

TDLR Model Drug Testing Policy

1. General Rules

- Employees must not take or be under the influence of any drugs, unless prescribed by your licensed physician.
- Employees must not engage in the manufacture, sale, distribution, use, or possession of illegal drugs at any time.
- The drugs for which tests are required under this policy are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.
- Company property is subject to inspection at any time without notice. There is no expectation of privacy in or on company property. Company property includes, but is not limited to, vehicles, desks, containers, files, and lockers.
- If you are convicted of violating a criminal drug statute, you must inform your supervisor within five days of the conviction occurring. Failure to inform your supervisor subjects you to disciplinary action, up to and including termination for the first offense.
- The company must notify TDLR of the conviction (including pleas of guilty and nolo contendere).

2. Types of Tests

- Pre-employment. All applicants who have received a conditional offer of employment must take a drug test before receiving a final offer of employment.
- Annual. All employees must complete at least one scheduled drug test every 12 months, beginning with the date of their initial license or renewal.

- Random Testing. In addition to annual testing, employees are subject to random urine drug testing. At least 25 percent of the total number of employees must be tested at random every year.

3. Consent Form

- Before taking a drug test, towing operators, VSF employees, and job applicants are required to sign a consent form authorizing the test and permitting release of the test results to the medical review officer (MRO), the company, and TDLR. The form is available here: <http://www.tdlr.texas.gov/towing/forms/drugtesting.pdf>
- If an employee or applicant fails to cooperate by not signing the consent form, or refusing to undergo testing in a timely manner, this will be considered grounds for refusal to hire or for termination.
- If an employee or applicant submits a urine sample that is not their own, or is diluted in any way, this will also be considered grounds for refusal to hire or for termination.

4. Return to Duty and Follow-up

- Any employee who has violated this drug testing policy and is allowed to return to work must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. The test results of all return-to-duty and follow-up tests must be negative.
- The employee must pay for his or her return-to-duty and follow-up tests.