

**Purpose**

To establish policy and procedures for a drug-free workplace.

**Definition**

- I. **Controlled Substance** – This means a controlled substance in Schedules I through V of Section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970.
- II. **Conviction** – A finding of guilt (including a plea of nolo contendere), an imposition of sentence, or both, by a judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

**Policy**

- I. **Drug-Free Workplace:** Addendums titled HR.5A describe the instances of when the Agency will conduct drug testing.
- II. **Drug-Free Workplace:** Addendums titled HR.5B describe the source of drug testing the Agency uses to conduct drug tests.
- III. The Agency and its employees will be alert, responsive, and able to perform work in a safe and productive manner. Working under the influence of drugs or alcohol creates a risk to the safety and well-being of the individual and clients.
- IV. Per federal law 41 U.S.C. 8102 and the Drug-Free Workplace Act of 1988, employees are informed of the following:
  - A. All employees are prohibited from the unlawful or unauthorized manufacture, distribution, dispensing, possession, or use of a controlled substance, narcotics, or other illegal drugs, alcohol, or prescription medication without a prescription while on company or client premises or on Agency paid time.
  - B. Violation of this policy can result in disciplinary action, up to and including termination of employment.

**Procedure**

- I. The Agency educates all employees during orientation and clients upon admission regarding the drug testing policy.
- II. The Agency will provide a copy of the policy to anyone applying for services from the Agency, employees on hire and any person who requests the information.
- III. Employees will sign an acknowledgment of receipt of the policy. A signed statement will be maintained in the employees' personnel files.

- IV. All employees are responsible for reporting instances of possible abuse. Reported instances of abuse will be thoroughly and confidentially investigated. Violations may result in disciplinary action up to and including termination depending on the results of the investigation.
- V. Agency employees are provided the following information:
- A. There are substantial dangers of drug and alcohol abuse in the workplace.
  - B. It is the Agency's policy to maintain a workplace free of illegally used drugs and abuse of alcohol.
  - C. Management and the human resources department are prepared to advise on what counseling and rehabilitation programs are available to employees.
  - D. The Agency may at its sole discretion, require an employee to participate in an appropriate counseling and rehabilitation program as the result of substance abuse violations.
    - 1. Refusal to participate in such a program and to submit to "for cause" (reasonable suspicion) drug testing during the course of treatment for a reasonable period of time may result in disciplinary action up to and including termination.
  - E. Employees taking legally prescribed or over-the-counter drugs that might impair mental or physical functions will notify management prior to reporting to work and/or prior to taking the drug after the start of work. A doctor's note may be required.
  - F. Employees will notify management of drug convictions within five days of such conviction. Management will notify human resources immediately.
  - G. If the employee is performing services under a government contract, the Agency will notify the government contracting officer within 10 days of the Agency's receipt of a notice of conviction.
  - H. Within 30 days after receiving notice from an employee of a conviction, the Agency will take appropriate personnel action against the employee up to and including termination.
  - I. The Agency may also require an employee to submit to drug and/or alcohol screening when required by state or federal law, regulation, or contractual obligation not otherwise anticipated by this policy.

**Reference**

- United States Code (USC), Title 41, Subtitle IV, Chapter 81  
§8102 Drug-free workplace requirements for Federal contractors
- Drug-Free Workplace Act of 1988
- Texas Administrative Code (TAC)  
Title 26, Part 1 §558.253(d)