



## Human Resource Policy Manual

**Subject: Substance, Alcohol and Drug Free Workplace**

**HR Policy: 150**

**Board of Directors Approval: 06/30/08**

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**MSHS Policy Council Approval: 09/10/08**

### **MANAGEMENT POLICIES**

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## **Substance Abuse and Drug Free Workplace**

### **1.0 Policy Statement**

It is the policy of Texas Migrant Council, Inc., to maintain a drug free work place. Employees will not engage in unlawful manufacture, possession, dispensing or use of a controlled substance or other intoxicants on the premises, vehicles and/or property of any Texas Migrant Council, Inc., workplace. The CEO and COO will designate an officer for each program administered by Texas Migrant Council, Inc., to assist with implementation, monitoring and enforcement of the corporation's drug free policy.

#### **Pre-Employment Testing Policy:**

Testing for drugs and/or alcohol will be conducted on all applicants to whom an offer of employment has been extended and will be subject to random testing. All offers of employment are subject to the terms and conditions of this policy. Failure to cooperate in such a test will result in a withdrawal of the offer of employment. Any applicant who refuses to submit to, or tampers with, a drug test shall be ineligible for hire.



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### 2.0 PROCEDURE

- 2.1 It is the policy of the Corporation to maintain a drug-free workplace. One of the most serious threats we now face in the United States is the growing problem of drug abuse and how to deal effectively with the problem. We reaffirm the dangers of drug abuse in the workplace and encourage employees to become educated in this regard.
- 2.2 Being under the influence of a drug or alcohol on the job poses serious safety and health risks not only to the user, but to all those who work with the user. The possession, use or sale of an illegal drug or alcohol in the workplace poses unacceptable risks for safe, healthful and efficient operations. The Corporation has zero tolerance for employees who are under the influence of a drug or alcohol while on the job, and will be subject to immediate termination, once a positive drug test result is confirmed.
- 2.3 The Corporation further recognizes that its own health and future are dependent upon the physical and psychological health of its employees. The Corporation's Human Resource Department will discuss with any employee, in the strictest confidence, referral to an Employee Assistance Program (EAP) which provides help to employees who seek assistance for drug or alcohol abuse. Employees who self-disclose a substance abuse problem prior to a test notification may seek EAP and may continue employment provided that they participate in and successfully complete the EAP. Asking for a referral to the EAP after a positive drug or alcohol test will not be considered voluntarily seeking rehabilitation. In this case, employees will be subject to immediate termination.
- 2.4 Employee compliance with the Corporation's Substance, Alcohol and Drug Free Workplace is required in order to help ensure a safer and better work environment for everyone. An employee is subject to drug testing in the following instances: post-workplace accident, randomly, returning from a rehabilitation program, returning from a leave of absence of 180 days or more, a fit for duty medical evaluation, holding a "safety-sensitive" position, and holding a position subject to DOT regulations, return to duty and reasonable suspicion.
- 2.5 All testing will be confidential and records relating to the administration and results of testing will be disclosed only as required by law or to those Texas Migrant Council, Inc. management officials on a "need-to-know" basis. Texas Migrant Council, Inc. will at its sole discretion determine which management officials have a "need-to-know" the drug and alcohol test results. The corporation will make every effort to comply with federal and state laws (i.e. ADA) regarding drug testing and those individuals affected by this policy.
- 2.6 An employee who refuses to consent and submit to a test when requested will be subject to disciplinary action, including termination, pursuant to the Corporation's discipline and dismissal procedures. Refusal to submit includes: 1) failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing; 2) failure to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; 3) engaging in conduct that clearly obstructs the testing process; and 4) leaving the scene of on-the-job accident.



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### **3.0 PROHIBITIVE CONDUCT**

#### **3.1 ALCOHOL**

- 3.1.1** Possession, use, or being either unfit to work because of alcohol or under the influence of alcohol by any employee while on Corporation premises is prohibited. Consumption of alcohol on all Corporation premises, including parking lots, is prohibited.
- 3.1.2** "Under the influence" and/or "unfit to work" means, for purposes of this procedure that the employee is affected by a drug or alcohol or the combination of a drug and alcohol in any detectable manner. It will be the Corporation's sole discretion as to what constitutes "under the influence" or "unfit to work."

#### **3.2 LEGAL DRUGS**

- 3.2.1** "Legal drug" includes all prescription drugs and over-the-counter drugs which have been legally prescribed or obtained and are being lawfully used for the purposes for which they were prescribed or manufactured.
- 3.2.2** An employee's use of a legally prescribed drug can pose a significant risk to the safety of the employee and others. In order to determine job-related consequences, all employees are required to continually notify the Human Resources Department of their prescription drug use by bringing in any necessary doctor's authorization, and receive authorization to work while using any legally prescribed drugs, including all prescribed and all over-the-counter drugs. The Corporation reserves the right to require additional medical documentation at any time.
- 3.2.3** The use or being under the influence of any legally prescribed or obtained drug, or otherwise unfit to work due to the influence of a legally prescribed drug by an employee while performing Corporation business or while in a Corporation facility is prohibited to the extent such use or influence may affect the safety of co-workers or members of the public, the employee's job performance, or the safe or efficient operation of the Corporation facility. An employee may continue to work even though under the influence of a legally prescribed drug, if the Corporation has determined that the employee does not pose a threat to his or her own safety or the safety of co-workers and that the employee's job performance is not significantly affected by the legally prescribed drug. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action determined by the Corporation.

#### **3.3 ILLEGAL DRUGS**

- 3.3.1** "Illegal drugs" means any controlled substance (a) which is not legally obtainable, (b) which is legally obtainable but has not been legally obtained, or (c) which is being



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unlawfully used. The term includes prescription drugs not legally obtained and prescribed drugs not being used for prescribed purposes. It also includes marijuana.

- 3.3.2** The Corporation prohibits the manufacture, distribution, dispensation, possession, or use of an illegal drug in the workplace, including parking lot, or while performing Corporation business.