

### 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](mailto: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

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*Employee Name (please print)*

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*Employee Signature*

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*Employee UIN*

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*Date*

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## Rehabilitation Program for Alcohol and Drug Abuse

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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](mailto: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](mailto:eap@tamu.edu) or call (979) 845-3711.

### **Community Resources**

- Alcoholics Anonymous/AI-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 24, 1999 (MO 225-99)  
Revised January 22, 2009 (MO -09)  
Next Scheduled Review: January 22, 2011



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### Policy Statement

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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.

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### Reason for Policy

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This policy is established to help system 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.

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### Procedures and Responsibilities

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1. All system members and system 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 system 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.

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## **Related Statutes, Policies, or Requirements**

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[41 U.S.C. Ch. 10 \(§§ 701-707\), \*Drug-Free Workplace\*](#)

[34 C.F.R. Pt. 86, \*Drug and Alcohol Abuse Prevention\*](#)

[System Regulation 34.02.01, \*Drug and Alcohol Abuse and Rehabilitation Programs\*](#)

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## **Contact Office**

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System Office of General Counsel  
(979) 458-6120

System Offices Human Resources  
(979) 458-6169

## SYSTEM REGULATION

### **34.02.01 Drug and Alcohol Abuse and Rehabilitation Programs**

July 14, 2000

#### ***Supplements System Policy 34.02***

#### 1. ADMINISTRATION

The provisions of this regulation are based on requirements of federal and state law. Administrators should exercise caution in all matters relating to this regulation, ensuring that procedures are carefully followed and that substantial evidence from reliable sources supports a decision to counsel or test a student or an employee for drug use. The System Office of General Counsel (OGC) must be informed by the appropriate administrator of possible violations of this regulation and 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 6, and the general counsel may waive the requirement to seek OGC's advice for reasonable suspicion testing when a System component shows documented evidence of training for administrators and supervisors in alcohol and drug awareness.

#### 2. DEFINITIONS

As used in this regulation, the following definitions apply.

2.1 "Drugs or other controlled substances" means any substance, including alcohol, capable of altering an individual's mood, perception, pain level or judgment.

2.1.1 A "prescribed drug" is 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.

2.1.2 An "illicit drug" or chemical substance is: (a) any drug or chemical substance, the use, sale 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.

2.1.3 "Controlled substance" means a substance listed in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C.S. 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.

- 2.2 "Alcohol" refers to 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.
- 2.3 "Alcohol abuse" means 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.
- 2.4 "Reasonable suspicion" shall be established by: (1) observation of the actions/behaviors of the individual; (2) supervisor or other reliable individual witnessing possession or use; or (3) any other legal measure used for alcohol or drug detection.
- 2.5 "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.

### 3. COMPONENT RULES

The chief executive officer of each System component shall establish a rule and procedures for the implementation of Policy 34.02 and this regulation. Such rules and procedures cannot be less stringent than the policy and regulation and shall be approved by the System General Counsel's office before being released. Requirements of the Department of Defense, the Department of Transportation, or other regulatory bodies and applicable state and federal laws must be included when applicable for the students or employees in the System component.

### 4. ALCOHOL AND DRUG-FREE AWARENESS AND PREVENTION PROGRAM

- 4.1 Each System component will provide an alcohol and drug-free awareness and prevention program for students and/or employees. Programs must conform with System policies and regulations as well as related federal and state laws.
- 4.2. As a part of its program, all System components must distribute annually to each employee and to each student, if applicable:
  - (1) standards of conduct that prohibit the unlawful manufacture, possession, use, and distribution of illicit drugs and alcohol by students and employees on the System's property or as part of any System activity;

- (2) a description of the applicable legal sanctions under local, state, or federal law for the unlawful manufacture, possession or distribution of illicit drugs or alcohol;
  - (3) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
  - (4) a description of drug or alcohol counseling, treatment, rehabilitation or re-entry programs that are available to students or employees;
  - (5) a clear statement that the System component, consistent with local, state, or federal law, will impose sanctions against a student or employee who violates the standards of conduct. The statement must describe the possible sanctions as stated in Section 2.5; and
  - (6) a description of the institution's drug/alcohol abuse awareness, prevention and intervention program, if applicable, including alternative support, education and re-entry programs for students who are expelled as a result of violating standards required by these minimum requirements.
- 4.3 As required by federal law, each System component must conduct a biennial review of its drug and alcohol abuse awareness and prevention program. It will determine and put in report format: (1) the effectiveness of the program, and (2) the consistency of the enforcement of sanctions imposed pursuant to the program. It will also evaluate whether any changes are needed and will implement any such changes.
- 4.4 Each System component shall have available for review by the U.S. Secretary of Education, or designee, other applicable governmental agencies, and the general public, if requested, copies of all documents distributed to students and employees under the drug and alcohol abuse prevention program, and copies of the biennial review.
- 4.5 Academic institutions must certify the accessibility of a drug abuse prevention program for officers, employees and students of the institution, as required under 20 USC, Section 1094.



## 5. STUDENT DRUG TESTING

Procedures related to students suspected of alcohol or drug abuse and testing of students shall be developed by the individual System universities and approved by the System General Counsel.

## 6. EMPLOYEE REQUIRED DRUG TESTING

### 6.1 Department of Defense

6.1.1 The Drug-Free Workplace Act of 1988 and Department of Defense (DOD) regulations mandate that government contractors establish a program for testing for the use of illicit drugs by an employee in a sensitive position under a DOD contract. System components that have such contracts must also be in compliance with the DOD regulations for maintaining a program for achieving a drug-free workplace.

6.1.2 "Employee in a sensitive position" means 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.

6.1.3 Testing of an employee in a DOD-funded sensitive position will be undertaken under the following circumstances: (1) there is reasonable suspicion that the employee's job performance has been affected by the use of illicit drugs, and (2) there is a reasonable belief that such impairment will affect national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

### 6.2 Department of Transportation

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

## 7. REASONABLE SUSPICION OF EMPLOYEE DRUG OR ALCOHOL ABUSE

7.1 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 other designated administrator. Upon direction from the department head or designated administrator, the supervisor or other

designated administrator shall discuss with the employee the suspected alcohol or drug-related problems. The employee should be advised of any 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 other 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.

- 7.2 If discussion and/or participation in any available alcohol or drug counseling, rehabilitation, or employee assistance program fails to resolve the suspected alcohol or drug-related problems 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.
- 7.3 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.
- 7.4 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, the employee's job performance has been affected by the use of alcohol or illicit drugs, and such impairment presents a risk to the physical safety of the employee or another person. 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 Office of General Counsel (advice of General Counsel may be waived as discussed in paragraph 1). 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.

## 8. TESTING PROCEDURES

The expense of the screening and any retest will be borne by the System component. 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.

## 8.1 Drug Testing

- 8.1.1 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 component employee(s) to transport and accompany the employee to a hospital or clinic for the taking of a specimen for screening purposes. Except as provided in paragraph 8.1.3 below, if the System component 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.
- 8.1.2 Before the specimen is taken, the employee should 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.
- 8.1.3 Drug testing under the Federal Highway Administration and Department of Transportation regulations must be done by a laboratory that is certified by the Department of Health and Human Services (DHHS) pursuant to the DHHS “Mandatory Guidelines for Federal Workplace Drug Testing Programs.”

## 8.2 Alcohol Testing

Alcohol testing shall be done using an Evidential Breath Testing Device (EBT). Testing required by Department of Transportation regulations must be done using an EBT that has been approved by the National Highway Traffic Safety Administration.

## 9. DISCLOSURE

- 9.1 As a condition of employment, employees on government 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.

9.2 Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. Criminal drug statute conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

HISTORY: New Regulation

CONTACT OFFICE: The System Human Resources Office

[Section 34 Rules](#)

# UNIVERSITY RULE

## 34.02.01.M1

### Substance Abuse Prevention Rule

*Approved January 13, 1999*

*Revised January 24, 2002*

*Supplements [System Policy 34.02](#)*

#### 1. GENERAL

- 1.1. Texas A&M University (TAMU) 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, TAMU is committed to providing a drug-free working environment for all of its employees.
- 1.2. This Rule addresses:
  1. alcohol use and abuse;
  2. the illegal use, sale, or possession of drugs; and
  3. the misuse of drugs including over-the-counter and prescription drugs.  
TAMU reserves the right to change these requirements as required by law or as it deems appropriate.
- 1.3. Consistent with Texas A&M University's commitment to substance abuse prevention TAMU provides, as an employee benefit, an Employee Assistance Program (EAP). The EAP is available to University employees and their family members for confidential assistance with drug and alcohol problems, as well as other personal problems. For more information on employee assistance, see Section 7 of this Rule.

#### 2. SCOPE

- 2.1 The provisions of this Rule are applicable to all TAMU employees and job applicants, including contractors/subcontractors and their employees, leased employees, and part-time employees. This Rule applies when an employee is on the job, on University property, in a University vehicle, or while representing the University.
- 2.2 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 34.02.99.M2: Substance Abuse Prevention Rule for DOT- Regulated Employees](#).

#### 3. PROHIBITION AND CONSEQUENCES

- 3.1 Illicit Drug Policy: TAMU 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.

- 3.2 Prescription Drug Policy: TAMU 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.
- 3.3 Alcohol Policy: The purchase, consumption and possession of alcoholic beverages in facilities under the control of TAMU 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](#).
- 3.4 Failure to comply with this Rule may result in disciplinary action, up to and including termination. See [University Rule 32.02.02.M1](#). An employee who violates any of the 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.
- 3.5 If an employee found to be in violation of this Rule is not terminated, the employee may be permitted to return to work if:
  - i. the employee successfully completes a program of evaluation and
  - ii. the employee signs a Job Jeopardy Return-to-Work Agreement provided by TAMU 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 will contain other requirements and provisions at TAMU'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.

The possibility of returning to work described above does not extend to an employee who:

- i. refuses to submit to testing or attempts to thwart the testing process by attempting to tamper with, adulterate or otherwise evade the testing process;
- ii. possesses a prohibited and illegal drug on the job; or
- iii. is convicted of a drug-related crime which took place on University premises, on University time, or while representing the University.

An employee will be automatically terminated for the above described

actions.

#### 4. RESPONSIBILITY

- 4.1 Employees shall report suspected violations of this policy to their immediate supervisors or to the Human Resources Department.
- 4.2 Employees shall report to their supervisors, or to the Human Resources Department, 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 University 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 University leave provisions for so long as the employee may be adversely affected by a medication.

#### 5. DRUG AND ALCOHOL TESTING

TAMU 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 TAMU.

- 5.1 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 TAMU.
  - 5.1.1 Job applicants subject to such testing will be notified at the time they apply.
  - 5.1.2 Job applicants who test positive for illicit drug use will not be hired.
  - 5.1.3 Job applicants who test positive for drugs or admit to prior illegal drug use may reapply for a position with TAMU six months after such use or positive test result provided that they present evidence of successful rehabilitation that is acceptable to TAMU at the time of their reapplication.
  - 5.1.4 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.
- 5.2 Current Employees:
  - 5.2.1 All TAMU employees are subject to reasonable suspicion testing for drugs and/or alcohol whenever the Human Resources Director has reason to believe that any employee may have used drugs or alcohol in violation of this Rule.

TAMU'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.

- 5.2.2 All employees who have previously tested positive and who are permitted to return to work as defined in section 3.5, 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 TAMU, 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 TAMU'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 University employment.

## 6. ALCOHOL AND CONTROLLED SUBSTANCES TESTING

- 6.1 Procedures for alcohol and controlled substances testing (screening) are defined in [Standard Administrative Procedure 34.02.99.M1.01](#) and Human Resources Department supervisory guidelines.
- 6.2 The decision to test for alcohol and controlled substances will be in accordance with [System Policy 34.02](#).

## 7. EMPLOYEE ASSISTANCE

- 7.1. TAMU offers to benefits eligible employees and their immediate family members with drug- and/or alcohol-abuse problems the services of its Employee Assistance Program (EAP) in the Human Resources Department. 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 your 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.
- 7.2. It is the employees' 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.
- 7.3. An employee's decision to seek voluntary help (i.e., before you are found to have violated this Rule) 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.

## 8. UNIVERSITY PROGRAMS AND COMMUNITY SERVICES

- 8.1 Texas A&M University 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 University services are confidential. Voluntary contacts may not be the basis for disciplinary action.
- 8.2 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.
- 8.3 The EAP will distribute annually to each employee educational information in accordance with [System Policy 34.02](#).

## 9. HEALTH INSURANCE

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

## 10. DISTRIBUTION OF INFORMATION

Required information and material as outlined in [System Policy 34.02](#), Section 4.2.1 is distributed to all new employees through New Employee Orientation and annually to all employees and in training and education programs.

OFFICE OF RESPONSIBILITY: [Human Resources Department](#)



# HIV, AIDS and the Workplace

## 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](http://www.dshs.state.tx.us/hivstd)

DSHS Stock E4-148  
Revised 10/2007



## 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 229-00)  
Revised December 5, 2008 (MO -2008)  
Next Scheduled Review: December 5, 2010



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### Policy Statement

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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 principles.

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### Reason for Policy

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Texas Government Code, Section 572.051 requires all state agencies to adopt a written ethics policy consistent with the standards set forth therein.

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### Procedures and Responsibilities

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#### PRINCIPLES OF ETHICAL CONDUCT

System board members and system employees have the responsibility to conduct themselves in accordance with the highest standards and to embrace the principles of honesty, accountability, respect and trust. They must ensure that their integrity is of the highest caliber and their conduct is indisputable and beyond reproach.

System board members and system employees:

1. Shall not hold financial interests that are in conflict with the conscientious performance of their official duties and responsibilities.
2. 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.
3. Shall be honest and ethical in their conduct and performance of their duties.

4. Shall not make unauthorized commitments or promises of any kind purporting to bind the system.
5. Shall not use their public offices for private gain.
6. Shall act impartially and not give preferential treatment to any private or public organization or individual.
7. Shall protect and conserve system resources and shall not use them for other than authorized activities.
8. Shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official duties and responsibilities.
9. Shall promptly disclose fraud, waste, abuse, and corruption in accordance with System Policy *21.04, Control of Fraud, Waste, and Abuse*.
10. Shall adhere to all laws, regulations, and policies, including those that provide equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, or disability.
11. Shall endeavor to avoid any actions that would create the appearance that they are violating the law or the ethical standards of the system.
12. Shall strictly adhere to all system policies and regulations regarding sexual harassment.

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## **Related Statutes, Policies, or Requirements**

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[Texas Government 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 21.04, Control of Fraud, Waste and Abuse](#)

[System Policy 33.04, Use of System Resources](#)

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## **Contact Office**

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The System Office of General Counsel  
979-458-6120

# NOTICE TO EMPLOYEES

The Texas Hazard Communication Act (revised 1993), 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 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.

## MATERIAL 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 material safety data sheets (MSDSs), 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:

- X access copies of MSDSs
- X information on their chemical exposures
- X receive training on chemical hazards
- X receive appropriate protective equipment
- X 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 number provided below.

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**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  
Enforcement Unit  
1100 West 49th Street  
Austin, Texas 78756

**(512) 834-6665**  
**Fax: (512) 834-6606**



Texas Department of  
State Health Services  
Approved 5/05

The Texas A&M University System

**Overview of Voluntary Supplemental Retirement Savings Programs**

The 403(b) Tax-Deferred Account Program and the 457(b) TexaSaver Deferred Compensation Plan

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 TexaSaver 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 System Benefits Administration web site at [tamus.edu/benefits/retirement/orptda.html](http://tamus.edu/benefits/retirement/orptda.html). 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 [tamus.edu/benefits/publications/index.html#retirement](http://tamus.edu/benefits/publications/index.html#retirement).

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](http://tamus.edu/offices/policy/31-02-10.pdf))

For additional information, review the following documents on the System Benefits Administration web site ([tamus.edu/benefits/retirement/](http://tamus.edu/benefits/retirement/)):

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*



## 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 ING 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 Fund Information section on the ING web site at [www.texasaver.com](http://www.texasaver.com), select "457 Plan Information" from the "Select An Option" drop-down field in the upper left corner, then select "Fund Information" and choose how you would like to invest your contributions. Next, call ING at 800-634-5091. When prompted, press 1 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 by percentage.

Deferral instructions received by ING 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 minimus. 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 minimus 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). ING 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 ING 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 ([tamus.edu/offices/policy/31-02-11.pdf](http://tamus.edu/offices/policy/31-02-11.pdf))

For additional information, review the following documents on the System Benefits Administration web site (<http://tamus.edu/benefits/retirement/>):

Maximum Contribution Limits for TDA and TexaSaver DCP  
Comparison TDA and TexaSaver DCP

Additional information about the TexaSaver Program is available online at [texasaver.csplans.com](http://texasaver.csplans.com), select “457 Plan Information” from the “Select An Option” drop-down field in the upper left corner. Links are provided for various features of the TexaSaver DCP.

Participation in the 403(b) Tax-Deferred Account Program or 457(b) TexaSaver 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.

# SYSTEM REGULATION

## **31.01.05 Extended Pay Plan**

*Approved April 24, 1996*

*Revised September 30, 1998*

*Supplements System Policy 31.01*

### 1. GENERAL

The System offers an Extended Pay Plan (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 employees. It was designed for employees budgeted for either 9 or 10 1/2 months but may be used by any employee to defer a portion of his/her "take-home" pay until the summer.

### 2. ELIGIBILITY

All regular employees who are budgeted for less than 12 months are eligible to participate in this program. A regular employee is defined as one who is budgeted by name for 50 percent or more time for at least four and one-half months, excluding students holding positions for which student status is a requirement for employment.

### 3. OPTIONS

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

### 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, nine-month employees are still considered nine-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% 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 desired 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 paychecks is not affected by participation in EPP (except that less money will be deposited each month because a portion of pay is withheld for the summer). Summer payments from EPP will be made via direct deposit if a direct deposit authorization form is on file. Reimbursements during the academic year will be made only via check and will not be direct deposited.

## 10. BIWEEKLY EMPLOYEES

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

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CONTACT FOR INTERPRETATION: The System Office of Information Resources

HISTORY: Last version: April 24, 1996

[Section 31 Rules](#)

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## New Employee Information Sheet

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### **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/howdy/notices.aspx> for more information.

**THE TEXAS A&M UNIVERSITY SYSTEM**  
**NOTICE OF PRIVACY PRACTICES**  
*Effective April 14, 2003*

**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.**

A federal regulation, known as the “HIPAA Privacy Rule” requires that we provide detailed notice in writing of our privacy practices.

**I. OUR COMMITMENT TO PROTECTING HEALTH INFORMATION ABOUT YOU**

In this notice, we describe the ways that we may use and disclose 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). This notice describes your rights and our obligations regarding the use and disclosure of 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.

**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.**

**II. HOW WE MAY USE AND DISCLOSE PROTECTED HEALTH INFORMATION ABOUT YOU**

**A. USES AND DISCLOSURES FOR TREATMENT, PAYMENT, AND HEALTH CARE OPERATIONS**

The following categories describe the different ways we may use and disclose PHI for treatment, payment, or health care operations. The examples included with each category do not list every type of use or disclosure that may fall within that category.

**Treatment:** No disclosures are anticipated in this category since medical care and treatment is provided only by licensed physicians and medical providers and not the A&M System benefit programs, per se.

**Payment:** We may use and disclose PHI so that we can bill, collect and remit premiums and eligibility information to your designated health benefit carrier with the A&M System. For example, we must provide your health carrier with periodic reports showing that you are eligible for benefits and have paid your premiums for their coverage. We may use and disclose PHI when you apply for any insurance coverage that requires you to provide a medical history. We may use and disclose PHI when you apply for disability retirement or disability benefits that require you to provide your detailed medical records. We may use and disclose your PHI to verify your health benefit enrollment to a health benefit carrier or health care provider when you seek medical treatment or care. We may use and disclose your PHI to an

insurance carrier that provides you with, or has previously provided you with, additional health coverage. We may use and disclose your PHI to the members of a health plan grievance review panel convened at your request to consider the denial of a medical claim by our third-party administrator.

**Health Care Operations:** We may use and disclose your PHI in performing business operations that are called health care operations. We may use and disclose your PHI to our consulting actuary when we evaluate the cost of our health plans and determine premiums. For example, we periodically review large medical claims in detail to determine cost patterns and their impact on our health plan costs. We may use and disclose your PHI to a third-party claims reviewer who has contracted with the A&M System to audit claim payments. We may use and disclose your PHI as part of the demographic information that is included when we solicit bids on our health plans. We may use and disclose your PHI as requested by federal or state legislative bodies as they review health costs. We may use and disclose your PHI to provide training to new employees who work with PHI within the scope of their employment in the A&M System.

**Communications From Our Office:** We may contact you to provide you with information about changes to your health benefit plans or other health-related benefits and services that may be of interest to you. For example, if the A&M System offered a new dental benefit option, we would contact you.

#### B. OTHER USES AND DISCLOSURES WE CAN MAKE WITHOUT YOUR WRITTEN AUTHORIZATION

**Uses and Disclosures for Which You Have the Opportunity to Agree or Object:** We may use and disclose PHI about you in some situations where you have the opportunity to agree or object to certain uses and disclosures of PHI about you. If you do not object, then we may use and disclose these types of PHI.

**Individuals Involved in Your Care or Payment for Your Care:** We may disclose PHI about you to your family member, close friend, or any other person identified by you if that information is directly relevant to the person's involvement in your care or payment for your care. If you are present and able to consent or object (or if you are available in advance), then we may use or disclose PHI only if you do not object after you have been informed of your opportunity to object. If you are not present or you are unable to consent or object, we may exercise professional judgment in determining whether the use or disclosure of PHI is in your best interests. For example, if you are unable to communicate normally with us for some reason, we may find it is in your best interest to give your benefit eligibility and premium payment information to the friend or relative who is with you. We may also use and disclose PHI to notify such persons of your location, general condition or death. We also may coordinate with disaster relief agencies to make this type of notification. We may also use professional judgment and our experience with common practice to make reasonable decisions about your best interest in allowing a person to act on your behalf to pay premiums or communicate information about your benefits that contains PHI about you.

#### C. OTHER USES AND DISCLOSURES WE CAN MAKE WITHOUT YOUR WRITTEN AUTHORIZATION OR OPPORTUNITY TO AGREE OR OBJECT

We may use and disclose PHI about you in the following circumstances without your authorization or opportunity to agree or object, provided that we comply with certain conditions that may apply.

**Required By Law:** We may use and disclose PHI as required by federal, state or local law. Any disclosure must comply with the law and is limited to the requirements of the law.

**Public Health Activities:** We may use or disclose PHI to public health authorities or other authorized persons to carry out certain activities related to public health, including the following:

- To prevent or control disease, injury or disability;
- To report disease, injury, birth or death;
- To report child abuse or neglect;
- To report reactions to medications or problems with products or devices regulated by the federal Food and Drug Administration or other activities related to quality, safety, or effectiveness of FDA-regulated products or activities;
- To locate and notify persons of recalls of products they may be using;
- To notify a person who may have been exposed to a communicable disease in order to control who may be at risk of contracting or spreading the disease; or
- To report to your employer, under limited circumstances, information related primarily to workplace injuries or illness, or workplace medical surveillance.

**Abuse, Neglect, or Domestic Violence:** We may disclose PHI in certain cases to proper government authorities if we reasonably believe that a patient has been a victim of domestic violence, abuse, or neglect.

**Health Oversight Activities:** We may disclose PHI to a health oversight agency for oversight activities including, for example, claims audits, investigations, inspections, licensure and disciplinary activities, and other activities conducted by health oversight agencies to monitor the health care system, government health care programs, and compliance with certain laws.

**Lawsuits and Other Legal Proceedings:** We may use or disclose PHI when required by a court or administrative tribunal order. We may also disclose PHI in response to subpoenas, discovery requests, or other required legal processes when efforts have been made to advise you of the request or to obtain an order protecting the information requested.

**Law Enforcement:** Under certain conditions, we may disclose PHI to law enforcement officials for the following purposes where the disclosure is:

- About a suspected crime victim if, under certain limited circumstances, we are unable to obtain a person's agreement because of incapacity or emergency;
- To alert law enforcement of a death that we suspect was the result of criminal conduct;
- Required by law;
- In response to a court order, warrant, subpoena, summons, administrative agency request, or other authorized process;
- To identify or locate a suspect, fugitive, material witness, or missing person;
- About a crime or suspected crime committed at the workplace; or
- In response to a medical emergency not occurring at the workplace, if necessary to report a crime, including the nature of the crime, the locations of the crime or the victim, and the identity of the person who committed the crime.



**Coroners, Medical Examiners, Funeral Directors:** We may disclose PHI to a coroner or medical examiner to identify a deceased person and determine the cause of death. In addition, we may disclose PHI to funeral directors, as authorized by law, so that they may do their jobs.

**Organ and Tissue Donation:** If you are an organ donor, we may use or disclose PHI to organizations that help procure, locate, and transplant organs in order to facilitate an organ, eye, or tissue donation and transplantation.

**Research:** We may use and disclose PHI about you for research purposes under certain limited circumstances. We must obtain a written authorization to use and disclose PHI about you for research purposes except in situations where a research project meets specific, detailed criteria established by the HIPAA Privacy Rule to ensure the privacy of PHI.

**To Avert a Serious Threat to Health or Safety:** We may use or disclose PHI about you in limited circumstances when necessary to prevent a threat to the health or safety of a person or to the public. This disclosure can be made only to a person who is able to help prevent the threat.

**Specialized Government Functions:** Under certain circumstances, we may disclose PHI:

- For certain military and veteran activities, including determination of eligibility for veterans benefits and where deemed necessary by military command authorities;
- For national security and intelligence activities;
- To help provide protective services for the president and others;
- For the health or safety of inmates and others at correctional institutions or other law enforcement custodial situations for the general safety and health related to the facility.

**Disclosures Required by HIPAA Privacy Rule:** We are required to disclose PHI to the Secretary of the United States Department of Health and Human Services when requested by the Secretary to review our compliance with the HIPAA Privacy Rule. We are also required in certain cases to disclose PHI to you upon your request to access PHI or for an accounting of certain disclosures of PHI about you as described in Section III of this notice.

**Workers' Compensation:** We may disclose PHI as authorized by workers' compensation laws or other similar programs that provide benefits for work-related injuries or illness.

#### D. OTHER USES AND DISCLOSURES OF PROTECTED HEALTH INFORMATION REQUIRE YOUR AUTHORIZATION

All other uses and disclosures of PHI about you will be made only with your written authorization. If you have authorized us to use or disclose PHI about you, you may revoke your authorization at any time, except to the extent we have taken action based on the authorization.

### III. YOUR RIGHTS REGARDING PROTECTED HEALTH INFORMATION ABOUT YOU

Under federal law, you have the following rights regarding PHI about you:

**Right to Request Restrictions:** You have the right to request additional restrictions on the PHI that we may use for treatment, payment, and health care operations. You may also request additional restrictions on our disclosure of PHI to certain individuals involved in your care or benefit coverage that

otherwise are permitted by the Privacy Rule. *We are not required to agree to your request.* If we do agree to your request, we are required to comply with our agreement except in certain cases, including where the information is needed to treat you or verify coverage in the case of an emergency. To request restrictions, you must make your request in writing to our Privacy Official. In your request, please include (1) the information that you want to restrict, (2) how you want to restrict the information (for example, restricting use to this office, restricting disclosure only to persons outside this office, or restricting both), and (3) to whom you want those restrictions to apply.

**Right to Receive Confidential Communications:** You have the right to request that you receive communications regarding PHI in a certain manner or at a certain location. For example, you may request that we contact you at home, rather than at work. You must make your request in writing to our Privacy Official. You must specify how you would like to be contacted (for example, by regular mail to your post office box and not your home). We are required to accommodate *reasonable* requests.

**Right to Inspect and Copy:** You have the right to request the opportunity to inspect and receive a copy of PHI about you in certain records that we maintain. This includes your insurance and billing records but does not include information gathered or prepared for a civil, criminal, or administrative proceeding. We may deny your request to inspect and copy PHI only in limited circumstances. To inspect and copy PHI contact our Privacy Official. If you request a copy of PHI about you, we may charge you a reasonable fee for the copying, postage, labor, and supplies used to meet your request.

**Right to Amend:** You have the right to request that we amend PHI about you as long as such information is kept by or for our office. To make this type of request, you must submit your request in writing to our Privacy Official. You must also give us a reason for your request. We may deny your request in certain cases, including if it is not in writing or if you do not give us a reason for the request.

**Right to Receive an Accounting of Disclosures:** You have the right to request an accounting of certain disclosures that we made of PHI about you. This is a list of disclosures made by us during a specified period of up to six years *except for disclosures made:*

- For treatment, payment, and health care operations;
- For use in or related to a facility directory;
- To family members or friends involved in your care;
- To you directly;
- Pursuant to an authorization of you and your personal representative;
- For certain notification purposes (including national security, intelligence, correctional, and law enforcement purposes); or
- Before April 14, 2003.

If you wish to make such a request, please contact our Privacy Official, who is identified below. The first list that you request in a 12-month period will be free, but we may charge you for our reasonable costs of providing additional lists in the same 12-month period. We will tell you about these costs, and you may cancel your request at any time before costs are incurred.

**Right to a Paper Copy of this Notice:** You have a right to receive a paper copy of this notice at any time, even if you have previously agreed to receive this notice electronically. To obtain a paper copy of this notice, contact the Privacy Official.

#### **IV. COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint with us or the Office for Civil Rights, United States Dept. of Health and Human Services, 1301 Young Street, Suite 1169, Dallas, TX 75202. To file a complaint with us, please contact our Privacy Official at the address and number listed below. We will not retaliate or take action against you for filing a complaint.

#### **V. QUESTIONS**

If you have any questions about this notice, please contact our Privacy Official at the address and telephone number listed below.

#### **VI. PRIVACY OFFICIAL CONTACT INFORMATION**

You may contact our Privacy Official at the following address and telephone number:

Mr. Kevin P. McGinnis  
Director of Risk Management and Safety  
The Texas A&M University System  
Office of Risk Management and Safety  
A&M System Building, Suite 1120  
200 Technology Way  
College Station, TX 77845-3424  
Phone: 979/458-6330