciplinary action.

Types of Drug and Alcohol Testing:

1. Pre-Employment testing – Conditional offer of employment.
2. Random testing of testing designated positions;
3. Promotion, demotion, or transfer to a testing designated position- Conditional Offer of Employment;
4. Reasonable Suspicion testing: any employee who is subject to a reasonable suspicion of drug or alcohol abuse.
5. Critical Incident testing;
6. Follow-Up Testing; and
7. Voluntary Testing.

Medication

Employees taking prescribed medication that could interfere with proper performance of their duties will notify their supervisor. The Executive Director reserves the right to require a written physician's statement verifying the effect of the medication on the employee's ability to perform assigned duties. Medications that are the property of staff and have been approved for use on facility premises will be stored in the assigned locker, or be in their possession at all times.

VII. Applicability:

The Drug Free Workplace Policy applies to all I Liheslaturan Guahan employees.