

**IN THE
SUPREME COURT OF THE REPUBLIC OF PALAU**

ADMINISTRATIVE DIRECTIVE	:	ADMINISTRATIVE
NEW DRUG TESTING REQUIREMENTS:	:	DIRECTIVE No. 26-003
AND SANCTIONS AS SET FORTH IN	:	
RPPL 12-5	:	

On May 6, 2026, RPPL 12-5 was enacted into law with an immediate effective date. The law strengthens drug testing procedures for designated employees and imposes stricter penalties for drug-related offenses.

RPPL 12-5 contains new requirements for drug testing of employees of the National Government, including personnel of the Judiciary. It also outlines the sanctions that apply when an employee tests positive for a controlled substance.

These changes affect all applicants for positions within the National Government, as well as certain designated employees. While the definition of “designated employees” encompasses only a portion of Judiciary personnel, the Judiciary has determined that, in the interest of promoting transparency and maintaining public trust, all Judiciary employees will be subject to drug testing.

Therefore, effectively immediately the following provisions apply:

Testing Protocols

- The Administrative Director or designee shall contract with a private entity to conduct the drug testing, which may be performed by blood or urine.
- As set forth in RPPL 12-5, § 2 the term “controlled substance” means marijuana, cocaine, methamphetamine, and any other controlled substance as defined in 34 PNC § 3002 [to be codified at 33 PNC § 1202]. Section 3002 in turn defines a controlled substance to mean “a drug substance, or immediate precursor in Schedules I through V of Chapter 31 of this title.” 34 PNC § 3002 (3).
- All employees shall submit to drug testing on dates established by the Administrative Director in conjunction with the Department Heads.

Administrative Directive—Drug Testing

- If an initial test result is positive, a confirmatory test shall be performed within one calendar day of receipt of that result.
- If the confirmatory test of an applicant or employee is positive, or if the applicant or employee refuses to submit to testing:
 - The applicant will not be hired; and
 - All necessary steps shall be taken to dismiss or terminate the employee, notwithstanding any other provision of law.
- Following the one-year ineligibility period, reinstatement of eligibility shall require:
 - Proof of successful completion of a drug rehabilitation program recognized by the Ministry of Health and Human Services; and
 - A verified negative drug test result.

Pre-employment Testing

All job applicants are subject to drug testing at their own expense. All offers of employment with the Judiciary are conditioned on the applicant submitting to and successfully completing and passing a drug test consistent with this directive.

Reasonable Suspicion

Employees may be asked to submit to a drug test if an employee's supervisor or other person in authority has a reasonable suspicion, based on objective factors such as the employee's appearance, speech, behavior or other conduct and facts, that the employee possesses or is under the influence of unlawful drugs.

Random Testing

Employees in safety or security-sensitive positions, such as the marshals and probation officers, are subject to drug testing on a random basis.

Post-incident

Employees involved in any work-related accident or incident involving the violation of any safety or security procedures, or where drug use is suspected, may be required to submit to drug testing.

Administrative Directive—Drug Testing

Initial Testing of All Employees

- All Judiciary employees shall be tested within **sixty days** after this Directive is signed.

Department Head Responsibilities

- The Chief Marshal and the Chief Probation Officer shall submit a drug testing plan for their employees to the Administrative Director no later than June 15, 2026. Each plan shall provide:
 - For the **twice-yearly** testing of the Marshals and Probation Officers.
- Department Heads shall submit a report on each round of drug testing to the Administrative Director within five (5) business days of completion. Reports must be submitted prior to any termination resulting from a positive test result.
- All results of each employee's drug tests shall be submitted to Human Resource Specialist to be placed in the employee's personnel file.

Cost Allocation

- The Judiciary shall bear the cost of the initial drug test.
- If a confirmatory test is required due to a positive initial result, the employee shall bear that cost. If the confirmatory test is negative or determined to be a false positive, the employee shall be reimbursed.
- When a second test is required for a designated employee, that employee shall bear the cost of the second test. If the second test is negative or conclusively shown to be a false positive, the designated employee shall be reimbursed.

Refusal

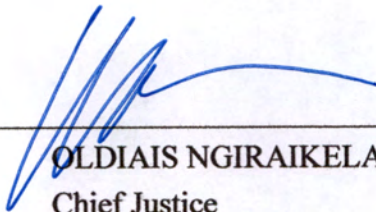
- If any employee refuses to submit to a drug test pursuant to this Administrative Directive, the appropriate management official shall take all necessary steps to immediately dismiss or terminate the employee.
- The provisions of RPPL 12-5, § 3 [to be codified at 33 PNC § 1206], and of this Administrative Directive, apply "notwithstanding any other provision of the law."

Administrative Directive—Drug Testing

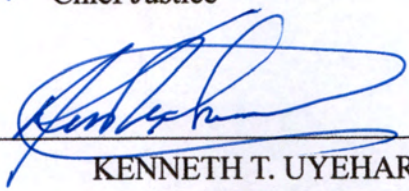
Referral

In accordance with RPPL No. 12-5, § 3 [to be codified at 33 PNC § 1207], the names of all applicants or employees who test positive for any controlled substance shall be referred to the Attorney General and the Special Prosecutor.

This Administrative Directive is promulgated and approved this 3rd day of June 2026, pursuant to the authority of the Chief Justice as Administrative Head of the Judiciary under Article X, Section 14 of the Constitution of the Republic of Palau.



OLDIAIS NGIRAIKELAU
Chief Justice



KENNETH T. UYEHARA
Administrative Director