

Employee and Supervisor Education and Training

The name and contact information of persons assigned to answer questions about the program.

In the event that questions should arise concerning the Drug and Alcohol Testing policy for program, please contact the Office of Human Resources at 940-898-3555.

The Designated Employer Representative for Texas Woman's University is the Associate Vice President of Human Resources, Lewis Benavides or his designated representative.

The duties of the employees who are subject to the program:

The duties of employees that are covered under the Drug and Alcohol Testing policy are as follows:

A driver is considered to be performing a safety-sensitive functions during any periods of time in which he/she is actually performing, ready to perform, or immediately available to perform safety-sensitive functions. Safety-sensitive functions shall include:

- All time at an employer or facility, or other property, or on any public property, waiting to be dispatched,
- All time inspecting equipment as required by Parts 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Employee conduct that is prohibited by the regulation:

Covered employees must not report for work if they are impaired and/or under the influence of drugs of abuse. Being impaired and/or under the influence of controlled substances while on duty, or any activity involving use, possession, distribution, or sale of alcohol, unauthorized prescription drugs, controlled substances or drug paraphernalia at University facilities is strictly prohibited. The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited. However, it is the responsibility of covered employees to remove themselves from vehicle and equipment operation and report the situation to their supervisor if they are experiencing any adverse effects from medication or prescribed drugs.

Alcohol Prohibitions

Alcohol misuse that could affect performance of a covered position is prohibited. This includes:

- Use while performing driving functions;
- Use during the four (4) hours prior to performing driving functions;

- Reporting for duty or remaining on duty to perform driving functions with an alcohol concentration of 0.04 or greater;
- Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol unless seal is unbroken;
- Use during 8 hours following an accident, or until he/she undergoes a post-accident test;
- Refusal to take a required test;

Drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, driving functions for at least 24 hours following the administration of the test.

Drug Prohibitions

The regulations prohibit any drug use that could affect performance of a driving function including:

- Use of any drug, except by prescription, and then only if the doctor advised the driver that the drug will not adversely affect the driver to safely operate the CMV;
- Testing positive for drugs;
- Refusing to take a required test.

No driver may be on duty and possess, be under the influence of, or use any illegal drug or other substance that impairs judgment; any amphetamine or formulation of an amphetamine (including pep pills and bennies) narcotics or derivatives or any other substance that makes driving unsafe.

The requirement that employees must be tested for drugs and alcohol:

This policy applies to anyone who is determined to be in the testing pool for controlled substance and alcohol testing. The testing pool includes current employees and prospective employees who do or will drive a qualifying motor vehicle(s) that requires a commercial driver's license. Further, this policy requires participation in the testing program as a requirement for continued employment in a DOT regulated position. TWU department heads are required to identify qualifying vehicles and employees who drive those vehicles. This information must be provided to Human Resources for purposes of administering this policy. Employees of the University who are not identified as "in the test pool" based on the provisions of this policy may not drive qualifying vehicles as described in this policy.

When and under what circumstances employees will be tested.

Applicants conditionally employed in a covered position will be informed in writing or orally that a drug and alcohol test is required under the regulations. A negative test result for the presence of illegal drugs and alcohol testing is required for employment. Failure to report to testing will nullify the offer of employment unless an official of the Office of Human Resources has given prior approval. Only one excused missed appointment will be granted. Applicants may re-apply for a position at a future date.

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

- When involved in an on-the-job driving accident per the definition found in this policy. Employees involved in any accidents are required to report them as soon as possible to their supervisor:
- When observed using alcohol or illegal drugs while on duty requiring the performance of safety-sensitive functions;
- 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 drugs 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;
- Random: Companies are to randomly test drivers at a minimum annual percentage rate of 10% of the number of drivers for alcohol testing, and 50% for controlled substances testing. The random alcohol test must be performed immediately prior, during or immediately after a driver is about to, or has performed a safety sensitive function as defined in Section 382.107. All drivers must have an equal chance of being selected.
- Reasonable Suspicion: An employer shall require a driver to submit to an alcohol and/or controlled substance test when the employer has reasonable suspicion to believe that the driver has violated the prohibitions concerning alcohol and/or controlled substances. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol and/or controlled substances test must be based on specific, contemporaneous, articulated observations concerning the appearance, behavior, speech or body odors of the driver. The required observations shall be made by a supervisor or company official who is trained in accordance with 382.603.
- Return-to-Duty: Each employer shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by subpart B of this part concerning alcohol or controlled substances, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.
- Follow-up: The Substance Abuse Professional will establish a follow-up testing plan. The employer must ensure that the follow-up testing plan is carried out. A minimum of six tests must be conducted in the first 12 months, and the driver may be subject to this test for a maximum of 60 months.

The testing procedures that are used:

Standard DOT regulation testing procedures are used with specimens being collected and breath alcohol tests being performed at the Occupational Clinic at Denton Regional Medical Center.

An explanation of what constitutes a refusal to test.

Refusal to Test – admitting to the collector or MRO that the specimen was adulterated or substituted; possessing or wearing a prosthetic or other device that could be used to interfere with the collection process; and in the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the provision of a urine specimen, which now includes: failing to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine whether there is any prosthetic or other device that could be used to interfere with the collection process.

Refusals also include:

- Failure to appear for a test in the timeframe specified by the employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to undergo a medical examination to verify insufficient volume.
- Failure to cooperate with any part of the testing process including observed collection of specimen.

An explanation of the consequences of refusing a test:

An employee, who refuses to consent, refuses to submit to a test or refuses to test when requested under any of the circumstances provided for in this Policy will be subject to disciplinary action including termination pursuant to the University’s Procedures for Standards of Conduct, Discipline, and Separation.

The consequences of violating the DOT rules:

Employees with positive tests shall not perform, nor be permitted to perform, a driving function if any of the prohibitions are violated. The Designated Employer Representative, DER (or his or her designated representative) 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 DER (or his or her designated representative) shall determine whether:

- To proceed to impose appropriate disciplinary action pursuant to the University’s procedure for TWU’S Standards of Conduct, Discipline, and Dismissal Policy and/or
- To offer the employee the opportunity to participate in and satisfactorily complete, at the employee’s expense, an appropriate rehabilitation program for alcohol and/or drug abusers as a condition of continued employment. An employee who chooses to participate in such a program will be informed that the University will pursue appropriate disciplinary action if the employee does not satisfactorily complete the prescribed program; or
- To allow the employee who has tested below 0.02 for alcohol to return to work after 24-hour period.

If the DER determines to offer the employee the opportunity to participate in a rehabilitation program:

- The employee will be advised of the resources available in evaluating and resolving the problem. This will include the contact information of the Employee Assistance Program who will provide contact information of substance abuse professionals and counseling and treatment programs.
- The driver must be evaluated by a Substance Abuse Professional that will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use.
- Before returning to duty, the driver must undergo a return-to-duty test for: alcohol, if the prohibited conduct involved alcohol, with a result of less than 0.02; or drugs, if the conduct involved drugs, with a verified negative result
- If the driver was identified as needing assistance in resolving the problem, the driver must:
 - The employee must be evaluated by the Substance Abuse Professional to determine that the driver properly followed any prescribed rehabilitation program, and
 - The employee is subject to unannounced follow-up alcohol and drug tests. The number and frequency of the tests are determined by the substance abuse professional; however, they must consist of at least 6 tests during the first 12 months following the driver's return to duty.
- Follow-up testing may be done for up to 60 months.

Violation of this policy by covered drivers is grounds for disciplinary action up to and including termination from TWU employment.

Information on the effects of drugs and alcohol on a person's health, work, and personal life:

Physical Effects:

Heroin is a highly addictive opiate (like morphine). Brain cells can become dependent (highly addictive) on this drug to the extent that users need it in order to function in their daily routine. While heroin use starts out with a rush of pleasure, it leaves the user in a fog for many hours afterwards. Users soon find that their sole purpose in life is to have more of the drug that their body has become dependent on.

Marijuana affects the parts of the brain that control emotions, memory, and judgment. Smoking it can not only weaken short-term memory, but can block information from making it into long term memory. It has also been shown to weaken problem solving ability.

Alcohol is no safer than drugs. Alcohol impairs judgment and leads to memory lapses. It can lead to blackouts. It distorts vision, shortens coordination, and in addition to the brain can damage every other organ in the body.

Cocaine, both in powder form and as crack, is an extremely addictive stimulant. An addict usually loses interest in many areas of life, including school, sports, family, and friends. Use of cocaine can lead to feelings of paranoia and anxiety. Although often used to enhance sex drive, physical effects of cocaine

on the receptors in the brain reduce the ability to feel pleasure (which in turn causes the dependency on the drug).

Inhalants, such as glue, gasoline, hair spray, and paint thinner, are sniffed. The effect on the brain is almost immediate. And while some vapors leave the body quickly, others will remain for a long time. The fatty tissues protecting the nerve cells in the brain are destroyed by inhalant vapors. This slows down or even stops neural transmissions. Effects of inhalants include diminished ability to learn, remember, and solve problems.

Anabolic steroids are used to improve athletic performance and gain muscle bulk. Unfortunately, steroids cause moodiness and can permanently impair learning and memory abilities.

LSD is used for the sense of enhanced and vivid sensory experience; it can cause paranoia, confusion, anxiety, and panic attacks. The user often blurs reality and fantasy, and has a distorted view of time and distance.

Work and Family Life

Alcohol and drugs can also have psychological effects. They can affect your school, work, family and social relationships. Studies have shown that alcohol in excess or drug usage lowers inhibitions and impairs judgment, risky and violent behavior can result. Friendships and romantic relationships can also be jeopardized. Alcohol and drugs can lead people to say or do things they might regret, like making a bad decision about having sex with someone. Alcohol and drug abuse can also lead to family conflicts and broken households.

One does not have to be using alcohol to be damaged by its effects. Children and partners of alcoholics can be seriously affected too. Family members and other loved ones often suffer from psychological symptoms, including low self-esteem, depression, health problems, and relationship problems, like difficulties getting close to others. They may also find themselves minimizing the severity of their loved one's problem, feeling responsible for the problem, or feeling a lot of anger, shame, and resentment.

In addition, family and friends of alcoholics and addicts may display their own addictive behaviors. If you are related to an alcoholic or living with an alcoholic it puts one at greater risk for alcoholism and other addictions, including gambling and overeating. Finally, family and friends who are close to an alcoholic or addict often take on their responsibilities, attempting to function for them in ways that are often unhealthy. This is commonly known as "co-dependency" and includes feelings of having lost control over one's own emotions and behavior.

The signs and symptoms of drug use and alcohol misuse.

Below is a set of questions designed to help you find out if alcohol use may be a problem:

- Do you prefer to drink alone rather than with others?
- Does your drinking cause problems with school (e.g., falling grades) or at work (e.g. being late)?
- Do you drink to escape your problems?

- When you drink, do you get very emotional?
- Do you ever have memory loss or blackouts due to drinking?
- When you drink, do you often get drunk even when you did not mean to drink to excess?
- Do you find that you have to drink more and more to get the same effect?
- Do you get into trouble with the law or injure yourself when you drink?

If you answered "yes" to one or more of these questions, you may have a drinking problem. If you have a drinking problem, or suspect that you have one, there are many others out there like you. As a matter of fact, more than 10 million people suffer from alcoholism.

Drug abuse affects the brain and body directly. While high, the drug affects the entire body, from blood pressure to heart rate. Stimulants like cocaine and methamphetamine “amp up” the body, increasing blood pressure, metabolism and reducing the ability to sleep. Drugs like opiates and barbiturates slow down the body, reducing blood pressure, breathing and alertness sometimes to dangerous levels. Some physical signs of abuse and addiction include:

- Cycles of increased energy, restlessness, and inability to sleep (often seen in stimulants)
- Abnormally slow movements, speech or reaction time, confusion and disorientation (often seen in opiates, benzodiazepines and barbiturates)
- Sudden weight loss or weight gain
- Cycles of excessive sleep
- Unexpected changes in clothing, such as constantly wearing long sleeved shirts, to hide scarring at injection sites
- Suspected drug paraphernalia such as unexplained pipes, roach clips or syringes
- For snorted drugs, chronic troubles with sinusitis or nosebleeds
- For smoked drugs, a persistent cough or bronchitis, leading to coughing up excessive mucus or blood.
- Progressive severe dental problems (especially with methamphetamine)

The name and contact information of an individual or organization that can provide counseling and access to treatment programs.

Texas Woman’s University Employee Assistance Plan, **1-800-343-3822** or website at **www.alliancewp.com**: Username & Password = TWU

Alcoholics Anonymous - (212) 870-3400 or (914) 949-1200 or www.alcoholics-anonymous.org Al-Anon/Alateen - (212) 941-0094 or (914) 946-1748 or (800)939-2770 (Spanish speakers) or (800) 344-2466 (Al-Anon worldwide) or www.al-anon.alateen.org Adult Children of Alcoholic Groups - (914) 949-1200 or www.adultchildren.org

National Drug and Alcohol Treatment Referral Service - (800) 662-HELP

The National Drug and Alcohol Abuse Referral - (800) 821-4357

Other information can be found at: <http://www.dot.gov/odapc/employee>

Office of Human Resources

PO Box 425739, Denton, TX 76204-5739

940-898-3555 Phone

940-898-3566 Fax

Employee Name: _____ Department _____

Per 49 CFR Part 40, as amended, provisions of the Department of Transportation, I hereby certify that I have received the required materials pertaining to the drug testing program at Texas Woman's University and information for compliance with the Drug and Alcohol Testing for TWU Drivers of Commercial Motor Vehicles.

I have also been provided with the contact information for the Designated Employer Representative and with contact information for individuals or organizations that can provide counseling and access to treatment programs.

Printed Name: _____

Signature _____ Date _____

Please return to the Office of Human Resources after signing.