

10.5 DRUG AND CHEMICAL DEPENDANCY POLICY

It is the intent of the CCRMA to eliminate the use, exchange or presence of illegal drugs and to prevent the misuse of illegal drugs or chemicals, of any kind, in CCRMA offices, facilities, and work sites. The purpose of this policy is to prevent harm to individuals, damage to CCRMA property, and disruption of the work environment.

Illegal drugs are defined as any prescription drug obtained other than through a valid prescription, as well as, the commonly known illegal drugs such as, but not limited to marijuana, cocaine, amphetamines and heroin. Chemicals can be defined but not limited to alcoholic beverages, non-prescribed inhalants and any other chemical that disrupts the ability of the employee to perform his/her work safely to avoid personal injury or to others.

Drug Free Workplace

1. Employees are required to refrain from the unlawful use, manufacture, procurement, distribution, sale, dispensing or possession of illegal drugs.
2. Employees are required to refrain from the use of alcohol while on duty and for a sufficient time prior to the performance of duty so that none of the effects of the use of alcohol remains during job performance.
3. Employees are required to refrain from the misuse of legal drugs while on duty and for a sufficient time prior to the performance of duty so that none of the effects of the misuse of legal drugs remains during job performance.
4. Employees are required to refrain from the misuse of chemical substances and materials in the workplace which may result in physical or mental impairment.
5. **Drug Screening Policy Definition approved by Cameron County RMA on May 12, 2005.**

Personnel Actions

1. Within thirty (30) days after receiving notice from and employee of a conviction of a drug or alcohol related criminal stature, supervisors and department heads shall either takes appropriate personnel action up to and including termination of that employee or required that employee participate and satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program approved by the Texas Department of Health and Mental Retardation. Once an employee is enrolled in substance abuse rehabilitation program, he or she is protected from termination because of substance abused, as long as the employee remains substance free.

2. Supervisors and department heads shall initiate appropriate personnel action after review by the CCRMA Legal Counsel's Office, up to and including termination for a first criminal offense of any employee who is found to use, procure, manufacture, distribute, sell, dispense or possess illegal drugs, or to use chemicals such as alcohol or when its effects remain during job performance.

Disciplinary action is not required for an employee who voluntarily identifies himself/herself as a user of illegal drugs prior of being identified through other means and who obtains counseling and/or rehabilitation and thereafter refrains from using illegal drugs in accordance with the provisions of this policy.

3. Supervisors and department heads shall not allow any employee to remain on duty in a sensitive position such as law enforcement, medical, or safety related position, if that employee is found to use, manufacture, distribute, procure, sell, dispense or possess illegal drugs or its found to use alcohol when its effects will remain during job performance, unless that employee has successfully completed a rehabilitation or counseling program. An employee that successfully completes a rehabilitation or counseling program may be allowed to return to duty in a sensitive position, if it is determined that this action would not pose a danger to public health or safety.
4. Supervisors and department heads shall initiate personnel action to remove from the employment any employee who is known to use illegal drugs, or use alcohol when its effects remain during job performance, and that employee:
 - Refuses to obtain counseling or rehabilitation through a program approved by the County; or
 - Does not refrain from using illegal drugs or using alcohol when its effects remain during job performance after having obtained counseling or rehabilitation.
5. All medical evaluations and treatments shall remain confidential unless otherwise specifically authorized in writing by the employee.
6. The determination that an employee is using illegal drugs or using alcohol when its effects will remain during job performance may be made on the basis of direct observation, or the results of a drug test. If drugs test results are positive, the employee may rebut the results with other evidence that he/she has not used illegal drugs or that the employee was not using alcohol when its effects would remain during job performance.

CCRMA Programs and Department Responsibilities:

1. Will develop and implement a drug-free awareness program to inform all CCRMA employees about:
 - The dangers of drug abuse in the workplace;

- The CCRMA's drug and alcohol abuse policy;
 - Drug and alcohol counseling and rehabilitation programs approved by the CCRMA or that may be available through the CCRMA's group health insurance; and
 - The range of personnel actions that may be imposed on employees for violations of the CCRMA drug and alcohol abuse policy.
2. Any department head whose department or office receives a grant or administers a contract financed by federal funds shall give a copy of the CCRMA drug and alcohol abuse policy to each employee involved in the performance of that grant or contract.
 3. Any department head whose department or office receives a grant or administers a contract financed directly by federal funds shall notify that appropriate federal government agency responsible for those funds of any employee who is convicted of a criminal statute relating to illegal drugs for a violation occurring in the workplace no later than ten (10) days after a conviction.

Drug Testing

1. Any employee who is subjected to disciplinary action because that employee is found to be in noncompliance with the CCRMA drug and alcohol abuse policy may voluntarily request that an appropriate drug test be performed. If that employee requests a drug test, the CCRMA shall pay for the test. If alcohol use is suspected, the test may be a Breathalyzer, urinalysis, or blood test. If illegal drug use is suspected, the test must be done by certified laboratory and may be in an immunoassay or a gas chromatograph-mass spectrometer test, both of which are based on a urine sample.
2. The CCRMA shall comply with all constitutional, federal, and state laws that required employees to submit to drug test, but will not extend mandatory drug testing of CCRMA employees beyond the requirements of these laws.