

34.02.01.R1.02 Drug and Alcohol Testing and Counseling Procedure

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Procedure Statement

In conjunction with the University Rule and Procedure, *Drug Free Workplace and Campus*, East Texas A&M University (the University) is committed to providing its employees with a safe and healthy work environment. This procedure establishes the process that will be followed by all university employees. All employees (faculty and staff) will complete required training and job-related training assignments within the specified timeline and may be subject to disciplinary actions, up to and including termination, for failure to successfully complete mandatory or required training requirements within the specified timeline.

The purpose of this procedure is to ensure that all employees are provided with the services needed to assist in addressing an alcohol or drug dependency, properly document all drug and alcohol testing, maintain confidentiality of these documents, and inform employees of the university's drug and alcohol programs. The end result is to provide a safe, healthy, and productive work environment.

Procedures and Responsibilities

1 GENERAL

A drug and alcohol test will be administered in accordance with University Rule *34.02.01.R1*, and the following steps will be taken prior to the administration of any drug and/or alcohol test:

- 1.1 If the supervisor has reasonable suspicion of alcohol or controlled substance problems, the supervisor will immediately notify the appropriate department head and Human Resources (HR). The supervisor will prepare a written report for subsequent submission to HR for the employee personnel file (to be filed within three days).
- 1.2 HR will review the information or incident with the supervisor and department head, and a decision will be made to either counsel the employee or seek an appropriate test. The discussion may include a request for counseling, and depending upon the outcome of the counseling then proceed with a request for testing.

- 1.3 HR will inform the president or appointed designee and seek permission prior to any test.
- 1.4 The Texas A&M University System Office of General Counsel (OGC) will be informed of the situation. No drug test will be administered without the advice of an OGC attorney.
- 1.5 HR will process the request with consideration, given OGC's guidance.
- 1.6 At all times, the supervisor or university official shall address any issues and provide reasonable confidentiality.
- 1.7 For suspected alcohol abuse, HR should arrange for a qualified university police officer to administer a standard Alcohol Breathalyzer Test. If the employee tests positive, then standard police procedures should be administered, and a copy of the officer's incident report shall be filed in the employee's medical file.
- 1.8 A test requiring collection of blood or body fluids shall be administered by a testing facility that maintains confidentiality and has an established procedure for chain of control tracking. HR will identify the testing location. The decision to test for alcohol and controlled substances will be in accordance with System Regulation 34.02.01 Drug and Alcohol Abuse and Rehabilitation Programs.

2 PROPER TESTING AND CONFIDENTIALITY OF TEST RESULTS

- 2.1 The vendor will follow strict collection and proper testing procedures that have been reviewed and approved by A&M-Commerce.
 - 2.1.1 All "positive" results are confirmed by GC/MS or LC/MS analysis.
 - 2.1.2 All "negative" results are determined by a "zero tolerance" testing procedure.
- 2.2 Only HR will request the test and have direct access to drug test results. This information will only be shared on a need-to-know basis.
- 2.3 Only positive drug test results will be filed in the medical file.

3 ACTIONS TO BE FOLLOWED IF A TEST IS POSITIVE

- 3.1 HR will inform the supervisor or department head of positive test results and place the results in medical file.
- 3.2 HR will inform the President or designee and discuss recommended action(s). HR will seek OGC guidance if termination is recommended. If termination is not recommended, employees in violation of the policy or regulation may be asked to sign a *Job in Jeopardy Agreement*, which requires participation and completion of a substance abuse program. Failure to successfully complete the program may result in immediate dismissal. A record of the action taken will be placed in the employee's personnel file.

4 ACTIONS TO TAKE IF A TEST IS NEGATIVE

4.1 HR will inform the supervisor and employee of negative test results.

4.2 HR will destroy any hard copy record of negative test results.

5 COUNSELING SERVICES

An employee may be referred to the Counseling Center for assistance. Employees who are enrolled in Blue Cross and Blue Shield are able to schedule outpatient mental health visits through the insurance program. The cost of each visit is determined by the co-pay at the time of the visit.

Related Statutes, Policies, or Requirements

20 U.S.C. § 1011i, [*Drug and Alcohol Abuse Prevention*](#)

41 U.S.C. Ch. 10 (§§ 701-707), [*Drug-Free Workplace Act of 1988*](#)

34 C.F.R. Pt. 86, [*Drug and Alcohol Abuse Prevention*](#)

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

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

System Regulation [*34.03 Alcoholic Beverages*](#)

University Rule [*34.02.01.R1 Drug Free Workplace and Campus*](#)

University Procedure [*34.03.01.R0.01 Alcoholic Beverages on University Property*](#)

University Procedure [*34.03.01.R0.02 Alcoholic Beverages at University-Sanctioned Tailgate Events*](#)

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