


POLICY AND PROCEDURE		SAFETY AND HEALTH PROGRAM
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Title: SAFETY AND HEALTH PROGRAM		

POLICY AND PROCEDURE MANUAL  
ANNUAL REVIEW AND APPROVAL

SAFETY AND HEALTH PROGRAM

REVIEWED AND APPROVED BY:

\_\_\_\_\_  
SAFETY COMMITTEE CHAIRPERSON

\_\_\_\_\_  
DATE

\_\_\_\_\_  
RISK MANAGEMENT COMMITTEE CHAIRPERSON

\_\_\_\_\_  
DATE

\_\_\_\_\_  
HUMAN RESOURCE DIRECTOR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PHYSICAL PLANT DIRECTOR

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
DATE

LAMAR STATE COLLEGE - PORT ARTHUR

SAFETY AND HEALTH POLICY STATEMENT

As an employee of Lamar State College - Port Arthur, you are the most valuable and important resource of this agency. Lamar State College - Port Arthur cannot perform its vital public mission for the citizens of Texas without the professional and dedicated work performed by every one of our employees.

The safety and health of all employees is a major concern, and I intend to make every effort possible to provide all employees with a safe and healthful workplace. A safe and healthful workplace is important for everyone and does not happen by chance. Safety is everyone's responsibility, and everyone, without exception, is personally accountable to help and support the employee safety and health program of this agency. Everyone is asked to cooperate with the Safety Committee in the implementation and continued success of Lamar State College - Port Arthur's Employee Safety and Health Program.

I personally am committed to safety and health, and this commitment is also expected of every supervisor in our agency. It is my intent that this agency will: comply, within reason and when feasible, with all applicable safety and health laws, rules, regulations, and standards; take no shortcuts when it comes to safety and health; and give safety and health priority consideration when it comes to making decisions. If everyone does his/her part, we can develop an organizational culture that reflects safety as an integral part of our work practices and behavior whether at work or at home.

Lamar State College -Port Arthur adopts by reference all applicable and appropriate safety-related provisions of the Risk Management for Texas State Agencies guidelines (Volume III, Workers' Compensation Exposures) as a comprehensive source for safety and health programs. In addition, agency-specific safety and health program elements and procedures are contained in the attached manual.

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Dr. Sam Monroe

President

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Date

LAMAR  
STATE COLLEGE  
PORT ARTHUR



SAFETY AND  
HEALTH  
PROGRAM MANUAL

(It is not the intent of this manual to be the sole source document for the agency's safety and health program. Each agency is still responsible to comply with applicable provisions of Volume III, Section 2, of the risk management guidelines and any other nationally-recognized standard where appropriate and not specifically addressed in this manual.)



LAMAR STATE COLLEGE - PORT ARTHUR  
SAFETY AND HEALTH PROGRAM MANUAL

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# *Lamar State College - Port Arthur Safety and Health Program Manual*

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## **1.0 Assignment of Responsibility**

- 1.1 Executive Director:** The executive director is responsible for the establishment, implementation, and monitoring of the Lamar State College - Port Arthur's (LSCPA's) Employee Safety and Health Program. To accomplish this, the executive director shall:
- 1.1.1 Appoint a staff member as LSCPA's safety officer, who shall report directly to the executive director on safety-related issues (Appendix A: Safety Officer Appointment Letter).
  - 1.1.2 Promote safety and health considerations as integral components in the planning and decision-making process at all levels of the organization.
  - 1.1.3 Establish and communicate reasonable and measurable safety and health goals.
  - 1.1.4 Hold managers/supervisors/employees accountable for acts and conditions within their areas of responsibility and control.
- 1.2 Agency Safety Officer:** The safety officer is responsible for establishing and administering the LSCPA's Employee Safety and Health Program. Specifically, the safety officer is to assist, advise, and guide the operation of the agency safety program. To accomplish this, he/she will:
- 1.2.1 Prepare information to be presented to all new employees concerning the Employee Safety and Health Program.
  - 1.2.2 Assist management/supervision in establishing reasonable and measurable safety goals and objectives and provide performance feedback in attaining the established goals and objectives.
  - 1.2.3 Annually review and update, as necessary, the LSCPA's Safety and Health Program Manual.
  - 1.2.4 Promote safety awareness through the distribution of educational materials such as posters, flyers, brochures, and safety articles.

- 1.2.5 Assist management/supervision with safety and health-related issues and topics to be presented and discussed at scheduled staff meetings.
- 1.2.6 Encourage management/supervision to conduct and document periodic safety inspections of assigned work areas.
- 1.2.7 Personally conduct and document at least an annual safety inspection of the entire agency.
- 1.2.8 Assist management/supervision with accident/incident investigation to ensure that all mishaps are timely/thoroughly investigated and appropriate corrective action taken.
- 1.2.9 Maintain a record of all job-related injuries or illnesses, and coordinate proper reporting with the Agency Claims Coordinator (Human Resource Director).
- 1.2.10 Keep the President informed on an on-going basis of the status of the safety and health program. Perform timely analysis of agency accident/illness experience data and at least annually prepare a summary report for the executive director with appropriate recommendations for identified problem areas.

**1.3 Managers and Supervisors:** Managers and supervisors at all levels are responsible for the effectiveness of the LSCPA's Employee Safety and Health Program in eliminating or minimizing job-related injuries and illnesses. To do this, they shall:

- 1.3.1 Accept responsibility for the agency safety and health program.
- 1.3.2 Observe employees' work practices and take immediate action to reinforce safe behavior or to correct unsafe behavior or work conditions.
- 1.3.3 Include discussions and training on safety and health related issues and topics on a regular basis during staff meetings.
- 1.3.4 Ensure procedures are in place to timely investigate and report accidents/incidents in the assigned work area.

**1.4 Employees:** Each employee is responsible and accountable for his/her own safety to the maximum extent possible. Each employee shall:

- 1.4.1 Attend and participate in training and discussions concerning safety and

health-related issues and concerns.

- 1.4.2 Perform assigned tasks and operate equipment in a safe manner.
- 1.4.3. Report to supervisor or manager any safety hazard which cannot be immediately corrected by the employee.
- 1.4.4. Report to work in a physical condition which will allow safe accomplishment of the job.
- 1.4.5 Attempt to correct, if possible, any observed condition or practice that has caused, or has the potential to cause, an injury or damage to property. The circumstances and as much fact as possible should be reported to the supervisor immediately.
- 1.4.6 Seek training opportunities regarding safe work practices and safe operating procedures.

## **2.0 Safety and Health Training**

Employee training is probably our most valuable accident prevention tool in developing employee awareness of safety. Everyone needs training at one time or other. New employees need training to start off on the right foot. Existing employees who are changing jobs require training to perform their new jobs more efficiently and safely. Training is extremely important for employees assigned to an activity requiring reaching, material handling, and repetitive motion. Supervisors need training in safety management techniques to serve as the role models and to ensure employees are performing their assigned tasks in a safe and efficient manner. Retraining of employees at various times is necessary to reinforce safety procedures and to maintain proficiency in safe task performance.

The safety and health training component can be divided into two major categories; new employee orientation and specialized training.

**2.1 New Employee Orientation:** This is the first opportunity to establish the expectations for the agency safety and health program. This orientation training will normally be conducted within the first week of employment. The Human Resources Officer, Director, or Department Chair will personally greet each new employee, provide the employee with the safety policy statement, and take the opportunity to emphasize the agency's commitment to safety and health. As a minimum the following topics should be covered with new employee.

### 2.1.1 Agency Safety and Health Policy

- 2.1.2 Employee's Safety Responsibilities (Reference Section 1.4)
- 2.1.3 Emergency Response/Availability of First Aid
- 2.1.4 Reporting Unsafe Working Conditions (Reference Section 3.3)
- 2.1.5 Management Support for Working Safely (Reference Section 1.3)
- 2.1.6 Accident/Incident Reporting Procedures (Reference Section 3.0)
- 2.1.7 Review of Fire and Emergency Evacuation Plan
- 2.1.8 Workers' Compensation Programs/Benefits
- 2.1.9 Agency Drug & Alcohol Free Workplace Policy (Reference Section 5.0)
- 2.1.10 Texas Hazard Communication Act (Applicable Portions)
- 2.1.11 Local Hazards

**2.2 Specialized, High Interest Areas or Specific Subject Matter Training:** The frequency and subject matter will be determined by a training needs assessment to be performed on a yearly basis by the safety officer and approved by the President. Safety training does not have to be scheduled as a separate session. Most general safety training can be presented in 10-15 minutes during regularly scheduled staff meetings, where staff attendance is normally at a maximum. General safety training normally includes topics such as office safety, prevention of repetitive injuries, hazard recognition, hazard avoidance, and may cover hazards encountered off the job. For example, seasonal concerns such as water hazards, excessive exposure to the sun, and winter hazards may not be directly work-related; however, regardless of where injured, and injured employee is still not available for work. Specialized training normally requires more time and in some cases will need to be conducted by professional sources outside the agency. Examples of specific specialized training which may be appropriate for staff include but are not limited to:

- First Aid Training
- Cardiopulmonary Resuscitation (CPR)
- Back Injury Prevention Training
- Cumulative Trauma Disorders

- Fire Extinguisher
- Workplace Violence
- Personal Protective Equipment (PPE)

**2.3 Records and Documentation** - It is essential that all training be adequately documented. As a minimum the following information should be obtained and maintained on file. (Appendix B: Safety Training Roster)

2.3.1 Date of training

2.3.2. Name of instructor (affiliation, if not an agency employee)

2.3.3. Lesson plan or brief outline of subject matter covered

2.3.4. Name and signature of all in attendance

### **3.0 Hazard Identification and Reporting Program**

An inspection program can be viewed as fact-finding with emphasis on locating potential hazards that can adversely affect safety and health of students, faculty and staff. Its primary purpose is to detect potential hazards so they can be corrected before an accident occurs. An inspection can determine conditions that need to be corrected or improved to bring operations up to acceptable standards, both from safety and from operational standpoints. Secondary purposes are to improve operations and thus to increase efficiency, effectiveness, and productivity. While management ultimately has the responsibility for inspecting the workplace, authority for carrying out the actual inspection process extends throughout the organization.

#### **3.1 Responsibilities:**

3.1.1 Supervisors and managers will continually observe their employees and work areas for unsafe work practices or conditions in assigned work areas; identify any observable safety hazard or unsafe work practice which may be present; and to personally correct, or implement immediate corrective action, and follow-up.

3.1.2 Individual employees will be alert to note and personally correct, if possible, any observable safety hazard or unsafe work practice within their individual work area. In the event the hazard or unsafe work practice cannot be immediately corrected, each employee is further responsible to

immediately report the situation to his/her immediate supervisor.

- 3.1.3 The Safety Committee Chair will conduct bi-annually formal safety walk-through inspections.

### **3.2 Documentation:**

- 3.2.1 Supervisors and managers will use a checklist (Appendix C: Annual Departmental Safety Checklist located at <http://www.lamarpa.edu/?url=/dept/pp/index.html>) to serve as a guide and to document random or periodic inspections. Additions or modifications to customize the subject's checklist will be necessary and are encouraged; however, the final form must be coordinated with the agency safety officer.
- 3.2.2 Supervisors and managers will provide a copy of the inspection results to the agency safety officer.
- 3.2.3 The safety officer will contact the Physical Plant with a work request to investigate and correct any deficiencies noted on the inspection report. The fact that this work order is safety related must be conveyed to the Physical Plant when the work order is requested.
- 3.2.4 Physical Plant will generate and monitor the work order for the deficiency and will report the progress to the safety officer.
- 3.2.5 Supervisors and managers will provide the agency safety officer with bi-annual update status on corrective action(s) and follow-up action taken on corrective actions(s) still outstanding.
- 3.2.6 The agency safety officer will conduct random spot checks on corrective action(s) taken and conduct and document at least an annual agency-wide comprehensive inspection.

### **3.3 Hazard Reporting:** Normally, it is much easier for an employee to verbally report hazards to a supervisor. However, a verbal report may for a number of reasons can be inadvertently overlooked and no appropriate action taken. Furthermore, without substantive documentation to identify the causes and resulting hazards, any trends and analysis within the agency's total hazard identification program will be incomplete and may lead to ineffective corrective actions. Therefore, employees will use the following reporting process:

- 3.3.1 In the event an employee notes a safety or health hazard and is unable to correct the hazard (i.e., a faulty wall socket), the hazard should be reported

to a supervisor.

- 3.3.2 In the event the supervisor is also unable to personally correct the hazard immediately, supervisor will submit a work order by email *noting that the request is due to a safety issue*. The Physical Plant will forward the work order to the agency safety officer. Work Orders can be called in on the Maintenance Line Extension 6073. Detailed messages including contact number may be left as a voice mail. Work Orders can also be sent via email, which is the preferred method. The form is found at <http://www.lamarpa.edu/?url=/dept/pp/index.html>.
- 3.3.3 The safety officer will follow-up with the Physical Plant to ensure that the hazard is corrected.
- 3.3.4 Any employee may anonymously submit the report to the agency safety officer. All such reports will be handled in the same expeditious manner and appropriate feed-back provided to all employees when corrective action has been taken.

**3.4 Safety Suggestions:** Employees do not have to wait until a hazard is clearly identified. In fact, all employees are encouraged to submit safety and health suggestions on how to improve work practices and/or the work environment. Employees may contact a Safety Committee member.

#### **4.0 Accident/Incident Investigation, Reporting, and Analysis**

One of the best ways to prevent accidents is to investigate the causes of the accidents/incidents that do occur. A prompt, thorough investigation of any incident, regardless of severity, including “near-misses,” is an important part of any good safety program. Safety investigations should be fact-finding and not fault-finding. The intent is not to blame someone for the accident/incident. Rather the focus should be on finding out what happened, why it happened, and how we can prevent another similar accident from happening. What is learned from the investigation helps identify and correct problems, contributing to a safe and healthful workplace. Investigations should be conducted involving the following circumstances:

- An accident which results in an employee injury.
- An incident which results in a “near-miss” is one which “almost” or “could have” resulted in an injury-producing accident.
- An incident which results in damage to state property.

- A vehicle collision involving a state vehicle driven by an employee. (Reference: LSCPA Fleet Management Plan Section on Reporting Accidents)
- A collision involving a private vehicle driven by an employee on state business. (Reference: LSCPA Fleet Management Plan Section on Reporting Accidents)
- An occupational illness or disease, including but limited to: any form of cumulative trauma disorder (i.e., Carpal Tunnel Disorder, back/neck pain, etc.).

#### 4.1 Responsibilities:

- 4.1.1 The supervisor will normally be the first person notified of an accident or incident. As soon as possible after an accident which results in injury to an employee or damage to property, the supervisor will: take immediate action as appropriate to prevent any further injury to an employee or damage to property; and will see that first aid is rendered as appropriate, and/or emergency assistance requested. As soon as practical, the supervisor will notify the agency safety officer who will assist the supervisor in conducting an investigation to include preparation of an accident report form. (Appendix C: SORM 703, also located at [http://www.sorm.state.tx.us/Risk\\_Management/RALP/forms.php](http://www.sorm.state.tx.us/Risk_Management/RALP/forms.php))
- 4.1.2 The Human Resources Director will ensure that appropriate notification procedures are available for the proper and timely notification of agency accidents/incidents. The Human Resources ~~Officer~~ Director will also guide and advise supervisors and management in the investigation and reporting process.
- 4.1.3 All accidents which result in employee injury will also be reported to the Claims Coordinator (Human Resource Director) who will complete the SORM 703 form according to applicable rules and instructions contained in the Claims Coordinator Handbook, published by the State Office of Risk Management located on SORM's website at [http://www.sorm.state.tx.us/Claims\\_Coordinator\\_Handbook/handbook.php](http://www.sorm.state.tx.us/Claims_Coordinator_Handbook/handbook.php)

#### 4.2 Documentation and procedures:

- 4.2.1 Supervisors with the assistance of the Claims Coordinator (Human Resource Director) will complete the accident/incident investigation form.
- 4.2.2 The investigation report form should be signed by the appropriate parties and submitted to the Claims Coordinator (Human Resource Director)/safety committee for review and approval of appropriate

action(s), if necessary.

- 4.2.3 The Agency Claims Coordinator (Human Resource Director)/safety committee will ensure that recommended corrective action has been/or is being taken and make the appropriate documentation through a memorandum for record.
- 4.2.4 Depending on the frequency and/or severity of accidents/incidents, the safety officer and management will jointly conduct a bi-annual review and analysis of the agency's accident experience data to determine the effectiveness of implemented corrective actions and to detect any trends, either positive or adverse.
- 4.2.5 The investigation report form and any other documentation prepared during the investigation will be filed in the agency's permanent file and disposed of according to the agency's approved Records Retention Schedule (State of Texas Records Retention Schedule).

## **5.0 Drug and Alcohol Free Workplace Program**

Today substance abuse is an issue of major importance and concern to all citizens of this country. Substance abuse crosses all boundaries of age, occupation, social and economic situation and every other characteristic of people. Due to the monumental importance of this issue, the agency establishes the following Drug Free Workplace Policy and Program, which applies to all employees without exception. (Reference: LSCPA's Administrative Policy and Procedures Manual Section 5.13)

### **5.1 Procedures: Each employee of LSCPA shall be provided a written copy of the Drug Free Workplace Policy and Program.**

New employees will be provided a copy of the policy and program on or before the first day of employment.

LSCPA will provide a copy of the Drug Free Policy and Program to the State Risk Management Division, Texas Workers' Compensation Commission on receipt of a written request.

### **5.2 Purpose:**

- 5.2.1 Based on its commitment to assure the safety and health of its students and employees, LSPCA seeks to maintain a work and learning environment free of the unlawful manufacture, distribution, possession or use of a controlled substance or the abuse of alcohol. Drug and alcohol abuse

affects the responsible conduct of business, teaching, and learning, and therefore will not be tolerated.

5.2.2 This policy is based on the following objectives:

5.2.2.1 To maintain a safe and healthy environment for all students and employees;

5.2.2.2 To maintain the good reputation of the College and its employees;

5.2.2.3 To minimize accidental injuries to a person or property;

5.2.2.4 To keep absenteeism and tardiness at a minimum and to improve the effective performance of job duties and productivity of all employees and the educational performance of all students;

5.2.2.5 In appropriate circumstances, to assist students and employees in securing substance abuse rehabilitation;

5.2.2.6 To comply with the federal Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and other applicable legislation, and,

5.2.2.7 To adopt and implement a program to prevent use of illicit drugs and abuse of alcohol by students and employees.

5.2.2.8 This policy shall be in addition to any drug abuse policy or policies relating to participation in intercollegiate athletics.

**5.4 Definitions:** As used in this policy, the following definitions apply.

5.4.1 Drugs or other controlled substances: any substance, other than alcohol, capable of altering an individual's mood, perception, pain level or judgment.

5.4.2 Prescribed drug: any substance prescribed for individual consumption by a licensed medical practitioner. It includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

5.4.3 Illicit drug or chemical substance: (a) any drug or chemical substance, the use, sale or possession of which is illegal under any state or federal law, or (b) one which 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.

- 5.4.4 Controlled substance: a controlled substance in schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C.S. 812) or which possession, sale or delivery results in criminal sanctions under the Texas Controlled Substances Act (Art. 4476-15, TCS). In general, this includes 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 which possess a chemical structure similar to that of the controlled substance (e.g., "Designer Drugs"). The term does not include alcohol.
- 5.4.5. Alcohol: any beverage that is "alcohol, or 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."
- 5.4.6. Alcohol abuse: the excessive use of alcohol in a manner that interferes, with (1) physical or psychological functioning; (2) social adaptation; (3) educational performance; or (4) occupational functioning.
- 5.4.7. Conviction: a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charge with the responsibility to determine violations of the Federal or State criminal drug statutes.
- 5.4.8. Cause for reasonable suspicion: shall be established by: (1) observation; (2) action/behaviors of the individual; (3) witness by supervisor or other reliable individual of possession or use; or (4) any other legal measure used for alcohol or drug detection.
- 5.4.9. Criminal drug statute: a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
- 5.4.10. Sanctions: may include completion of an appropriate rehabilitation or assistance program, probation, expulsion, termination, or referral to authorities for prosecution. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.
- 5.4.11. Employee: any faculty, staff or student receiving remuneration for services rendered.
- 5.4.12. Possess: to be contained either on an employee's person or in an employee's vehicle, tools, or area entrusted to the employee.

- 5.4.13 Impaired: under the influence of an illegal drug or alcohol such that the employee is unable to perform his/her assigned tasks properly.

## **5.5 Policy**

### Standards of Conduct.

- 5.5.1 The unlawful manufacture, distribution, possession or use of illicit drugs or alcohol is strictly prohibited.
- 5.5.2. Sanctions will be imposed on students and employees (consistent with local, state, and federal law), up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct set forth above.
- 5.5.3. The College shall conduct a biennial review of its drug and alcohol abuse prevention program. It shall 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 shall also evaluate whether any changes are needed and shall implement any such changes.
- 5.5.4 The College shall have available for review by the Secretary of Education, or designee, and the general public, if requested, copies of all documents distributed to students and employee under the drug and alcohol abuse prevention program and copies of the institution's biennial review.

## **5.6 Drug Free Awareness Program**

- 5.6.1 The College shall distribute annually to each employee and student, if applicable, information pertaining to:
- 5.6.2 Standards of conduct that prohibit the unlawful possession, use, and distribution of illicit drugs and alcohol by students and employees on the College's property or as part of any College activity;
- 5.6.3 A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs or alcohol;
- 5.6.4 A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- 5.6.5. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to students or

employees;

- 5.6.6 A clear statement that the College, 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, which may include completion of an appropriate rehabilitation program, expulsion from school, termination of employment, or referral to the authorities for prosecution; and
- 5.6.7. A description of the institution's drug/alcohol abuse prevention and intervention program, including alternative support, education and re-entry programs for students who are suspended as a result of violating standards required by these minimum requirements.
- 5.6.8. The College shall certify the availability of a drug abuse prevention program for officers, employees and students of the institution, as required under Title IV of the Higher Education Amendments of 1986 (P.L. 99-498).

## **5.7 Suspicion of Usage:**

If a supervisor reasonably suspects that usage of a controlled substance has affected an employee's job performance, the supervisor shall immediately notify the appropriate department head, or other designated administrative official and, upon direction, the supervisor or other designated administrative official shall discuss with the employee the suspected drug-related problems. The employee should be advised of any available drug counseling, rehabilitation, or employee assistance programs, and the terms of any applicable period of probation. All such meetings between the employee and the supervisor or other designated administrative official to address the suspected drug-related problem and/or its resolution shall be documented in a memorandum to the record and filed in the employee's personnel file.

Should such discussion and/or participation in any available drug counseling, rehabilitation, or employee assistance program fail to resolve the suspected drug-related problems, or should the employee fail to meet the term of any applicable probation period, the employee may be subject to termination, or a chemical screening may be required. See Procedures for Testing (Chemical Screening) Section 5.9.

## **5.8 Rules for Testing:**

- 5.8.1. Employees in a sensitive position may be tested for the use of illicit drugs. "Employee in a sensitive position" means an employee who has been

granted access to classified information or employees in other positions determined by appropriate administrative personnel to involve national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

**5.9 Procedure for Testing (Chemical Screening)**

Also, reference: LSCPA's Administrative Policy and Procedures Manual Section 7 or [http://www.lamarpa.edu/dept/hr/\\_appm/section5.pdf](http://www.lamarpa.edu/dept/hr/_appm/section5.pdf)

- 5.9.1. The decision to require a chemical screening must be reviewed with legal counsel prior to the screening.
- 5.9.2. Prior to the administration of chemical screening, the appropriate administrative or supervisory personnel must explain the chemical screening procedures to the employee and then accompany the employee to a hospital or clinic for the taking of a specimen for screening purposes.
- 5.9.3. 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 will be asked to list any medications taken. There will be a reasonable opportunity to rebut or explain a positive test result, including an independent retest of the sample.
- 5.9.4. The expense of the test, and any retest, shall be borne by the College. The testing procedure will be kept confidential, with the results being reported to the employee and the appropriate senior-level administrator as soon as they are available.

**5.10 Regulations Specifically Related To Employees:**

- 5.10.1 A copy of this policy shall be provided to each employee who is or who will be engaged in the performance of a federal grant or contract, and a record shall be kept of the distribution.
- 5.10.2 Any employee whose off-duty use of drugs or other controlled substances results in absenteeism, tardiness, impairment or work performance, or is the cause of workplace accidents, will be referred to an assistance program and may be subject to discharge if he or she rejects participation in the program.
- 5.10.3 Employees in sensitive positions whose work-related performance gives cause for suspicion of use or possession of a controlled substance may, at the discretion of appropriate authorities be subjected to testing for the

substance in accordance with the sections in this policy related to testing and chemical screening. A refusal to submit to a test, combined with a reasonable suspicion of usage, may be a sufficient basis for termination.

- 5.10.4 Any disciplinary action shall be governed by College policies on discipline and dismissal and academic freedom, responsibility and tenure. Sanctions may include a period of probation for an employee. A record of the action will be placed in the employee's personnel file.
- 5.10.5 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 College business to their employer no later than five days after such conviction. The employer, in turn, must so 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, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

### **5.11 Authority of President**

The President of Lamar State College - Port Arthur is authorized to approve any changes to this policy to bring the College into full compliance with instructions of the Board of Regents, applicable legislation, or guidelines promulgated by local, state, or federal governmental bodies.

## **6.0 Smoke Free Workplace**

### **6.1 Policy:**

LSCPA recognizes its commitment to the emotional and physical well-being of its students, faculty, and staff. There is increasing concern, interest, and anxiety about the effects of secondary tobacco smoke on individuals exposed to it and the dangers associated with tobacco smoking. LSCPA acknowledges the seriousness of this problem and recognizes its obligation to promote public health on this campus by protecting its students, faculty, and staff from hazardous conditions which are within the College's ability to regulate.

### **6.2 Regulations:**

The following regulations have been adopted by LSCPA.

- 6.2.1 All campus buildings are designated “smoke free.” Included in this designation are all instructional facilities; faculty, staff, and administrative offices; and student service areas.
- 6.2.2 The use of smokeless tobacco, including snuff and chewing tobacco, is prohibited on campus.
- 6.2.3 The sale of tobacco products on campus is prohibited.
- 6.2.4 Smoking is prohibited in those campus-owned vehicles.
- 6.2.5 As used in this policy, the term “smoking” shall include all of the following:
  - 6.2.5.1 Carrying or holding a lighted pipe, cigar, cigarette, or any other lighted smoking equipment or device.
  - 6.2.5.2 Lighting a pipe, cigar, cigarette, or any other smoking equipment or device.
  - 6.2.5.3 Emitting or exhaling the smoke of a pipe, cigar, cigarette, or any other lighted smoking equipment or device.
- 6.2.6 This non-smoking policy applies to college facilities used by off-campus groups, as well as, college groups.

**6.3 Distribution:**

- 6.1 The terms of this policy will be posted on LSCPA web page at <http://www.lamarpa.edu/dept/hr/docs/appm.pdf>

**7.0 Acquired Immune Deficiency Syndrome (AIDS)**

Acquired Immune Deficiency syndrome (AIDS) is a fatal disease which has become a nationwide public health problem. LSCPA acknowledges the seriousness of this problem. In health related matters such as this, the college follows the guidelines of recognized authorities including the National Center for Disease Control, the United States Public Health Service, the Texas Department of Health, and American College Health Association. Further, the College will conform its actions to the Texas Communicable Disease Prevention and Control Act and other law.

There is no current evidence that individuals infected with Human Immunodeficiency Virus (HIV), the "AIDS Virus," can infect other individuals by casual contact. Accordingly, there is no reason to exclude individuals with the Acquired

Immunodeficiency Syndrome (AIDS), AIDS-social, or cultural activities. Therefore, on the basis of current knowledge of the disease, individuals sharing common living space, work or study areas, libraries, classrooms, recreational facilities, and theaters do not represent a problem or public threat to the campus community.

Students and employees of the College who may become infected with the AIDS virus will not be excluded from enrollment or employment, or restricted in their access to College services or facilities, unless medically-based judgments in individual cases establish that exclusion or restriction is necessary to the welfare of the individual or of other members of the College community.

When circumstances arise that require review, the President will seek the advice of the attending physician, knowledgeable medical personnel, and other relevant parties. An opportunity will be provided for any person involved to discuss his or her circumstances. A College Health Committee will be appointed to review the issues and provide recommendations to the President for resolution.

In the event of public inquiry concerning College policy, programs, problems, or statistics related to AIDS on campus, the President will serve as the official spokesperson for the College and will enlist the cooperation of the Coordinator of Public Information as necessary to prepare an appropriate response. All inquiries from the press, elected public officials, or the public in general will be referred to the spokesperson. The medical records of individuals shall remain confidential, but public information shall be disclosed upon request in accordance with the Texas Open Records Act, the Family Education Rights and Privacy Act, and the Texas Communicable Disease Prevention and Control Act. General information and national statistics considered public knowledge are not subject to restriction.

In the event an individual is identified with AIDS, ARC, or a positive test for HIV antibody, appropriate existing College resources for emotional, educational, social, and medical support will be made available to all concerned individuals.

Persons who know, or have reasonable basis for believing, that they are infected with the AIDS virus are expected to seek expert advice about their health circumstances and are obligated, ethically, legally, to conduct themselves responsibly in accordance with knowledge for the protection of other members of the College community.

The College shall carefully observe the safety guidelines established by the U.S. Public Health Services for the handling of blood and other body fluids and secretions, both in all health care facilities maintained on the campus and in other institutional contexts in which such fluids or secretions may be encountered (e.g. teaching and experimental laboratories).

## **8.0 Emergency Contingency Plans**

The Dean of Student Services is responsible to develop and coordinate the agency's contingency plans for fire evacuation or other short notice responses involving the safety and health of all employees. This and other specific disaster plans can also be located in the LSCPA Disaster Response and Recovery Plan located at [http://www.lamarpa.edu/dept/pp/docs/dr\\_plan.pdf](http://www.lamarpa.edu/dept/pp/docs/dr_plan.pdf). It is management's responsibility with the assistance of the safety committee to ensure employees are trained on the various plans.

### **8.1 Bomb Threat**

8.1.1 Remain calm and do not panic others.

8.1.2 If a written message is received, keep track of the following information:

- Who found it?
- Who else was present?
- Where was it found or how was it delivered?
- When was it found or delivered?
- Who touched it?
- Have any previous threats been received?

8.1.3 If the threat is received by telephone, in a calm voice, try to obtain as much information as possible about the bomb and the caller: (THE FOLLOWING ISSUES ADDRESS VITAL INFORMATION THAT YOU SHOULD OBTAIN!)

- Date and exact time of call
- Time set to explode
- Which building is it in?
- Where is it?
- Type of bomb?

- Estimated age and gender of the caller
- Emotional state: agitated, calm, and excited
- Background noises: traffic, music, and voices
- Why it was set?
- Who is the target?
- Who is the caller?

8.1.4 If practicable, do not hang up the phone, but phone the campus Security, Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio) from a different telephone.

8.1.5 Administration, with the assistance of Campus Security and other local authorities, will determine a plan of action. A decision on whether or not to evacuate will be based on all available information received.

8.1.6 If the decision is made to evacuate, instruct occupants to take purses, book bags, and personal packages and EXIT the building. (If left behind, these items could be mistaken to contain concealed explosives.)

8.1.7 If ordered to evacuate, move at least 300 feet away from the building and stay away from glass. Do not attempt to re-enter the building until you have received official instructions to do so.

#### 8.2.8 Identifying Suspicious Items

8.2.8.1 Look closely around work area when you arrive for work. This will help you if you are called on to identify unusual or suspicious items later.

8.2.8.2 Report potential safety or security problems to Campus Security Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio).

8.2.8.3 Be on the lookout for anything unusual, particularly packages or large items seemingly left behind or thrown out. Note time and location of anything odd.

8.2.8.4 If asked to assist in a search for a bomb:

- Be thorough

- DO NOT USE 2-WAY RADIOS
- Do not touch anything you suspect
- If necessary move people away from the suspicious item
- Look for anything and everything that might conceal a bomb
- Do not panic persons in the area

8.2.8.5 Follow all instructions from the Campus Security (Ext.6255).

#### 8.2.9 Identifying Suspicious Mail Packages

- No return address
- Insufficient postage
- Is addressee familiar with name and address of sender?
- Is addressee expecting package/letter? If so, verify contents.
- Return address and postmark are not from the same area.
- Wrapped in brown paper with twine
- Grease stains or discoloration on paper
- Strange odors
- Foreign mail, Air Mail, and Special Delivery
- Restrictive markings such as Confidential, Personal, etc.
- Excessive postage
- Hand-written or poorly typed addresses
- Incorrect titles
- Misspellings of common words

- Excessive weight
- Rigid envelope
- Lopsided or uneven envelope
- Protruding wires or tinfoil
- Excessive securing materials such as masking tape, string, etc.
- Visual distractions

## 8.2 Explosion

### *Do Not Use Elevators!*

- 8.2.1 Report any explosion on or adjacent to the campus to Campus Security Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio).
- 8.2.2 If necessary, or when directed to do so, activate the building alarm, (the safest and nearest fire alarm pull station).
- 8.2.3 When the building evacuation alarm is sounded, an emergency exists. All rooms should be evacuated. Closing doors will help contain a fire, but **DO NOT LOCK THE DOORS!**
- 8.2.4 Egress maps are provided to assist in exiting the building. Know your building and egress plan.
- 8.2.5 Assist persons with disabilities to an enclosed stairwell landing, preferably the designated rescue assistance area if it is safe to do so, and **notify the Campus Security or Fire Department Personnel of their location.**
- 8.2.6 If the source of the explosion is a ship or barge in the Sabine Neches waterway, go to an interior portion of the building that you are in or nearest to and shelter-in-place. The possibility of a secondary explosion always exists in a maritime fire. If you have to evacuate the building, move north, away from the waterway.
- 8.2.7 Do not try to return to the building until you are instructed to do so.

### 8.3 Fire

#### *Do Not Use Elevators!*

- 8.3.1 In all cases of fire, activate the nearest fire alarm to warn other building occupants. You should know where the nearest alarm is to your work area.
- 8.3.2 In all cases of fire, call the Campus Security Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio). Do not assume that someone else is making the call, make the call yourself.
- 8.3.3 Egress maps are provided to assist in exiting the building. Know your building and egress plan.
- 8.3.4 When the building fire alarm is sounded, an emergency exists. All rooms must be evacuated. Leave the lights on and close, but do not lock the doors.

Assist persons with disabilities to the nearest rescue assistance area, (generally a stairwell), if it is safe to do so. Handicapped person carrier chairs are available on the second floor of the Madison Monroe Building and the third floor of the Student Center. Have the person(s) wait in that area and be sure to notify rescue personnel of your actions.

If the fire is small and you have an unobstructed egress path, you may choose to use an available fire extinguisher to put out the fire. Each employee should familiarize themselves with the location of the two nearest fire extinguishers in their area and learn how to use them. Remember to pull the pin and aim at the base of the flames. Continue to dispense the extinguishing agent until the extinguisher is empty. If at any time the fire begins to grow, back out of the room and close the door.

- 8.3.5 Do not try to return to the building until you are instructed to do so.

### 8.4 Fumes and Vapors

*Toxic fumes can infiltrate a building from various sources—improperly stored chemicals, faulty refrigeration, equipment fires, gasoline engines operated near air intakes, etc. If the presence of toxic fumes is suspected, the area or areas affected should be vacated. Use a telephone away from this area and notify Campus Security Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio).*

*Since the campus is located on the Sabine Neches waterway, the possibility exists that a passing ship could be the source of the fumes. If the source seems to be coming from outside of the building, shelter-in place. During regular business hours contact Physical Plant to turn off the air conditioning and go to the interior of the building. If the fumes are intense, place wet paper towels under the door to reduce the amount of vapors entering the building. Call Campus Security Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio) or 9-911 if the situation merits a Haz-Mat response from the Port Arthur Fire Department.*

***After the source of the vapor / fumes is discovered and contained:***

*Ventilate the contaminated area(s). It may be possible to clear an affected area by opening windows and/or activating exhaust fans, provided such action is undertaken by trained personnel.*

### ***Emergency Treatment:***

Don't endanger yourself or others.

Remove victims from area only if safely possible.

Call 9-911 for ambulance service and notify Campus Security at Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio) during non-business hours. Assist victims as necessary. Do not try to return to the building until you are instructed to do so.

## **8.5 Flooding**

If flood conditions occur, contact Physical Plant at Ext. 6250 DURING REGULAR BUSINESS HOURS. Call Campus Security at Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio) during non-business hours. Please provide sufficient information as to building name, floor, room, and degree of flooding or potential damage due to the flooding.

A PHYSICAL PLANT OR CAMPUS SECURITY REPRESENTATIVE will contact the City of Port Arthur Drainage Department at 983-8500 and Jefferson County Drainage District 7 at 985-4369 to report the flooding event.

A determination of the extent of the flooding will be relayed to the Office of the President and callout of critical personnel will begin.

An inventory of lights, sandbags, duct tape, and polyethylene sheeting is maintained in the Physical Plant Building. A stockpile of sand is located on the west side of the Armory Building. Shovels, trucks, trailers, generators, the tractor, and other tools are located in the Grounds Maintenance Garage.

## **8.6 Hazardous Substances Spill**

Any major spill of a hazardous substance must be reported immediately to the Campus Security Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio). Campus Security will assess the extent of the spill and contact the Port Arthur Fire Department (9-911) if they deem it necessary. During regular business hours, also call Physical Plant at Ext. 6250. Personnel on site should be evacuated from the affected area at once. Seal off the contaminated area to prevent further contamination until the arrival of trained responders. Port Arthur Fire Department (PAFD) HAZMAT team officials will take charge of the site management of the spill once they are on scene.

Personnel who may be contaminated by a spill or release are to:

- 8.6.1 Seek medical attention immediately.
- 8.6.2 Avoid contact with others.
- 8.6.3 Alert responders/emergency personnel of injury or contamination.

## **8.7 Hostage or Terrorist Situations**

8.7.1 Initial Action: If an armed person enters the building and attempts to take hostages, the following course of action is recommended:

- Anyone who cannot be seen by the gunman and who can leave without being seen should do so immediately. Anyone who is seen and is addressed by the gunman should follow his instructions. The first person who is able should call 911 and report the situation to the Police Dispatcher immediately. (Caller must give exact location on Campus)
- Post personnel to guard at all entrances to the building (if this is safely feasible) to prevent people who are not aware of the situation from inadvertently entering the danger area.

- Stay clear of any windows which would allow the gunman a direct line of sight.

#### 8.7.2. Response Unit:

8.7.2.1 Once a response unit or the police arrive, follow their instructions. They will take control of the situation.

8.7.2.2 The first arriving response unit should be given the following information:

- Appearance of gunman
- Number of hostages (if known)
- Number of weapons and weapon types (if known)
- Exact location of gunman
- Floor plan of area
- Phone number in area (may be needed for negotiations)

### **8.8 Mechanical Failures**

Any emergency related to building or facility problems, such as equipment failure or erratic operation, must be reported to Physical Plant as soon as possible. During normal business hours contact Physical Plant directly by calling Ext. 6250.

If failure occurs after normal business hours, weekends, or holidays, call Campus Security at Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio).

If the failure is related to the Fire or the Intrusion Alarm System notify the Physical Plant as soon as possible. During normal business hours contact the Physical Plant at Ext. 6250. After hours, contact Campus Security. If an Intrusion Alarm System failure cannot be repaired, Campus Security will contact the Port Arthur Police Department and request the patrols be increased until the following weekday morning when repairs can be affected.

NOTE: If there is potential danger to building(s), and/or its occupants, call 9-911 immediately.

## **8.9 Utility Failure**

All utility failures must be reported to Physical Plant as soon as possible. During normal business hours call the Physical Plant directly at Ext. 6250. If telephone service is not available, go to the Physical Plant building.

If utility failures occur after hours, weekends, or holidays, contact Campus Security at Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio).

NOTE: If there is potential danger to building(s) and/or its occupants, call 9-911 immediately.

### **Emergency Contact Numbers for Utility Providers:**

Entergy - Electric Utility 1-800-766-1648  
Texas Gas Services – Natural Gas Utility 1-800-959-5325  
City of Port Arthur Water / Sewer 983-8550  
Simplex – Fire / Intrusion Alarm Service 1-888-746-7539

## **8.10 Medical Emergency and Community Health Issues**

Report any serious injury or illness by calling 9-911 immediately.

Non-emergency injuries or illness should be reported to Campus Security at Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio).

Begin first aid if qualified or seek someone who can.

Response to community health issues will be coordinated by the Lamar State College - Port Arthur Senior Administration and the Vice President for Student Services.

Personal safety is your first priority. Use personal protective equipment when in contact with the victim's blood or any bodily fluids.

## 8.11 Public Relations Emergencies

While public scandals are rare in higher education, virtually every institution must occasionally deal with such situations. This might involve a highly visible lawsuit, accusations of wrongdoing on the part of a college official, an egregious case of student misconduct, or a variety of unspecified events that carry the potential of having a negative impact on the institution's reputation. The impact of these events is exacerbated when they result in potential or actual news coverage.

*When such events occur, the Vice President for Student Services, in close consultation with the President, may consider the following responsibilities:*

- 8.11.1 Assessment of the potential impact on the college's reputation.
- 8.11.2 Legal implications of the event; laws and policies pertaining to its disposition.
- 8.11.3 Recommendations on steps to diffuse or eliminate the problem before it goes public; or when that is not possible, steps to lessen the negative impact on the college's reputation.
- 8.11.4 Development of messages and channels of communication to the various constituents (including the news media) associated with the event and assurance that all privacy laws are obeyed and freedom of information is respected.

## 8.12 Severe Weather (Tornado)

Reference LSCPA's Disaster Response and Recovery Plan at [http://www.lamarpa.edu/dept/pp/docs/dr\\_plan.pdf](http://www.lamarpa.edu/dept/pp/docs/dr_plan.pdf)

- 8.12.1 Severe Weather/Tornado Watch: A watch is an indication of where and when the probabilities are highest that severe weather or a tornado could occur. A watch is a statement that severe weather/tornado conditions are present and could occur. The National Weather Service will issue a watch bulletin to local authorities as well as to the local radio and television stations.
- 8.12.2 Severe Weather/Tornado Warning: If a severe weather/tornado sighting occurs, the National Weather Service alerts all weather stations and local authorities.

8.12.3 In case of severe weather: When the emergency warning is made, it is YOUR responsibility to get to a shelter. Take a battery-operated radio with you to listen for the “all clear” signal if possible. When the emergency notification is made, all persons should immediately seek shelter in the nearest strong building. Go to the interior walls of lower floors. Auditoriums, gymnasiums and similar large rooms with wide roofs should be avoided. Stay away from all windows and exterior doors. During sudden severe weather events it will be necessary to shelter-in-place.

### **8.13 Student Crisis**

Contact the Campus Security at Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio). The Security Officer will notify the Office of the Vice President for Student Services at Ext. 6156 or cell 720-9912. Appropriate referrals will be made in the event of crisis situations such as the following involving students of Lamar State College - Port Arthur.

- Alcohol and other drug use emergencies
- Classroom disruptive or violent behavior
- Death of a student, friend, or family member
- Discipline issues
- Mental health/behavioral incidents or concerns
- Physical injury
- Sexual assault
- Threats to public welfare
- Criminal behavior

## **8.14 Violent or Criminal Behavior**

While much media attention has been focused on “workplace violence,” we must recognize that all employees share the responsibility of recognizing the early warning signals and making appropriate notification to Campus Security of this prior to a violent act. Establishing an office procedure of appropriate response should be done in each area of campus with the guidance of the senior administrative official assigned to the building (or their designee). The Lamar State College - Port Arthur Safety Committee may assist you in this process. If you observe but are not directly involved in a potentially violent situation, you must notify Campus Security at Ext. 6255 or dial zero (0) to reach the operator (who will contact security via the radio). If you have concerns that a subject who has left the area may return with the purpose of harming someone, these concerns also need to be reported to Campus Security. If these elements become part of your routine, much of the apprehension about workplace violence may be diminished.

Nationally, about 1,000 people are killed annually while at work. This is an appalling number but you must acknowledge that this number includes very high-risk occupations such as security officers, convenience store employees, and cab drivers which are positions of exposure to violence that is not typical of most work environments. (Statistically, you have a better chance of being struck by lightning than of being killed in work-place violence encounter.) With this in mind, please review the following guidelines:

All violent or criminal behavior or threats of violent or criminal behavior must be reported to the Campus Security Ext. 6255, by cell phone at 720-7369, or dial zero (0) to reach the operator (who will contact security via the radio).

Suspicious persons/behaviors/noises must be reported immediately to Campus Security.

If you observe a situation that seems to be escalating and you are not directly involved, go to a telephone and notify Campus Security. Be prepared to give complete information about the subject and the circumstance.

If you recognize that a person appears to be verbally out of control and you are also being uncharacteristically vocal, step away and allow a colleague to bring new “calmness” to the situation. Notify Campus Security, if the situation remains out of control.

If the violent person has left the area prior to your notification, relay as much information as you can about the subject and direction/means of travel, if possible.

If you observe any type of weapon, remove yourself from range and notify Campus Security immediately. Campus Security will immediately notify the Port Arthur Police Department of any suspected weapons on campus.

Report any safety concerns that may present a potential danger to you or others, (such as lights out, surface or mechanical malfunctions, etc.) to the Physical Plant Maintenance Line at Ext. 6073.

Arrange for a Campus Security Officer to escort you to your vehicle/office if you have concerns about your safety.

Remember: You can be your own best security by remaining aware of your surroundings, practicing crime prevention behaviors, and making timely/appropriate reports.

NOTE: Additional crime prevention information may be obtained from the Campus Security Department by calling Ext. 6255.

## **9.0 Traffic Safety**

Traffic safety is extremely important to this agency. The maintenance of a valid driver's license and a safe driving record is a condition of employment for certain positions. Agency management will determine what action will be taken concerning personnel action as a result of an employee's driver's license or adverse record status. Personnel action may be up to and including discharge, but any personnel action will be taken in accordance with agency personnel policies. Reference the Vehicle Fleet Management Plan at <http://www.lamarpa.edu/dept/pp/docs/fleet-mngt.pdf>.

The following practices are adopted by the agency:

- 9.1 All agency drivers must have a valid driver's license and an acceptable driving record.
- 9.2 Applicable motor vehicle laws within the state, count, and city must be observed.
- 9.3 Have a current Motor Vehicle Record Form on file with Human Resources Office.
- 9.4 Notify Human Resources Office of any change in his or her license status. This includes notification of moving violations and/or traffic accidents.

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- 9.5 Complete a Vehicle Use Report and maintain a detailed record of expenses such as fueling or emergency mechanical work.
  - 9.6 Seat belts must be worn at all times by drivers and all passengers.
  - 9.7 Assume responsibility for any and all fines or traffic violations associated with your use of a College vehicle.
  - 9.8 Never drive under the influence of drugs or alcohol. This includes “over the counter” or prescription medication that may affect the driver’s ability to drive.
  - 9.9 Smoking in vehicles is not allowed.
  - 9.10 Do not eat, drink, or operate any equipment that may distract or interfere with the safe operation of the vehicle.
  - 9.11 Do not use radar/laser detection devices or wear headphones/earphones while operating the vehicle.
  - 9.12 Exercise caution when using cellular phones. Refer to Vehicle Fleet Management Plan Section 8.05.
  - 9.13 Never transport passengers such as hitchhikers, family members, or friends for unauthorized use.
  - 9.14 Turn the vehicle ignition off, remove the keys, and lock the vehicle when you leave it unattended.
  - 9.15 Never drive the vehicle at speeds that are inappropriate for the road conditions.
  - 9.16 Drive courteously and defensively.
  - 9.17 Return the vehicle free of litter, noting any problems with the vehicle on the Vehicle Use Report.
  - 9.18 All state travel rules and regulations must be followed without exceptions.
  - 9.19 Report all accidents to the College’s Fleet Manager and to the police department in the jurisdiction where the accident occurred. Refer to the insurance carrier’s provided form for accident documentation.
  - 9.20 In the event an employee is involved in a traffic collision, the following action(s) must be followed:

- 9.20.1 Stop the vehicle immediately at the scene. Then move the vehicle to a safe location if the vehicle is blocking traffic and can be driven.
- 9.20.2 Aid any injured person(s) and request emergency assistance from police, firefighters, or emergency personnel.
- 9.20.3 Report the accident by telephoning law enforcement authorities having appropriate jurisdiction.
- 9.20.4 Report the accident to your supervisor and to the agency's safety officer. If driving a rental vehicle, report the incident to the rental agency.
- 9.20.5 Do not admit any fault or liability to any other party involved in the accident.
- 9.20.6 Obtain insurance information from the driver of the other vehicle(s).

## **10.0 Texas Hazard Communication Act**

This section is based on the assumption that LSCPA employees do not encounter hazardous chemicals or only in a non-routine, isolated instance. As such, the agency does not meet the definition of "employees" as defined in Chapter 502 of the Health and Safety Code (<http://www.utexas.edu/safety/ehs/train/Haz/>) and therefore is not required to have a documented Hazard Communication Program. However, all new employees must be informed of the Texas Hazard Communication Act at the time of employment and be informed that they will not be exposed to hazardous materials in the course of their employment.

## **11.0 Return - to - Work Program**

**11.1 Policy Statement:** It is the policy of LSCPA to provide a Return-to-Work Program as the means to return injured employees to meaningful, productive employment following a injury or illness. In order to provide the highest level of quality service to the citizens of Texas, it is necessary for every employee of Lamar State College - Port Arthur to be available for work, ready and capable of performing the duties and responsibilities for which the employee was hired.

The return to work program provides opportunities for any employee of this agency who sustains a compensable injury during the course and scope of employment, a disability as defined by the Americans with Disabilities Act, and/or a serious health condition as defined by the Family Medical Leave Act to

return to work at full duty. If the employee is not physically capable of returning to full duty, the return to work program provides opportunities when available for the employee to perform a temporary assignment in which the employee's regular position is modified to accommodate the employee's physical capacities, or to perform an alternate duty position.

This return to work program shall not be constructed as recognition by Lamar State College - Port Arthur, its management, or its employees that any employee who participates in the program has a disability as defined by the Americans with Disabilities Act of 1990. If an employee sustains an injury or illness that results in a disability under the ADA, it is the employee's responsibility to inform his or her supervisor or a person in a responsible management position when a disability under the ADA exists and that a reasonable accommodation is necessary to perform the essential functions of his or her job.

Specific procedures shall be provided to guide all employees regarding the return to work program. All employees, divisions, and facilities of the Lamar State College - Port Arthur are expected to support and fully comply with this policy and the procedures provided to implement this policy.

## **11.2 Definitions**

- 11.2.1. **Serious Health Condition** - As illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity; or continuing treatment by a health care provider, including period of incapacity.
- 11.2.2. **FMLA Leave** - Federal leave entitlement of up to 12 weeks of unpaid leave when an eligible employee is unable to work because of a serious health condition. The absence from work must be a period of incapacity of more than three consecutive calendar days. The leave is normally continuous, but may be take intermittently or on a reduced leave schedule.
- 11.2.3. **Lost Time** - Time spent away from work at the direction of the treating doctor as a result of a compensable injury sustained in the course and scope of employment. The term does not include time worked in a temporary assignment
- 11.2.4. **Full Duty** - Performance of all duties and tasks of the position for which the employee is employed. Full duty entails performing all essential and non-essential functions of the employee's regular job.
- 11.2.5. **Temporary Assignment** - Performance of a temporary job assignment that

is intended to return an injured employee to work at less than his or her full duties when a compensable injury or serious medical condition prevents the employee from working full duty. Two types of temporary assignments are modified duty and alternate duty.

11.2.6. Modified Duty - Performance of all of the essential functions, but only a portion of the non-essential functions and tasks of the regular job duties for which the employee is employed. Modified duty allows the employee to return to current employment in his or her regular job, and perform those duties and tasks that are within the capabilities of the employee, given the restrictions to duty imposed by the treating physician. Modified duty is a temporary arrangement until the injured employee can resume full duty. If the employee is a qualified individual with a disability as defined under the Americans with Disabilities Act, then modified duty may become a permanent arrangement as a reasonable accommodation, if the accommodation does not create an undue hardship on Lamar State College - Port Arthur.

11.2.7. Alternate Duty - Performance of the essential functions of a job or position other than the position for which the employee is employed. Alternate duty allows the employee to temporarily perform other duties and tasks of that are within the restrictions to duty imposed by the treating doctor. Such alternate duty may be physically located in the same facility or in some other facility. Alternate duty is a temporary arrangement until the injured employee can resume full activities of her/her regular job. If the employee is a qualified individual with a disability as defined under the Americans with Disabilities Act, then alternate duty may become a permanent arrangement as a reasonable accommodation, if the accommodation does not create an undue hardship on Lamar State College - Port Arthur.

### **11.3 Prohibited Actions**

This return to work policy and procedure shall not be applied to any situation or circumstance in a manner that discriminated on the basis of race, color, sex, national origin, religion, or disability.

11.3.1 It is a violation of the Return to Work policy, procedure and state or federal law for any employee, supervisor or manager of LSCPA to:

11.3.1.1 Discharge or in any other manner discriminate against an employee of Lamar State College - Port Arthur because the

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- employee:
- 11.3.1.2 Files a workers' compensation claim in good faith;
  - 11.3.1.3 Hired a lawyer to represent the employee in a workers' compensation claim;
  - 11.3.1.4 Institutes or causes to be instituted in good faith a proceeding under the Texas Workers' Compensation Act; or
  - 11.3.1.5 Testifies or is about to testify in a proceeding under the Texas Workers' Compensation Act.
- 11.3.2 Discharge or in any other manner discriminate against an employee of LSCPA because the employee:
- 11.3.2.1 Opposes any practice made unlawful by the FMLA or ADA; or
  - 11.3.2.2 Has filed any charge, or has instituted or caused to be instituted any proceedings under or related to the FMLA;
  - 11.3.2.3 Has given, or is about to give, any information in connection with any injury or proceeding relating to any right provided under the FMLA; or
  - 11.3.2.4 Has testified, or is about to testify, in any injury or proceeding relating to any right provided under the FMLA.
  - 11.3.2.5 Interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided by the Family Medical Leave Act (FMLA).
  - 11.3.2.6 Discriminate on the basis of disability against an employee of Lamar State College - Port Arthur who is a qualified individual with a disability under the Americans with Disabilities Act (ADA) in regard to:
    - 11.3.2.6.1 Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
    - 11.3.2.6.2 Leaves of absence, sick leave, or any other leave;
    - 11.3.2.6.3 Upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff,

and rehiring;

11.3.2.6.4 Rates of pay or any other form of compensation, changes in compensation, and fringe benefits available;

11.3.2.6.5 Selection and financial support for training; or

11.3.2.6.6 Social and recreational activities.

11.3.2.7 Limit, segregate, or classify a job applicant or employee in a way that adversely affects his or her employment opportunities or status on the basis of disability.

11.3.2.8 Require a medical examination of an employee who is disabled as defined under the ADA unless the medical examination is job related and consistent with businesses necessity.

11.3.2.9 Made inquiries as to whether an employee is an individual with disability or as to the nature or severity of such disability.

#### **11.4. Position Descriptions of All Positions**

All supervisors and managers are responsible for identifying, documenting and maintaining the essential and non-essential functions in a position description for all positions descriptions as either an essential or non-essential functions. All position descriptions shall be reviewed at least annually, and must be submitted for approval to the human resources manager.

#### **11.5 Employee Participation in the Return to Work Program**

In order for an employee of Lamar State College - Port Arthur to be eligible to participate in this return to work program, the employee must have:

11.5.1 Sustained a compensable injury as defined in the Texas Workers' Compensation Act that results in lost time away from work;

11.5.2 Serious health condition as defined by the Family and Medical Leave Act; and/or

11.5.3 A disability as defined by the Americans with Disabilities Act.

11.5.4 An employee who meets the above criteria shall be encouraged to participate in the program. However participation by the employee in the

program is voluntary and the employee cannot be forced to participate.

### **11.6 Notification of Injury or Illness**

An employee who sustains an injury or illness either on or off the job is expected to notify his/or her supervisor, or a person in a management position, that an injury or serious health condition exists. Such notification should occur at the earliest possible time after occurrence of injury or knowledge that a serious health condition exists. Such notification should ideally occur within 24 hours of the injury or when the serious health condition first manifests itself. In order to receive workers' compensation benefits, an employee must give notice of injury within 30 days.

### **11.7 Authorization for Leave and Lost Time**

An employee who must miss work due to a compensable injury and/or a serious health condition must be certified or authorized by a health care provider to be off work. It is the employee's responsibility to obtain such certification from the health care provider and to return the certification to his/her supervisor in a timely manner. A "Certification of Physician or Practitioner" form is attached to this procedure for this purpose. If an employee is disabled as defined under the ADA, the request must be job-related, consistent with business necessity and cannot injury as to the nature or severity of the injury.

In general, the treating health care provider's certification should be provided by the employee to the supervisor according to the following timeliness:

- When the employee knows in advance that FMLA leave is necessary, the certification form should be provided to the supervisor a minimum of three work days prior to the time when leave will commence.
- When the employee cannot know in advance that leave is necessary, the certification form should be provided to the supervisor within a maximum of three calendar days after the initial visit to the health care provider.

The employee's supervisor shall provide a copy of the employee's position description to employee take to the health care provider to assist the health care provider to determine whether the employee can perform the essential functions of the job.

### **11.8 Substitution of Paid Leave for Unpaid Leave**

If an employee is injured off the job, the current General Appropriations Act requires the employee's accrued annual leave and accrued sick leave must be

utilized before unpaid leave is taken. If a compensable work-related injury or illness is involved, the employee is not required to use all accrued annual or sick leave. The employee may elect to use, but may not be required to use, accrued sick leave before receiving workers' compensation temporary income benefits. However, if the employee elects to use sick leave, all accrued sick leave must be exhausted before the employee is entitled to workers' compensation temporary income benefits.

### **11.9 Periodic Status Reports**

If an employee is certified by a health care provider to be off work, the employee is required to submit periodic status reports to his/her supervisor to report the employee's status and intention to return to work. Such status reports are required at the time of such scheduled visit with the treating health care provider and are due immediately following the visit. A SORM-85 "Return to Work Policy –" form (located at [http://www.sorm.state.tx.us/Claims\\_Coordinator\\_Handbook/forms/SORM85.pdf](http://www.sorm.state.tx.us/Claims_Coordinator_Handbook/forms/SORM85.pdf)) is due to the employee's supervisor. The status report should be provided to the supervisor within 24 hours of the scheduled visit or if a weekend or holiday is involved, before close of business on the next scheduled workday.

If an employee has returned to work in a temporary assignment follow-up health care provider appointments are necessary, the employee shall schedule the appointments to minimize time away from the job. Time away from work for these health care provider appointments shall be counted against FMLA leave, designated by the employer.

### **11.10 Communications with the Employee**

At the time of first communication the employee, Human Resources shall provide information to the employee that contains the following, as appropriate:

11.10.1 LSCPA's return to work policy and procedures, and appropriate forms.

11.10.2 If job-related injury or occupational disease occurs:

Notification that the State of Texas provides workers' compensation benefits to employees who sustain compensable job-related injuries and/or occupational diseases;

- How medical expenses and income payments are made;
- How employee health benefits are continued;

- The name, location and telephone number of the local Texas Workers Compensation Commission's (TWCC) field office and the name of the TWCC ombudsman at that office. The notice should state that the employee has a right to information and assistance from the TWCC ombudsman with his/her claim; and
- The rights available to the employee under the Texas Workers' Compensation Act.

11.10.3 For FMLA leave:

- Information regarding the employee's FMLA leave entitlement;
- How employee health benefits are continued; and
- Required certifications from the health care provider.

The Human Resources Officer is responsible for maintaining regular, weekly communications with the employee. The purposes of these communications are to: encourage the employee during recuperation for the injury; communicate the value of the employee to the agency; encourage return to work at the earliest possible date; and if the employee is on lost time for a workers' compensation claim, offer assistance to the employee if needed to attend health care provider visits.

### **11.11 Communications with the Workers' Compensation Division**

The Claims Coordinator (Human Resource Director) is responsible for timely submission to the Workers' Compensation Division, Office to the Attorney General and/or to the Texas Workers' Compensation Commission, all required reports and other important documents in LSCPA's possession regarding a workers' compensation claim, including the "Certification of Physician or Practitioner's form and the SORM-85 form. Timely submission of reports and forms is necessary in order to promptly initiate workers' compensation benefits, or cease payment of benefits when the employee returns to work. All reports and forms shall be submitted in a timely manner in accordance with the requirements of the Texas Workers' compensation Act.

### **11.12 Temporary Assignment Positions**

If an employee is certified by the health care provider to return to work, but in less than full duty, LSCPA may provide a temporary assignment position to the employee.

Directors and managers are responsible for identifying temporary assignment positions to facilitate return to work based on the business necessity of filling the employee's position, the employee's entitlement to FMLA leave, the availability of temporary assignments, and other appropriate factors.

These temporary assignments shall be coordinated with the Human Resources Officer.

The maximum length of time that a temporary assignment may last must be based on relevant factors including the business necessity of the employee's original position being filled.

Temporary assignment positions shall be identified, assigned and managed on a case by case basis based upon the business necessity of the agency.

The temporary assignment position shall be documented in a "bona fide offer of employment" letter to the employee.

### **11.13 Bona fide Offer of Employment**

The bona fide offer of employment letter shall include the following information:

- The type of position offered and the specific duties;
- A statement that the agency is aware of and will abide by any physical limitations under which the treating doctor has authorized the employee to return to work;
- The maximum physical requirements of the job;
- The wage rate of the job;
- The location of the temporary assignment;
- The expected duration of the temporary assignment;
- The consequences of not accepting a temporary assignment, in terms of duration and amount of temporary income benefits payable under the Texas Workers' Compensation ACT, and if the leave has not been designated by the agency as FMLA leave, the appropriate administrative penalties/disciplinary measures by the agency as specified in the human resources procedures;
- The person to contact if the employee has questions regarding the temporary assignment, job modifications, or questions regarding the FMLA or ADA;

The employee may accept or reject this bona fide offer of employment. The employee should be informed that rejection of the bona fide offer of employment may result in workers' compensation temporary income benefits (if applicable) being stopped by the Workers' Compensation Division as the state's insurance carrier. If the employee accepts the bona fide offer of employment, then the employee shall perform the duties of the temporary assignment position for the term of the assignment or until the employee is able to return to full duty, whichever is sooner. If the employee rejects the bona fide offer of employment, then the employee remains off work until the end of the FMLA leave entitlement period or until the employee is certified by the health care provider to return to full duty.

If the employee is unable to return to full duty by the end of the temporary assignment period and/or by the end of the employee's FMLA leave entitlement period, then the employee's continued employment with the agency shall be considered based upon the business necessity of having the employee's position filled and whether any reasonable accommodations in required under the ADA.

## **12.0 Appendices**

**12.1 Appendix A** – Safety Officer Letter

**12.2 Appendix B** – Annual Departmental Safety Check List

**12.3 Appendix C** – SORM 703 Incident/Accident Investigation Form

**12.4 Appendix D** – SORM 85 Return to Work

## Appendix A

## Appendix B

## Appendix C

## Appendix D