

TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U. S. A.

EXECUTIVE ORDER NO. 95-29

RELATIVE TO ADOPTING AND PROMULGATING A COMPREHENSIVE DRUG FREE WORKPLACE POLICY FOR THE GOVERNMENT OF GUAM WHICH INCLUDES MANDATORY DRUG TESTING AS A CONDITION OF EMPLOYMENT IN THE GOVERNMENT OF GUAM; RANDOM DRUG TESTING FOR DESIGNATED POSITIONS; AND PROCEDURES FOR DEALING WITH ILLEGAL DRUG USE IN THE WORKPLACE.

WHEREAS, over the last several years Guam has experienced an increase in the use of illicit drugs and this increase has led to a corresponding increase in the island's crime rate; and

WHEREAS, the use of illicit drugs has found its way into our elementary and middle school age children and there is a growing awareness that the health, safety, and welfare of our community is jeopardized by the prevalent use of illicit drugs and alcohol abuse; and

WHEREAS, the Gutierrez-Bordallo Administration is committed to the eradication of the presence and use of deadly drugs within the workplace and throughout our community; and

WHEREAS, approximately 14,000 employees who work for the government of Guam should represent the highest integrity in insuring a drug free workplace and anyone who aspires to become a government of Guam employee shall be free from drugs;

WHEREAS, substance abuse is a serious island crisis which has a detrimental effect on the lives of many of our citizens, and has exerted a negative effect on the operation of business and government; and

WHEREAS, the government of Guam experiences a loss in productivity due to drug-related absenteeism, injuries on-the-job, decreased work productivity and quality; and

WHEREAS, employees under the influence of illegal substances function below established standards and make impaired work decisions which may seriously affect their co-workers and members of the public; and

WHEREAS, government employees who use illegal drugs must themselves be primarily responsible for changing their behavior and, if necessary, begin the process of rehabilitating themselves; and

WHEREAS, the illegal use of the workplace as a market place for drugs endangers the health, safety, and welfare of government employees and the community; and



WHEREAS, the government must maintain a work environment which eliminates waste and supports the health, well-being and productivity of all its employees as they carry out their responsibilities for the people of Guam; and

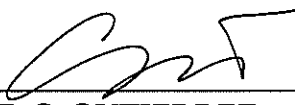
WHEREAS, the Federal Omnibus Drug Abuse Act of 1988 stipulates that any state or territory of the United States which is a recipient of federal dollars must establish a drug-free workplace; and

WHEREAS, a drug free workplace is fundamental to efficient, effective and responsive government;


NOW, THEREFORE, I, CARL T. C. GUTIERREZ, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, deeming such actions in the best interests of public health and safety, law enforcement and the efficiency of government service, and in order to establish standards and procedures in achieving a drug-free workplace while protecting the privacy of government employees, hereby proclaim the following:

- 1) The Department of Administration Drug Free Workplace Program Operating Procedures approved by the Civil Service Commission on December 5, 1995, are hereby adopted and promulgated.
- 2) Autonomous agencies or those outside the personnel jurisdiction of the Department of Administration may participate in the Drug Free Workplace Program through a Memorandum of Understanding as provided in the Drug Free Workplace Program Operating Procedures.
- 3) All government agencies shall cooperate to ensure that the Drug Free Workplace Program is successful and effective.
- 4) Applicants selected for and offered employment with the government of Guam shall undergo and pass a mandatory drug test before being employed. Failure to submit to or pass such drug test shall be grounds for rescinding the offer of employment, unless the applicant is undergoing treatment through a rehabilitation program approved or recognized by the Department of Mental Health and Substance Abuse, in which case the applicant must successfully complete the program within the prescribed time before being employed.

SIGNED AND PROMULGATED at Agaña, Guam this 6th day of December, 1995.

  
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CARL T. C. GUTIERREZ  
Governor of Guam

COUNTERSIGNED:

  
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MADELEINE Z. BORDALLO  
Lieutenant Governor of Guam