



# Superior Court of Guam

## DRUG FREE WORKPLACE POLICY

Adopted April 3, 1996 by the Judicial Council (Resolution No. 5A-96)

Revised August 1998 and adopted June 24, 1999 by the Guam Judicial Council (Resolution No. 04-99)

## Superior Court of Guam DRUG FREE WORKPLACE POLICY

### I. Scope and Purpose:

The Superior Court of Guam is mandated by law to efficiently and effectively administer justice 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 judicial process, and are the Superior Court of Guam's most valuable resources and, therefore, their health and safety is a serious concern. The Court will not tolerate illegal use of drugs or abuse of alcohol which imperils the health and well-being of its employees or threatens the Court'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 Superior Court of Guam 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 the Court'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. Illegal use of drugs or abuse of alcohol by employees may decrease the Court's productive resources and the health and well-being of Superior Court of Guam workers and their families.

The Court will vigorously comply with the requirements of the Federal Drug Free Workplace Act of 1988(Appendix A).

It is the duty and responsibility of the Court 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, the Court 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 the Superior Court of Guam and its employees to ensure a drug-free and alcohol-free work environment.
  - (B) To provide justice to the people of Guam.
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- (C) To provide a safe and productive work environment for all employees.
- (D) To provide a work environment free of any adverse effects on job performance caused by drug or alcohol related problems.
- (E) To provide reasonable assistance toward rehabilitation for an employee seeking help for a drug or alcohol related problem.
- (F) To satisfy and conform with the requirements of the Federal Drug-Free Workplace Act of 1988 (PL 100-690 or 28 CFR Part 67).

### III. Policy:

It shall be the policy of the Superior Court of Guam 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 the Court while impaired by or under the influence of illegal drugs or alcohol is prohibited.
- (B) The illegal use, possession, dispensation, distribution, manufacture or sale of a controlled substance by an employee at the work-site, during normal work hours or while the employee is on duty, official Superior Court of Guam business or stand-by duty is prohibited.
- (C) Violation of prohibitions of Sections III (A) and (B) above is considered conduct detrimental to the ability of the Superior Court of Guam to perform its mandated duties and will result in appropriate actions in accordance with Superior Court of Guam Personnel Rules and Regulations.
- (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.
  - (1) 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 Superior Court of Guam Personnel Rules and Regulations.
  - (2) A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in a court of law.
- (E) All Superior Court of Guam employees will be given a copy of the Superior Court of Guam 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 of the consequences of any violation of such policy.

Notification and receipt of this policy will be required as part of a new employee orientation.

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Employees must read and sign the Drug Free Workplace Affirmation Form which will be made a part of their confidential file.

**IV. Employee Assistance Program (EAP):**

The Superior Court of Guam will make available an employee assistance program (subject to the limitation of availability of local resources) to employees needing education, counseling or rehabilitation for illegal drug use and alcohol abuse.

**V. Drug and Alcohol Abuse Awareness Program:**

The Superior Court of Guam will educate employees about the dangers of the illegal use of drugs and alcohol abuse. The Court 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 given on a yearly basis and requires mandatory attendance of all employees.

The Court 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;
- ▶ The Superior Court of Guam Drug Free Workplace Policy;
- ▶ The availability of treatment and counseling for employees who voluntarily seek such assistance; and
- ▶ The appropriate actions the Superior Court will take for violations of its Drug Free Workplace Policy.

**VI. Drug and Alcohol Screening Program:**

The Superior Court of Guam shall establish a Drug and Alcohol Screening Program for employees as well as those individuals who have received a conditional offer of employment. Employees in Testing Designated Positions will be notified when the testing will begin. The Drug and Alcohol screening program will be implemented and maintained by the Human Resources Division. Please refer to the standard operating procedures governing this program.

**VII. Types of Drug and Alcohol Testing:**

1. Pre-Employment testing - Conditional offer of employment;
2. Random testing of testing designated positions;

The testing designated positions are as follows:

- a. Chief Marshal
  - b. Deputy Chief Marshal
  - c. Deputy Marshal Supervisor
  - d. Deputy Marshal I, II & III
  - e. Deputy Marshal Recruit
  - f. Chief Probation Officer
  - g. Deputy Chief Probation Officer
  - h. Probation Officer Supervisor
  - i. Senior Probation Officer
  - j. Probation Officer I & II
  - k. Facilities Maintenance Superintendent
  - l. Facilities Maintenance Supervisor
  - m. Facilities Maintenance Worker
  - n. Maintenance Leader (Electrician, Mechanic, Plumber)
  - o. Official Vehicles Officer
3. Promotion, demotion, or transfer to a testing designated position - Conditional Offer of Employment;
  4. Reasonable Suspicion testing;
  5. Critical Incident testing;
  6. Follow-Up Testing; and
  7. Voluntary Testing.

**VIII. Applicability:**

The Drug Free Workplace Policy applies to all Superior Court of Guam employees.