



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

EXECUTIVE ORDER NO. 99-03

**RELATIVE TO AMENDING THE DEPARTMENT OF
ADMINISTRATION'S DRUG-FREE WORKPLACE
OPERATING PROCEDURES.**

WHEREAS, the Department of Administration Drug-Free Workplace Operating Procedures were promulgated on December 6, 1995; and

WHEREAS, the Drug-Free Workplace Operating Procedures provide for drug testing of employees involved in on-the-job accidents and unsafe practices involving death, bodily injury, or damage to property in excess of Ten Thousand Dollars (\$10,000); and

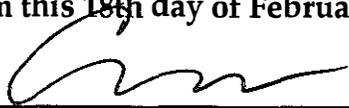
WHEREAS, an addition needs to be made to the Drug-Free Workplace Operating Procedures to ensure that they are properly applied to employees who are involved in accidents while transporting a member of the public; and

WHEREAS, on June 16, 1998, the Civil Service Commission approved the revised policy attached to this executive order and labelled as "Attachment A," which is to be added as "Appendix I" of the Department of Administration's Drug-Free Workplace Operating Procedures;

NOW, THEREFORE, I, CARL T. C. GUTIERREZ, I Maga'Lahen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. The Revised Paragraph 24 "ACCIDENT OR UNSAFE PRACTICE TESTING" (Attachment A) is approved, adopted, and promulgated as part of the Department of Administration's Drug-Free Workplace Program Operating Procedures effective December 6, 1995, and as "Appendix I" to the Department of Administration's Personnel Rules and Regulations effective April 2, 1997.
2. All autonomous department and agencies are required to conform their Drug-Free Workplace Program and personnel rules and regulations to "Appendix I".

SIGNED AND PROMULGATED at Hagåtña, Guam this 18th day of February, 1999.



CARL T. C. GUTIERREZ
I Maga'Lahen Guåhan
Governor of Guam

COUNTERSIGNED:



MADELEINE Z. BORDALLO
Segunda na Maga'Lahen Guåhan
Lieutenant Governor of Guam

DEPARTMENT OF ADMINISTRATION'S
DRUG-FREE WORKPLACE
OPERATING PROCEDURES
APPENDIX I

24. ACCIDENT OR UNSAFE PRACTICE TESTING

a) Determination.

The government of Guam is committed to providing a safe and secure work environment. It also has a legitimate interest in determining the cause of serious on-the-job accidents or unsafe, on-duty, job-related activity so that it can undertake appropriate corrective measures. Drug testing after an accident or unsafe practice can provide invaluable information in furtherance of that interest. Accordingly, employees may be subject to testing when, based upon the circumstances of the on-the-job accident or unsafe, on-duty, job-related activity, their actions are reasonably suspected of having caused or contributed to an accident or unsafe practice that meets either of the following criteria:

- (1) The accident or unsafe practice results in a death or personal injury requiring hospitalization.
- (2) The accident or unsafe practice results in severe damage to government or private property in excess of \$10,000.

The government of Guam has an obligation to protect the safety of the public and a legitimate interest in determining the cause of accidents that directly impact the public. Accordingly, employees, shall be subject to testing when, based upon the circumstances of the on-the-job accident or unsafe, on-duty, job related activity, their actions possibly caused or contributed to an accident, while transporting a member of the public.

ATTACHMENT A