

Rule Statement

West Texas A&M University (University) is committed to protecting the safety, health, and well-being of its employees, students, and all people who come into contact with its property and facilities. Recognizing that drug and alcohol abuse poses a direct and substantial threat to this goal, the University is committed to providing a drug-free working environment for all of its employees.

Reason for Rule

This rule provides requirements for addressing substance abuse or suspected substance abuse by the University's employees, applicants, contractors/subcontractors, and leased employees while on the job, on University property, in a University vehicle, or while representing the University. The University reserves the right to change these requirements as required by law or as it deems appropriate.

Procedures and Responsibilities

SUPERVISORS AND DEPARTMENT HEADS MUST EXERCISE EXTREME CAUTION IN ALL MATTERS RELATING TO THIS RULE, ASSURING THAT PROCEDURES ARE CAREFULLY FOLLOWED AND THAT SUBSTANTIAL EVIDENCE FROM RELIABLE SOURCES SUPPORTS A DECISION TO CONFRONT AN EMPLOYEE. UNIVERSITY HUMAN RESOURCES AND LEGAL COUNSEL SHALL BE APPRISED BY THE APPROPRIATE ADMINISTRATOR OF POSSIBLE VIOLATIONS OF THIS RULE AND THEIR ADVICE MUST BE SECURED BEFORE TAKING ANY ACTION WITH REGARD TO TESTING.

1. SCOPE

1.1 This rule addresses:

- 1.1.1 Alcohol use and abuse;**
- 1.1.2 The illegal use, sale, or possession of drugs; and**
- 1.1.3 The misuse of drugs including over-the-counter and prescription drugs.**

- 1.2 The provisions of this rule are applicable to all University employees and job applicants, including contractors/subcontractors and their employees, leased employees, and part-time employees (as applicable). This rule applies when an employee is on the job, on University property, in a University vehicle, or while representing the University.
- 1.3 Some employees, contractors/subcontractors and their employees, leased and part-time employees are also subject to the U.S. Department of Transportation (DOT) regulations governing workplace substance abuse. Employees covered by U.S. Department of Transportation regulations must comply with this rule, as well as Rule 34.02.01.W2: Substance Abuse Prevention Rule for DOT- Regulated Employees.

2. PROHIBITION AND CONSEQUENCES

- 2.1 Illicit Drug Policy: The University prohibits the illicit use, sale, attempted sale, conveyance, distribution, manufacture, cultivation, dispensation, purchase, attempted purchase, and possession of illegal drugs, intoxicants, or controlled substances, at any time and in any amount or in any manner. Illicit drugs include all drugs for which possession is illegal under federal or state law, including prescription drugs for which the individual does not have a valid prescription.
- 2.2 Prescription Drug Policy: The University prohibits the use of prescription medications for which the employee does not have a valid prescription, and the use of prescription medication in a manner inconsistent with the prescription.
- 2.3 Alcohol Policy: The purchase, consumption and possession of alcoholic beverages in facilities under the control of the University shall in all respects comply with state laws and with guidelines as defined in System Policy 34.02, 34.03 and University Rule 34.03.01.W1.
- 2.4 Failure to comply with this rule may result in disciplinary action, up to and including termination. An employee who violates any state or federal law pertaining to controlled substances, illicit drugs, or the use of alcohol may be subject to prosecution in accordance with the law. Legal sanctions for violation of local, state and federal laws may include, but not be limited to: fines, probation, jail or prison sentences.
- 2.5 If an employee found to be in violation of this rule is not terminated, the employee may be permitted to return to work if:
 - 2.5.1 the employee successfully completes a program of evaluation, and
 - 2.5.2 the employee signs a Job Jeopardy Return-to-Work Agreement provided by the University which includes a requirement for unannounced follow-up testing for a period not to exceed two years, and up to 60 months for DOT- regulated employee; and for discharge if the employee tests positive or refuses to submit to testing during this time period. The Return-to-Work Agreement may contain other

requirements and provisions at the University's discretion including successful completion of a treatment program. Any cost of rehabilitation over and above that paid for by any applicable healthcare plan must be borne by the employee.

2.6 The possibility of returning to work described above does not extend to an employee who:

2.6.1 refuses to submit to testing or attempts to thwart the testing process by attempting to tamper with, adulterate, or otherwise evade the testing process;

2.6.2 possesses a prohibited and illegal drug on University premises, on university time, or while representing the University; or

2.6.3 is convicted of a drug-related crime which took place on University premises, on University time, or while representing the University.

2.7 An employee will be automatically terminated for the actions described in Section 2.6.

3. RESPONSIBILITY

3.1 Employees shall report suspected violations of this policy to their immediate supervisor or to Human Resources.

3.2 Employees shall report to their supervisor, or to Human Resources, any use of a prescribed or over-the-counter medication that could adversely affect their job performance. It is each employee's responsibility to check with a physician regarding whether any medication may adversely affect performance. Any such medical information will be kept confidential and shared with appropriate University personnel only on a need-to-know basis. Employees working in safety- or security-sensitive positions may be transferred or placed on leave in accordance with University leave provisions for so long as the employee may be adversely affected by a medication.

4. DRUG AND ALCOHOL TESTING

The University may require employees and job applicants to provide a urine specimen for drug testing, and/or a breath sample for alcohol testing, and/or another type of specimen suitable for testing for illicit drug abuse or alcohol use. Agreeing to such testing, providing such samples, and fully cooperating in the testing process are mandatory conditions of employment or continued employment with the University.

4.1 Job Applicants: Applicants for safety (DOT) and/or security-sensitive employment may be required to submit to a mandatory drug test as soon as practical following their acceptance of a conditional offer of employment and prior to the time they actually begin employment with the

University.

4.1.1 Job applicants subject to such testing will be notified at the time they apply.

4.1.2 Job applicants who test positive for illicit drug use will not be hired.

4.1.3 Job applicants who test positive for drugs or admit to prior illegal drug use may reapply for a position with the University six (6) months after such use or positive test result provided that they present evidence of successful rehabilitation that is acceptable to the University at the time of their reapplication.

4.1.4 A job applicant's refusal to submit to testing will be considered equivalent to a confirmed positive drug test and will result in the denial of employment.

4.2 Current Employees:

4.2.1 All University employees are subject to reasonable suspicion testing for drugs and/or alcohol whenever the Director of Human Resources has reason to believe that any employee may have used drugs or alcohol in violation of this rule. The University's determination that reasonable suspicion exists will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, including behavior or symptoms which may indicate chronic and/or withdrawal effects of the use of controlled substances. In addition, a job-related accident or near-accident involving human error may trigger a reasonable suspicion test request.

4.2.2 All employees who have previously tested positive and who are permitted to return to work as defined in section 2.5, will be required to undergo unannounced follow-up alcohol and/or controlled substances testing as recommended by the employee's substance-abuse treatment provider and in a manner acceptable to the University, for a period not to exceed two years, and up to 60 months for DOT-regulated employees. This provision does not affect or limit in any way the University's right to discipline employees for a violation of this rule nor guarantee that an employee in violation of this rule will be afforded an opportunity to return to or continue employment with the University.

5. ALCOHOL AND CONTROLLED SUBSTANCES TESTING

5.1 The decision to test for alcohol and controlled substances will be in accordance with System Regulation 34.02.01.

6. EMPLOYEE ASSISTANCE

- 6.1. The University offers the services of its Employee Assistance Program (EAP) through Human Resources to benefit eligible employees and their immediate family members with drug- and/or alcohol-abuse problems. The EAP can provide an evaluation and referral to appropriate services and rehabilitation programs that emphasize education, prevention, counseling and treatment. The cost of any such services may be covered under the employee's health insurance plan. The EAP provides confidential assistance to employees to identify and resolve personal concerns so that employees are better able to perform their jobs.
- 6.2. It is the employee's responsibility to seek assistance before an alcohol or drug problem leads to disciplinary action. An employee who is found to have violated this rule will be subject to discipline, up to and including termination. The employee will not be permitted to seek rehabilitation in lieu of discipline, but will be required to participate in rehabilitation as a condition of continued employment.
- 6.3. An employee's decision to seek voluntary help will not be used as a basis for disciplinary action. In order for a decision to seek help be considered voluntary, it must occur before an employee is discovered to have violated this rule in any manner.

7. UNIVERSITY PROGRAMS AND COMMUNITY SERVICES

- 7.1 The University is committed to providing comprehensive alcohol and other drug education, as well as early intervention and referral services. Assessment, intervention and referral are available through the EAP, the Center for Drug Prevention and Education, and other services in the community. All contacts with these University services are confidential. Voluntary contacts may not be the basis for disciplinary action.
- 7.2 Community service hospitals can be contacted for emergency care. Other community services include therapists, counselors, treatment centers, and support groups. For assistance in identifying an appropriate service, contact the EAP or the Center for Drug Prevention and Education.
- 7.3 The EAP will distribute educational information in accordance with System Regulation 34.02.01 annually to each employee.

8. HEALTH INSURANCE

Health insurance coverage may cover some or all of the expenses of treatment for alcohol or drug problems. Employees can contact Human Resources Benefits Services, the EAP, or their individual health plan representative for information.

9. DISTRIBUTION OF INFORMATION

Required information and material as outlined in System Regulation 34.02.01, Section 3.2 is distributed to all new employees through new employee orientation and

annually to all employees and in training and education programs.

For more information or clarification on this rule, contact Employee Assistance Program, at (979) 845-3711, or by email at eap@tamu.edu.

Related Statutes, Policies, or Requirements

[Policy 34.02: Drug and Alcohol Abuse](#)

[Regulation 34.02.01: Drug and Alcohol Abuse and Rehabilitation Programs](#)

[Policy 34.03: Alcoholic Beverages](#)


Rule 34.02.01.W2: *Substance Abuse Prevention Rule for DOT-Regulated Employees*

[U.S. Department of Transportation \(DOT\) regulations: Substance Abuse in the Workplace](#)

Contact Office

Office of Human Resources
806-651-2114

Approval



President/CEO

May 12, 2016
Date