

Handbook of Operating Procedures

ALCOHOL AND DRUG FREE WORKPLACE

A. Purpose

The purpose of this policy is to set forth The University of Texas Rio Grande Valley's (UTRGV) policy concerning the manufacture, sale, possession, distribution, or use of alcohol or illegal drugs:

1. during working hours;
2. in a manner while off duty that impairs on-duty work performance; and/or
3. In a manner while in attendance at an official University function or at an authorized University site that adversely affects the performance of the employee or may adversely affect the health or safety of any other person.

B. Persons Affected

This policy applies to all UTRGV employees including full-time and part-time employees, faculty and student employees.

C. Definitions

1. Alcohol - Alcoholic beverage means alcohol, or any beverage containing more than one half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted (Texas Alcoholic Beverage Code, Chapter 1 General Provisions, Section 1.04).
2. Illegal Drug or Controlled Substance - Any drug or substance so defined by federal or state statute or regulation.

D. Policy

1. Unauthorized purchase, manufacture, distribution, possession, sale, storage or use of an illegal drug or controlled substance while on duty, while in or on premises or property owned or controlled by UTRGV, or while in vehicles used for UTRGV business, is prohibited.
2. The unauthorized use or possession of alcohol while on duty or while in vehicles used for UTRGV business is prohibited.
3. Use of alcohol or an illegal drug or controlled substance while not on duty which adversely affects job performance or may adversely affect the health or safety of other employees, students, or visitors is prohibited.

4. Use of alcohol at an authorized UTRGV function, in the course of official UTRGV business, or at an authorized UTRGV site which adversely affects job performance or may adversely affect the health or safety of any other person is prohibited.
5. Published warnings about prescribed or over-the-counter medication and its impact on work performance or the adverse effects on the safety of others must be heeded by the employee. A supervisor's advice and assistance may be necessary when job adjustments are required to ensure an employee's ability to perform assigned work in a safe manner because of such medications.
6. Distribution to others of a drug or controlled substance obtained pursuant to a prescription, except by duly licensed and certified persons, while on duty or while in or on premises or property controlled by UTRGV is prohibited.
7. Employees who use illegal drugs or abuse controlled substances or alcohol are encouraged to seek help from available resources.
8. All employees are required to notify their supervisor, in writing, within five (5) business days, of any criminal complaint, information, indictment, no contest plea, guilty plea or criminal conviction under a criminal drug statute (excluding misdemeanor offenses punishable only by fine). The supervisor receiving a self-report must provide the information to the Human Resources Employee Relations Manager.
9. Having received such notice or otherwise obtaining actual notice, a supervisor is required to make a report within ten (10) calendar days to a contracting officer if required under the terms of the grant or contract. A supervisor will initiate personnel action within thirty (30) calendar days of being notified, if required under the terms of the grant or contract.

E. Responsibilities

1. Employees are responsible for full compliance with this policy.
2. Supervisors are responsible for enforcing compliance with this policy, and for handling violations of this policy in accordance with established UTRGV administrative/ disciplinary procedures.
3. The University shall encourage employees who use illegal drugs, or abuse controlled substances, or abuse alcohol to seek help from available resources.

F. Procedures

1. *Enforcement:*
 - a. An employee who violates this policy may be subject to disciplinary action up to and including termination of employment or non-renewal of appointment.
 - b. At UTRGV's discretion, the employee may be referred to an employee assistance program and may be required to participate in and satisfactorily complete a chemical abuse rehabilitation program as a condition of continued employment.

- c. Supervisors will contact Human Resources Employee Relations Manager when an employee is observed performing behavior in violation of this policy or appears to be impaired (e.g., exhibits changes or problems with dexterity, coordination, memory, alertness, vision, hearing or speech).
- d. Employees may be required to undergo drug or alcohol testing when a supervisor observes an employee exhibiting such appearance and behavior in violation of this policy.
- e. Employees may be required to undergo drug or alcohol testing pursuant to drug and alcohol program requirements for specific positions.

2. *Employee Assistance Program:*

Because of the considerable health risks involved in drug or alcohol use, resources are available to assist the UTRGV community in understanding and dealing with drug and alcohol abuse. UTRGV employees can learn about the dangers of substance abuse and get information about treatment and counseling options available to the UTRGV community through the Employee Assistance Program and the Office of Human Resources. Employees who use illegal drugs or abuse controlled substance or alcohol are encouraged to seek help from available resources.

3. *Supervisor Training:*

UTRGV is responsible for providing training to those individuals with supervisory responsibility over positions with duties that require drug testing when such training is required by law.

4. *Dissemination of Policy and Drug Free Workplace Statement:*

- a. A Drug Free Workplace policy statement will be published in institutional policies and procedures.
- b. The following notice shall be provided to all university employees when hired and the record of notice maintained:

Pursuant to the Drug-Free Workplace Act of 1988 (41 U.S.C.A. §§ 701-707), the University is required to notify all employees that the unlawful manufacture, sale, distribution, dispensing, possession or use of a controlled substance in or on any premises or property owned or controlled by the University is prohibited. A controlled substance is any substance so defined by federal or state statute or regulation.

Any employee who is found guilty (including a plea of no contest) or has a sentence, fine or other penalty imposed by a court of competent jurisdiction under

a criminal statute for an offense involving a controlled substance that occurred in or on premises or property owned or controlled by the University shall report such action to his/her supervisor within five (5) days.

An employee who unlawfully manufactures, sells, distributes, possesses or uses a controlled substance in or on premises or property owned or controlled by the University, regardless of whether such activity results in the imposition of a penalty under a criminal statute, will be subject to appropriate disciplinary action, up to and including termination of employment, or will be required to participate and satisfactorily complete an approved drug assistance or rehabilitation program or both.

G. Relevant Federal and/or State Statutes, Board of Regents Rule, UTS Policy, and/or Coordinating Board Rule

UT System Policy UTS102, Drugs and Alcohol

UT System Policy UTS164, Drug Free University Community and Workplace Policy

Drug-Free Workplace Act of 1988

Drug-Free Schools and Communities Act Amendments of 1989

H. Dates Reviewed or Amended

Reviewed and amended (non-substantive: updated responsible executive) - May 9, 2022.