

**NORTH EAST TEXAS REGIONAL MOBILITY AUTHORITY
DRUG AND ALCOHOL POLICY**

SECTION 1. STATEMENT OF GENERAL POLICY

The objective of this policy is to develop a drug and alcohol-free workplace that will help insure a safe and productive workplace for all NET RMA activities. In order to further this objective, the following rules regarding alcohol and illegal drugs in the workplace have been established. The NET RMA will not condone substance abuse within the workforce or the workplace and will make every effort to operate in a drug-free environment. This policy applies during regular business hours (Monday through Friday, 8 a.m. to 5 p.m.) and at any time while conducting NET RMA business. This Drug and Alcohol Policy is adopted pursuant to, and is in accordance with, the requirements of Texas Transportation Code §370.033(h).

SECTION 2. DRUG AND ALCOHOL POLICY REGARDING NET RMA EMPLOYEES

A. Prohibited Behavior By NET RMA Employees

NET RMA employees are prohibited from working for the authority while under the influence of illegal or controlled substances. It is a violation of this policy for any NET RMA employee to use, possess, sell, trade, distribute, dispense, purchase and/or offer for sale, on NET RMA premises or on or in NET RMA property, or regular business hours, any illegal drugs, drug paraphernalia, and/or illegal inhalants. This policy includes the misuse of prescription drugs, including controlled substances. Compliance with this prohibition will be strictly enforced. Violation of the drug portion of this policy shall result in immediate disciplinary action, which may include termination of employment or removal from office following investigation.

The NET RMA prohibits the consumption of alcohol by NET RMA employees while engaged in the regular performance of official duties during regular business hours. The NET RMA does not condone the consumption of alcohol outside of regular business hours at a level that would materially affect an individual's physical or mental capabilities to a point where judgment is impaired and/or the employee presents a physical risk to themselves or others. NET RMA employees must report for work in a condition that allows them to perform their duties safely and efficiently. It is a violation of this policy to use, possess, sell, trade, distribute, dispense, purchase and/or offer for sale any alcoholic beverages during regular business hours on the NET RMA premises or on or in NET RMA property. Violation of the alcohol portion of this policy may result in disciplinary action, up to and including termination.

If an employee is taking medication that has been medically prescribed, and that person believes that such medication may affect his or her job performance, they should inform their supervisor of this fact. (This information must be kept confidential and communicated to the direct supervisor prior to the individual commencing NET RMA-related work or duties). All prescription drugs must be kept in their original container.

This policy requires that employees notify their manager or the designated NET RMA human resources contact of any criminal drug statute conviction for a violation occurring on the NET RMA premises or on or in NET RMA property or during scheduled work time no later than five (5) days after such a conviction. For purposes of this policy, criminal drug statute means a criminal statute addressing the manufacture, distribution, dispensation, use, or possession of any illegal drugs, drug paraphernalia and/or illegal inhalants.

B. Consequences

If a NET RMA employee violates this policy, he or she may be subject to disciplinary action, up to and including termination. Nothing in this policy prohibits the NET RMA from disciplining or discharging an employee for other policy violations and/or performance problems.

C. Definitions

1. NET RMA Premises - All NET RMA property including without limitation, offices, warehouses, worksites, rented premises for NET RMA functions, NET RMA vehicles, other vehicles being used for NET RMA business, lockers, and parking lots.
2. NET RMA Property - All NET RMA owned or leased property used by employees including without limitation, vehicles, lockers, desks, closets, etc.
3. Controlled Substance - Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812), as amended, or as revised and set forth in federal regulations (21 C.F.R. §§1308.11 – 1308.15). Copies of such schedules are maintained by the NET RMA for employee review.
4. Drug - A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user.

5. Drug Paraphernalia - Equipment, a product or material that is used or intended for use in concealing an illegal drug for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal drug or controlled substance.
6. Illegal Drug - An illegal drug is any drug or derivative thereof which the use, possession, sale, transfer attempted sale or transfer, manufacture or storage of is illegal or regulated under any federal, state, or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason, and inhalants used illegally. Included is marijuana or cannabis in all forms.
7. Reasonable Cause/ Reasonable Suspicion – A belief based on observation and specific, articulable, objective facts where the rational inference to be drawn under the circumstances and in light of experience is that the person is under the influence of drugs or alcohol.

D. Employee Treatment And Education

The NET RMA encourages employees to seek help if they are concerned that they have a drug and/or alcohol problem. The NET RMA encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help. However, an employee's participation in any rehabilitation programs does not preclude the NET RMA from taking any disciplinary action, up to and including termination, against any employee.

The NET RMA will not provide any assessment, referral, treatment or education assistance to employees other than as provided by the NET RMA's health care insurance. Entering into or use of any assessment, referral, treatment or education program relating to drug and alcohol abuse shall be at the sole discretion of the employee, and unless the NET RMA's health care insurance pays for such a program, the entire cost of the program shall be borne by the employee.

E. Employee Drug Testing Program

If the NET RMA has reasonable cause/reasonable suspicion (as defined above) to believe that any employee (including those in non-safety-sensitive positions) is under the influence of illegal drugs, illegal inhalants and/or alcohol, the NET RMA will require the employee to submit to a drug and/or alcohol test. Tests that may be used include (but are not limited to) blood tests, breath analysis, saliva tests, hair tests, as well as urinalysis or other scientific methods. As required under Texas Transportation Code §370.033(h), all testing results will be kept strictly confidential by NET RMA, unless required to be disclosed by a court

order, or unless disclosure is otherwise permitted in writing by the individual who is the subject of testing.

In the event that an employee is involved in an accident while driving a NET RMA owned/leased vehicle (including any machinery), the NET RMA will require the employee to submit to a drug and/or alcohol test.

Any employee, who refuses to submit to drug and/or alcohol testing, as provided for in this Policy, may be asked to leave the office or NET RMA facility immediately and the employee may be terminated.

F. Coordination With Law Enforcement Agencies

The NET RMA reserves the right, at all times, and without prior notice, to inspect and search any and all NET RMA property and premises for purposes of determining whether this NET RMA Policy or any other NET RMA Policy has been violated, or whether such inspection and investigation is necessary for purposes of promoting safety in the workplace or compliance with state and federal laws.

The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of the law. The NET RMA will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found on NET RMA premises or property. The NET RMA will cooperate fully in the prosecution and/or conviction of any violation of the law.

G. Reservation Of Rights

The NET RMA reserves the right to interpret, change, suspend or cancel, with or without notice, all or any part of this Policy, or procedures or benefits discussed herein. The NET RMA expressly reserves the right to initiate additional testing procedures if the NET RMA determines the same to be advisable. Employees will be provided with a copy of any revisions to this Policy.

Although adherence to this Policy is considered a condition of continued employment, nothing in this Policy alters an employee's at-will status and shall not constitute nor be deemed a contract or promise of employment for a specified period of time. Employees remain free to resign their employment at any time for any or no reason, without notice, and the NET RMA retains the right to terminate any employee at any time, for any or no reason, without notice.

H. Other Laws And Regulations

The provisions of this Policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Unenforceable provisions of this Policy shall be deemed to be deleted.

SECTION 3. NET RMA OFFICERS AND BOARD MEMBERS

All NET RMA officers, including all NET RMA officers (chairman, vice-chairman, treasurer and secretary) and other board members, are encouraged to adhere to the policies reflected herein. Use of illegal drugs, or abuse of controlled substances and/or alcohol may be grounds for removal from office in accordance with the “inability to perform duties” standard set forth in Texas Transportation Code § 370.254.

NET RMA EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the Drug and Alcohol Policy of NET RMA. I also acknowledge that the provisions of the Policy are part of the terms and conditions of my employment and that I understand the Policy and agree to abide by the provisions of the Policy.

Date: _____

Signature of Employee

Printed Name