

**LNRA BOARD POLICY
203 – DRUG AND ALCOHOL**

203.10 PURPOSE

It is the policy of LNRA to promote safety in the workplace and to provide effective public service.

To help provide a workplace that is safe and productive, alcohol is not to be used by employees in a manner that may endanger their personal safety or the safety of other employees of LNRA or adversely affect the operations of LNRA or the public it serves. Use of illegal drugs is strictly prohibited.

203.20 POLICY

203.201 SCOPE

The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance, alcohol, or illegal drugs on LNRA property is strictly prohibited.

Being under the influence of alcohol or illegal drugs on LNRA property or while working or when carrying out official duties is prohibited. Misuse or abuse of prescription drugs or over-the-counter drugs on LNRA property or while working or when carrying out official duties is strictly prohibited.

Employees who violate this policy are subject to appropriate disciplinary action including termination of employment.

This policy applies to all employees of LNRA regardless of rank or position and includes temporary and part-time employees. In addition to the provisions of this policy, all LNRA employees holding a Commercial Drivers License shall be subject to the provisions under Board Policy 206 Drug and Alcohol Use and Testing for Commercial Drivers License Holders.

203.202 DEFINITIONS

- LNRA Property - All real or personal property owned or leased by LNRA including but not limited to lands, buildings, appurtenances, improvements, equipment, vehicles, tractors, lockers, closets, desks and other furniture.
- Controlled Substance - Any substance listed in Schedules I-V of the Uniform Controlled Substances Act, 21 U.S.C. §812, as amended. Copies of these provisions are maintained at the Administrative Offices of LNRA and are available for employee review.
- Drug - A chemical substance that produces adverse physical, mental, emotional, or behavioral change in the user.

- Drug Paraphernalia - Equipment, products, or materials used or intended for use by injecting, ingesting, inhaling, or otherwise introducing into the human body an illegal drug or controlled substance or used or intended for use in concealing such a drug or substance.
- Fitness for Duty - Present ability to perform the tasks required to work in a manner suitable for carrying out the job. To determine "fitness", a medical evaluation may be required including drug and/or alcohol testing.
- Illegal Drug - Drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is unlawful or regulated or controlled under any federal, state, or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical purpose and substances such as inhalants used illegally or to induce intoxication, hallucination or other such altered states. Included is marijuana or cannabis in all forms.
- Positive Test Results - Test results that indicate that alcohol or drugs were found or indicated in the employee's system other than properly used prescription medication.
- Reasonable Cause/Reasonable Suspicion - Information, observation, or other indication that is sufficient to raise a reasonable concern or belief that a violation of this policy may have occurred.
- Safety-Sensitive Position – A position with the LNRA requiring any activity that presents a threat to the health or safety of the employee, other employees, or the public if performed with inattentiveness, errors in judgment, diminished coordination, reduced dexterity, or lack of composure and that is performed with such independence that it cannot reasonably be assumed that mistakes could be prevented by a Supervisor or another employee. An employee is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, is ready to perform, has just completed performing, or is immediately available to perform any safety-sensitive function.
- Testing - Procedures to determine the chemical or drug content of urine, blood, breath, or similar matter. Any employee may be tested for drug or alcohol use when there is "reasonable cause/reasonable suspicion" that:
 - (1) use of alcohol, drugs, or other such substances is affecting performance; or
 - (2) the employee is engaged in any of the prohibited acts or activities listed in this policy; or
 - (3) alcohol or drugs may have caused, contributed to or exacerbated an injury involving an employee(s).
- Under the Influence - A state of having a blood alcohol concentration of 0.08 or more, where "alcohol concentration" has the meaning assigned to it by law; or the state of diminished or

altered mental or physical abilities or faculties resulting from the voluntary introduction into the body of an alcoholic beverage, illegal drug, or a controlled substance.

203.203 GENERAL POLICY PROVISIONS

Any of the following actions constitutes a violation of this policy and may subject an employee to disciplinary action including immediate termination of employment:

- Using, selling, purchasing, transferring, possessing, manufacturing, or storing an illegal drug or controlled substance or drug paraphernalia, or attempting or assisting another to do so, while in the course or scope of employment or when engaged in a LNRA sponsored activity, on LNRA premises, in LNRA owned, leased, or rented vehicles, or on LNRA business.
- Working or reporting to work, conducting LNRA business or being on LNRA premises or in a LNRA-owned, leased, or rented vehicle while under the influence of an illegal drug, controlled substance, or alcohol or in an impaired condition induced by use of such substance.
- Switching, adulterating, or attempting to tamper with any sample submitted for medical testing, or otherwise interfering or attempting to interfere with any testing process.

203.204 TESTING OF EMPLOYEES AND APPLICANTS

All applicants who are offered positions will be drug tested. All employees and applicants are required to provide written consent to testing and to release of the results only to appropriate personnel.

Random Testing

After initial testing, employees who work in positions deemed to be safety-sensitive by the General Manager, in accordance with the definition provided herein, are to be randomly tested. These positions shall include employees who hold a commercial drivers license, wastewater treatment plant operators, water treatment plant operators, spillway operators, delivery system operators, I&E personnel, security personnel and any other person deemed necessary by the General Manager to ensure the continued health and safety of the public served. Employees who work in safety-sensitive positions are notified that the positions they hold are considered to be safety-sensitive. A percentage of such employees who are randomly selected are subject to quarterly testing that is not announced in advance.

Post-Accident Testing

A driver must submit to a post-accident drug and/or alcohol test as soon as possible after an accident, whenever: (1) the driver receives a citation in conjunction with the accident; or (2) a person is injured because of the accident and the injuries require immediate medical treatment to the person away from the accident scene; or (3) one or more vehicles involved in the accident

incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle.

At LNRA's discretion, a driver who is required to take a post-accident drug and/or alcohol test will either be assigned non-driving responsibilities within their current division, or placed on non-disciplinary suspension with pay, while awaiting the post-accident test results.

These tests as well as those based on reasonable suspicion or after accidents or other incidents in which testing is warranted are in furtherance of this policy and LNRA's drug and alcohol awareness and prevention program. LNRA intends to send a strong message to applicants and all employees that drug use and alcohol abuse is a serious matter. It is not to be tolerated in the workplace or at any time when or place where it interferes with job performance or safety. LNRA wishes to create a work atmosphere that deters potential drug users and alcohol abusers and that encourages non-drug using employees to remain drug free.

203.205 CONFIDENTIALITY OF RECORDS

LNRA shall maintain the confidentiality of all drug and alcohol test results. The records shall be maintained in a secure location with controlled access.

203.206 PREVENTIVE ACTS

Employees taking drugs prescribed by an attending physician are required to advise their direct supervisor in writing of the possible effects, if any, of such medication insofar as it may have an impact on their job performance or physical/mental capabilities or conduct in the workplace or while engaged in activities on behalf of LNRA. This written information is confidential and is to be communicated to the direct supervisor prior to the employee's commencing work when such medication is being used. All medical information is confidential and any breach of privacy and confidentiality is subject to disciplinary action including termination of employment. All prescription drugs are required to be kept in their original container with identifying label.

203.207 CORRECTIVE ACT

It is not the policy of LNRA to subject employees to random fitness for duty examinations; however, any employee involved in a work related accident may be subject to urine and breath testing or other appropriate procedure to determine whether this policy has been violated.

203.208 SEARCHES

LNRA reserves the right to conduct searches or inspections of an employee's person or personal effects including (but not limited to) purses, briefcases, and motor vehicles located on LNRA property, as well as LNRA property used by an employee, including (without limitation) lockers, desks, and offices whether secured, unsecured, or closed with a locking device provided or used by the employee if there is reasonable cause to believe that a violation of this policy may have occurred or may be threatened and such search may assist in determining whether this is true.\

Searches of the person include emptying of pockets and the production and disclosure of items concealed in clothing. They do not include pat-down searches. All searches are conducted by the General Manager or a designated representative.

LNRA may conduct a random or unannounced search of LNRA property with the aid of trained drug-detection dogs. Personal property located on LNRA premises, including (but not limited to) lockers, desks, personal vehicles, purses, and briefcases, may be included in such searches if they are reasonably within the scope of the search.

Any substance or item found during a search that is believed to be or to contain alcohol, an illegal drug, controlled substance or drug paraphernalia is subject to removal by LNRA for purposes of determining whether a violation of this policy has occurred or referral to an appropriate enforcement authority. If such removal and retention of a substance or item occurs, the individual from whom the item or substance is obtained is to be provided a written receipt listing, describing, or otherwise items or substances removed.

In the administration of these search provisions, personal privacy is to be considered and respected to the extent practicable. No search is to be initiated without the written consent of the General Manager. Such written consent is to include the basis for the belief that there is reasonable cause/reasonable suspicion for conducting the search.

203.209 SUPERVISORY AND EMPLOYEE TRAINING

Supervisors are to receive training regarding this policy. All employees are to be provided copies of this policy.

203.210 DISCIPLINARY ACTION

Any employee suspected of violating this policy may be suspended without pay pending completion of an investigation. During the course of an investigation, the suspected employee is provided opportunity to give an explanation or to present the employee's position regarding the alleged violation. In the event that a determination is made by LNRA that the employee violated this policy, the employee is subject to disciplinary action including termination of employment. If it is determined that no violation occurred, the employee is to be reinstated without penalty and paid any lost wages and benefits lost during the suspension.

203.211 EMPLOYEE COUNSELING PROGRAM

LNRA provides information for employees and their families regarding sources of confidential and professional counseling assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their job performance. The cost of treatment, counseling or rehabilitation services is the responsibility of the employee. Benefits, if any, of the medical insurance carrier that are in effect at the time, would be available in accordance with the terms of

LNRA's medical insurance policy in place at that time insofar as the policy may provide any such assistance.

Self-referral by employees or family members is strongly encouraged where need for such services is indicated. The earlier a problem is addressed, the easier it is to deal with and the higher the rate of success in such treatment. While self-referral, in itself, does not preclude LNRA's use of corrective actions, participation in a counseling program may provide a basis for the supervisor to allow time for completion of such program before initiating or determining that disciplinary or additional corrective actions are to be taken.

203.212 COORDINATION WITH LAW ENFORCEMENT AGENCIES

The sale, use, purchase, transfer, or possession of an illegal drug or drug paraphernalia is a violation of the law. LNRA may be obligated to report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and to turn over to the custody of law enforcement officials any such items or substances found during a search of an individual's person or property. Searches of individuals are not conducted without reasonable cause. Searches of employees' vehicles, lockers, desks, or closets are not conducted without reasonable suspicion. LNRA will cooperate in the prosecution and/or investigation regarding alleged violation of criminal law and will assist law enforcement authorities involved in such investigations or prosecutions when it is appropriate to do so.

203.213 RESERVATION OF RIGHTS

LNRA reserves the right to interpret, change, suspend, cancel, or otherwise alter or amend, with or without notice, all or any part of this policy, or procedures or benefits discussed in this policy. LNRA notifies employees of policy changes before their implementation generally; however, failure to provide such notice does not invalidate the change in this policy or prevent LNRA from requiring compliance with the changed policy.

Nothing in this policy alters an employee's status or constitutes or is to be deemed a contract or promise of continued employment. Employees remain free to resign their employment at any time for any or no reason, without notice, and LNRA retains the right to terminate any employee at any time, for any or no reason, without notice.

203.214 OTHER LAWS AND REGULATIONS

The provisions of this policy are in addition to, and subordinated to, requirements imposed by applicable federal, state, or local laws, regulations or judicial decisions. Unenforceable provisions of this policy are to be treated as if deleted and deemed ineffective.

203.30 RESPONSIBILITIES

203.301 GENERAL MANAGER

The General Manager will designate LNRA employees who will be responsible for the administration and coordination of this policy. The General Manager shall also insure that practices and procedures are developed which effectuate this policy.

EFFECTIVE: May 21, 2003, Amended August 24, 2005, Amended March 21, 2007, Amended October 17, 2007

Lavaca-Navidad River Authority

Receipt Acknowledgement

I acknowledge that I have received a copy of the LNRA Board Policy 203 – Drug and Alcohol, amended *October 17, 2007*. I also acknowledge that the provisions of this policy are part of the terms and conditions of my employment and agree to abide by them.

Name

Date