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**CONSOLIDATED COMMISSION ON UTILITIES**  
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**GUAM WATERWORKS AUTHORITY (GWA)**  
**Drug and Alcohol-Free Workplace Policy**

**I. Statement of Policy**

It is the policy of the GWA to provide a safe, healthy and secure work environment for all employees and to ensure that all employees perform their job duties in a responsible, efficient and productive manner.

GWA employees are responsible to ensure that its equipment and facilities are maintained and utilized appropriately so as not to pose a risk of harm to customers or the community. The use of drugs and the misuse of alcohol are inconsistent with delivering services, protecting water resources and GWA assets in a safe, productive and reliable manner. Furthermore, employees who illegally use drugs or abuse alcohol may be a danger to themselves, other people and the environment as well as cause various work-related problems including tardiness, absenteeism, substandard job performance, disruptive behavior, delays in completing tasks and poor service. Accordingly, to protect the health, safety and welfare of employees, citizens, visitors and persons who interact with GWA employees during the course and scope of their employment, GWA has adopted this Drug and Alcohol-Free Workplace Policy. GWA will not tolerate illegal use of drugs or abuse of alcohol by enforcing a policy of zero-tolerance.

**II. Prohibited Conduct**

The following violations of the Drug and Alcohol-Free Workplace Policy constitute gross misconduct and shall result in immediate termination:

1. Unauthorized use, possession, sale, or solicitation for purchase/sale of drugs. Drug paraphernalia or alcohol on GWA property, in GWA vehicles or while the employee is on duty.
2. Reporting to work or engaging in any work activity whatsoever on behalf of the GWA in a condition which could pose a threat of harm to the employee or any other person, or reporting to or engaging in any work on behalf of the GWA in a condition which could impair the ability to satisfactorily perform any essential function of the job, due to the use of drugs or misuse of alcohol. Should any detectable amount of drugs, or alcohol in a concentration of 0.04 breath alcohol content (BAC) or greater be established, the employee is in violation of the GWA Drug and Alcohol-Free Workplace Policy. No employee shall perform their job functions within four hours after using alcohol.
3. Abusing or misusing prescription drugs or over-the-counter medication when such conduct could reasonably interfere with the safe or satisfactory performance of any

## **GWA Drug and Alcohol-Free Workplace Policy**

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essential job function. This includes, but is not limited to, the use, possession, sale or solicitation for the purpose of purchase or sale any prescription medication for which the employee lacks a valid prescription. Use of prescriptions prohibited in the policy such as medical marijuana are a violation of Section III(1)(a).

4. Hindering, obstructing or refusing to cooperate or participate in any investigation involving suspected violations of this policy. This includes, but is not limited to, providing false, misleading or incomplete information in response to any inquiry from a supervisor related to a suspected violation of this policy. It also includes refusing to undergo a drug or alcohol test(s).
  - a) Refusal by an applicant to sign a consent form will be considered a refusal to submit to a drug and/or alcohol test as a condition of employment and will be considered the equivalent of receiving a confirmed "positive" result for employment and disqualification purposes. Such applicant will have his/her name removed from the certified list of eligible candidates and the position eligibility listing.
  - b) Refusal by an employee to sign a consent form will be considered a refusal to submit to a drug and/or alcohol test as a condition of employment and will be considered the equivalent of receiving a confirmed "positive" result for employment and subject to immediate termination.
  - c) Hindering, delaying or obstructing a drug or alcohol test(s), including but not limited to, tampering with a sample or interfering in any way with the chain of custody.

### **III. Prohibited Substances**

As used in this policy, "prohibited substances" include but are not limited to, the following:

1. "Drugs" refers to marijuana, cocaine, amphetamines, opiates (including heroin and codeine), phencyclidine, and all other "controlled substances" as defined in Title 9 GCA Chapter 67 Guam Uniform Controlled Substances Act.
  - a) Specimens from applicants and employees will be screened in all cases to identify the following classes of substances:
    - i. Marijuana/Cannabinoids (THC);
    - ii. Cocaine Metabolites;
    - iii. Opiates;
    - iv. Phencyclidine (PCP);
    - v. Amphetamines/Methamphetamine; and
    - vi. Barbiturates
  - b) GWA reserves the right to change, add or delete any combination of "controlled substances" for screening as new forms become available.
2. "Alcohol" includes any beverage or substance containing alcohol manufactured for the primary purpose of personal consumption.

## **GWA Drug and Alcohol-Free Workplace Policy**

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3. "Prescription drugs" means any substance, which is attainable only by lawful prescription from a physician.
4. "Over-the-counter medication" includes any substance which does not require a prescription but has the capacity to affect a person physically, mentally, or emotionally or which could otherwise affect a person's ability to safely perform his/her duties.

### **IV. When Testing is Required**

1. Random Testing: Positions listed on Appendix A as Testing Designated Positions (TDPs) at GWA shall be subject to random testing as follows:
  - a) Tests will be ordered on a random, unannounced basis from the entire population of GWA list of TDP employees.
    - i. A scientifically valid method such as a random number table or a computer-based random number generator will be used to select employees, thereby allowing each employee an equal chance of being tested each quarter.
    - ii. At least 25% of the employees will be selected for drug testing each quarter of the testing year.
    - iii. An employee's name will remain in the potential testing population after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that any employee, who is randomly selected for testing, may be randomly selected again every quarter.
    - iv. Every employee selected for random testing must be tested unless that employee is excused by the General Manager for reasons such as long-term leave, disability or termination of employment.
    - v. Any employee who has not had an equal chance of being tested each time a selection was made will be tested on or before September 30 of any year.
  - b) GWA reserves the right to increase or decrease the frequency of testing based on the needs of each utility, availability of resources, and experience in the program, consistent with the duty to achieve a drug free workplace.
  - c) GWA reserves the right to add or delete positions it deems as health, safety and security sensitive in nature to its TDP list, with supporting opinion by its Legal Counsel in accordance with the Substance Abuse and Mental Health Services Administration's (SAMHSA) Guidance for Selection of Testing Designated Positions.



## **GWA Drug and Alcohol-Free Workplace Policy**

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2. All competitive and non-competitive recruitments within GWA will be tested after a conditional offer of employment has been extended. Drug testing will be required for but, not limited to the following:
  - a) **Pre-Employment:**  
**(Probational/Unclassified/Exempt/Provisional/Temporary):** Applicants selected for positions within GWA must report for pre-employment drug testing within three business days of receiving a conditional offer of employment. An applicant who refuses a drug test(s) or who tests positive, or fails to comply with this subsection shall not be extended a final offer of employment.
  - b) **Promotions, Transfers, Reclassification from non-TDP to TDP:** Employees within GWA will be tested upon the General Manager's approval for selection/reclassification. An employee who refuses a drug test(s) or who tests positive, shall be subject to immediate termination.

Except for emergency situations, applicants and employees will not be permitted to reschedule drug testing after they are notified that such testing is scheduled.

3. **Return to Duty Testing:** Employees who are absent from work without approval for more than fifteen calendar (15) days shall be tested for drugs and alcohol immediately after returning to work and before performing any job duties.
4. **Reasonable Suspicion:** All employees will be subject to testing when there is reasonable suspicion that the employee has used drugs or misused alcohol in violation of this policy. Grounds for reasonable suspicion testing shall include, but not be limited to personal observation of the employee's job performance, appearance, behavior, speech or odor which causes reasonable suspicion that the employee:
  - a) is impaired by drugs or alcohol,
  - b) has used drugs or alcohol while on duty,
  - c) or poses a threat to personal safety or others due to the use of drugs or misuse of alcohol in violation of this policy.
5. When specific and objective facts indicate that drug or alcohol use by an employee may have caused or been a contributing factor to an **on-duty motor vehicle accident**. An alcohol test(s) shall be completed within two (2) hours of the accident and a drug test(s) within twenty-four (24) hours of the accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion:
  - a) the appearance, behavior, speech or odor of the employee immediately prior to or after the accident;

## GWA Drug and Alcohol-Free Workplace Policy

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- b) the employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;
  - c) the employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
  - d) the employee was arrested or received a traffic citation;
  - e) the employee or any person received medical attention as a result of the accident;
  - f) the employee has been involved, as a contributing factor, in a pattern of repetitive on-duty motor vehicle accidents whether they involved actual or potential injury.
6. When specific and objective facts indicate that drug or alcohol use by an employee may have caused or been a contributing factor to an **on the job accident**. An alcohol test(s) shall be completed within two (2) hours of the accident and a drug test(s) within forty-eight (48) hours of the accident. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion:
- a) The appearance, behavior, speech or odor of the employee immediately prior to or after the accident;
  - b) The employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
  - c) The employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation.
  - d) The employee or any other person received medical attention because of the accident;
  - e) The employee has been involved as a contributing factor in a pattern of on-duty accidents whether or not they involved actual or potential injury.
7. Drugs, drug paraphernalia, alcohol or containers indicating the presence of drugs or alcohol are observed or discovered in a location in which the employee had primary control or access, including but not limited to, desks, lockers, equipment, machines or vehicles. The employee must have accessed the location within eight (8) hours prior to the discovery of such items.

## **GWA Drug and Alcohol-Free Workplace Policy**

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8. **Consent:** By acknowledging receipt of this Policy in writing, the employee is providing his or her consent to any and all testing required to comply with the Policy.

### **V. Who May Request a Reasonable Suspicion Drug or Alcohol Test(s)**

1. Any supervisor who has received training in the signs and symptoms of drug and alcohol use and impairment may request an employee to undergo a reasonable suspicion test(s) for drugs or alcohol based upon:
  - a) the personal observation of the employee by the trained individual, or
  - b) personal observation of the employee by another employee who has fully disclosed the observations to the trained individual, or
  - c) observation of the employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observation to the trained individual.
2. Any untrained supervisor may request a reasonable suspicion test(s) for drugs or alcohol based upon his personal observation of the employee, under the following circumstances:
  - a) The employee has been independently observed by a trained supervisor; or
  - b) A trained supervisor has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.
  - c) Any supervisor, personnel of managerial capacity, or personnel of the Safety and Human Resources Divisions trained in detecting drug and alcohol impairment, may request a reasonable suspicion drug or alcohol test(s) following a work-related accident based upon personal observation of the employee or upon review of the specific and objective facts underlying the accident.

### **VI. Testing Procedures**

1. Whenever there is reasonable suspicion to require a drug or alcohol test(s) under this policy, the General Manager, department/division heads or designees and Human Resources shall be notified of the circumstances necessitating the test(s) as soon as possible.
2. All circumstances causing reasonable suspicion to require a drug or alcohol test(s) shall be fully documented by the supervisor(s) and/or managerial personnel and all appropriate witnesses as soon as possible.
3. All GWA-issued equipment, property and facilities, including but not limited to, desks, lockers, and vehicles (collectively "materials") are subject to inspection at



## **GWA Drug and Alcohol-Free Workplace Policy**

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any time and for any reason. No employee shall have any privacy interest whatsoever in any GWA issued materials. No personal property may be searched unless the owner of the property has consented or a search is otherwise legally permissible.

4. Alcohol screening will be conducted using a federally approved evidential breath-testing device. An initial screening test of one (1) breath sample will be conducted first, and if an initial test detects any level of alcohol, a second confirmation test of one (1) additional breath sample will be completed.
5. Testing will be performed by a certified, licensed forensic laboratory. Drug test methods, collection, security and chain of custody procedures will conform to federal regulations. The drug test will include marijuana, cocaine, amphetamines, methamphetamines, opiates (including heroin and codeine), and phencyclidine (PCP) and barbiturates. Other "controlled substances" may be added as new forms become available. All specimens identified as positive for illegal drugs on the initial screening will be confirmed using the gas chromatography/mass spectrometry technique.
6. All positive test results for drugs will be interpreted by a physician approved by GWA as a medical review officer (MRO) before the results are reported to the GWA. Prior to notifying GWA, the MRO will make reasonable efforts to contact the employee for the purpose of allowing the employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the employee and determines there is a legitimate medical explanation for the positive test, the result will be communicated as negative to GWA. The MRO's inability to contact the employee before providing test results to the GWA will not void the test result or make the test result unusable in any subsequent disciplinary action. Because the employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable.
7. Upon notification by the MRO of a verified positive result for drugs, the employee may request that the remaining portion of his split specimen undergo a second confirmation test at his expense. The results of the second confirmation test, upon review by the MRO, will be determinative. If the results from the second confirmation test is negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action.
8. The GWA will make reasonable efforts to notify the employee of a positive drug test within five (5) days from the date it receives the test results. Because the results of a breath alcohol test are immediately available, this provision will not apply to alcohol tests conducted in such a manner.
9. Any employee ordered to be tested, based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility and taken home (unless other suitable arrangements have been made to transport the employee including calling a cab). The employee shall turn in keys to a GWA vehicle, building or office, their identification badge or any other property belonging to the

## **GWA Drug and Alcohol-Free Workplace Policy**

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GWA. The employee shall be placed on paid administrative leave pending the results of the test.

10. An employee who tests positive for drugs or alcohol shall immediately be relieved from duty, required to turn in keys to a GWA vehicle, building or office, identification badge or any other property that belongs to the GWA, placed on paid administrative leave, and sent home pending disciplinary action, if appropriate. A supervisor may take an employee home. If a supervisor is not comfortable taking an employee home, however, a cab may be called to come and take the employee home at the employee's expense.
11. In situations in which the employee has been ordered to be tested or tests positive and the employee refuses assistance in leaving the building and walks out or insists on leaving in his/her own vehicle, document the situation and, depending upon the circumstances, call Guam Police Department's non-emergency phone number. Give the police the employee's name, vehicle description, and license plate number. However, if the employee is extremely agitated, violent or is making threats of violence, leaves the premises in a GWA vehicle, or you believe the employee has violated the law, call the Guam Police Department at 9-1-1.
12. A refusal to consent to a drug or alcohol test is a violation of the Policy and will be considered the equivalent of receiving a confirmed "positive" result for employment and subject to immediate termination.
13. If it is not reasonable under the circumstances to conduct an alcohol test, based on a breath test, GWA reserves the right to test for the presence of alcohol by a blood test analysis. If this procedure is used, the GWA will attempt to notify the employee of the results within five (5) days after the results are received. An MRO will not be used when a blood test for alcohol is conducted.

### **VII. Training**

1. All Department Heads, Managers and Supervisors and Leads are required to participate in GWA Drug and Alcohol-Free Workplace Policy training every two (2) years. All new employees and any employee who is hired or promoted into a supervisory position must receive training on this policy within sixty (60) days of hire or promotion. The training shall include the following topics:
  - a) The requirements of the Drug-Free Workplace Policy, including supervisor responsibilities.
  - b) Behavioral indicators of drug and alcohol use in the workplace.
  - c) The prevalence of alcohol and drug abuse and its impact on the workplace.
2. Proper procedures including documentation for applying the Drug and Alcohol-Free Workplace Policy. All employees are required to participate in GWA Drug



## **GWA Drug and Alcohol-Free Workplace Policy**

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and Alcohol-Free Workplace Policy training. The training shall be required every two years and include the following topics:

- a) The requirements of the Drug-Free Workplace Policy and Zero-tolerance.
- b) The prevalence of alcohol and drug abuse and its impact on the workplace.
- c) Behavioral indicators of drug and alcohol use in the workplace.
- d) The progression of the disease of addiction.
- e) What types of assistance are available in the community.

### **VIII. Employee Assistance Program**

Prior to September 30, 2019, any employee who self-refers to a GWA Employee Assistance Program (EAP) or a similarly available treatment program will not be subject to disciplinary action. Failure to comply with all requirements of a treatment program will result in termination. Employees that do not self-refer for assistance with a drug or alcohol abuse problem who are found in violation of Section II of this policy will be subject to immediate termination.

Beginning on October 1, 2019, employee entry into the EAP upon voluntary identification by himself or herself as a user of drugs or abuser of alcohol will not be protected from disciplinary action if found in violation of Section II of this policy.

### **IX. Arrests for Drug and Alcohol Related Offenses**

Any employee who is arrested for a drug or alcohol related offense must notify the General Manager of the arrest immediately. GWA will decide at that time whether the arrest causes a temporary or permanent disqualification from holding that position, or constitutes grounds for disciplinary action. All convictions for alcohol or drug related offenses must be reported immediately by an employee to the General Manager. GWA reserves the right to take appropriate action based upon such conviction.

All employees who are required to operate a GWA vehicle as a regular part of their job must report any drug or alcohol arrest, temporary or permanent suspension of driving privileges, and any drug/alcohol related conviction to the General Manager immediately. GWA reserves the right to take appropriate action, including relieving the employee from duty, transferring the employee to a non-driving position, or instituting disciplinary action up to and including termination.

### **X. Alcohol at GWA Sponsored Events**

At GWA sponsored social events where alcohol is present, legal age employees may consume moderate and responsible amounts of alcohol. Any employee misconduct as a result of the consumption of alcohol is subject to disciplinary action. All employees are

## **GWA Drug and Alcohol-Free Workplace Policy**

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responsible for behaving in a professional and courteous manner consistent with GWA code of conduct standards regardless of any consumption of alcohol.

### **XI. Confidentiality**

All reports of test results for drug and alcohol, searches, or any employee referral, or participation in an EAP program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information, who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action up to and including dismissal. The confidentiality of such information shall not apply to any use by or communication to the GWA General Counsel, or where the information is relevant to the GWA's defense in an administrative or civil action. Such information may also be disclosed to the extent required by any federal, state or local law, statute, ordinance or regulation.

### **XII. Effective Date**

This policy will go into effect 01 October 2019, consistent with the CCU's adoption by resolution and will apply to all employees of GWA regardless of status or classification. The policy will be strictly enforced.

## APPENDIX A GWA Test Designated Position List

<i>Existing TDP Listing</i>	<i>Approved Additional TDP Listing</i>
<b>ENGINEERING</b>	<b>LABORATORY &amp; COMPLIANCE</b>
Chief Engineer	Biologist I
Engineer I	Biologist II
Engineer II	Biologist III
Engineer III	Chemist I
Engineering Supervisor	Chemist II
Engineering Technician I	Chemist III
Engineering Technician II	Laboratory Technician I
Construction Inspector I	Laboratory Technician II
Construction Inspector II	Laboratory Technician Supervisor
Construction Inspector III	Utility Laboratory Technician I
<b>FACILITIES, MAINTENANCE, &amp; EQUIPMENT</b>	Utility Laboratory Technician II
Equipment Maintenance Superintendent	Utility Laboratory Technician Leader
Equipment Operator I	Utility Laboratory Technician Supervisor
Equipment Operator II	Monitoring Laboratory Services Administrator
Equipment Operator III	Cross Connection Control Manager
Equipment Operator IV	Source Control Manager
Equipment Operator Leader I	Utility Compliance Inspector I
Equipment Operator Leader II	Utility Compliance Inspector II
Equipment Operator Supervisor	Utility Compliance Inspector Leader
Heavy Equipment Mechanic I	<b>INFORMATION TECHNOLOGY</b>
Heavy Equipment Mechanic II	Computer Operator I
Heavy Equipment Mechanic Leader	Computer Operator II
Heavy Equipment Mechanic Supervisor	Computer Operator III
<b>COMPLIANCE &amp; SAFETY</b>	Information Security Administrator
Safety Inspector I	Information Technology Manager
Safety Inspector II	Network Systems Administrator
Safety Inspector III	Network Analyst
Safety Inspector Supervisor	Programmer Analyst I
<b>OPERATIONS &amp; MAINTENANCE</b>	Programmer Analyst II
Pumping Station Leader	Systems & Programming Administrator
Pumping Station Operator I	<b>OPERATIONS &amp; MAINTENANCE</b>
Pumping Station Operator II	Operations & Maintenance Manager
Pumping Station Supervisor	<b>Leak Detection</b>
Sewer Plant Leader	Leak Detection Technician I
Sewer Plant Operator I	Leak Detection Technician II
Sewer Plant Operator II	Leak Detection Technician Leader
Sewer Plant Supervisor	Leak Detection Technician Supervisor
Wastewater Construction-Maintenance Superintendent	<b>Electricians/Instrument Technicians</b>
Wastewater Maintenance Mechanic I	Electrician I
Wastewater Maintenance Mechanic II	Electrician II
Wastewater Maintenance Mechanic Leader	Electrician Leader
Wastewater Maintenance Mechanic Supervisor	Electrician Supervisor
Wastewater Plant Superintendent	Plant Instrument Technician I
Wastewater Systems Assistant Manager	Plant Instrument Technician II
Wastewater Systems Manager	Plant Instrument Technician Leader
Water Distribution Systems Assistant Manager	Plant Electrical Instrument Superintendent
Water Distribution Systems Manager	<b>Maintenance &amp; Related</b>
Water Plant Operator I	Water Meter Maintenance & Repair Worker I
Water Plant Operator II	Water Meter Maintenance & Repair Worker II
Water Plant Operator Leader	Water Meter Maintenance & Repair Supervisor
Water Plant Operator Supervisor	Water Meter Reader I
Water Treatment Plant Superintendent	Water Meter Reader II
Water-Sewer Maintenance Supervisor	Water Meter Reader Leader
Water-Sewer Maintenance Worker I	Water Meter Reader Supervisor
Water-Sewer Maintenance Worker II	Centralized Wastewater Maintenance Superintendent
Water-Sewer Maintenance Worker Leader	Wastewater Collection Superintendent
<b>MANAGEMENT</b>	<b>Systems Control Center</b>
General Manager	Water & Wastewater Systems Control Dispatcher I
<b>Approved Additional TDP Listing</b>	Water & Wastewater Systems Control Dispatcher II
Assistant General Manager of Compliance & Safety	Trouble Dispatcher
Assistant General Manager of Operations	Trouble Dispatcher Supervisor
Assistant General Manager of Administration & Support	<b>Trades</b>
	Utility Trades Helper