Acknowledgement of Receipt of Required Information for New Employees

Privacy Notice: State law requires that you be informed that you are entitled to: (1) request to be informed about the information collected about yourself on this form (with a few exceptions as provided by law); (2) receive and review that information; and (3) have the information corrected at no charge. To request this information, contact benefits@tamu.edu or (979) 845-4141.

INSTRUCTIONS: This form is used by the hiring department to document that a new employee received required information on policies, programs and benefit plans. The Acknowledgement of Receipt will be maintained in the employee’s official personnel file.

I acknowledge and certify that I have received materials on the following topics:

- Drug and Alcohol Abuse and Rehabilitation Program
  - System Policy 34.02
  - System Regulation 34.02.01
  - University Rule 34.02.01.M1
- HIV, AIDS and the Workplace
- Ethics Policy (System Policy 07.01)
- Texas Hazard Communication Act
- Texas Deferred Compensation Program
- Extended Pay Plan for employees on less-than-12-month appointments (System Regulation 31.01.05)
- New Employee Information Sheet
- Notice of Privacy Practices for Medical Information (HIPAA)

Equal Employment Opportunity
Federal regulations require that contractors and subcontractors may notify employees and applicants of their EEO rights electronically and must provide employees with knowledge that the electronically posted notice is otherwise accessible. Equal Employment Opportunity notices are available at http://employees.tamu.edu/contacts/required-posters/online.

I acknowledge that I am responsible to be familiar, and comply at all times, with System policies and regulations, and Texas A&M University rules and standard operating procedures. This information can be found online at http://rules-saps.tamu.edu.

__________________________________________  _______________________________________
Employee Name (please print)                          Employee UIN

__________________________________________  __________________________
Employee Signature                                     Date
Rehabilitation Program for Alcohol and Drug Abuse

Texas A&M University is committed to protecting the health and safety of its employees. Because alcohol and drug abuse is a significant problem in the United States, Texas A&M University is concerned about substance abuse on our campuses. The federal Substance Abuse and Mental Health Services Administration reports that approximately 13.4 million people in the United States have an alcohol problem and 3.2 million have abused or are dependent on illegal drugs. Substance abuse not only disrupts the workplace but also endangers the lives of those on our campuses.

Alcohol and Drug Program
Texas A&M University formally established an alcohol and drug program to address substance abuse prevention and treatment and comply with Federal Regulations such as the Drug Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. The program provides education, early intervention and referral of employees with substance abuse problems. The university rules detail who is covered by these Acts and establishes the procedures for random alcohol and drug testing, identifies counseling and support programs available, and specifies the consequences for substance abuse by employees.

Health Concerns
The use of illicit drugs can result in a wide range of health problems, including seizures, heart problems, liver diseases, chronic brain dysfunctions, HIV/AIDS, other diseases and infections, and death. Substance abuse can also cause addiction, memory loss, hallucinations, and paranoia.

Alcohol & Drug Abuse
Alcohol abuse is a prime contributor to suicide, homicide, and motor vehicle accidents and deaths. Approximately 150,000 deaths each year can be directly attributed to alcohol abuse. Alcohol and drug abuse can also lead to chemical dependency, premature death through overdose, brain damage, gastritis, anemia, and other physical problems.

Emotional Consequences
The emotional consequences of alcohol and drug abuse are often minimized. These substances can cause personality changes which contribute to problems in dealing with family and co-workers. The personality changes may seriously impair a person and these changes can lead to psychological problems and mental illnesses. Substance abuse may also disrupt effectiveness on the job, reduce motivation, cause legal and financial problems and contribute to social problems.

For more information about risks associated with drug and alcohol abuse contact the Human Resources Employee Assistance Program at eap@tamu.edu or (979) 845-3711.

Texas A&M University Guidelines
All Texas A&M University employees are expected to comply with federal, state and local drug laws as well as System Policies, and University Rules and Procedures. An employee who violates any of these drug laws will be reported to the appropriate law enforcement agency and will be subject to prosecution in accordance with the law. Legal sanctions for violation of local, state and federal laws may include, but not be limited to: fines, probation, jail or prison sentences. Employees are also required to abide by System Policies, and University Rules and Procedures prohibiting the manufacturing, possession, controlling, selling, transmitting, using,
being under the influence or being a party to any illegal drug or controlled substance use on University premises or at any University sponsored function. An employee who violates any of the System Policies, and University Rules and Procedures will be subject to University disciplinary actions, up to and including, termination.

The Employee Assistance Program (EAP) is a confidential source for assessment, problem identification, and referral for a broad range of problems including alcohol and drug abuse. Human Resources provides this confidential service to all benefit eligible faculty, staff, and their family members free of cost.

The EAP is also responsible for administration of the University’s alcohol and drug testing program, as well as providing educational material and presentations on a variety of topics including alcohol and drug abuse.

Offices for the Employee Assistance Program are located in the Executive Plaza at 3608 E. 29th, Suite 101, Bryan, Texas. For additional information email eap@tamu.edu or call (979) 845-3711.

**Community Resources**

- Alcoholics Anonymous/Al-Anon 823-6391
- National Alcohol and Drug Abuse Help Line 1-800-821-4357
- Brazos Valley Council on Alcohol & Substance Abuse (BVCASA) 823-5300
- Narcotics Anonymous of Brazos Valley 822-9094
- Mental Health Mental Retardation Crisis Line 888-522-8262
- Hearing impaired individuals can access these resources by using TTY telephones to call Relay Texas at 1-800-735-2989
34.02 Drug and Alcohol Abuse

Approved February 27, 1995 (MO 44-95)
Revised September 26, 1997 (MO 181-97)
Revised September 23, 1999 (MO 225-1999)
Revised January 22, 2009 (MO 029-2009)
Reviewed April 3, 2012
Next Scheduled Review: April 3, 2017

Policy Statement

The Texas A&M University System (system) strictly prohibits the unlawful manufacture, distribution, possession or use of illicit drugs or alcohol on system property, and/or while on official duty and/or as part of any system activities.

Reason for Policy

This policy is established to help members maintain a safe and healthy environment for all students and employees, to ensure compliance with applicable law and to require the adoption and implementation of a program to help prevent the use of illicit drugs and alcohol abuse by students and employees.

Procedures and Responsibilities

1. All members and member students and employees are expected to abide by state and federal laws pertaining to controlled substances, illicit drugs and the use of alcohol. Each member will adopt a plan consistent with this policy that will include implementation of an awareness and prevention program on the use of illicit drugs and the abuse of alcohol by students and employees.

2. Sanctions (consistent with local, state and federal law) will be imposed on students and employees for the violation of this policy. Sanctions may include disciplinary actions up to and including expulsion, termination of employment and referral for prosecution.

3. This policy is in addition to any alcohol or drug abuse policy or policies relating to participation in intercollegiate athletics.

4. The chancellor is authorized to implement regulations to ensure full compliance with applicable statutes and administrative rules or guidelines.
Related Statutes, Policies, or Requirements

20 U.S.C. § 1011i, Drug and Alcohol Abuse Prevention

41 U.S.C. Ch. 10 (§§ 701-707), Drug-Free Workplace Act of 1988

34 C.F.R. Pt. 86, Drug and Alcohol Abuse Prevention

System Regulation 34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs

Member Rule Requirements

A rule is not required to supplement this policy.

Contact Offices

Office of General Counsel
(979) 458-6120

System Human Resources Offices
(979) 458-6169
Regulation Statement

The Texas A&M University System (system) and each member is committed to a drug-free environment and protecting the safety, health and well being of all employees and students.

Reason for Regulation

The use of illicit drugs and alcohol may have a detrimental impact on the system and each member in achieving their missions. This regulation provides guidelines for implementation of a drug and alcohol abuse awareness, prevention and intervention program for students and employees in accordance with the Drug-Free Workplace Act of 1988, the Drug-Free Work Force Rules for Department of Defense (DOD) Contractors, and the Drug-Free Schools and Communities Act of 1989.

Procedures and Responsibilities

1. ADMINISTRATION

The Office of General Counsel (OGC) must be informed by the appropriate administrator of possible violations of this regulation and the advice of an OGC attorney must be secured before testing anyone due to reasonable suspicion of drug or alcohol use or abuse. Advice of the OGC is not needed for required testing as described in Section 4, and the OGC may waive the requirement to seek OGC’s advice for reasonable suspicion testing when a member shows documented evidence of training for administrators and supervisors in alcohol and drug awareness.

2. MEMBER RULE

The chief executive officer of each member shall establish a rule for the implementation of System Policy 34.02, Drug and Alcohol Abuse, and this regulation. Requirements of the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989 and the Drug-Free Work Force Rules for Department of Defense (DOD) Contractors and the requirements of the Department of Transportation or other regulatory bodies and applicable state laws must be included as applicable for students and employees.
3. ALCOHOL AND DRUG-FREE AWARENESS AND PREVENTION PROGRAM

3.1 In accordance with the Drug-Free Schools and Communities Act of 1989, each member shall develop and implement an alcohol and drug-free awareness and prevention program (program) for students and employees. Programs must conform to system policies and regulations as well as related state and federal laws.

3.2 Annually, each member must notify, in writing, each employee and each student of:

(a) the standards of conduct that prohibit the unlawful manufacture, distribution, dispensation, use and possession of illicit drugs and alcohol by students and employees on system property or as part of any system activity;

(b) a description of the applicable legal sanctions under local, state or federal law for the unlawful manufacture, distribution, dispensation, use or possession of illicit drugs or alcohol;

(c) a description of the health risks associated with the use of illicit drugs and alcohol;

(d) a description of drug or alcohol counseling, treatment, rehabilitation, re-entry or employee assistance programs that are available to students and/or employees;

(e) a clear statement that the member, consistent with local, state or federal law, will impose sanctions against a student or employee who violates the standards of conduct. The statement must include a description of the possible sanctions; and

(f) a description of the member’s program, including alternative support, education and re-entry programs for students who are expelled as a result of violating standards required by these minimum requirements.

3.3 As required by federal law, each member must conduct a biennial review of its program and report:

(a) the effectiveness of the program;

(b) the consistency of sanction enforcement;

(c) the number of drug and alcohol-related violations and fatalities that occur on system property or at system activities and reported to campus officials, and the number and type of sanctions that are imposed by the member for such reported violations and fatalities on system property or at system activities; and

(d) whether any changes to the program are needed and implement any such changes.

3.4 Each member shall, upon request, make available to the U.S. Secretary of Education or designee, other applicable governmental agencies and the general public, all documents outlined in Section 3.1, as well as the biennial review.

3.5 Members must certify the accessibility of a drug abuse prevention program for officers, employees and students of the member, as required under 20 U.S.C.A. § 1094.

4. EMPLOYEE DRUG TESTING

4.1 Department of Defense
4.1.1 In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Work Force Rules for Department of Defense (DOD) Contractors, government contractors shall institute and maintain a program for achieving the objective of a drug-free work force. The program shall include employee assistance programs emphasizing education, counseling and rehabilitation; training to assist in identifying and addressing illicit drug use; provisions for self-referrals as well as supervisory referrals for treatment; and procedures for identifying illicit drug users, including a random drug testing program for employees in sensitive positions.

4.1.2 As a condition of employment, employees on federal governmental grants or contracts must abide by the required notification statement and must report any criminal drug statute conviction for a violation occurring in the workplace or on system business to their employer no later than five days after the conviction. The employer, in turn, must notify the contracting federal agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction and, within 30 days, must impose sanctions on the employee involved. Sanctions may take the form of personnel actions against the employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

4.1.3 Testing of an employee in a DOD-funded sensitive position will be undertaken under the following circumstances: (1) when there is reasonable suspicion that an employee uses illicit drugs, (2) when an employee has been involved in an accident or unsafe practice, (3) as part of or as a follow-up to counseling or rehabilitation for illicit drug use or (4) as part of a voluntary employee drug testing program.

4.2 Department of Transportation

Drug testing of employees required to have commercial driver’s licenses must comply with Federal Highway Administration and Department of Transportation regulations and will be conducted in the following situations: (1) pre-employment, (2) post-accident, (3) reasonable suspicion, (4) random and (5) return-to-duty and follow-up.

5. REASONABLE SUSPICION OF EMPLOYEE DRUG OR ALCOHOL ABUSE

5.1 If a supervisor reasonably suspects that use of a controlled substance or alcohol has resulted in absenteeism, tardiness or impairment of work performance or is the cause of workplace accidents, the supervisor shall immediately notify the appropriate department head or designated administrator. Upon direction from the department head or designated administrator, the supervisor or designated administrator shall discuss with the employee the suspected alcohol or drug-related problem(s). The employee shall be advised of available alcohol and drug counseling, rehabilitation or employee assistance programs, and the terms of any applicable disciplinary sanctions. The employee may be required to participate in an assistance program and be subject to discipline (up to and including termination of employment) if he or she rejects participation in the program. All meetings between the employee and the supervisor or designated administrator to address the suspected alcohol or drug-related problem and/or its resolution shall be documented in a memorandum to the record and filed in the employee's personnel file.

5.2 If discussion and/or participation in available alcohol or drug counseling, rehabilitation or the employee assistance program fails to resolve the suspected alcohol or drug-related problem(s) or if the employee fails to meet the terms of any applicable disciplinary
sanctions, the employee may be subject to disciplinary action up to and including termination.

5.3 Any disciplinary action will be governed by system policies on discipline and dismissal and academic freedom, responsibility and tenure. A record of the action will be placed in the employee's personnel file.

5.4 Testing of employees other than those occupying DOD-funded sensitive positions or those required to have a commercial driver's license may be undertaken only when there is reasonable suspicion that the employee is under the influence of alcohol or illicit drugs while on the job and the employee's job performance has been affected by the use of alcohol or illicit drugs. The decision to test an employee in these circumstances will be made by the appropriate chief executive officer or designee with the advice of the OGC. The employee should be informed that a refusal to submit to a test, combined with a reasonable suspicion of usage, may be sufficient basis for termination.

6. TESTING PROCEDURES

The expense of the screening and any retest will be borne by the member. The screening will be kept confidential, with the results being reported to the employee and the appropriate senior-level administrator as soon as they are available. Any written documentation will be kept in the employee’s confidential medical file.

6.1 Drug Testing

6.1.1 Prior to the administration of a drug test, the appropriate administrator or supervisor must explain the drug testing procedures to the employee and arrange for a member employee(s) to transport and accompany the employee to a hospital or clinic for the taking of a specimen for screening purposes. If the member has laboratory or medical facilities with personnel trained for such testing, those facilities may be used if there are adequate chain-of-custody procedures established for the samples, and precautions are taken to guarantee the integrity of the testing against tampering or substitution.

6.1.2 Before the specimen is taken, the employee will be asked to sign a consent form agreeing to the taking of a specimen for testing purposes. The signed form will be required by the hospital or clinic. The employee may be asked to list any medications being taken. The employee will have a reasonable opportunity to rebut or explain a positive test result, including an independent retest of the sample.

6.2 Alcohol Testing

Alcohol testing shall be conducted using an Evidential Breath Testing Device (EBT) that has been approved by the National Highway Traffic Safety Administration.

Related Statutes, Policies, or Requirements

20 U.S.C. § 1011i
20 U.S.C. § 1094

21 U.S.C.A. § 812, The Controlled Substances Act


34 C.F.R. 86 (Authority: 20 U.S.C. 1145g), The Drug-Free Schools and Communities Act of 1989


Texas Health and Safety Code, Chapter 481, Texas Controlled Substances Act

System Policy 34.02, Drug and Alcohol Abuse

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Definitions

Alcohol – 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.

Alcohol abuse – the excessive use of alcohol in a manner that interferes with (1) physical or psychological functioning; (2) social adaptation; (3) educational performance or (4) occupational functioning.

Controlled substance – a substance listed in schedules I through V of the Controlled Substances Act (21 U.S.C.A. 812) or whose possession, sale or delivery results in criminal sanctions under the Texas Controlled Substances Act (Texas Health and Safety Code, Chapter 481). In general, controlled substances include all prescription drugs, as well as those substances for which there is no generally accepted medicinal use (e.g., heroin, LSD, marijuana, etc.), and substances that possess a chemical structure similar to that of a controlled substance (e.g., designer drugs). The term does not include alcohol.

Criminal drug statute – a criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.

Criminal drug statute conviction – a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the state or federal criminal drug statutes.

Drugs or other controlled substances – any substances capable of altering an individual's mood, perception, pain level or judgment.

Employee in a sensitive position – an employee who has been granted access to classified information or an employee in another position determined by appropriate administrative personnel to involve national security, health or safety concerns, or functions requiring a high degree of trust and confidence.
**Illicit drug or chemical substance** – (a) any drug or chemical substance, the manufacture, distribution, dispensation, use or possession of which is illegal under any state or federal law or (b) one that is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

**Prescribed drug** – any substance prescribed for individual consumption by a licensed medical practitioner. It includes only drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

**Reasonable suspicion** – shall be established by (1) observation of the actions/behaviors of the individual; (2) a supervisor or other reliable individual witnessing possession or use; or (3) any other legal measure used for alcohol or drug detection.

**Sanctions** – may include completion of an appropriate rehabilitation or assistance program, suspension or expulsion from school, suspension or termination from employment, other disciplinary action or referral to authorities for prosecution. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.

**Workplace** – a site for the performance of work at which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, use or possession of a controlled substance.

**Member Rule Requirements**

A rule is required to supplement System Policy 34.02, *Drug and Alcohol Abuse*, and this regulation. See Section 2.

**Contact Office**

System Human Resources Office
(979) 458-6169
UNIVERSITY RULE

34.02.01.M1  Substance Abuse Prevention
Approved January 13, 1999
Revised January 24, 2002
Revised June 2, 2009
Revised October 24, 2013
Next Scheduled Review: October 24, 2016

Rule Statement

Texas A&M University is committed to protecting the safety, health, and well being of its employees, students, and all people who come into contact with its property and facilities. Recognizing that drug and alcohol abuse poses a direct and substantial threat to this goal, Texas A&M is committed to providing a drug-free working environment for all of its employees.

Reason for Rule

This rule provides requirements for addressing substance abuse or suspected substance abuse by Texas A&M employees, applicants, contractors/subcontractors, and leased employees while on the job, on Texas A&M property, in a Texas A&M vehicle, or while representing Texas A&M. Texas A&M reserves the right to change these requirements as required by law or as it deems appropriate.

Official Rule/Responsibilities

1. SCOPE

1.1 This rule addresses:

1.1.1 Alcohol use and abuse;
1.1.2 The illegal use, sale, or possession of drugs; and
1.1.3 The misuse of drugs including over-the-counter and prescription drugs.

1.2 The provisions of this rule are applicable to all Texas A&M employees and job applicants, including contractors/subcontractors and their employees, leased employees, and part-time employees (as applicable). This rule applies when an employee is on the job, on Texas A&M property, in a Texas A&M vehicle, or while representing Texas A&M.
1.3 Some employees, contractors/subcontractors and their employees, leased and part-time employees are also subject to the U.S. Department of Transportation (DOT) regulations governing workplace substance abuse. Employees covered by U.S. Department of Transportation regulations must comply with this rule, as well as Rule 34.02.01.M2: Substance Abuse Prevention Rule for DOT-Regulated Employees.

2. PROHIBITION AND CONSEQUENCES

2.1 Illicit Drug Policy: Texas A&M prohibits the illicit use, sale, attempted sale, conveyance, distribution, manufacture, cultivation, dispensation, purchase, attempted purchase, and possession of illegal drugs, intoxicants, or controlled substances, at any time and in any amount or in any manner. Illicit drugs include all drugs for which possession is illegal under federal or state law, including prescription drugs for which the individual does not have a valid prescription.

2.2 Prescription Drug Policy: Texas A&M prohibits the use of prescription medications for which the employee does not have a valid prescription, and the use of prescription medication in a manner inconsistent with the prescription.

2.3 Alcohol Policy: The purchase, consumption and possession of alcoholic beverages in facilities under the control of Texas A&M shall in all respects comply with state laws and with guidelines as defined in System Policy 34.02, 34.03 and University Rule 34.03.01.M1.

2.4 Failure to comply with this rule may result in disciplinary action, up to and including termination. See University SAP 32.02.02.M0.02. An employee who violates any state or federal law pertaining to controlled substances, illicit drugs, or the use of alcohol may be subject to prosecution in accordance with the law. Legal sanctions for violation of local, state and federal laws may include, but not be limited to: fines, probation, jail or prison sentences.

2.5 If an employee found to be in violation of this rule is not terminated, the employee may be permitted to return to work if:

2.5.1 the employee successfully completes a program of evaluation, and

2.5.2 the employee signs a Job Jeopardy Return-to-Work Agreement provided by Texas A&M which includes a requirement for unannounced follow-up testing for a period not to exceed two years, and up to 60 months for DOT-regulated employee; and for discharge if the employee tests positive or refuses to submit to testing during this time period. The Return-to-Work Agreement may contain other requirements and provisions at Texas A&M’s discretion including successful completion of a treatment program. Any cost of rehabilitation over and above that paid for by any applicable healthcare plan must be borne by the employee.
2.6 The possibility of returning to work described above does not extend to an employee who:

2.6.1 refuses to submit to testing or attempts to thwart the testing process by attempting to tamper with, adulterate, or otherwise evade the testing process;
2.6.2 possesses a prohibited and illegal drug on Texas A&M premises, on university time, or while representing Texas A&M; or
2.6.3 is convicted of a drug-related crime which took place on Texas A&M premises, on university time, or while representing Texas A&M.

2.7 An employee will be automatically terminated for the actions described in Section 2.6.

3. RESPONSIBILITY

3.1 Employees shall report suspected violations of this policy to their immediate supervisor or to Human Resources.

3.2 Employees shall report to their supervisor, or to Human Resources, any use of a prescribed or over-the-counter medication that could adversely affect their job performance. It is each employee’s responsibility to check with a physician regarding whether any medication may adversely affect performance. Any such medical information will be kept confidential and shared with appropriate Texas A&M personnel only on a need-to-know basis. Employees working in safety- or security-sensitive positions may be transferred or placed on leave in accordance with Texas A&M leave provisions for so long as the employee may be adversely affected by a medication.

4. DRUG AND ALCOHOL TESTING

Texas A&M may require employees and job applicants to provide a urine specimen for drug testing, and/or a breath sample for alcohol testing, and/or another type of specimen suitable for testing for illicit drug abuse or alcohol use. Agreeing to such testing, providing such samples, and fully cooperating in the testing process are mandatory conditions of employment or continued employment with Texas A&M.

4.1 Job Applicants: Applicants for safety (DOT) and/or security-sensitive employment may be required to submit to a mandatory drug test as soon as practical following their acceptance of a conditional offer of employment and prior to the time they actually begin employment with Texas A&M.

4.1.1 Job applicants subject to such testing will be notified at the time they apply.

4.1.2 Job applicants who test positive for illicit drug use will not be hired.
4.1.3 Job applicants who test positive for drugs or admit to prior illegal drug use may reapply for a position with Texas A&M six (6) months after such use or positive test result provided that they present evidence of successful rehabilitation that is acceptable to Texas A&M at the time of their reapplication.

4.1.4 A job applicant’s refusal to submit to testing will be considered equivalent to a confirmed positive drug test and will result in the denial of employment.

4.2 Current Employees:

4.2.1 All Texas A&M employees are subject to reasonable suspicion testing for drugs and/or alcohol whenever the Executive Director of Human Resources has reason to believe that any employee may have used drugs or alcohol in violation of this rule. Texas A&M’s determination that reasonable suspicion exists will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, including behavior or symptoms which may indicate chronic and/or withdrawal effects of the use of controlled substances. In addition, a job-related accident or near-accident involving human error may trigger a reasonable suspicion test request.

4.2.2 All employees who have previously tested positive and who are permitted to return to work as defined in section 2.5, will be required to undergo unannounced follow-up alcohol and/or controlled substances testing as recommended by the employee’s substance-abuse treatment provider and in a manner acceptable to Texas A&M, for a period not to exceed two years, and up to 60 months for DOT-regulated employees. This provision does not affect or limit in any way Texas A&M’s right to discipline employees for a violation of this rule nor guarantee that an employee in violation of this rule will be afforded an opportunity to return to or continue employment with Texas A&M.

5. ALCOHOL AND CONTROLLED SUBSTANCES TESTING

5.1 The decision to test for alcohol and controlled substances will be in accordance with System Regulation 34.02.01.

6. EMPLOYEE ASSISTANCE

6.1. Texas A&M offers the services of its Employee Assistance Program (EAP) in Human Resources to benefit eligible employees and their immediate family members with drug- and/or alcohol-abuse problems. The EAP can provide an evaluation and referral to appropriate services and rehabilitation programs that
emphasize education, prevention, counseling and treatment. The cost of any such services may be covered under the employee’s health insurance plan. The EAP provides confidential assistance to employees to identify and resolve personal concerns so that employees are better able to perform their jobs.

6.2. It is the employee’s responsibility to seek assistance before an alcohol or drug problem leads to disciplinary action. An employee who is found to have violated this rule will be subject to discipline, up to and including termination. The employee will not be permitted to seek rehabilitation in lieu of discipline, but will be required to participate in rehabilitation as a condition of continued employment.

6.3 An employee’s decision to seek voluntary help will not be used as a basis for disciplinary action. In order for a decision to seek help be considered voluntary, it must occur before an employee is discovered to have violated this rule in any manner.

7. UNIVERSITY PROGRAMS AND COMMUNITY SERVICES

7.1 Texas A&M is committed to providing comprehensive alcohol and other drug education, as well as early intervention and referral services. Assessment, intervention and referral are available through the EAP, the Center for Drug Prevention and Education, and other services in the community. All contacts with these Texas A&M services are confidential. Voluntary contacts may not be the basis for disciplinary action.

7.2 Community service hospitals can be contacted for emergency care. Other community services include therapists, counselors, treatment centers, and support groups. For assistance in identifying an appropriate service, contact the EAP or the Center for Drug Prevention and Education.

7.3 The EAP will distribute educational information in accordance with System Regulation 34.02.01 annually to each employee.

8. HEALTH INSURANCE

Health insurance coverage may cover some or all of the expenses of treatment for alcohol or drug problems. Employees can contact Human Resources Benefits Services, the EAP, or their individual health plan representative for information.

9. DISTRIBUTION OF INFORMATION

Required information and material as outlined in System Regulation 34.02.01, Section 3.2 is distributed to all new employees through new employee orientation and annually to all employees and in training and education programs.
Related Statutes, Policies, Rules and Standard Administrative Procedures

Policy 34.02: Drug and Alcohol Abuse
http://policies.tamus.edu/34-02.pdf

Regulation 34.02.01: Drug and Alcohol Abuse and Rehabilitation Programs
http://policies.tamus.edu/34-02-01.pdf

Policy 34.03: Alcoholic Beverages
http://policies.tamus.edu/34-03.pdf

Rule 34.02.01.M2: Substance Abuse Prevention Rule for DOT-Regulated Employees
http://rules-saps.tamu.edu/PDFs/34.02.01.M2.pdf

Rule 34.03.01.M1: Alcoholic Beverages
http://rules-saps.tamu.edu/PDFs/34.03.01.M1.pdf

SAP 32.02.02.M0.02: Discipline and Dismissal Procedures for Nonfaculty Employees
http://rules-saps.tamu.edu/PDFs/32.02.02.M0.02.pdf

U.S. Department of Transportation (DOT) regulations: Substance Abuse in the Workplace
http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html

Contact Office

For more information or clarification on this rule, contact Employee Assistance Program, at (979) 845-3711, or by email at eap@tamu.edu.

OFFICE OF RESPONSIBILITY: Human Resources
HIV, AIDS and the Workplace

You may be wondering what HIV and AIDS could have to do with your job and workplace. Well, it depends on the type of work you do. Some people, like health care workers, have to deal with HIV and AIDS every day. Most of us, though, don’t need to give much thought to HIV or AIDS when it comes to our jobs. And that makes a lot of sense, because HIV is not spread through the type of casual day-to-day contact that most of us have with other people in our jobs. On the other hand, it does make sense to be familiar with HIV and AIDS for our own personal health, as well as with the situations that might come up at work that do involve HIV and AIDS.

What you should know about HIV, AIDS and the workplace:
• HIV is the virus that causes AIDS, a disease that destroys a person’s immune system.
• There are only a few ways that a person can be infected with HIV - most of which don’t involve work-related situations.
• It is easy to protect yourself from being infected with HIV, both in your personal life and in workplace settings.

Some general information about HIV/AIDS:
Acquired Immune Deficiency Syndrome (AIDS) is the final stage of an infection caused by the Human Immunodeficiency Virus (HIV). HIV attacks the body’s immune system, hurting the body’s ability to fight off diseases and other infections.

There is no cure for HIV infection or AIDS. There are also no clear symptoms of HIV infection, although some people may have flu-like symptoms for a few days after they are infected with HIV. But, even if an infected person has no symptoms, feels, and looks healthy, he or she can still pass the virus to others.

HIV is spread from person to person in the following body fluids:
• blood
• semen
• vaginal secretions
• breastmilk

HIV is NOT spread through the environment; it is a very fragile blood-borne virus. HIV-infected persons do not pose a threat to co-workers or clients during casual, day-to-day activities and contacts.

You CANNOT be infected with HIV through:
• handshakes
• hugs or casual touching
• close working conditions
• telephones, office equipment, or furniture
• sinks, toilets, or showers
• dishes, utensils, or food
• sneezing or coughing
• air
• water
• insects

There are only a few ways for a person to come in contact with HIV:
• by having sex, either anal, oral, or vaginal, without the use of a condom;
• by sharing needles, syringes, and other instruments that break the skin, such as tattoo and/or ear/body piercing needles;
• from an HIV-infected mother to her baby during pregnancy, birth, or breastfeeding; and
• by coming in contact with HIV-infected blood either through an open wound or through a blood transfusion. Risks from transfusions, however, are now very low because of blood-screening, which started in 1985.
How HIV/AIDS affects you in your workplace:
As you can see from the information on the last page, most of the behaviors that pass HIV from one person to another do not occur in the workplace. The only way that most people in the average workplace could be exposed to HIV would be if they had an open wound and someone else’s infected blood entered their body through that broken skin.

How to avoid HIV infection in the workplace:
It is easy to avoid being exposed to HIV and other blood-borne diseases by using good personal hygiene and common sense at all times:
• keep broken skin covered with a clean, dry bandage;
• avoid direct contact with blood spills;
• wear gloves to clean spills that contain visible blood; and
• clean blood spills with an appropriate disinfectant or 1:10 solution of freshly mixed household bleach and water. After cleanup, wash hands thoroughly with soap and running water.

Ways to reduce your risk for HIV infection in your personal life:
• Do not have sex (abstain)
• Delay having sex until you are in a faithful relationship with one person who you know does not have HIV.
• If you choose not to abstain from sex or to limit sex to one faithful, uninfected partner, then always use a latex condom every time you have sex (oral, anal, or vaginal). If used correctly and every time you have sex, latex condoms can provide protection against HIV and other sexually transmitted diseases (STDs).
• If you have a drug habit, do not share needles or syringes. If you can’t stop sharing needles/syringes, clean them with bleach and then rinse them with water between every use. Also, do not share any other type of needles, such as tattoo and ear/body piercing needles.
• The best thing for your health is to stop using drugs. If you need help to stop using, call the National Drug Abuse Hotline at 1-800-662-4357.

If you work with someone who has HIV and/or AIDS:
If you have a cold, flu or other virus, remember that people with HIV or AIDS do not have a healthy immune system. They are more likely to become ill from a virus that a healthy person’s body could easily fight. Remember, too, that people with HIV or AIDS are just like anyone else living with a disease: they need caring, support, and understanding.

For HIV/STD testing locations in Texas, call: 2-1-1
For other HIV/STD questions, call:
1 (800) CDC-INFO (English/Español)
1 (888) 232-6348 (TTY)
For more information, go to: www.dshs.state.tx.us/hivstd
07.01 Ethics

Approved February 27, 1995 (MO 44-95)
Revised September 1, 1995 (MO 286-95)
Revised July 26, 1996 (MO 169-96)
Revised November 30, 2000 (MO 229-2000)
Revised December 5, 2008 (MO 408-2008)
Revised January 31, 2013 (MO 004-2013)
Next Scheduled Review: January 31, 2018

Policy Statement

The responsibility for educating and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles. The Board of Regents (board) of The Texas A&M University System (system), therefore, promulgates the following ethical principles and standards to ensure that the board members and all persons employed by the system, regardless of rank or position, are held to the highest ethical standards.

Reason for Policy

This policy sets the tone throughout the system that promotes integrity-rich behavior, ethical conduct beyond reproach and a commitment to compliance. Additionally, Texas Government Code, Section 572.051 requires all state agencies to adopt a written ethics policy consistent with the standards set forth therein.

Procedures and Responsibilities

1. PRINCIPLES OF ETHICAL CONDUCT

   Board members and system employees shall conduct themselves in a manner that strengthens the public’s trust and confidence by adhering to the following principles:

   (a) honesty, accountability, transparency, respect and trust;
   (b) integrity of the highest caliber;
   (c) conduct that is indisputable and beyond reproach;
   (d) openness and fairness; and
   (e) commitment to compliance.

2. CODE OF ETHICAL CONDUCT
Board members and system employees:

(a) shall be honest and ethical in their conduct and the performance of their duties;

(b) shall adhere to all applicable state and federal laws and regulations, system policies and regulations, and member rules and procedures;

(c) shall protect and conserve system resources and shall not use them for unauthorized activities;

(d) shall endeavor to avoid any actions that would create the appearance that they are violating the law, system policies and regulations or member rules and procedures;

(e) shall not hold financial interests that are in conflict with the conscientious performance of their official duties and responsibilities;

(f) shall not engage in any financial transaction in order to further any private interest using nonpublic information which they obtain in the course of their employment;

(g) shall not make unauthorized commitments or promises of any kind purporting to bind the system;

(h) shall not use their public offices for private gain;

(i) shall act impartially and not give preferential treatment to any private or public organization or individual;

(j) shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official duties and responsibilities;

(k) shall promptly disclose fraud, waste, abuse and corruption in accordance with System Policy 10.02, Control of Fraud, Waste and Abuse; and

(l) shall strictly adhere to all state and federal laws and regulations, system policies and regulations, and member rules and procedures regarding sexual harassment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, disability, genetic information or veteran status.

Related Statutes, Policies, or Requirements

Tex. Gov’t. Code § 572.051

System Policy 07.03, Conflicts of Interest, Dual Office Holding and Political Activities

System Policy 07.04, Benefits, Gifts and Honoraria

System Policy 08.01, Civil Rights Protections and Compliance

System Regulation 08.01.01, Civil Rights Compliance

System Policy 10.02, Control of Fraud, Waste and Abuse
Member Rule Requirements

A rule is not required to supplement this policy.

Contact Office

Office of Ethics and Compliance
(979) 458-6008
NOTICE TO EMPLOYEES

The Texas Hazard Communication Act, codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

EMPLOYEE EDUCATION PROGRAM

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on the measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

SAFETY DATA SHEETS

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available yet, which detail physical and health hazards and other pertinent information on those chemicals.

LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers except portable containers for immediate use, the contents of which are known to the user.

EMPLOYEE RIGHTS

Employees have rights to:
- access copies of SDSs (or an MSDS if an SDS is not available yet)
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer’s request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the telephone numbers provided below.

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM $50 TO $100,000 FOR EACH VIOLATION OF THIS ACT

Further information may be obtained from:

Texas Department of State Health Services
Division for Regulatory Services
Policy, Standards, & Quality Assurance Unit
Environmental Hazards Group
PO Box 149347, MC 1987
Austin, TX 78714-9347

(800) 452-2791 (toll-free in Texas)
(512) 834-6787
Fax: (512) 834-6726
TXHazComHelp@dshs.texas.gov

Texas Department of State Health Services
Worker Right-To-Know Program
Publication # E23-14173
Revised 03/2014
Regardless of the mandatory retirement program you participate in (TRS or ORP), you can choose to save additional money for retirement on a tax-deferred basis through the Tax-Deferred Account (TDA) Program and/or Texa$aver Deferred Compensation Plan (DCP). All Texas A&M University System employees are eligible to participate in one or both of these voluntary supplemental pre-tax savings programs at any time.

The TDA and DCP programs allow you to save money for retirement and postpone paying federal income tax on your savings and investment earnings until you begin receiving the money. This will generally be after retirement, when your income may be less and your tax bracket is likely to be lower. While employed, you may make financial hardship withdrawals, though the plans’ definitions of a hardship differ. Upon termination of employment or retirement, you can rollover your TDA and DCP accounts to another retirement plan (including an IRA) if you meet the requirements for a rollover distribution.

You decide how much you want to save, from a $25 minimum monthly contribution for the TDA and a $20 minimum monthly contribution for the DCP to the maximum allowed by federal law. Contributions are processed through convenient payroll deduction. You can change the amount you save once each month. You may also choose to defer part or all of a lump sum payment of annual leave upon termination of employment or retirement. However, you must enroll in the DCP or TDA prior to your final day of employment in order to defer your annual leave lump sum payment. Under the TDA Program, you must choose an investment vendor from the A&M System list of active vendors. Under the DCP, you choose investment options from those companies authorized by the State of Texas. You are responsible for choosing investment vendors and investment options and for any gains or losses on your account. There are no employer matching contributions under either plan.

TAX-DEFERRED ACCOUNT PROGRAM

Enrollment

The Tax-Deferred Account Program is subject to Internal Revenue Code section 403(b), which allows you to defer a portion of your current pre-tax or post-tax (Roth) income until retirement.

When you enroll in a TDA, you agree to have a specific amount or percentage of gross pay deducted from each paycheck and sent to the vendor you choose from the A&M System list of active vendors, available on the Retirement Programs web site at www.tamus.edu/offices/benefits/retirement/activevendors. You may enroll in a TDA at any time and invest with up to two active vendors simultaneously. To enroll, you complete a TDA Salary Reduction Agreement (SRA) and turn it in to your Human Resources or Payroll Office, along with a copy of your completed vendor application. The TDA form is available from your Human Resources Office or online at www.tamus.edu/offices/benefits/publications/#rforms.

Your TDA contribution will be deducted from your pay during or after the effective month you state on the SRA form, depending on when your Human Resources or Payroll office receives your form. For example, if you are paid monthly and turn in a SRA form stating an effective month of January before the payroll runs in January, the first deduction will be made from the paycheck you receive at the beginning of February. If you are paid biweekly and turn in a SRA form stating an effective month of January on or before the payroll first runs in January, the first TDA deduction will be made from your paycheck that covers the first pay period that begins on or after January 1. The initial deduction for biweekly employees will depend on the payroll schedule during the month in which the TDA enrollment is effective.
IMPORTANT: If your TDA deduction amount is greater than your net pay for any pay period, no TDA deduction will be taken.

Distribution Options

Because the purpose of a TDA is to provide retirement income, you may begin receiving distributions from your account without penalty any time after you reach age 59½. You must pay federal income tax on your TDA savings when you receive payments unless you have a Roth TDA. Because Roth TDA contributions are made after taxes, your distributions upon retirement are tax-free. Federal law requires that you begin receiving payments by age 70½, unless you are still employed. You choose how your benefit will be paid from the payment options offered by your investment vendor(s). Your beneficiary will receive your account balance if you die before payment begins or will receive any survivor benefits you choose if you die after you begin receiving payments.

Under the TDA Program, if you withdraw money before age 59½, you generally must pay a 10% penalty tax in the year in which the money is withdrawn unless you withdraw because you become disabled and unable to work, you die, you leave A&M System employment after age 55, or elect an annuity payout upon termination or retirement at any age.

While you are employed with the A&M System, you may withdraw money from your TDA account only for one of the above reasons unless you have a financial hardship as defined by federal law. This includes major unreimbursed medical expenses, college costs for immediate family members, purchase of your primary residence or payments to prevent eviction from or foreclosure on your primary residence. If you receive a financial hardship withdrawal, federal law requires that contributions to the plan be suspended for six months. Some investment vendors allow you to take a loan from your TDA account, some do not. Contact your TDA vendor to determine loan availability.

If you leave A&M System employment before retirement, you may leave your account invested, but you may make no further contributions. You may also choose to withdraw your funds and pay any taxes due (including the penalty tax in most cases) or roll your account balance into a similar plan at a new employer or an individual retirement account.

Additional Resources

- System Regulation 31.02.10 Tax-Deferred Account Program (tamus.edu/offices/policy/31-02-10.pdf)

For additional information, review the following documents on the Benefits Administration web site (www.tamus.edu/offices/benefits/retirement):

- Retirement Programs Booklet
- Selecting a TDA Vendor
- TDA Vendors List
- TDA Fee Summary
- TDA Annuity Product Summary
- Maximum Contribution Limits TDA and Texa$aver DCP
- Comparison TDA and Texa$aver DCP
- TDAs: An Investment in Your Future

Prepared by Benefits Administration
April 2012
TEXA$AVER DEFERRED COMPENSATION PLAN

Enrollment

The Texa$aver Deferred Compensation Plan is subject to Internal Revenue Code section 457(b), which allows you to defer a portion of your current pre-tax income until retirement. The DCP is managed by the Employees Retirement System of Texas, and Great West is the third-party administrator who can answer any questions you have about the program. To enroll in the Texa$aver Deferred Compensation Plan, visit the web site at www.texasaver.com, click on “457 Plan” for information about the plan and how to enroll. Next, download enrollment form, enroll online or call at (800) 634-5091 to visit with a customer service representative who will assist you in enrolling in the Texa$aver Program. You must identify yourself as an A&M System employee and be prepared to provide the representative with the following information: name, Social Security number, address, date of birth, date of hire, phone number, agency name, deferral amount and investment elections. Deferral instructions received by Great West by 3 p.m. Central Time (CT) on the last business day of the month will be effective the following month.

In the following example, the initial DCP deferral for an employee paid monthly is deducted in a new tax year, although the effective enrollment date is December 1 of the previous year. The initial deduction for biweekly employees will depend on the payroll schedule during the month in which the DCP enrollment is effective.

Enrollment period: Before 3 p.m. CT on last business day of November
Effective date: December 1
Initial deduction: January 1 pay voucher (December earnings but included in new tax year)

IMPORTANT: If your DCP deduction amount is greater than your net pay for any pay period, no DCP deduction will be taken.

Distribution Options

Although the purpose of a DCP is to provide retirement income, you may begin receiving distributions from your account when you leave state employment. You must pay federal income tax on your DCP savings when you receive payments. Federal law requires that you begin receiving payments by age 70½, unless you are still employed. You choose how your benefit will be paid from the payment options. Your beneficiary will receive your account balance if you die before payment begins or will receive any survivor benefits you choose if you die after you begin receiving payments.

While you are employed with the A&M System, two types of withdrawals are available through the DCP: financial hardship and de minimis. The financial hardship withdrawals can be taken from your account to help cover the costs of an unforeseeable emergency. The amount withdrawn cannot exceed the amount needed to satisfy the emergency. If you receive a financial hardship withdrawal, your contributions to the DCP will be suspended for six months. De minimis withdrawals can be taken from your account if you have a balance of $5,000 or less and you have not made contributions for two years or longer. Hardship withdrawals are not subject to a penalty tax. However, the financial hardship and de minimis withdrawals will be taxed as regular income in the year in which the money is received.

You may borrow funds from your Texa$aver Deferred Compensation Plan (DCP) account for a general loan (12-60 months) or a residential loan (61-180 months). Great West will process your request for loans and answer questions. Unlike hardship withdrawals, contributions are not suspended for six months when you borrow funds from your DCP. Amounts borrowed through the DCP loan program are not
taxable unless you fail to repay the loan. Contact Great West at (800) 634-5091 if you have questions regarding the loan process.

If you leave A&M System employment before retirement, you may leave your account invested, but you may make no further contributions. Or, you may withdraw your funds and pay regular income taxes (with no penalty tax) or roll your account balance into a similar plan at a new employer or an individual retirement account.

Additional Resources

- System Regulation 31.02.11 Deferred Compensation Program (www.tamus.edu/offices/policy/policies)

For additional information, review the following documents on the Benefits Administration web site (www.tamus.edu/offices/benefits/retirement):

  Maximum Contribution Limits for TDA and Texa$aver DCP
  Comparison TDA and Texa$aver DCP

Additional information about the Texa$aver Program is available online at texa$aver.com click on “457 Plan.” Links are provided for various features of the Texa$aver DCP.

Participation in the 403(b) Tax-Deferred Account Program or 457(b) Texa$aver Deferred Compensation Plan entails certain responsibilities for the participant, including selection and monitoring of the vendor and individual investments. The Texas A&M University System has no fiduciary responsibilities for the financial stability of the vendor or the market value of individual investments chosen by the participant. Each employee bears the risk of the performance of the product(s) of his/her choosing under these voluntary retirement programs, and The Texas A&M University System is not liable for any tax consequences occurring under these retirement programs.

The contents of this document are intended for informational purposes only and should not be construed as tax or legal advice, which can be rendered only when related to specific fact situations. In all cases, you should consult your attorney or tax adviser if you have questions about your individual situation.
Regulation Statement

The Texas A&M University System (system) provides an optional method to delay receipt of a portion of net pay for employees who work less than 12 months.

Reason for Regulation

This regulation provides guidance for the eligibility and implementation of the extended pay plan (EPP).

Procedures and Responsibilities

1. GENERAL

The system offers an EPP that allows employees who work less than 12 months each year to extend their pay over 12 months. This voluntary plan is offered for the convenience of the employee. It was designed as an option for employees budgeted for either 9 or 10 1/2 months but may be used by any eligible employee to defer a portion of his/her "take-home" pay until the summer.

2. ELIGIBILITY

All employees who are listed in the position identification database in a budgeted position for 50 percent or more time for a period of at least 4 1/2 months, but for less than 12 months, excluding employees in positions for which student status is a requirement for employment, are eligible to participate in this program.

3. OPTIONS

Eligible employees may elect to participate at any time and may choose to have either 12.5 percent or 25 percent of net pay set aside each month. During the summer months, employees receive paychecks from those funds previously set aside.

4. TAXES
For employees who choose to participate in EPP, federal income and Social Security taxes will be deducted from pay during the months employees work. All pay is taxed before any money is placed in the EPP fund. Thus, for tax calculation and reporting purposes, 9-month employees are still considered 9-month employees, and 10 1/2-month employees are considered 10 1/2-month employees. All money held for summer payment in the EPP fund is after-tax “take home” pay.

5. INSURANCE

For employees who choose to participate in EPP, insurance premiums will be deducted from each paycheck during the regular work year. An additional amount, equal to 25 percent of monthly out-of-pocket insurance premiums, will be withheld each month to cover summer premiums. EPP participants will have their summer premiums deducted from their May paychecks, but they will be reimbursed from their EPP funds for those summer premiums. All health and dental premiums continue to be paid on a pre-tax basis if employees elect the EPP option.

6. PAYMENT FROM THE EPP FUND

Money in an employee’s EPP fund will be divided evenly and paid to the employee on the regular monthly paydays for June, July and August. This money will already have been taxed, and insurance premiums will already have been deducted. Employees who gain additional employment from the system during the summer will receive pay for that work in addition to the payments from their EPP funds.

7. CANCELLATION

7.1 Employees may cancel their participation in EPP at any time and may request payment of the balance of their EPP funds. Withdrawals will be made only on the full balance of the funds. Refunds will be disbursed once a month, to be paid with the regularly scheduled monthly payroll. Once an employee asks for a refund, that employee may not participate in EPP for the remainder of that fiscal year. Employees who cancel participation in EPP are eligible to enroll in EPP the next fiscal year.

7.2 An employee may choose to cancel participation in the EPP and elect not to receive payment of the balance of funds already deposited. The balance of the EPP fund will then be disbursed as requested by the employee during the summer. No funds may remain in an EPP fund at the end of the fiscal year.

8. INTEREST

No interest is paid to the employee who participates in EPP.

9. DIRECT DEPOSIT

Direct deposit of wages is not affected by participation in EPP. Summer payments for EPP will be made via direct deposit if a direct deposit authorization form is on file. Refunds during the academic year will be made only via check and will not be direct deposited.
10. BIWEEKLY EMPLOYEES

Biweekly-paid employees employed for less than 12 months are also eligible to participate in EPP. Authorization forms are available from the payroll workstation.

Definitions

Eligible employee – an employee who is listed in the position identification database in a budgeted position for 50 percent or more time for a period of at least 4 1/2 months, but for less than 12 months, excluding employees in positions for which student status is a requirement for employment.

Summer months – the calendar months of June, July and August.

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

System Office of Budgets and Accounting
(979) 458-6100
WORKERS’ COMPENSATION INSURANCE
Notice is hereby given to all persons employed in the service of and on the payroll of the institutions and agencies under the direction and governance of the Board of Regents of The Texas A&M University System that Workers’ Compensation Insurance coverage is provided in accordance with Chapter 502 of the Texas Labor Code.

PAYROLL DEDUCTION VERIFICATION
Review your pay check retainer every pay period. If you see an error, call Payroll Services at 845-2711.

OVERTIME POLICY
Unless you are exempt from the overtime provisions of the Fair Labor Standards Act, by accepting employment at Texas A&M University you agree:

- not to work hours in excess of 40 in a workweek without the prior approval of your supervisor.
- when you work more than 40 hours in a workweek you will be compensated by taking compensatory time off at the rate of 1 and ½ hours for every hour of overtime worked over 40 hours in a workweek, or
- when in the judgment of your employer granting compensatory time off is impractical, you will be paid for overtime at the rate of 1 and ½ times your regular rate of pay.

EMPLOYMENT-RELATED INFORMATION
Eligibility for benefits varies with the type of employment. Graduate student employees do not qualify for all benefits. Part-time employees generally do not qualify for benefits. For details visit http://employees.tamu.edu/employees/benefits or call Human Resources at 845-4141.

Employees need to be aware of Federal and State laws, and system regulations that affect them in the workplace. Visit http://employees.tamu.edu/employees/notices.aspx for more information.
THE TEXAS A&M UNIVERSITY SYSTEM
NOTICE OF PRIVACY PRACTICES

Your Information. Your Rights. Our Responsibilities.
This notice describes how medical information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

Our Commitment to Protecting Health Information About You
The HIPAA Privacy Rule requires that we protect the privacy of health information that identifies an individual or where there is a reasonable basis to believe the information can be used to identify an individual. This information is called “Protected Health Information” (PHI).

We are required by law to:
• Maintain the privacy of PHI about you;
• Give you this notice of our legal duties and privacy practices with respect to PHI; and
• Comply with the terms of our notice of privacy practices that is currently in effect.

Your Rights
You have the right to:
• Get a copy of your health and claims records and correct your health and claims records (these normally do not involve The Texas A&M University System)
• Request confidential communication
• Ask us to limit the information we share
• Get a list of those with whom we’ve shared your information
• Get a copy of this privacy notice
• Choose someone to act for you
• File a complaint if you believe your privacy rights have been violated

Your Choices
You have some choices in the way that we use and share information as we answer coverage questions from your family and friends and provide emergency disaster relief.

Our Uses and Disclosures
We may use and share your information as we:
• Pay for your health services
• Administer your health plan
• Help manage the health care treatment you receive (these normally do not involve The Texas A&M University System)
• Help with public health and safety issues
• Provide data for research purposes under certain limited circumstances
• Comply with the law
• Respond to organ and tissue donation requests and work with a medical examiner or funeral director
• Address workers’ compensation, law enforcement, and other government inquiries
• Respond to lawsuits and legal actions

These are explained further on the following pages.
Your Rights

When it comes to your health information, you have certain rights. This section explains your rights and some of our responsibilities to help you.

Get a copy of health and claims records or ask for corrections to health or claim records.
- It is anticipated that this will take place between you and your health provider or the plan administrator, not through our office.

Request confidential communications
- You can ask us to contact you in a specific way (for example, home or office phone) or to send mail to a different address.
- We will consider all reasonable requests, and must say “yes” if you tell us you would be in danger if we do not.

Ask us to limit what we use or share
- You can ask us not to use or share certain health information for treatment, payment, or our operations.
- We are not required to agree to your request, and we may say “no” if it would affect your care.

Get a list of those with whom we’ve shared information
- You can ask for a list (accounting) of the times we’ve shared your health information for six years prior to the date you ask, who we shared it with, and why.
- We will include all the disclosures except for those about treatment, payment, and health care operations, and certain other disclosures (such as any you asked us to make). We’ll provide one accounting a year for free but a charge will be assessed for additional requests if you ask for another one within 12 months.

Get a copy of this privacy notice
- You can ask for a paper copy of this notice at any time, even if you have agreed to receive the notice electronically. We will provide you with a paper copy promptly.

Choose someone to act for you
- If you have given someone medical power of attorney or if someone is your legal guardian, that person can exercise your rights and make choices about your health information.
- We will confirm that person has this authority and can act for you before we take any action.

File a complaint if you feel your rights are violated
- You can complain if you feel we have violated your rights by contacting us using the information on page 1.
- You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting www.hhs.gov/ocr/privacy/hipaa/complaints/.
- We will not retaliate against you for filing a complaint.

Your Choices

For certain health information, you can tell us your choices about what we share.

If you have a clear preference for how we share your information in the situations described below, tell us what you want us to do, and we will follow your instructions.
You have both the right and choice to tell us to:

- Share information with your family, close friends, or others involved in payment for your care
- Share information in a disaster relief situation

*If you are not able to tell us your preference, for example if you are unconscious, we may go ahead and share your information if we believe it is in your best interest. We may also share your information when needed to lessen a serious and imminent threat to health or safety.*

We do not share, sell, nor do we use, your information for marketing purposes.

**Our Uses and Disclosures**

**How do we typically use or share your health information?**

We typically use or share your health information in the following ways.

**Pay for your health services**

We can use and disclose your health information as we pay for your health services.

*Example: We may share information about you with your dental plan to coordinate payment for your dental work.*

**Administer your plan**

We may disclose your health information to our administrative services provider for plan administration; however, this normally does not involve The Texas A&M University System.

*Example: The services provider (claims payer) needs to know your diagnosis in order to determine the best physician to put you in contact with to meet your needs.*

**How else can we use or share your health information?**

We are allowed or required to share your information in other ways – ways that contribute to the public good, such as public health and research. We must meet many conditions in the law before we can share your information for these purposes. For information, see: [www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html](http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html).

**Help with public health and safety issues**

We can share health information about you for certain situations such as:

- Preventing disease
- Helping with product recalls
- Reporting adverse reactions to medications
- Reporting suspected abuse, neglect, or domestic violence
- Preventing or reducing a serious threat to anyone’s health or safety

**Do research**

- We can use or share your information for health research under certain limited circumstances.

**Comply with the law**

- We will share information about you if state or federal laws require it, including with the Department of Health and Human Services if it wants to see that we’re complying with federal requirements.
Respond to organ and tissue donation requests and work with a medical examiner or funeral director

- We can share health information about you with organ procurement organizations.
- We can share health information with a coroner, medical examiner, or funeral director when an individual dies.

Act in response to workers’ compensation, law enforcement, and other government requests

We can use or share health information about you:

- For workers’ compensation claims
- For law enforcement purposes or with a law enforcement official
- With health oversight agencies for activities authorized by law
- For special government functions such as military, national security, and presidential protective services

Respond to lawsuits and legal actions

- We can share health information about you in response to a court or administrative order, or in response to a subpoena.

Our Responsibilities

- We are required by law to maintain the privacy and security of your protected health information.
- We will let you know promptly if a breach occurs that may have compromised the privacy or security of your information.
- We must follow the duties and privacy practices described in this notice and give you a copy.
- We will not use or share your information other than as described here unless you tell us we can in writing. If you tell us we can, you may change your mind at any time. Let us know in writing if you change your mind.

For more information: www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html

Changes to this Notice

We reserve the right to make changes to this notice and to make such changes effective for all PHI we may already have about you. If and when this notice is changed, we will post this information on our website and provide you with a copy of the revised notice upon your request.

Privacy Official

You can contact the plan’s Privacy Official at:

Mr. Kevin P. McGinnis
Executive Director of Risk Management and Benefits Administration
The Texas A&M University System
Connally - Moore Building
301 Tarrow, 5th Floor
College Station, TX 77840-7896
Phone: (979) 458-6330