

**Agency Rules****34.02.01.N1 Drug and Alcohol Abuse**

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Rule Summary

The Texas A&M Engineering Extension Service (TEEX) is fully committed to providing employees a drug and alcohol-free workplace. This rule is required by [System Policy 34.02, Drug and Alcohol Abuse](#) and [System Regulation 34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs](#).

This rule covers:

- Substance and Alcohol Abuse Prevention
- Prohibition and Consequences
- Drug and Alcohol Testing

The provisions of this rule are applicable to all employees, participants and federal contract workers. It applies to individuals who are on the job, on TEEX/TAMUS property, in a TEEX vehicle or while representing TEEX. This rule incorporates the definitions in System Regulation 34.02.01.

Rule**1. SUBSTANCE AND ALCOHOL ABUSE AWARENESS AND PREVENTION**

1.1 In accordance with System Regulation 34.02.01, Section 3, TEEX will provide required information and materials on substance and alcohol abuse to all new employees through new employee orientation and annually to all current employees.

1.2 TEEX provides its employees and benefits-eligible dependents, access to an Employee Assistance Program (EAP). Employees are advised of this benefit at new employee orientation and via the employee portal. Additional resources are available to employees from a variety of sources such as the employee's health insurance plan, local counseling services and community support programs.

2. PROHIBITION AND CONSEQUENCES**2.1. Prohibition**

2.1.1 TEEX prohibits the use, sale, attempted sale, conveyance, distribution, manufacture, cultivation, dispensation, purchase, attempted purchase, and possession



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of illicit drugs, intoxicants, or controlled substances, at any time and in any amount or in any manner.

2.1.2 TEEX prohibits the use of medications for which the employee does not have a valid prescription, and the use of prescription medication in a manner inconsistent with the prescription.

2.1.3 TEEX prohibits the purchase, consumption and possession of alcoholic beverages in facilities under the control of TEEX unless specifically allowed under [TEEX Standard Administrative Procedure 21.01.12.NO.2, Purchase of Alcohol](#).

2.2. Consequences

2.2.1 Failure to comply with this rule may result in disciplinary action, up to and including termination. Any employee who violates any state or federal law pertaining to controlled substances, illicit drugs, or the use of alcohol will be reported to the appropriate law enforcement agency and will 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.

2.2.2 If an employee found to be in violation of this Rule is not terminated, the employee may be permitted to return to work if:

- (a) The employee successfully completes a rehabilitation program and;
- (b) The employee agrees to required unannounced follow-up testing for a period not to exceed two years and up to 60 months for Department of Transportation (DOT)-regulated employees.

2.2.2.1 If the employee either tests positive or refuses to submit to testing during this time period, the employee will be dismissed from employment. The employee shall pay for the cost of such rehabilitation program above what the employee's healthcare plan pays.

2.2.3 The possibility of return to work as described above will not be extended to an employee who refuses to submit to testing or attempts to thwart the testing process by attempting to tamper with or evade the testing process; possesses a prohibited and illicit drug on the job; or is convicted of a drug-related crime which took place on TEEX/TAMUS property while representing TEEX. In these cases, the employee will automatically be terminated.

2.3. Reporting

2.3.1. Employees are responsible for reporting suspected violations to either their immediate supervisor or the Human Resources Department.

2.3.2. Employees must report any arrest or conviction of a criminal drug or alcohol statute to their supervisor within 24 hours. The Division Director/Administrative



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head of the department should also be notified as well as the Human Resources Department.

2.3.3. In the case of an employee who is directly engaged in the performance of work on a federal contract or grant, the CEO or their designee must notify the contracting federal agency within 10 days after receiving notice from an administrative head or otherwise receiving actual notice of such conviction and, must impose sanctions on the employee involved within 30 days.

2.3.4. Employees shall also report any use of a prescribed or over-the-counter medication that could adversely affect their job performance to their supervisor.

2.3.4.1 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 personnel only on a need-to-know basis. Employees working in safety positions may be transferred or placed on leave in accordance with leave provisions for so long as the employee may be adversely affected by the medication

3. CONTROLLED SUBSTANCE AND ALCOHOL TESTING

3.1. The decision to test DOT-regulated employees for controlled substance and alcohol will be in accordance with TEEX SAP 34.02.01.N1.01, *Substance Abuse Prevention and Post Testing for DOT-regulated employees*.

3.2. Testing of employees in a position funded by a federal grant or contract with such requirements, is undertaken 1) when there is reasonable suspicion that an employee uses illicit drugs, 2) when an employee has been involved in an accident or unsafe practice, 3) as part of or as a follow-up to counseling or rehabilitation for illicit drug use, 4) or as part of a voluntary employee drug testing program. Additional restrictions or requirements may be implemented on a per project basis if required under the terms of a federal grant or contract

3.3. Testing of employees not regulated by DOT or required by a federal agency will be undertaken when there is a reasonable suspicion that the employee is under the influence of alcohol or illicit drugs while on the job and the employee's job performance has been affected by the use of alcohol or illicit drugs. The decision to test will be made in consultation with OGC. Refusal to submit to a test, combined with a reasonable suspicion of usage, may result in termination.

Related Statutes, Policies, or Regulations

[Federal Regulation 49 CFR 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs](#)



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

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

[System Policy 32.02 Discipline and Dismissal of Employees](#)

[TEEX Standard Administrative Procedure 21.01.12.N0.02 Purchase of Alcohol](#)

[TEEX Standard Administrative Procedure 34.02.01.N1.01 Substance Abuse Prevention and Post-Accident Testing for DOT-Regulated Employees](#)

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