



**I. 8.8.3 Drug and Alcohol Testing Policy**

Chapter 8 - Health & Safety	Original Effective Date: June 2000
Section: 8.8 University Vehicles	Date Last Reviewed: December 2001
Responsible Entity: Vice President for Facilities and Capital Planning	Date Last Revised: December 2001

**II. Purpose**

The purpose of this Policy is to establish a program at UT Health San Antonio (UTHSA) to help prevent accidents and injuries resulting from the misuse of alcohol or controlled substances by applicants for and employees in safety-sensitive functions and drivers of commercial motor vehicles. It is also the intent of this Policy to comply with UT System policy, Federal Highway Administration (FHWA), and the Department of Transportation (DOT) regulations requiring drug and alcohol testing for employees in safety-sensitive functions.

**III. Scope**

This policy applies to all persons who are applicants for or who are employed in positions with duties or activities that involve the requirement of a commercial driver’s license. The provisions of this drug and alcohol testing policy do not relieve an employee from requirements pursuant to other University policies on drugs and alcohol.

**IV. Policy**

**A. Applicants for Employment**

All applicants who have been conditionally accepted for employment in positions that involve the duties or activities described above will be required to provide a urine sample for testing for the presence of illegal drugs as noted below. Additionally, they will be required to undergo alcohol testing.

1. All published or posted notices of vacancies in positions covered by this policy shall state that all applicants will be required to consent to a urinalysis for the purpose of testing for the presence of illegal drugs and an alcohol concentration test for the purpose of testing for the presence of alcohol.
2. Applicants who refuse to consent to a urinalysis and alcohol concentration test or who test positive for the presence of illegal drugs or alcohol in prohibited concentrations will not be considered for employment in a position covered by this policy and may not reapply for such employment for a period of six (6) months.

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3. Prior to signing the consent form, applicants will be informed of the testing procedures either orally or in writing.

#### B. Prohibited Employee Conduct

##### 1. Alcohol Use

Use or possession of alcohol while on duty requiring the performance of safety-sensitive functions;

Use of alcohol during four (4) hours before on duty requiring the performance of a safety-sensitive function;

Having prohibited concentrations of alcohol (.04 or greater) in system while on duty requiring the performance of safety-sensitive functions; or,

Use during the eight (8) hours following an accident requiring a post-accident test, or until the employee undergoes a post-accident alcohol test, whichever occurs first.

##### 2. Drug Use

Use or possession of controlled substances while holding a position requiring the performance of safety-sensitive functions, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle; or,

Testing positive for controlled substances while holding a position requiring the performance of a safety-sensitive function.

##### 3. Refusal to submit to required testing.

##### 4. Permitting a subordinate employee to perform or continue to perform safety-sensitive functions when the supervising employee has actual knowledge that a driver has engaged in conduct prohibited in paragraphs above.

#### C. Employee Testing

Employees in positions that involve the duties or activities described in above may be required to submit to testing to determine the presence of illegal drugs or alcohol under the following circumstances:

1. When involved in an on-the-job driving accident the employee shall be tested;
2. When observed using alcohol or illegal drugs while on duty requiring the performance of safety-sensitive functions;
3. When a supervisor who has participated in a program that provides training in the recognition of the physical appearance and behavior of persons under the influence of alcohol or illegal observes an employee exhibiting such appearance and behavior during, just preceding, or just after the period of the work day that the employee is performing in the safety-sensitive function;
4. When selected pursuant to a scientifically valid random process determined by UT Health San Antonio (UTHSA);
5. When returning to duty in a position described in above, after a violation of drug or alcohol rules; or,

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6. When returning to duty for a position described in above, and has been identified by a substance abuse professional as needing assistance in resolving problems with drug or alcohol abuse. Such employees will be subject to a minimum of six (6) unannounced follow-up drug or alcohol tests over the first twelve (12) months following his or her return to duty.

#### D. Refusal to Submit Test

UTHSA will secure a consent form signed by the employee to be tested. An employee who refuses to consent and submit to a test when requested under any of the circumstances provided for above will be subject to disciplinary action including termination pursuant to the University's "Procedures for Discipline and Dismissal of Employees" or The University of Texas System "Police Code of Conduct and Grievance Procedure" if a uniformed member of University Police. Refusal to submit includes failure to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, 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 in accordance with the provisions of this part, and engaging in conduct that clearly obstructs the testing process.

#### E. Positive Test

Employees with positive tests will be immediately removed from safety sensitive functions. The supervisor and the Vice President for Human Resources, or the Chief of Police in instances involving members of University Police, will meet with each employee who tests positive and inform the employee of the test result. Based upon the information available after the meeting with the employee, the supervisor and the Vice President for Human Resources or the Chief of Police shall determine whether:

1. To proceed to impose appropriate disciplinary action (keeping in mind my minimum penalties as may be require by federal or state law) pursuant to UTHSA's "Procedures for Discipline and Dismissal of Employees" or The University of Texas System "Police Code of Conduct and Grievance Procedure"; or,
2. To offer the employee the opportunity to participate in and satisfactorily complete an appropriate employee assistance program or rehabilitation program for alcohol and/or drug abusers as a condition of continued employment. An employee who chooses to participate in such a program must be informed that the University will pursue appropriate disciplinary action if the employee does not satisfactorily complete the prescribed program. The employee will be allowed to return to work after at least a 24-hour period.

#### F. F. Test Standards

##### 1. Drug Tests

##### a. Marijuana

- i. Immunoassay Initial Screening - 50 ng/mi
- ii. GC/MS Confirmatory - 15 ng/mi

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- b. Cocaine
  - i. Immunoassay Initial Screening - 300 ng/mi
  - ii. GC/MS Confirmatory - 150 ng/mi
- c. Opiates
  - i. Immunoassay Initial Screening - 300 ng/mi
  - ii. GC/MS Confirmatory - 300 ng/mi
- d. Phencyclidine
  - i. Immunoassay Initial Screening - 25 ng/mi
  - ii. GC/MS Confirmatory - 25 ng/mi
- e. Amphetamines
  - i. Immunoassay Initial Screening - 1000 ng/mi
  - ii. GC/MS Confirmatory - 200 ng/mi
- f. Alcohol Test
  - i. Initial Screening - Less than .02
  - ii. Confirmatory - .02 or greater

For purposes of this policy only, the above listed drugs and alcohol will be included in the routine tests. UTHSA policy on controlled substances will require additional testing procedures if there is a reasonable suspicion of policy violations.

#### G. Employees Subject to Drug and Alcohol Testing

All UTHSA employees in safety-sensitive positions are to be included in the anti-drug program and will be subject to testing. Employees identified for testing purposes are expected to cooperate fully with designated UTHSA employees and clinic and/or laboratory personnel by making themselves available for testing, giving a valid sample and completing accurately all of the steps and necessary documents associated with the test.

#### H. Facilities for Testing

Employees selected for testing procedures shall report to the designated independent facility, or may be escorted by an authorized supervisor of UTHSA. A specimen will be collected and tested by an independent NIDA approved laboratory using valid reliable testing procedures under the U.S. DOT regulations at 49 C.F.R, part 40. The services of a Medical Review Officer (MRO) will be retained for proper laboratory results interpretation.

#### I. Screen Test Results

Drug and alcohol screen test results will be reviewed by an independent MRO within five (5) working days after receipt of the specimen by the laboratory. Employees who test positive for substances prohibited by this program shall be afforded an opportunity to consult with the MRO and to provide medical records or other biomedical information

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to assist the MRO in determining whether there is a legitimate medical explanation for the test results, including use of a legally prescribed medication. Upon review of all confirmatory tests and other medical records, the MRO shall issue a confirmation report verifying test results. The MRO's confirmation report, and the results therein shall be deemed conclusive.

The MRO refers to a licensed physician who is responsible for receiving laboratory results generated by the employer's drug testing program, evaluation, interpreting and verifying those drug testing results in conjunction with an employee's medical history, and determining whether a positive result was caused by the use of prohibited drugs or by an employee's medical condition. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's positive test result (as reported by the laboratory) together with his or her medical history and any other relevant biomedical information.

Any results below the minimum stipulated test levels for drug testing or under .02 for alcohol testing shall be considered a negative test result. Any employee with properly confirmed positive drug test results, or greater than .02 alcohol test as certified by the MRO, shall immediately be removed from any work and shall report to the supervisor upon request. An employee with an alcohol test greater than .02 but less than .04 shall be removed from duty for a period of eight (8) hours and will report to his/her supervisor as requested.

#### J. Records

All information from an applicant's or an employee's drug and alcohol tests is confidential. Records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur.

UTHSA's "Record Retention Schedule" establishes that at a minimum records are maintained in accordance with the following schedule:

1. verified positive controlled substance test results and alcohol test results indicating an alcohol concentration of 0.02 or greater; documentation of refusals to take required tests; calibration documentation; evaluations and referrals: five (5) years;
2. collection and training records: two (2) years;
3. negative or canceled tests: one (1) year; and,
4. alcohol test results indicating concentration less than 0.02: one (1) year.

#### K. Training

All employees included in this program will receive one (1) hour of training and education on the dangers of drug and alcohol abuse. Supervisors who make reasonable suspicion determinations will receive one (1) hour of training to recognize the signs and symptoms of drug use and will receive an additional one (1) hour of training to learn about the physical, behavioral, speech, and performance indicators of probable alcohol use.

#### L. Reporting

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UTHSA will submit reports in accordance with federal regulations regarding this alcohol and drug misuse prevention program.

**V. Definitions**

*There are no defined terms used in this Policy.*

**VI. Related References**

*There are no related documents associated with this Policy.*

**VII. Review and Approval History**

The approving authority of this policy is the University Executive Committee.

Effective Date	Action Taken	Approved By	Approved Date
06/2000	Policy Origination		
12/2001	Policy Revision		