

**CAMINO REAL REGIONAL MOBILITY AUTHORITY  
BOARD RESOLUTION**

**WHEREAS**, Section 370.033(h) of the Texas Transportation Code requires the Camino Real Regional Mobility Authority (CRRMA) to adopt a written drug and alcohol policy restricting the use of controlled substances by officers and employees of the CRRMA, prohibiting the consumption of alcoholic beverages by employees while on duty, and prohibiting employees from working for the CRRMA while under the influence of a controlled substance or alcohol; and

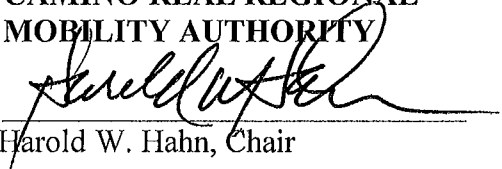
**WHEREAS**, the CRRMA Board of Directors therefore desires to adopt the Drug and Alcohol Policy attached hereto as Attachment "A", the objective of which is to establish a drug and alcohol-free workplace and to help ensure a safe and productive workplace for all CRRMA activities;

**NOW, THEREFORE, BE IT RESOLVED BY THE CAMINO REAL REGIONAL MOBILITY AUTHORITY:**

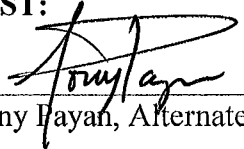
**THAT** the Board of Directors of the CRRMA hereby approves and adopts the CRRMA Drug and Alcohol Policy, attached hereto as Attachment "A"; and **THAT** the CRRMA Drug and Alcohol Policy may be amended from time to time at the discretion of the CRRMA Board of Directors.

**PASSED AND APPROVED THIS 16<sup>TH</sup> DAY OF DECEMBER 2009.**

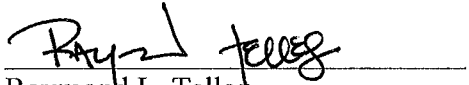
**CAMINO REAL REGIONAL  
MOBILITY AUTHORITY**

  
Harold W. Hahn, Chair

**ATTEST:**

  
Dr. Tony Fayan, Alternate Secretary

**APPROVED AS TO CONTENT:**

  
Raymond L. Telles  
Executive Director

**HAROLD W. HAHN**  
CHAIR

**RALPH ADAME**  
VICE CHAIR

**TONY PAYAN**  
ALTERNATE SECRETARY



**CAMINO REAL**  
REGIONAL MOBILITY  
AUTHORITY

**DAVID MARCUS**  
TREASURER

**SCOTT McLAUGHLIN**  
MEMBER

**SUSAN A. MELENDEZ**  
MEMBER

**ATTACHMENT "A"**  
**CRRMA DRUG & ALCOHOL POLICY**

**CAMINO REAL REGIONAL MOBILITY AUTHORITY  
DRUG AND ALCOHOL POLICY**

**SECTION 1. STATEMENT OF GENERAL POLICY**

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

**SECTION 2. DEFINITIONS**

1. CRRMA Premises - All CRRMA property including without limitation, offices, warehouses, worksites, rented premises for CRRMA functions, CRRMA vehicles, other vehicles being used for CRRMA business, lockers, and parking lots, including City of El Paso property provided for use by the CRRMA.
2. CRRMA Property - All CRRMA owned or leased property or property provided by the City of El Paso for use by CRRMA employees including without limitation, vehicles, lockers, desks, closets, etc.
3. Controlled Substance - Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812), as amended, or as revised and set forth in federal regulations (21 C.F.R. §§1308.11 – 1308.15). Copies of such schedules are maintained by the CRRMA for employee review.
4. Drug - Any chemical substance that produces physical, mental, emotional or behavioral change in the user.
5. Drug Paraphernalia - Equipment, products or materials that are used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal drug or controlled substance.
6. Employee – An employee of the CRRMA or an employee of the City of El Paso who is assigned to spend more than 20 hours per week working on behalf of the CRRMA and who is subject to supervision or direction by the Executive Director or the CRRMA Board of Directors.

7. Illegal Drug - Any drug or derivative thereof the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of which is illegal under any federal, state, or local law or regulation and any other drug, including but not limited to a prescription drug used for any reason other than a legitimate medical reason and inhalants used illegally. Included in this definition is marijuana or cannabis in all forms.

### SECTION 3. DRUG AND ALCHOHOL POLICY REGARDING CRRMA EMPLOYEES

#### A. Prohibited Behavior By CRRMA Employees

CRRMA Employees are prohibited from working for the authority while under the influence of an Illegal Drug or Controlled Substance. It is a violation of this policy for any CRRMA Employee to use, possess, sell, trade, distribute, dispense, purchase and/or offer for sale, on CRRMA Premises or on or in CRRMA Property, any Illegal Drugs or Drug Paraphernalia. This policy includes the misuse of prescription drugs, including Controlled Substances. Compliance with this prohibition will be strictly enforced. Violation of the drug portion of this policy shall result in immediate disciplinary action, which may include termination of employment or removal from office following investigation.

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

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

This policy requires that Employees notify the Executive Director or the Chairman of the CRRMA of any criminal drug statute conviction for a violation

occurring on the CRRMA Premises or on or in CRRMA Property or during scheduled work time no later than five (5) days after such a conviction. For purposes of this policy, criminal drug statute means a criminal statute addressing the manufacture, distribution, dispensation, use, or possession of any Illegal Drugs, Drug Paraphernalia and/or illegal inhalants.

B. Consequences

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

D. Employee Treatment And Education

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

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

E. Drug Testing

Any Employee who may be subjected to disciplinary action because that Employee is suspected of noncompliance with this Policy may voluntarily request that an appropriate drug test be performed. If that Employee requests a drug test, the RMA shall pay for the drug test. If drug-testing results are positive, the results may be rebutted by other evidence that the Employee has not used illegal drugs or that the Employee was not using alcohol when its effects would remain during job performance.

The CRRMA shall comply with all constitutional, federal and state laws that require Employees to submit to drug tests, but will not extend mandatory drug testing to CRRMA Employees beyond the requirements of those laws.

F. Coordination With Law Enforcement Agencies

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

The sale, use, purchase, transfer or possession of an Illegal Drug or Drug Paraphernalia is a violation of the law. The CRRMA will report information concerning possession, distribution, or use of any Illegal Drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found on CRRMA Premises or Property. The CRRMA will cooperate fully in the prosecution and/or conviction of any violation of the law.

G. Reservation Of Rights

The CRRMA reserves the right to interpret, change, suspend or cancel, with or without notice, all or any part of this Policy, or procedures or benefits discussed herein. Employees will be provided with a copy of any revisions to this Policy.

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

H. Other Laws And Regulations

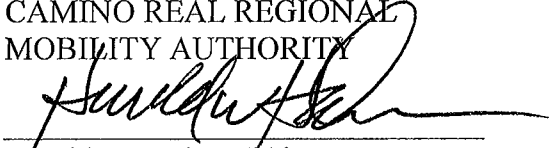
The provisions of this Policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Unenforceable provisions of this Policy shall be deemed to be deleted.

SECTION 4. CRRMA OFFICERS AND BOARD MEMBERS

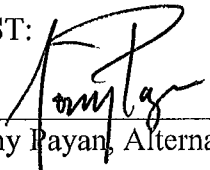
All CRRMA officers, including all CRRMA officers (chairman, vice-chairman, treasurer and secretary) and other board members, are encouraged to adhere to the policies reflected herein. Use of Illegal Drugs, or abuse of Controlled Substances and/or alcohol may be grounds for removal from office in accordance with the "inability to perform duties" standard set forth in Texas Transportation Code § 370.254.

APPROVED AND ADOPTED THIS 16<sup>TH</sup> DAY OF DECEMBER, 2009.


CAMINO REAL REGIONAL  
MOBILITY AUTHORITY

  
\_\_\_\_\_  
Harold W. Hahn, Chair

ATTEST:

  
\_\_\_\_\_  
Dr. Tony Payan, Alternate Secretary

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Raymond L. Telles  
Executive Director

**CRRMA EMPLOYEE ACKNOWLEDGEMENT**

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Printed Name