

34.02.01.B1 Drug and Alcohol Abuse and Rehabilitation Programs

Approved September 25, 2019
Revised February 2, 2021
Next Scheduled Review: February 2, 2026



Rule Summary

The Texas Division of Emergency Management (Division) is committed to providing its employees a safe, drug and alcohol-free workplace in accordance with System Policy 34.02, *Drug and Alcohol Abuse*; System Policy 34.03, *Alcoholic Beverages*; and System Regulation 34.02.01, *Drug and Alcohol Abuse and Rehabilitation Programs*.

Definitions

In addition to the terms defined below, this rule incorporates the definitions found in System Regulation 32.02.01, *Drug and Alcohol Abuse and Rehabilitation Programs*

“Division Property” is a term which includes any property or facilities owned, leased or operated by the Division or by the Texas A&M University System for the use of the Division.

“Division Vehicles” is a term which includes any vehicles owned, leased, rented or operated by the Division or by the Texas A&M University System for the use of the Division.

Rule

1. Prohibition

- 1.1 Pursuant to State and Federal law and The Texas A&M University System (A&M System) Policies and Regulations, the Division prohibits the unlawful manufacture, distribution, possession or use of Illicit Drugs or alcohol on property under the control of the Division and/or while on official duty and/or as part of any associated activities.
- 1.2 The purchase, consumption and possession of alcoholic beverages on property under the control of the Division shall comply with state law and System Policies 34.02 and 34.03.
- 1.3 Failure to comply with any provision in this rule may result in disciplinary action, up to, and including, termination and referral for prosecution in accordance with the law.

2. Employee Responsibilities

- 2.1 Employees are responsible for reporting suspected violations of this Rule to their immediate supervisor or to Division Human Resources.
- 2.2 Division employees shall notify their immediate supervisor of any prescription or over-the-counter medication that could adversely affect their job performance at the beginning of the work day or prior to undertaking any work-related activity that is contrary to restrictions or warnings on medication labels or provided by medical or pharmaceutical professionals. This medical information will be kept confidential and shared only with personnel on a need-to-know basis.
- 2.3 Employees adversely affected by medication during the normal course of duty may have their duties altered or placed on leave in accordance with leave regulations. Supervisors must notify the Human Resources Office prior to altering duties or placing an employee on leave.
- 2.4 In the event that additional restrictions or requirements are imposed under the terms of a federal grant or contract, the Division will notify employees operating under the grant or contract of their responsibilities under the terms of the grant or contract.

3. Testing

- 3.1 Division employees are subject to testing for drugs and/or alcohol in accordance with Federal and State law, System Regulation 34.02.01, or as a condition of any federal grant or contract. This may include for-cause testing and post-accident testing. The Division Chief may authorize reasonable suspicion testing, upon recommendation of the Division Chief Human Resources Officer, after consultation with the A&M System Office of General Counsel.
- 3.2 Reasonable suspicion testing will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of the employee that suggests impairment or influence of drugs or alcohol. A negative performance pattern or excessive and unexplained absenteeism may also yield a reasonable basis for testing. In addition, a job-related accident or near-accident involving human error may trigger a reasonable suspicion test. Testing may also be conducted after counseling or rehabilitation for Illicit Drug use or as part of a voluntary employee drug testing program.
- 3.3 In the event there is a reasonable suspicion for an employee to be tested, the supervisor will make arrangements to take the employee to a certified collection site as soon as possible for testing, as directed by the Division Chief Human Resources Officer. If the employee seeks to delay testing or refuses transportation, the employee's actions will be documented as a refusal to be tested.

- 3.4 An employee must report any positive tests, arrests, charges, or convictions to their supervisor or directly to the Division Chief Human Resources Officer within 24 hours or at the earliest possible opportunity.
- 3.5 The Division will notify appropriate federal contracting agencies of any conviction for a violation of any criminal drug statute by an employee within 10 days and will take appropriate personnel actions within 30 days of receiving such notice from the employee.

4. EMPLOYEES UNDER DOT REGULATIONS

- 4.1 Any employee who is required to have a commercial driver's license (CDL) and becomes ineligible to drive because of a positive drug or alcohol test will be considered in violation of this Rule. Any employee in violation may be subject to discipline, up to and including termination of employment, in addition to independent sanctions imposed by DOT. Any applicant who is required to have a CDL as a condition of employment will be required to have a pre-employment drug test.
- 4.2 Employees who are required to have a CDL must comply with Federal Highway Administration and Department of Transportation rules and will be tested 1) pre-employment, 2) post-accident, 3) reasonable suspicion, 4) random and 5) return-to-duty. The Chief Human Resources Officer will make arrangements for such testing to be completed at a certified collection site.
- 4.3 The Division Human Resources Office will randomly test Division employees with CDLs.
- 4.4 An employee may be subject to disciplinary action, up to and including termination, if he or she refuses to follow any of the required testing protocols or violates the testing process.

5. Employee Assistance

- 5.1 Division employees may seek assistance with drug and/or alcohol abuse through the Division Human Resources Office or the Texas A&M University System Benefits Office.

6. Educational Materials

- 6.1 The Division provides required material and information as outlined in System Policy 34.02 during new employee orientation and annually in accordance with System Regulation 34.02.01.

Related Statutes, Policies, or Requirements

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

- [System Policy 34.03, Alcoholic Beverages](#)
- [System Regulation 34.02.01, Drug and Alcohol Rehabilitation Programs](#)
- [20 U.S.C. § 101i, Drug and Alcohol Abuse Prevention](#)
- [41 U.S.C. §§ 701-707, The Drug-Free Workplace Act of 1988](#)
- [34 C.F.R. 86, The Drug-Free Schools and Communities Acts of 1989](#)

Appendix


[Texas A&M University System Employee Assistance Program](#)

Contact Office

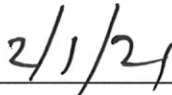
Texas Division of Emergency Management, Office of the Chief Operating Officer
(512) 424-5353

System Approvals*

Approved for Legal Sufficiency:



Ray Bonilla
General Counsel

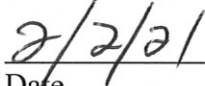


Date

Approved:



John Sharp
Chancellor



Date

***System approvals are contingent upon incorporation of any and all System-required changes in the rule's final posting.**