

**AGENCY RULE**

**34.02.01.F1** **Drug and Alcohol Abuse and Rehabilitation Programs**

*Approved December 16, 2003*

*Revised February 26, 2019*

*Revised July 8, 2021*

*Revised June 10, 2022*

*Next Scheduled Review June 10, 2027*

**RULE SUMMARY**

Texas A&M Forest Service (agency) is committed to providing its employees a drug- and alcohol-free workplace. This rule will assist administrative units in complying with The Texas A&M University System (System) Policy 34.02, *Drug and Alcohol Abuse* and System Regulation 34.02.01, *Drug and Alcohol Abuse and Rehabilitation Programs.* This rule is required by System Regulation 34.02.01 and addresses alcohol use and abuse; the illegal use, sale, or possession of drugs; and the misuse of drugs, including over the counter and prescription drugs.

**RULE**

1. PROHIBITION AND CONSEQUENCES

1.1 The agency prohibits the unlawful manufacture, distribution, dispensation, possession or use of illicit drugs or alcohol on agency property or while on official duty or as part of any agency activities.

1.2 The purchase, consumption and possession of alcoholic beverages in facilities under the control of the agency will, in all respects comply with state law and with guidelines in System Policies 34.02 and 34.03 and in Administrative Procedure 60.01, *Alcoholic Beverages.*

1.3 Violation of this rule may result in disciplinary action up to and including termination of employment and referral for prosecution in accordance with the law. Actions taken will be consistent with local, state, and federal law.

1.4 If an employee is found to be in violation of this rule and employment is not terminated, upon return to work the employee may be required to:

1. Enter a program of evaluation by a substance abuse professional and, if required, complete a treatment program. The employee must bear any cost beyond what the employee’s health plan pays.

b. Sign a consent form for unannounced follow-up testing as prescribed by the substance abuse professional.

c. If the employee tests positive or refuses to submit to testing during this required period, the employee’s employment will be terminated. Appeals or retesting shall be at the discretion of the Director.

2. EMPLOYEE Responsibilities

2.1 Employees are responsible for reporting suspected violations of this rule to their immediate supervisor or to Texas A&M AgriLife Human Resources (HR).

2.2 Employees convicted of a criminal drug offense must report it to their supervisor within five business days of the conviction.

3. EDUCATION AND EMPLOYEE ASSISTANCE

 3.1 As part of its commitment to a drug and alcohol-free workplace, Texas A&M Forest Service has established an Alcohol and Drug-Free Awareness Program. This program will inform employees annually about: (1) maintaining an alcohol and drug-free workplace; (2) legal sanctions for the unlawful manufacture, possession, use, dispersion or distribution of illicit drugs or alcohol on agency property or as part of any agency activity; (3) health risks associated with the use of illicit drugs and abuse of alcohol; and (4) available drug or alcohol counseling, treatment, rehabilitation or re-entry programs available to employees, including employee assistance programs.

 3.2 System Benefits Administration has entered into an agreement with Guidance Resources (EAP Services) to extend services to all System members and retirees effective September 1, 2019. This EAP is a confidential counseling service provided to employees, retirees, and benefits-eligible dependents for personal and work concerns, which may be interfering with work performance and/or quality of life. Additionally, the EAP’s wide scope provides referrals for a broad variety of services. Information about EAP is provided on the [HR webpage](https://agrilifeas.tamu.edu/hr/about-us/eap/).

 3.3 Health insurance coverage may be available for treatment of alcohol abuse and other illicit drug use problems. Employees should contact Texas A&M AgriLife Benefits Office at 979-845-2423 or an individual health plan representative for information about insurance coverage. Hearing impaired individuals can access these resources by using TTY telephone to call Relay Texas at 1-800-735-2989.

 3.4 As part of the annual alcohol and drug-free awareness training, a copy of this rule and [*The Texas A&M System Prevention of Alcohol and Illicit Drug Use*](https://assets.system.tamus.edu/files/hr/forms/drug-alcohol.pdf) brochure will be distributed to each employee electronically.

4. Drug and Alcohol Testing – ALL EMPLOYEES

4.1 Criminal background checks are performed on all prospective employees prior to hire. Any convictions, including drug related convictions, are addressed by the hiring supervisor, chain of command and by HR. Refer to Administrative Procedure 10.08, *Criminal History Information*.

4.2 Employees are subject to reasonable suspicion testing for drugs and/or alcohol, as defined in paragraph 5.4 of System Regulation 34.02.01. The Director may authorize reasonable suspicion testing, upon recommendation of the AgriLife HR, after consultation with the Office of General Counsel.

4.3 Reasonable suspicion testing will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of the employee. In addition, a job-related accident or near-accident involving human error may trigger a reasonable suspicion request.

4.4 In the event there is a reasonable suspicion for an employee to be tested, the supervisor will arrange to take the employee to a certified collection site as soon as possible for testing, as directed by the TFS Environmental Health and Safety Officer (EHS Officer). If the employee refuses transportation, the employee’s refusal will be documented as a refusal to be tested.

5. DRUG AND ALCOHOL TESTING – EMPLOYEES REQUIRED TO HAVE CDL

5.1 Employees who are required to have a commercial driver’s license (CDL) must comply with Federal Highway Administration and the U.S. Department of Transportation (DOT) rules and will be tested 1) pre-employment, 2) post-accident, 3) reasonable suspicion, 4) random, and 5) return-to-duty and follow-up. The EHS Officer will arrange for such testing to be completed at a certified collection site.

5.2 Applicants selected for hire who are required to have a CDL as a condition of employment will be required to have a pre-employment drug test. If the test results are positive, the offer of employment will be rescinded. Any questions regarding specifics should be directed to HR.

5.3 CDL holders involved in an accident that involves an agency commercial motor vehicle (CMV) are required to have a post-accident drug and alcohol test. Specific procedures for this testing are defined in Administrative Procedure 60.07, *Post-Accident Drug and Alcohol Testing for Commercial Driver’s License (CDL) Holders.*

5.4 The EHS Officer will maintain the names of employees who are required to have a CDL and will randomly select employees for testing. The EHS Officer will notify appropriate supervisory personnel for each selected employee. Supervisory personnel will be responsible for ensuring the employee reports to the designated collection site as soon as possible after he or she has been notified. Employees selected for testing will provide the EHS Officer with copies of the following as soon as possible after testing has been completed:

a. COPY 5 – DONOR COPY of the Federal Drug Testing Custody and Control Form (if selected for drug testing);

1. COPY 2 – EMPLOYEE RETAINS copy of the DOT Alcohol Testing Form (if selected for alcohol testing).

Records of the tests completed each year will be maintained in the Employee Development office. The results will be maintained in accordance with the records retention schedule.

5.5 If an employee tests positive, the EHS Officer will notify the AgriLife HR of the results. AgriLife HR will notify the employee’s supervisor and discuss the best plan of action including:

* 1. The employee will be removed immediately from safety-sensitive functions.
	2. The employee may be referred to a substance abuse professional for further evaluation and recommendations.
	3. Disciplinary action may be taken which could include immediate termination of employment.

d. Any refusal by the employee to cooperate will result in termination of employment.

e. If an employee enters a substance abuse program as a result of section 5.5 (b) above, then employee must successfully complete the education/treatment prescribed by the substance abuse professional before returning to a DOT safety-sensitive position.

5.6 Any employee who is required to have a CDL who becomes ineligible to drive because of a positive drug or alcohol test will be considered in violation of this rule.

5.7 An employee who refuses to follow any of the required testing protocols or violates the testing process will be considered in violation of this rule.

5.8 Any employee in violation may be subject to discipline, up to and including termination of employment, in addition to independent sanctions imposed by the DOT rules.

6. REVIEW AND REPORTING REQUIREMENTS

 6.1 The agency Compliance Coordinator will conduct a biennial review of the alcohol and drug-free awareness and prevention program as stated in System Regulation 34.02.01.

 6.2 The Associate Director for Finance and Administration will certify the accessibility of a drug abuse prevention program for employees as required under 20 U.S.C.A. § 1094.

 **RELATED STATUTES, POLICIES OR REQUIREMENTS**

[System Policy 34.02, *Drug and Alcohol Abuse*](http://policies.tamus.edu/34-02.pdf)

[System Policy 34.03, *Alcoholic Beverages*](http://policies.tamus.edu/34-03.pdf)

[System Regulation 34.02.01, *Drug and Alcohol Abuse and Rehabilitation Programs*](http://policies.tamus.edu/34-02-01.pdf)

[Administrative Procedure 60.01, *Alcoholic Beverages*](http://tfsfinance.tamu.edu/modules/finance/admin/admin_procedures/6001%20Alcoholic%20Beverages.docx)

[Administrative Procedure 60.07, *Post Accident Drug and Alcohol Testing for Commercial Driver’s License Holders*](https://tfsfinance.tamu.edu/modules/finance/admin/admin_procedures/6007%20Post%20Accident%20Drug%20and%20Alcohol%20Testing.docx)

**CONTACT OFFICE**

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