

# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

## Operating Policy and Procedure

HSC OP: 70.41, Drug and Alcohol Testing for Safety -sensitive Positions Requiring a Commercial Drivers License

PURPOSE: The purpose of this Health Sciences Center Operating Policy and Procedure (HSC OP) is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of commercial motor vehicles (CMV) and to comply with the Federal Highway Administration (FHWA) and the Department of Transportation (DOT) regulations requiring drug and alcohol testing for employees in safety-sensitive functions.

This HSC OP applies to all TTUHSC applicants and employees in positions with duties or activities that involve the requirement of a commercial driver's license (CDL); otherwise referred to herein as safety-sensitive functions. The provisions of this alcohol and drug testing policy do not relieve an employee from requirements pursuant to other TTUHSC policies on alcohol and drugs.

REVIEW: This HSC OP will be reviewed on January 1 of each even-numbered year (ENY) by the Assistant Vice President for Human Resources, with recommendations for revision forwarded to the Executive Vice President for Finance & Administration by February 1.

### POLICY/PROCEDURE:

#### 1. General.

- a. Safe Work Environment. It is the policy of TTUHSC to be a drug-free workplace and to prevent and eliminate drug abuse in the workplace. TTUHSC has an obligation to ensure a safe work environment for all employees; to protect the students and other members of the public against endangerment due to the impairment of our employees' physical and mental capabilities; to protect its property and equipment from unnecessary damage; and to assure that all TTion as:

ederal law or TTUHSC;

ed by a person, but not prescribed to that person;  
btainable, but is not being used for the prescribed purpose or is not  
the prescribed dosages; and  
e a medical effect of reducing an individual's ability to safely operate  
n a safety-sensitive function.

ance. Any employee who requests assistance in locating a  
professional or counselor should contact the Employee Assistance  
online campus telephone directory at <http://directory.texastech.edu/>

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The Employee Assistance Program provides concerned assessments by professional counselors. As professionals, the counselors are pledged to confidentiality. The counselors will not report individuals who are using the services. There is

To utilize the Employee Assistance Program, call

- d. Reporting Requirements. Each department having an employee who falls under these requirements must prepare and maintain an annual calendar year summary documenting the implementation and results of this policy. The report must be completed no later than March 15 for the previous calendar year and must



drugs or has a blood alcohol level of or exceeding 0.02. Drug testing is a two-stage process.

work. The department administrator, in consultation with the Safety Department and/or the Human Resources Department, will decide whether the employee may remain at work and what work restrictions, if any, will apply. Employees found unable to work under this provision must use their sick leave, vacation leave, or leave without pay to cover the time not worked.

7. Leave of Absence for Alcohol or Drug Treatment Program.

a. An employee shall be permitted to take a leave of absence for the purpose of undergoing treatment pursuant to an approved program for alcohol and/or drug abuse. The cost of the program will be entirely at the employee's expense. The leave of absence must be requested prior to:

- (1) The commission of any act subject to disciplinary action;
- (2) Any alcohol or drug test sample already submitted for testing; or
- (3) Being notified to submit to testing.

The request must be in writing to the supervisor.

b. Such leaves may be granted on a one time basis and shall be for a period of up to 90 days unless extended by mutual agreement. While on such leave, the employee will be required to use accrued sick leave, vacation leave, or leave without pay. This provision will not amend or alter any other pending disciplinary action.

c. Within five days after the expiration of the leave of absence for alcohol or drug treatment, the employee must present to the appropriate department, written certification showing completion of the specific treatment program attended. The employee shall then submit to the TTUHSC's alcohol or drug tests and a negative result must be obtained prior to the employee returning to work.

Failure to present certification, failure to submit for testing or to obtain a positive result on the alcohol or drug test is grounds for immediate termination. When the department is notified that the employee tested negative, that person will be allowed to return to work, thus returning from leave of absence. However, this employee shall be required to submit to random alcohol or drug testing whenever there is a departmental request and solely at the discretion of TTUHSC and in accordance with the law.

8. Notice of Conviction. Any employee who is convicted of violating any federal, state, or local criminal alcohol or drug statute, must notify the appropriate supervisor before the next work day after such conviction. For the purpose of this notice requirement, a conviction includes a finding of guilt, an admission of guilt, a no contest plea, any form of deferred adjudication, any requirement of community service, and/or an imposition of sentence by any judicial body for any violation of a criminal statute involving the unlawful manufacture, distribution, dispensation, possession or use of alcohol or drugs.

9. Right to change policy. TTUHSC reserves the right to interpret, change, modify, amend, or rescind this policy in whole or in part at any time without the consent of employees.