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## I. Introduction

Texas State seeks to promote a safe, drug and alcohol-free work environment. [UPPS 04.04.18 Drug Testing for Non-Faculty Employees](#) contains Texas State’s policies and procedures to comply with federal, state, and TSUS Board of Regents requirements regarding the use of alcohol, drugs, and other performance altering substances. The guidelines in this document must be followed and will assist supervisors and managers to meet the requirements of the UPPS.

Please contact Human Resources at 512.245.2557 for assistance in applying the guidelines in this document or with questions regarding the provisions of [UPPS 04.04.18](#).

## II. General

The University will conduct Pre-Employment Testing and may conduct Random Testing and Reasonable Suspicion Testing as determined to be appropriate.

The university will contract with an approved independent drug testing service(s) to conduct all drug testing. The service(s) must meet all legal requirements for a qualified and secure testing process. The approved testing services for Texas State are:

| <b>San Marcos Campus Employment Testing Location</b>   | <b>Round Rock Campus Employment Testing Location</b>   |
|--|--|
| <b>PTRC</b> <ul style="list-style-type: none"><li>• Open 24/7</li><li>• 915 TX-80</li><li>• San Marcos, Texas 78666</li><li>• 512.353.4575 University day hours</li><li>• 512.861.6218 After-hours</li></ul> | <b><a href="#">Concentra Medical</a></b> <ul style="list-style-type: none"><li>• Open M-F 8-5 Sat- 9-4 (Outside these business hours contact PTRC)</li><li>• 117 Louis Henna Blvd #200</li><li>• Round Rock, Texas 78664</li><li>• 512.255.9634</li><li>• <a href="#">Concentra Form for Testing</a></li></ul> |

When the individual reports to a designated testing facility for any required testing, that individual must present photo identification. If an individual cannot present photo identification, the testing facility cannot perform the testing. If a test is conducted onsite at the campus workplace and an employee is not able to present identification, a supervisor may identify the employee in lieu of the employee presenting a photo ID.

The department requesting the drug testing will pay for the cost of the drug testing per Section III.A.3. below.

Test results are confidential. Only Human Resources, appropriate supervisory officials, designated substance abuse treatment professionals approved by the University, and the individual tested may receive the results of the testing.

### III. Pre-Employment Testing

Testing is required for all persons employed in positions defined in [UPPS 04.04.18](#) as safety sensitive, which includes all positions that involve any of the following:

1. Carrying firearms;
2. Access to controlled substances;
3. Medical diagnosis, treatment, or care of patients;
4. Operation of medical equipment or the performance of a medical test or analysis used to diagnose or treat patients;
5. Care or welfare of children;
6. The requirement of a commercial driver’s license in the operation of university vehicles.

The specific staff titles noted below are all of the safety-sensitive staff titles that require testing:

| <b>Unclassified/Exempt</b>                |                             |                                    |
|---|-----------------------------|------------------------------------|
| All positions at Child Development Center | Head Child Care Teacher     | Lieutenant                         |
| Medical Technologist II                   | Nurse Practitioner          | Nurse, Clinical Supv               |
| Nurse, RN                                 | Nutrition Supervisor        | Pharmacist I                       |
| Pharmacy Supervisor                       | Physician                   | Psychologist                       |
| Senior Psychologist                       | Supervising Psychologist    | Supervisor,<br>Laboratory Services |
| Captain                                   | Director, University Police |                                    |
| <b>Classified/Non-Exempt</b>              |                             |                                    |
| Driver                                    | Child Care Teacher Aide     | Medical Assistant                  |
| Medical Technologist                      | Nurse, LVN                  | Pharmacy Tech                      |
| Police Officer                            | Dispatcher                  | Guard Sergeant                     |
| Sergeant                                  | Corporal                    |                                    |

### Pre-Employment Testing Procedures

These procedures apply to (1) individuals not employed by the university who have been selected to fill a safety sensitive position, and (2) individuals who have been selected for transfer, promotion, or reclassification to a safety sensitive position.

#### **A. Preparing the Position Requisition**

1. Prepare the position requisition for the appropriate action (e.g., recruiting, reclassification, etc.) in the applicant tracking system (EASY).
2. In the position requisition, select “Alcohol and Drug Test.” Then, select “Yes”.

3. In the position requisition, indicate a cost center/fund for billing purposes. The cost of the testing is borne by the department. Human Resources will receive the bill for the testing service and will forward to Accounts Payable for payment.
4. Any position requisition requiring testing will state in the “Additional Information for Applicants” section that the applicant selected will be required to consent to testing.
5. Once the position requisition is completed, route it through prescribed approval channels.

#### **B. Completing the Testing**

1. The department notifies the applicant/employee of selection to fill the position.
2. The department directs the applicant/employee to complete the test at the appropriate locations. In San Marcos, the department directs the applicant/employee to PTRC. Appointments may be made but are not necessary.
3. In Round Rock, the [Concentra Form for Testing](#) and directions to the Round Rock testing facility must be obtained from the Associate Director, Round Rock Campus in suite 401, Avery Administration Building.
4. The applicant/employee will have three (3) hours from the time of departure from the Round Rock Campus Administration Building to complete the test. No appointment is necessary. The individual must go to the facility with a form of photo identification and the test request form to check in for the test.

#### **C. Receiving Test Results**

1. The testing facility, whether in San Marcos or Round Rock, will notify Human Resources of the test results, usually in 1-3 days.
2. Human Resources will notify the department of the test results for the individual tested. The specific test results will be provided upon request to the appropriate supervisory officials.
3. If the test results are **negative**, Human Resources will instruct the department to proceed with appointing the individual to the position.
4. If the test results are **positive or inconclusive**, Human Resources will instruct the department not to appoint the individual to the position and proceed with an employment offer to an alternate candidate if one is designated.

## **IV. Random Testing**

Testing for applicants/employees who must possess a Commercial Drivers’ License as a condition of employment will be conducted.

Random testing will be conducted only for safety sensitive positions and must have the approval of the division vice president, TSUS Associate General Counsel, and Asst. VP, Human Resources.

### **Random Testing Procedures**

#### **A. Authorization**

1. Supervisors may submit requests for random testing to the division vice president.

2. The request must include justification for the testing.
3. The division vice president, TSUS Associate General Counsel, and Asst. VP, Human Resources, will discuss and consider the request.
4. If the request is approved, Human Resources will coordinate testing to be conducted through an independent outside testing service.

#### **B. Test Results**

1. Human Resources will receive the test results from the testing service.
2. Test results will be shared with the division vice president, TSUS Associate General Counsel, appropriate supervisory officials, and the individual tested.
3. Any action taken based on the test results will be determined by the division Vice President.

## **V. Reasonable Suspicion Testing**

All university staff and student employees, except those listed as faculty in the University Pay Plan, are subject to reasonable suspicion testing whenever there is a reason to believe that the employee may have violated the provisions of this UPPS. Reasonable suspicion testing will be conducted at the worksite by an independent testing service within 30-45 minutes of notification.

### **Reasonable Suspicion Testing Procedures**

#### **A. Initial Action**

1. If the supervisor suspects that the individual's work behavior is being negatively influenced by alcohol, drugs, or other performance altering substance, the supervisor should immediately call Human Resources at 512.245.2557 before taking any action with the employee. Human Resources will discuss with the supervisor and Department Head.
2. If the situation occurs outside of regular business hours (e.g., during work shift), the supervisor should follow the procedures provided in this guideline and notify Human Resources immediately when regular business hours resume.
3. If the employee is experiencing a serious medical difficulty, is exhibiting behavior that is a danger to self or others, or is threatening safety in the workplace, the supervisor should call 911 immediately.

#### **B. University Police Department's Role in Reasonable Suspicion Testing Situations**

University Police Department (UPD) officers are available to be on-site at the workplace when supervisors conduct a reasonable suspicion interview with an employee. After Human Resources is notified, the supervisor should call UPD for such assistance when a reasonable suspicion interview is to be conducted. Officers will be present for safety reasons only and will not take any action nor restrain an employee unless an employee exhibits:

1. Threatening or aggressive behavior toward the supervisor(s) or other employees;

2. The employee is a danger to himself/herself or others;
3. Any other reason deemed necessary by the police officer.

If the employee is sent home, the officer will issue a no trespass notice to the employee for a discretionary number of hours to protect against the employee returning to the workplace to seek any form of retaliation. If an employee refuses to leave the workplace after being ordered to do so by the supervisor, the officer will act to ensure compliance with the supervisor's order.

### C. Interview the Employee

1. Prepare for the interview by securing copies of the appropriate [Reasonable Suspicion Testing Forms](#).
2. If possible, obtain the assistance of the department head or his/her designee (or other supervisor/manager) to serve as a witness.
3. Contact UPD per above to have an officer at the interview site. UPD: 512.245.2805
4. Interview the employee and make notes, recording language used and observations of behavior on the [incident](#) and [observation forms](#). DO NOT accuse the employee of being under the influence of anything, but share your observations and ask the following questions to create a context for the appearance and/or behavior:
  - “Has something happened that caused the appearance/behavior we have observed?”
  - “Are you ill?”
  - “Have you taken any prescription or over the counter medication while at work or before coming to work?”
  - “Have you recently taken any illegal drugs or consumed alcohol?”
5. Allow the employee an opportunity to provide an explanation for his/her appearance/behavior.
  - a. If the supervisor is satisfied that reasonable suspicion no longer exists, document that conclusion on the [incident](#) and [observation forms](#). Confidentially send the forms to Human Resources, attention Employee Relations.
  - b. If the supervisor still feels that reasonable suspicion exists, the supervisor should proceed to arrange testing. Document the testing on the [Incident](#) and [Reasonable Suspicion Observation Forms](#).
    - i. The supervisor should inform the employee that, based on the interview and observations, the supervisor intends to arrange for a reasonable suspicion test to be conducted within the next 30-45 minutes at the worksite by the university's testing vendor.
    - ii. The supervisor should inform the employee that reasonable suspicion testing is authorized by policy in [UPPS 04.04.18](#) and that refusal to test is grounds for disciplinary action up to and including discharge.
    - iii. The supervisor should ask the employee to consent to testing by signing the [consent form](#).

#### **D. If the Employee Consents to Testing**

1. The supervisor should have the employee sign the [Consent to Reasonable Suspicion Testing form](#).
2. The supervisor should keep the employee in a neutral place; the employee is not to return to work.
3. The supervisor should immediately contact PTRC at 512.353.4575 to request immediate on-site testing. Provide the location of the worksite. PTRC representatives may take up to one hour to arrive.
4. When PTRC arrives at the worksite, their representative will ask the employee for medical information including medications. This information will not be shared with the supervisor.
5. The PTRC testing will take about 30 minutes. The initial negative or positive result will be available immediately. The detailed urine analysis results will be provided to Human Resources in 1-3 days.
  - a. Negative test – Supervisor will send employee home on administrative leave until next scheduled shift.
  - b. Positive test – Supervisor will send employee home on administrative leave until the supervisor and Human Resources determine subsequent actions
  - c. The supervisor may ask employee to contact a family member or friend to take the employee home or use a taxi voucher to arrange transportation for the employee
6. Fax all forms immediately to Human Resources at 512.245.1942, attention Employee Relations. Alternatively, the forms may be scanned and emailed to [hr@txstate.edu](mailto:hr@txstate.edu), attention Employee Relations. Keep the forms in a separate, confidential, and secure file until further instructed by Human Resources.

#### **E. If the Employee Refuses to Consent to Testing**

1. The supervisor should remind the employee of the consequences (i.e., disciplinary action) of not consenting to testing.
2. The supervisor should ask the employee to sign the [Refusal to Consent to Reasonable Suspicion Testing form](#). If the employee refuses to sign, so note on the form. Also, have any witnesses so note on the form.
3. The supervisor will send the employee home on administrative leave until the supervisor and Human Resources determine subsequent actions.
  - a. The supervisor may ask the employee to contact a family member or friend to take the employee home or use the taxi voucher to arrange transportation for the employee.
4. If the employee tries to leave the interview and/or worksite, the supervisor must not attempt to interfere with the departure.
5. The UPD officer on site also will not restrain the employee from departure unless, in the judgment of the officer, the employee is a danger to himself/herself or others.

6. The supervisor should notify Human Resources immediately by phone at 512.245.2557. Also, fax all forms to Human Resources at 512.245.1942, attention Employee Relations or alternatively scan and email to [hr@txstate.edu](mailto:hr@txstate.edu), attention Employee Relations.