



TEXAS A&M

# HEALTH SCIENCE CENTER

## NEW EMPLOYEE ACKNOWLEDGEMENT

### I. Control of Fraud and Fraudulent Actions

I am required to report specific incidents of suspected fraud and criminal acts to my supervisor, the Chancellor or the System Chief Internal Auditor. System Policy 21.04, Control of Fraud and Fraudulent Actions, outlines the types of fraud and criminal actions that should be reported and employees' responsibilities for such reporting. I understand that I may review the policy by accessing it on the Internet (<http://sago.tamu.edu/policy/21-04.htm>) or by requesting a copy from my supervisor.

### II. Receipt of Policy, Regulation and Rule Regarding Substance Abuse, and Receipt of Extracts of Texas Government Code.

I have received today from \_\_\_\_\_ copies of:  
(Type or Print Name of Person Delivering Documents)

- Texas A&M University System Policy 07.01, Ethics Policy, TAMUS Employees.
- Texas A&M University System Policy 34.02, Drug and Alcohol Abuse and Rehabilitation Programs.
- Texas A&M University System Regulation 34.02.01, Drug and Alcohol Abuse and Rehabilitation Programs.
- Texas A&M Health Science Center Rule 34.02.99.Z1, Alcohol and Illegal Substance Abuse.
- Texas A&M Health Science Center Rule 34.05.99.Z1, Smoking and Use of Tobacco Products.
- Texas A&M University System Policy 08.01, Civil Rights Protections and Compliance
- Texas A&M University System Regulation 08.01.01, Civil Rights Compliance
- Texas A&M University System Regulation 34.04.03, HIV/AIDS in the Workplace and Learning Environment.
- Extracts from Texas Government Code, specifically Chapter 556 (Political Activities by Certain Public Entities and Individuals), Chapter 572 (Personal Financial Disclosure, Standards of Conduct and Conflict of Interest), and Chapter 2113 (Use of Appropriated Money).
- Fact Sheet, "HIV, AIDS and the Workplace" produced by the Texas Department of State Health Services (<http://www.dshs.state.tx.us/hivstd/info/edmat/E4-148.pdf>)
- Initial Notification of COBRA Rights for Medical, Dental & Vision Coverage
- General Information about Extended Pay Plan
- Overview of Voluntary Supplemental Pre-tax Savings Programs
- Notice to Employees, Texas Hazard Communications Act
- Notice of Privacy Practices for Medical Information.

*"I acknowledge that I have received information regarding insurance and retirement benefits available to me, found online at <http://www.tamus.edu/assets/files/benefits/pdf/ae/GuideBookletprintableversion.pdf>. I acknowledge that it is my responsibility to be familiar and to act in accordance with Texas A&M University System policies and regulations, found online at <http://www.tamus.edu/offices/policy/policies/index.html>, and Texas A&M Health Science Center rules and procedures, found online at <http://www.tamhsc.edu/facultystaff/rules/>."*

\_\_\_\_\_  
Printed Name of Recipient

\_\_\_\_\_  
Employee UIN

\_\_\_\_\_  
Signature of Recipient

\_\_\_\_\_  
Date

***These receipts may be retained in the employee's personnel file, but they must be "accessible for public inspection." Departments may therefore choose to retain the acknowledgment(s) in a separate file.***

## **07.01 Ethics**

Approved February 27, 1995 (MO 44-95)  
Revised September 1, 1995 (MO 286-95)  
Revised July 26, 1996 (MO 169-96)  
Revised November 30, 2000 (MO 229-00)  
Revised December 5, 2008 (MO -2008)  
Next Scheduled Review: December 5, 2010

### **Policy Statement**

The responsibility for educating and training the future leaders of the state and nation carries with it the duty to adhere to the highest ethical standards and principles. The Board of Regents (board) of The Texas A&M University System (system), therefore, promulgates the following ethical principles and standards to ensure that the board members and all persons employed by the system, regardless of rank or position, are held to the highest ethical principles.

### **Reason for Policy**

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

### **Procedures and Responsibilities**

#### **PRINCIPLES OF ETHICAL CONDUCT**

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

System board members and system employees:

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

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

[Texas Government Code § 572.051](#)

[System Policy 07.03, \*Conflicts of Interest, Dual Office Holding, and Political Activities\*](#)

[System Policy 07.04, \*Benefits, Gifts and Honoraria\*](#)

[System Policy 21.04, \*Control of Fraud, Waste and Abuse\*](#)

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

### **Contact Office**

The System Office of General Counsel, 979-458-6120

## **34.02 Drug and Alcohol Abuse**

Approved February 27, 1995 (MO 44-95)  
Revised September 26, 1997 (MO 181-97)  
Revised September 24, 1999 (MO 225-99)  
Revised January 22, 2009 (MO -09)  
Next Scheduled Review: January 22, 2011

### **Policy Statement**

The Texas A&M University System (system) strictly prohibits the unlawful manufacture, distribution, possession or use of illicit drugs or alcohol on system property, and/or while on official duty and/or as part of any system activities.

### **Reason for Policy**

This policy is established to help system members maintain a safe and healthy environment for all students and employees, to ensure compliance with applicable law, and to require the adoption and implementation of a program to help prevent the use of illicit drugs and alcohol abuse by students and employees.

### **Procedures and Responsibilities**

1. All system members and system member students and employees are expected to abide by state and federal laws pertaining to controlled substances, illicit drugs and the use of alcohol. Each system member will adopt a plan consistent with this policy that will include implementation of an awareness and prevention program on the use of illicit drugs and the abuse of alcohol by students and employees.
2. Sanctions (consistent with local, state, and federal law) will be imposed on students and employees for the violation of this policy. Sanctions may include disciplinary actions up to and including expulsion, termination of employment and referral for prosecution.
3. This policy is in addition to any alcohol or drug abuse policy or policies relating to participation in intercollegiate athletics.
4. The chancellor is authorized to implement regulations to ensure full compliance with applicable statutes and administrative rules or guidelines.

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

[41 U.S.C. Ch. 10 \(§§ 701-707\), \*Drug-Free Workplace\*](#)  
[34 C.F.R. Pt. 86, \*Drug and Alcohol Abuse Prevention\*](#)  
[System Regulation 34.02.01, \*Drug and Alcohol Abuse and Rehabilitation Programs\*](#)

### **Contact Office**

System Office of General Counsel  
(979) 458-6120  
System Offices Human Resources  
(979) 458-6169

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

July 14, 2000

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

#### **1. ADMINISTRATION**

The provisions of this regulation are based on requirements of federal and state law. Administrators should exercise caution in all matters relating to this regulation, ensuring that procedures are carefully followed and that substantial evidence from reliable sources supports a decision to counsel or test a student or an employee for drug use. The System Office of General Counsel (OGC) must be informed by the appropriate administrator of possible violations of this regulation and advice of an OGC attorney must be secured before testing anyone due to reasonable suspicion of drug or alcohol use or abuse. Advice of the OGC is not needed for required testing as described in Section 6, and the general counsel may waive the requirement to seek OGC's advice for reasonable suspicion testing when a System component shows documented evidence of training for administrators and supervisors in alcohol and drug awareness.

#### **2. DEFINITIONS**

As used in this regulation, the following definitions apply.

- 2.1 "Drugs or other controlled substances" means any substance, including alcohol, capable of altering an individual's mood, perception, pain level or judgment.
  - 2.1.1 A "prescribed drug" is any substance prescribed for individual consumption by a licensed medical practitioner. It includes only drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.
  - 2.1.2 An "illicit drug" or chemical substance is: (a) any drug or chemical substance, the use, sale or possession of which is illegal under any state or federal law, or (b) one that is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.
  - 2.1.3 "Controlled substance" means a substance listed in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C.S. 812) or whose possession, sale or delivery results in criminal sanctions under the Texas Controlled Substances Act (Texas Health and Safety Code, Chapter 481). In general, controlled substances include all prescription drugs, as well as those substances for which there is no generally accepted medicinal use (e.g., heroin, LSD, marijuana, etc.), and substances that possess a chemical structure similar to that of a controlled substance (e.g., designer drugs). The term does not include alcohol.
- 2.2 "Alcohol" refers to any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.
- 2.3 "Alcohol abuse" means the excessive use of alcohol in a manner that interferes with: (1) physical or psychological functioning; (2) social adaptation; (3) educational performance; or (4) occupational functioning.
- 2.4 "Reasonable suspicion" shall be established by: (1) observation of the actions/behaviors of the individual; (2) supervisor or other reliable individual witnessing possession or use; or (3) any other legal measure used for alcohol or drug detection.
- 2.5 "Sanctions" may include completion of an appropriate rehabilitation or assistance program, suspension or expulsion from school, suspension or termination from employment, other disciplinary action, or referral to authorities for prosecution. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.

#### **3. COMPONENT RULES**

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

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

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

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

## **5. STUDENT DRUG TESTING**

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

## **6. EMPLOYEE REQUIRED DRUG TESTING**

### **6.1 Department of Defense**

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

6.1.2 "Employee in a sensitive position" means an employee who has been granted access to classified information or an employee in another position determined by appropriate administrative personnel to involve national security, health or safety concerns, or functions requiring a high degree of trust and confidence.

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

### **6.2 Department of Transportation**

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

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

7.1 If a supervisor reasonably suspects that use of a controlled substance or alcohol has resulted in absenteeism, tardiness, or impairment of work performance or is the cause of workplace accidents, the supervisor shall immediately notify the appropriate department head or other designated administrator. Upon direction from the department head or designated administrator, the supervisor or other designated administrator shall discuss with the employee the suspected alcohol or drug-related problems. The employee should be advised of any available alcohol and drug counseling, rehabilitation, or employee assistance programs, and the terms of any applicable disciplinary sanctions. The employee may be required to participate in an assistance program and be subject to discipline (up to and including termination of employment) if he or she rejects participation in the program. All meetings between the employee and the supervisor or other administrator to address the suspected alcohol or drug-related problem and/or its resolution shall be documented in a memorandum to the record and filed in the employee's personnel file.

7.2 If discussion and/or participation in any available alcohol or drug counseling, rehabilitation, or employee assistance program fails to resolve the suspected alcohol or drug-related problems or if the employee fails to meet

the terms of any applicable disciplinary sanctions, the employee may be subject to disciplinary action up to and including termination.

- 7.3 Any disciplinary action will be governed by System policies on discipline and dismissal and academic freedom, responsibility and tenure. A record of the action will be placed in the employee's personnel file.
- 7.4 Testing of employees other than those occupying DOD-funded sensitive positions or those required to have a commercial driver's license may be undertaken only when there is reasonable suspicion that the employee is under the influence of alcohol or illicit drugs while on the job, the employee's job performance has been affected by the use of alcohol or illicit drugs, and such impairment presents a risk to the physical safety of the employee or another person. The decision to test an employee in these circumstances will be made by the appropriate chief executive officer or designee with the advice of the Office of General Counsel (advice of General Counsel may be waived as discussed in paragraph 1). The employee should be informed that a refusal to submit to a test, combined with a reasonable suspicion of usage, may be sufficient basis for termination.

## **8. TESTING PROCEDURES**

The expense of the screening and any retest will be borne by the System component. The screening will be kept confidential, with the results being reported to the employee and the appropriate senior-level administrator as soon as they are available. Any written documentation will be kept in the employee's confidential medical file.

### **8.1 Drug Testing**

- 8.1.1 Prior to the administration of a drug test, the appropriate administrator or supervisor must explain the drug testing procedures to the employee and arrange for component employee(s) to transport and accompany the employee to a hospital or clinic for the taking of a specimen for screening purposes. Except as provided in paragraph 8.1.3 below, if the System component has laboratory or medical facilities with personnel trained for such testing, those facilities may be used if there are adequate chain-of-custody procedures established for the samples and precautions are taken to guarantee the integrity of the testing against tampering or substitution.
- 8.1.2 Before the specimen is taken, the employee should be asked to sign a consent form agreeing to the taking of a specimen for testing purposes. The signed form will be required by the hospital or clinic. The employee may be asked to list any medications being taken. The employee will have a reasonable opportunity to rebut or explain a positive test result, including an independent retest of the sample.
- 8.1.3 Drug testing under the Federal Highway Administration and Department of Transportation regulations must be done by a laboratory that is certified by the Department of Health and Human Services (DHHS) pursuant to the DHHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs."

### **8.2 Alcohol Testing**

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

## **9. DISCLOSURE**

- 9.1 As a condition of employment, employees on government grants or contracts must abide by the required notification statement and must report any criminal drug statute conviction for a violation occurring in the workplace or on System business to their employer no later than five days after the conviction. The employer, in turn, must notify the contracting federal agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction, and within 30 days must impose sanctions on the employee involved. Sanctions may take the form of personnel actions against the employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.
- 9.2 Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. Criminal drug statute conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

HISTORY: New Regulation

CONTACT OFFICE: The System Human Resources Office

## **The Texas A&M Health Science Center Rule 34.02.99.Z1, Alcohol and Illegal Substance Abuse**

*Approved February 21, 2000*

*Supplements System Policy 34.02.99*

### **1. OVERVIEW**

- 1.1 The Texas A&M Health Science Center is committed to maintaining an environment that is free from substance abuse as well as complying with state and federal laws. Its primary concern related to substance abuse in the workplace is prevention and treatment.
- 1.2 Consistent with the Health Science Center's commitment to substance abuse prevention, the HSC provides an Employee Assistance Program (EAP) as an employee benefit. The EAP is available to HSC employees and their family members for confidential assistance with drug and alcohol problems, as well as other personal problems.

### **2. PROHIBITION AND CONSEQUENCES**

- 2.1 The Health Science Center prohibits the illicit use, sale, attempted sale, conveyance, distribution, manufacture, cultivation, dispensation, purchase, attempted purchase, and possession of illegal drugs, intoxicants, or controlled substances, at any time and in any amount or in any manner. Illicit drugs include all drugs for which possession is illegal under federal or state law, including prescription drugs for which the individual does not have a valid prescription.
- 2.2 The purchase, consumption and possession of alcoholic beverages in facilities under the control of the HSC shall in all respects comply with state laws and with guidelines as defined in System Policy 34.03 and System Regulation 34.02.01.
- 2.3 Failure to comply with this rule by any employee will constitute grounds for disciplinary action, up to and including termination, in compliance with System Policy 32.02 and System Regulation 32.02.02. An employee who violates any of the drug laws will be reported to the appropriate law enforcement agency and will be subject to prosecution in accordance with the law. Legal sanctions for violation of local, state and federal laws may include, but are not limited to: fines, probation, jail or prison sentences.
- 2.4 At the discretion of the Health Science Center President, the employee may be referred to an EAP and/or may be required to participate in and satisfactorily complete an approved rehabilitation program. If an individual fails to comply with the mandatory treatment, he or she may be subject to suspension or dismissal from the Health Science Center.

### **3. EDUCATIONAL EFFORTS**

- 3.1 Employees shall report suspected violations of this rule to their immediate supervisors or to their campus Human Resources office. The Health Science Center relies on the observations and judgment of first-line supervisory staff to evaluate the behavior of their employees, to identify suspected impaired behavior, and to refer an employee exhibiting such behavior to the EAP for evaluation. It is imperative that managers' and supervisors' awareness of EAP services and the issues and implications of substance abuse be heightened through an educational effort.
- 3.2 In order to comply with The Drug-Free Schools and Communities Act of 1994 (20 USCS 7101 et seq.) required information as outlined in System Regulation 34.02.01, Section 4.2 is distributed to all new employees through New Employee Orientation. This information is also distributed annually to all employees and students through training and education programs.

### **OFFICE OF RESPONSIBILITY**

[Human Resources Office](#)

## **The Texas A&M Health Science Center Rule 34.05.99.Z1, Smoking and Use of Tobacco Products**

*Approved October 26, 1999*

*Supplements [System Policy 34.05](#)*

*Reviewed and Affirmed January 10, 2007*

1. All buildings, entrances to buildings, and vehicles owned or leased under the administrative purview of the President of The Texas A&M Health Science Center will be entirely smoke free and tobacco free. This rule will apply to all vehicles and to all indoor space including foyers, entryways, elevators, hallways, restrooms, classrooms, meeting rooms, and individual offices.
2. Department/unit Chairs will ensure that this rule is communicated to everyone who occupies space in the facilities and uses vehicles owned or leased by HSC.
3. This rule relies on the thoughtfulness, consideration and cooperation of smokers and nonsmokers for its success. It is the responsibility of all members of the HSC community to observe the provisions of these guidelines.
4. The Health Science Center is not required to incur any expense, or make structural or other physical modifications, to accommodate the preferences of non-smokers or smokers/smokeless tobacco users. Other accommodations, such as altering workplace schedules, rest periods/breaks, etc, may be considered and will be determined by the department/unit Chair's discretion.

### **RESPONSIBLE OFFICE**

[Vice President for Finance and Administration](#)

# **The Texas A&M University System Regulation 34.04.03, HIV/AIDS in the Workplace and Learning Environment**

*July 31, 1998*

**Supplements System Policy 34.04**

## **1. BACKGROUND**

- 1.1 The Human Immunodeficiency Virus Service Act, Chapter 85, Texas Health and Safety Code, specifies that workplace guidelines be established to ensure that the rights and privileges of individuals infected with the Human Immunodeficiency Virus (HIV) are protected.
- 1.2 To meet that requirement and acknowledge the serious nature of HIV and related health issues in the work and learning environment, the following guidelines and regulations are established for the System. This regulation is consistent with current information from public health authorities, such as the Centers for Disease Control and Prevention of the United States Public Health Service, and with state and federal laws and regulations.

## **2. HIV/AIDS IN THE WORK/LEARNING ENVIRONMENT**

- 2.1 The System will not use a person's HIV status to make employment decisions or determine how service is delivered nor will the System deny services to HIV infected individuals, except as allowed by state or federal law. The System complies with the Americans With Disabilities Act provisions protecting all people with disabilities from discrimination in job application procedures, hiring, promotions, discharge, compensation, job training and other terms or conditions of employment. For more information on ADA protections, see System Regulation 33.02.02, Compliance with the Employment Provisions of the Americans With Disabilities Act. Employees who believe that they have been discriminated against because of HIV or AIDS should contact their human resources office to discuss the matter or file a written complaint (see System Regulation 32.01.02). Students should contact the student affairs office if they believe they have experienced discrimination due to HIV or AIDS. Other legal options may also be available.
  - 2.1.1 System components may not ask applicants or students whether they are HIV infected. If an applicant voluntarily discloses that he or she is HIV infected, this information should not be used to determine the applicant's suitability for student admission or employment unless current scientific information indicates that required activities may expose others to risk of transmission.
  - 2.1.2 A student with HIV infection should be allowed to attend classes without restrictions as long as the student is physically and mentally able to participate and perform assigned work, and reasonably poses no health risk to others.
  - 2.1.3 An HIV-infected employee will remain employed as long as he or she meets job performance standards and does not engage in activities on the job that current scientific information indicates may expose others to risk of transmission. This right is protected by law.
  - 2.1.4 The employee is not obligated to provide information about his/her HIV status to the employer. If symptoms occur that interfere with an employee's performance of his or her job, the employee must provide to the employer medically verified information relating to the employee's ability to perform job duties but need not reveal the diagnosis. Procedures may be adapted to provide reasonable accommodation so a person with HIV/AIDS may remain employed and productive for as long as possible. However, all employees are expected to perform the essential functions of their jobs with or without reasonable accommodation. Likewise, all employees, including those with HIV/AIDS, have the same performance and conduct standards regarding hiring, promotion, transfer and dismissal. For more information on reasonable accommodation, see System Regulation 33.02.02, Compliance with the Employment Provisions of the Americans With Disabilities Act.
- 2.2 The approach and resolution of HIV/AIDS issues in the workplace will vary among System components. Careful attention should be given to:
  - (1) existing leave policies for management of chronic conditions,
  - (2) assessment of employee and agency needs,
  - (3) current scientific information about HIV and its related conditions, and
  - (4) current laws and regulations regarding HIV/AIDS. (For information on HIV testing, see Paragraph 7. For information on confidentiality, see Paragraph 8.)

## **3. HIV/AIDS RULES**

- 3.1 Each System component will adopt appropriate rules, procedures, and education programs to help its employees and students better understand the medical, legal, administrative and ethical issues involved with HIV/AIDS.
- 3.2 Student and employee rules should establish that a person's refusal to work or attend classes with HIV-infected individuals should be carefully monitored and documented. Appropriate accommodation or corrective or disciplinary measures may be implemented for people who refuse to work or attend classes with HIV-infected individuals.

- 3.3 Each System component will make its rules available to students, faculty, and staff through handbooks, manuals, brochures or any other method deemed appropriate.
- 3.4 Such rules must be submitted to the System General Counsel for review and approval.

#### **4. HIV/AIDS EDUCATION PROGRAMS**

- 4.1 Each System component is encouraged to develop or offer educational training programs on HIV/AIDS to students and employees. Programs should be tailored to the cultural, educational, language and developmental needs of the target audience.
- 4.2 Each System component will annually provide each employee an educational pamphlet about methods of transmission and prevention of HIV infection and relevant state laws. The Texas Department of Health educational pamphlet entitled "AIDS and the Workplace" is recommended. The pamphlet will also be provided to new employees on the first day of employment.
- 4.3 Institutions must make available to students, on request, one or more educational pamphlets on HIV infection developed by the TDH or similar educational materials and must include in the student handbook a statement that pamphlets are available from the institution.
- 4.4 Each student health center should provide information on prevention of HIV infection, including:
  - (1) the value of abstinence and long-term mutual monogamy;
  - (2) information on the efficacy and use of condoms;
  - (3) information that offers or refers to confidential and/or anonymous HIV counseling and testing services; and
  - (4) state laws relating to the transmission and conduct that may result in the transmission of HIV.

#### **5. ELIGIBILITY FOR BENEFITS**

- 5.1 Workers' Compensation - To qualify for Workers' Compensation or other similar benefits, state law requires that an employee provide a written statement of the date and circumstances of the possible work-related exposure to HIV antibodies and document the fact that, within 10 days or less after the exposure, the employee took a confidential HIV antibody test with a negative result indicating an absence of HIV antibodies (to rule out pre-existing infection). An employee who may have been exposed to HIV while performing duties of employment may not be required to be tested, but refusal to be tested may jeopardize Workers' Compensation benefits.
- 5.2 Unemployment Compensation Benefits - Each System component must inform employees that state law provides that an individual will be disqualified for Unemployment Compensation benefits:
  - (1) if the Texas Workforce Commission (TWC) finds that the employee left work voluntarily rather than provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV.
  - (2) if the TWC finds that the employee has been discharged from employment based on a refusal to provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV.These disqualifications apply if the System component provided facilities, equipment, training, and supplies necessary to take reasonable precautions against infection.
- 5.3 Health Benefits - No System student or employee will be subjected to impermissible discrimination under a health benefits plan endorsed by the System on the basis of a positive HIV test result.

#### **6. GUIDELINES RELATED TO LABORATORY AND HEALTH CARE PROFESSIONS TRAINING**

- 6.1 Safety Precautions - Each System component will develop guidelines for health care workers and students in the health professions and athletic trainer programs on preventing transmission of HIV (including universal precautions) and guidelines for health care workers who have HIV infection. Each System health care worker who is involved in hands-on patient care should complete an educational course about methods of transmission and prevention of HIV infection and related conditions based on the model education program guidelines developed by the TDH and the guidelines of this regulation.
- 6.2 Education of Students Entering Health Professions - Each System institution offering medical, dental, nursing, allied health, counseling, and/or social work degree programs must include within the program curricula information about:
  - (1) methods of transmission and methods of prevention of HIV infection;
  - (2) federal and state laws, rules, and regulations concerning HIV infection and AIDS; and
  - (3) the physical, emotional, and psychological stress associated with the care of patients with terminal illnesses.
- 6.3 Guidelines for Laboratory Courses - System components that offer laboratory courses requiring exposure to material that has potential for transmitting HIV should adopt safety guidelines for handling such material and distribute these guidelines to students and staff prior to such exposure.

#### **7. HIV TESTING AND COUNSELING**

- 7.1 Mandatory Testing - No programs for mandatory HIV testing of employees, students, or patients should be undertaken unless required by law or court order.
- 7.2 Voluntary Testing and Counseling - Student health centers should offer or refer students, faculty, and staff members for confidential or anonymous HIV counseling and testing services. All testing conducted by a System component will comply with the informed consent restrictions in Paragraph 7.3 and will include counseling before and after the test. Unless excepted by law, test results should be revealed to the person tested only when the opportunity is provided for immediate, individual, face-to-face counseling about:
  - (1) the meaning of the test result;
  - (2) the possible need for additional testing;
  - (3) measures to prevent the transmission of HIV;
  - (4) the availability of appropriate health care services, including mental health care, and appropriate social and support services in the geographic area of the person's residence;
  - (5) the benefits of partner notification;
  - (6) the availability of partner notification programs; and
  - (7) identification and change of high-risk behaviors.
- 7.3 Informed Consent - Unless otherwise authorized or required by law, no HIV test should be performed without informed consent of the person to be tested. Consent will be written on a separate form, or the medical record will document that the test has been explained and consent has been obtained. The consent form will state that post-test counseling will be offered or the medical record will note that the patient has been informed that post-test counseling will be offered.
- 7.4 Reporting of Test Results - HIV test results will be reported in compliance with all applicable statutory requirements, including the Communicable Disease Prevention and Control Act, Texas Health and Safety Code, Section 81.
- 7.5 Conditions of HIV Testing of Employees at Institution's Expense -Employees will be informed that they may request HIV testing and counseling at the expense of the System component if:
  - (1) The employee documents, to the satisfaction of the System component CEO, or designee, possible exposure to HIV while performing duties of employment; and
  - (2) The employee was possibly exposed to HIV in a manner that is capable of transmitting HIV as determined by guidelines developed by the Texas Department of Health and the Centers for Disease Control of the U.S. Public Health Service.
- 7.6 Employees who want assistance in dealing with their own or a coworker's HIV or AIDS infection may contact the component employee assistance program, if available, for counseling and referral to community services. In addition, component human resources offices can counsel employees on benefit coverage and leave availability. Employees and students may also be referred to the Texas HIV/STD InfoLine, 1-800-299-AIDS, for more information on HIV/AIDS and services such as testing and treatment providers.

## **8. CONFIDENTIALITY**

- 8.1 Based on the Federal Privacy Act, the Texas Commission on Human Rights Act, and the Texas Communicable Disease Prevention and Control Act, any medical documentation or information provided by an HIV-infected employee or student to medical or management personnel must be considered confidential and private information. As such, employers are forbidden by law to disclose this information without the employee's knowledge and written consent, except as provided by law.
- 8.2 With written consent of the HIV-infected employee, appropriate agency officials such as medical staff, personnel representatives, and/or direct supervisors may be informed of the infected employee's conditions. Anyone who has access to confidential information is charged with maintaining strict confidentiality and privacy and with keeping documentation of the condition separate from the employee's personnel file. Any individual within an organization who breaches the HIV-infected employee's rights has committed a serious offense. This breach may be cause for litigation, resulting in both civil and criminal penalties, and may result in dismissal.

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CONTACT FOR INTERPRETATION: System Human Resources Office  
HISTORY: Last issued June 10, 1991, APRM B.4.14

## EXTRACTS FROM GOVERNMENT CODE, CHAPTER 556

### POLITICAL ACTIVITIES BY CERTAIN PUBLIC ENTITIES AND INDIVIDUALS

#### **Section 556.004. PROHIBITED ACTS OF AGENCIES AND INDIVIDUALS.**

- (a) A state agency may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.
- (b) A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).
- (c) A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.
- (d) A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of any thing of value to a person or political organization for a political purpose.
- (e) For purposes of Subsection (c), a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful.

Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 1498, § 1, eff. Sept. 1, 1999.

#### **Sec. 556.005. EMPLOYMENT OF LOBBYIST.**

- (a) A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist. Except for an institution of higher education as defined by Section 61.003, Education Code, a state agency may not use any money under its control to employ or contract with an individual who is required by Chapter 305 to register as a lobbyist.
- (b) A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 to register as a lobbyist. This subsection does not apply to the payment by a state agency of membership fees under Chapter 81.
- (c) A state agency that violates Subsection (a) is subject to a reduction of amounts appropriated for administration by the General Appropriations Act for the biennium following the biennium in which the violation occurs in an amount not to exceed \$100,000 for each violation.
- (d) A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter 305 to register as a lobbyist.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 249, Sec. 4.11, eff. Sept. 1, 2003.

#### **Sec. 556.0055. RESTRICTIONS ON LOBBYING EXPENDITURES.**

- (a) A political subdivision or private entity that receives state funds may not use the funds to pay:
  - (1) lobbying expenses incurred by the recipient of the funds;
  - (2) a person or entity that is required to register with the Texas Ethics Commission under Chapter 305;
  - (3) any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2); or
  - (4) a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.
- (b) A political subdivision or private entity that violates Subsection (a) is not eligible to receive additional state funds.

Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

#### **Sec. 556.006. LEGISLATIVE LOBBYING.**

- (a) A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure.

- (b) This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.

Added by Acts 1997, 75th Leg., ch. 1035, Sec. 86, eff. June 19, 1997. Amended by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

**Sec. 556.007. TERMINATION OF EMPLOYMENT.**

A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 556.006(b) or who violates Section 556.004(c) or (d) is subject to immediate termination of employment.

Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

**Sec. 556.008. COMPENSATION PROHIBITION.**

A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or Section 556.005 or 556.006(a), or who is subject to termination under Section 556.007.

Added by Acts 1999, 76th Leg., ch. 1498, Sec. 1, eff. Sept. 1, 1999.

## **EXTRACT FROM GOVERNMENT CODE, CHAPTER 572**

### **PERSONAL FINANCIAL DISCLOSURE, STANDARDS OF CONDUCT, AND CONFLICT OF INTEREST**

#### **Section 572.051, STANDARDS OF CONDUCT.**

A state officer or employee should not:

- (1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;
- (2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
- (3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
- (4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or
- (5) intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.

Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

## EXTRACT FROM GOVERNMENT CODE, CHAPTER 2113

### USE OF APPROPRIATED MONEY

#### **Section 2113.012, USE OF ALCOHOLIC BEVERAGES.**

A state agency may not use appropriated money to compensate an officer or employee who uses alcoholic beverages on active duty.

Added by Acts 1999, 76th Leg., ch. 1498, § 4, eff. Sept. 1, 1999.

#### **Section 2113.013, USE OF MOTOR VEHICLE.**

- (a) Except as provided by Subsection (b), an officer or employee of a state agency may not use a state-owned or state-leased motor vehicle except on official state business.
- (b) The administrative head of a state agency may authorize an officer or employee to use a state-owned or state-leased motor vehicle to commute to and from work when the administrative head determines that the use may be necessary to ensure that vital agency functions are performed. The name and job title of each individual authorized under this subsection, and the reasons for the authorization, must be included in the report required by Section 2101.0115.
- (c) A state agency may not use appropriated money to compensate an individual who violates Subsection (a).

Added by Acts 1999, 76th Leg., ch. 1498, § 4, eff. Sept. 1, 1999.

Amended by Acts 2001, 77th Leg., ch. 1158, § 54, eff. Sept. 1, 2001.

#### **Section 2113.014, EMPLOYEE STANDARDS OF CONDUCT.**

- (a) A state agency may not use appropriated money to compensate a state employee who violates a standard of conduct described by Section 572.051.
- (b) A state agency shall provide each state employee it employs a copy of this section and the standards of conduct described by Section 572.051 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.
- (c) A state agency shall maintain receipts collected from current state employees under this section in a manner accessible for public inspection.

Added by Acts 1999, 76th Leg., ch. 1498, § 4, eff. Sept. 1, 1999.





The Texas A&M Health Science Center  
Payroll and Human Resource Services  
1361 TAMU  
College Station, TX 77840-7896

**INITIAL NOTIFICATION OF COBRA RIGHTS FOR  
MEDICAL, DENTAL AND VISION COVERAGE**

TO: New Benefits-Eligible Employees

Federal law requires The Texas A&M University System Health Science Center to offer employees and their families a temporary extension of health coverage (called COBRA Continuation Coverage) at group rates in certain instances where coverage under the plan would otherwise end.

Shortly after enrolling in medical, dental and/or vision coverage, you will receive at your home address a letter explaining in detail your rights and responsibilities under this law, as well as the rights and responsibilities of your spouse and dependent children, if any.

Should you have any questions in the interim, please don't hesitate to contact HSC Payroll and Human Resource Services. Our contact information is shown below:

**Physical Address:**

The Texas A&M Health Science Center  
John B. Connally Building, 6<sup>th</sup> Floor  
301 Tarrow St.  
College Station, TX 77840-7896

**Via Campus Mail:**

MS 1361

**Via Email:**

[hschr@tamhsc.edu](mailto:hschr@tamhsc.edu)

**Via Telephone:**

979-458-7280

## GENERAL INFORMATION ABOUT THE EXTENDED PAY PLAN

### What It Is

The Extended Plan allows employees who work **less than 12 months** a year to extend their pay over 12 months.

### How It Works

You can choose to have either 12.5% or 25% of your net pay deducted for a period of nine months. The ending balance of the amount that was deducted for the nine month period, will be divided into three months and disbursed during the summer months. If you work nine months and have 25% withheld from your pay during each of those nine months, your paycheck should be fairly even for 12 months. If you have 12.5% withheld for nine months, your summer pay will be less than your regular pay. The deduction for 12.5% was designed for employees who work 10-½ months and have some summer income.

### How Tax and Other Deductions Are Affected

For tax purposes, the employee will continue to be considered a nine or 10-½-month employee. Therefore, Federal income and Social Security taxes will be deducted fully from your pay during the months you work. All of the money held for summer payment will be from your **after-tax "take-home" pay or your net pay.**

### How Insurance Premiums Are Paid

Insurance premiums will be deducted from each paycheck during the regular work year. In addition, 25% of your monthly out-of-pocket insurance premiums will be withheld each month to cover your summer premiums. If you participate in the Extended Pay Plan, all summer premiums will be deducted from your May paycheck. However, money to cover three months of premiums will be paid to you in May from your withholdings in addition to your May paycheck. This means your overall May take-home pay will be your normal amount, and all of your Health and Dental premiums can be paid on a pre-tax basis.

### How You Sign Up

You can sign up for the plan at any time during the year by completing the Extended Pay Plan Authorization Form which can be downloaded from TAMU's website at [http://finance.tamu.edu/payroll/forms/general\\_information\\_forms/extended-pay-plan-authorization.pdf](http://finance.tamu.edu/payroll/forms/general_information_forms/extended-pay-plan-authorization.pdf), or requesting one from the HSC Payroll Office (979-458-7280 or MS 1361).

If you wish to create generally even paychecks year-round, you will need to sign up in September. If you sign up later in the year, you will still receive three summer paychecks but they will be for lesser amounts. You may also stop participating at any time during the year. However, once you stop participation in the Extended Pay program, you cannot sign up again until the beginning of the next fiscal year (September 1). If you end participating, you may receive all withheld funds at that time or wait and receive these funds in three payments during the summer.

### How Your Account Is Paid

Whatever amount has been withheld for summer payment will be divided evenly and paid to you on the regular paydays for June, July and August. This money will already have been taxed, and insurance premiums will already have been deducted. If you work part or all of the summer, you will receive your pay for that work in addition to the payments from the Extended Pay Pan.

## FREQUENTLY ASKED QUESTIONS FOR EXTENDED PAY PLAN

### **Do all nine- and 10 ½ -month employees have to go on the Extended Pay Plan?**

No. The plan is entirely voluntary.

### **Will my entire pay be affected by the 12.5% or 25% reduction?**

Only net pay will be affected. Any supplemental payments you receive will not be spread over 12 months.

### **If I join the plan mid-year, can I have a larger percentage withheld?**

No. You can have 12.5% or 25% of your net pay withheld each month. If you join the plan mid-year, you will have smaller paychecks during the summer months than you would have had, if you had joined the plan in September.

### **If I contribute to the Extended Pay Plan all year, will my summer checks exactly equal my regular checks?**

It depends. Nine-month employees, who elect 25% withholding should, in theory, have identical checks. However, supplemental pay (any pay in addition to base pay and longevity pay) is not included, which could make summer checks less for some. The variation between regular and summer pay will be more pronounced for 10 ½-month employees and nine-month employees who elect 12.5% withholding.

### **What happens if I have part of my pay withheld all year and then I get a summer appointment?**

You will receive your pay for the summer appointment plus the payments from the Extended Pay Plan.

### **If I don't need payments from the Extended Pay Plan because I got a summer appointment, can I leave the money in the plan until next summer?**

No. All funds will be given to you so that no funds are held at the end of the fiscal year.

### **Will I receive interest on my withholdings for the summer?**

No. Any interest generated will go toward paying the administrative costs of the Extended Pay Plan. If you wish to earn interest on your pay, you should continue your current pay schedule and set aside money yourself for the summer months in an interest-bearing account or investment.

### **When I file my income tax return, in which year do I include the money withheld for the Extended Pay Plan for my September through December paychecks?**

You include the withheld money on your tax return for the year in which it would have been paid had it not been withheld for the Extended Pay Plan. All of your pay will be taxed before any of it goes into the Extended Pay Plan, and your W-2 form will reflect your pay as if you had already received your full amount. You have access to withheld money, and it is considered as already paid to you for tax purposes.

### **How will my direct deposit be affected?**

Direct deposit will not be affected, except that less money will be deposited each month because a portion of your pay will be withheld for the summer. Your summer payments from the Extended Pay Plan will be made via direct deposit as long as you have a valid direct deposit authorization form on file. If you elect to withdraw your money before May, however, you will receive a check.

**The Texas A&M University System**  
**Overview of Voluntary Supplemental Pre -tax Savings Programs**  
**The 403(b) Tax-Deferred Account Program and the 457(b) TexaSaver Deferred Compensation Plan**

Whether you are participating in TRS or ORP, you can choose to save additional money for retirement on a tax-deferred basis through the Tax-Deferred Account (TDA) Program and/or TexaSaver Deferred Compensation Plan (DCP). All Texas A&M University System employees are eligible to participate in one or both of these voluntary supplemental pre-tax savings programs at any time.

The TDA and DCP programs allow you to save money for retirement and postpone paying federal income tax on your savings and investment earnings until you begin receiving the money. This will generally be after retirement, when your income may be less and your tax bracket is likely to be lower. While employed, you may make financial hardship withdrawals, though the plans' definitions of a hardship differ. Upon termination of employment or retirement, you can rollover your TDA and DCP accounts to another retirement plan (including an IRA) if you meet the requirements for a rollover distribution.

You decide how much you want to save, from a \$25 minimum monthly contribution for the TDA and a \$20 minimum monthly contribution for the DCP to the maximum allowed by federal law. Contributions are processed through convenient payroll deduction. You can change the amount you save once each month. Under the TDA Program, you must choose an investment vendor from the A&M System list of active vendors. Under the DCP, you choose investment options from those companies authorized by the State of Texas. You are responsible for choosing investment vendors and investment options and for any gains or losses on your account. There are no employer matching contributions under either plan.

## **TAX-DEFERRED ACCOUNT PROGRAM**

### *Enrollment*

The Tax-Deferred Account Program is subject to Internal Revenue Code section 403(b), which allows you to defer a portion of your current pre-tax income until retirement. When you enroll in a TDA, you agree to have a specific amount or percentage of gross pay deducted from each paycheck and sent to the investment vendor you choose from the A&M System list of active vendors, available on the System Human Resources web site at [sago.tamu.edu/shro/orptda.htm](http://sago.tamu.edu/shro/orptda.htm). You may enroll in a TDA at any time and invest with up to two active vendors simultaneously. To enroll, you complete a TDA Salary Reduction Agreement (SRA) and turn it in to your Human Resources or Payroll Office, along with a copy of your completed vendor application. The TDA form is available from your Human Resources Office or online at [sago.tamu.edu/shro/forms.htm#retirement](http://sago.tamu.edu/shro/forms.htm#retirement).

Your TDA contribution will be deducted from your pay during or after the effective month you state on the SRA form, depending on when your Human Resources or Payroll office receives your form. For example, if you are paid monthly and turn in a SRA form stating an effective month of January before the payroll runs in January, the first deduction will be made from the paycheck you receive at the beginning of February. If you are paid biweekly and turn in a SRA form stating an effective month of January on or before the payroll first runs in January, the first TDA deduction will be made from your paycheck that covers the first pay period that begins on or after January 1. The initial deduction for biweekly employees will depend on the payroll schedule during the month in which the TDA enrollment is effective.

**IMPORTANT: If your TDA deduction amount is greater than your net pay for any pay period, no TDA deduction will be taken.**

### *Distribution Options*

Because the purpose of a TDA is to provide retirement income, you may begin receiving distributions from your account without penalty any time after you reach age 59½. You must pay federal income tax on your TDA savings when you receive payments. Federal law requires that you begin receiving payments by age 70½, unless you are still employed. You choose how your benefit will be paid from the payment options offered by your investment vendor(s). Your beneficiary will receive your account balance if you die before payment begins or will receive any survivor benefits you choose if you die after you begin receiving payments.

Under the TDA Program, if you withdraw money before age 59½, you generally must pay a 10% penalty tax as well as regular income tax in the year in which the money is withdrawn, unless you withdraw because you become disabled and unable to work, you die, or you leave A&M System employment after age 55 or elect an annuity payout after separation of service at any age.

While you are employed with the A&M System, you may withdraw money from your TDA account only for one of the above reasons unless you have a financial hardship as defined by federal law. This includes major unreimbursed medical expenses, college costs for immediate family members, purchase of your primary residence or payments to prevent eviction from or foreclosure on your primary residence. If you receive a financial hardship withdrawal, federal law requires that contributions to the plan be suspended for six months. Some investment vendors allow you to take a loan from your TDA account. Contact your TDA vendor to determine loan availability.

If you leave A&M System employment before retirement, you may leave your account invested, but you may make no further contributions. Or, you may withdraw your funds and pay taxes (including the penalty tax in most cases) or roll your account balance into a similar plan at a new employer or an individual retirement account.

#### *Additional Resources*

- System Regulation 31.02.10 Tax-Deferred Account Program ([sago.tamu.edu/policy/31-02-10.htm](http://sago.tamu.edu/policy/31-02-10.htm))  
For additional information, review the following documents on the System Human Resources web site ([sago.tamu.edu/shro/pageretire.htm](http://sago.tamu.edu/shro/pageretire.htm)):
- Selecting an ORP/TDA Investment Vendor
- ORP/TDA Vendors List
- ORP/TDA Vendor Product and Fee Summary
- ORP/TDA Vendor Fixed Account Annuity Product or Investment Option Distribution Restriction Summary
- Maximum Contribution Limits for the TDA and TexaSaver DCP Voluntary Retirement Programs
- Comparison of the TDA Program and TexaSaver DCP
- Tax-Deferred Account (TDA) Brochure ("An Investment in Your Future")

#### **TEXASAVER DEFERRED COMPENSATION PLAN**

##### *Enrollment*

The TexaSaver Deferred Compensation Plan is subject to Internal Revenue Code section 457(b), which allows you to defer a portion of your current pre-tax income until retirement.

The DCP is managed by the Employees Retirement System of Texas, and CitiStreet is the third-party administrator who can answer any questions you have about the program. To enroll in the TexaSaver Deferred Compensation Plan, visit the Fund Information section on the CitiStreet web site at [www.texasaver.com](http://www.texasaver.com), select "457 Plan Information" from the "Select An Option" drop-down field in the upper left corner, then select "Fund Information" and choose how you would like to invest your contributions. Next, call CitiStreet at 800-634-5091. When prompted, press 1 to visit with a customer service representative who will assist you in enrolling in the TexaSaver Program. You must identify yourself as an A&M System employee and be prepared to provide the representative with the following information: name, Social Security number, address, date of birth, date of hire, phone number, agency name, deferral amount and investment elections by percentage.

Deferral instructions received by CitiStreet by 3 p.m. Central Time (CT) on the last business day of the month will be effective the following month.

In the following example, the initial DCP deferral for an employee paid monthly is deducted in a new tax year, although the effective enrollment date is December 1 of the previous year. The initial deduction for biweekly employees will depend on the payroll schedule during the month in which the DCP enrollment is effective.

Enrollment period:	Before 3 p.m. CT on last business day of November
Effective date:	December 1
Initial deduction:	January 1 pay voucher (December earnings but included in new tax year)

**IMPORTANT: If your DCP deduction amount is greater than your net pay for any pay period, no DCP deduction will be taken.**

### *Distribution Options*

Although the purpose of a DCP is to provide retirement income, you may begin receiving distributions from your account when you leave state employment. You must pay federal income tax on your DCP savings when you receive payments. Federal law requires that you begin receiving payments by age 70½, unless you are still employed. You choose how your benefit will be paid from the payment options. Your beneficiary will receive your account balance if you die before payment begins or will receive any survivor benefits you choose if you die after you begin receiving payments.

While you are employed with the A&M System, two types of withdrawals are available through the DCP: financial hardship and de minimus. The financial hardship withdrawals can be taken from your account to help cover the costs of an unforeseeable emergency. The amount withdrawn cannot exceed the amount needed to satisfy the emergency. If you receive a financial hardship withdrawal, your contributions to the DCP will be suspended for six months. De minimis withdrawals can be taken from your account if you have a balance of \$5,000 or less and you have not made contributions for two years or longer. Hardship withdrawals are not subject to a penalty tax. However, the financial hardship and de minimus withdrawals will be taxed as regular income in the year in which the money is received.

You may borrow funds from your TexaSaver Deferred Compensation Plan (DCP) account for a general loan (12-60 months) or a residential loan (61-180 months). CitiStreet will process your request for loans and answer questions. Unlike hardship withdrawals, contributions are not suspended for six months when you borrow funds from your DCP. Amounts borrowed through the DCP loan program are not taxable unless you fail to repay the loan. Contact CitiStreet at 800-634-5091 if you have questions regarding the loan process.

If you leave A&M System employment before retirement, you may leave your account invested, but you may make no further contributions. Or, you may withdraw your funds and pay regular income taxes (with no penalty tax) or roll your account balance into a similar plan at a new employer or an individual retirement account.

### *Additional Resources*

- System Regulation 31.02.11 Deferred Compensation Program ([sago.tamu.edu/policy/31-02-10.htm](http://sago.tamu.edu/policy/31-02-10.htm)).

For additional information, review the following documents on the System Human Resources web site ([sago.tamu.edu/shro/pageretire.htm](http://sago.tamu.edu/shro/pageretire.htm)):

- Maximum Contribution Limits for the TDA and TexaSaver DCP Voluntary Retirement Programs
- Comparison of the TDA Program and TexaSaver DCP

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

### **Prepared by System Human Resources, June 2003**

Participation in the 403(b) Tax-Deferred Account Program or 457(b) TexaSaver Deferred Compensation Plan entails certain responsibilities for the participant, including selection and monitoring of the vendor and individual investments. The Texas A&M University System has no fiduciary responsibilities for the financial stability of the vendor or the market value of individual investments chosen by the participant. Each employee bears the risk of the performance of the product(s) of his/her choosing under these voluntary retirement programs, and The Texas A&M University System is not liable for any tax consequences occurring under these retirement programs.

The contents of this document are intended for informational purposes only and should not be construed as tax or legal advice, which can be rendered only when related to specific fact situations. In all cases, you should consult your attorney or tax adviser if you have questions about your individual situation.

The Texas Hazard Communication Act (revised 1993), codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted

#### **HAZARDOUS CHEMICALS**

under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list

#### **WORKPLACE CHEMICAL LIST**

shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical.

#### **EMPLOYEE EDUCATION PROGRAM**

Covered employees shall receive training from the employer on the hazards of the chemicals and on measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the

#### **MATERIAL SAFETY DATA SHEETS**

most current material safety data sheets (MSDSs), which detail physical and health hazards and other pertinent information on those chemicals.

Employees shall not be required to work with hazardous chemicals from unlabeled containers, except portable containers for immediate use,

#### **LABELS**

the contents of which are known to the user.

Employees have rights to:

- X access copies of MSDSs
- X information on their chemical exposures

#### **EMPLOYEE RIGHTS**

- X receive training on chemical hazards
- X receive appropriate protective equipment
- X file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the toll free number provided below.

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## **EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT**

Further information may be obtained from:

Texas Department of State Health Services  
Division for Regulatory Services  
Enforcement Unit  
1100 West 49th Street  
Austin, Texas 78756

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

Texas Department of  
State Health Services  
Approved 5/05

# THE TEXAS A&M UNIVERSITY SYSTEM NOTICE OF PRIVACY PRACTICES

Effective April 14, 2003

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.**

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

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

In this notice, we describe the ways that we may use and disclose health information about you. The HIPAA Privacy Rule requires that we protect the privacy of health information that identifies an individual or where there is a reasonable basis to believe the information can be used to identify an individual. This information is called "Protected Health Information" (PHI). This notice describes your rights and our obligations regarding the use and disclosure of PHI. We are required by law to:

- Maintain the privacy of PHI about you;
- Give you this notice of our legal duties and privacy practices with respect to PHI; and
- Comply with the terms of our notice of privacy practices that is currently in effect.

We reserve the right to make changes to this notice and to make such changes effective for all PHI we may already have about you. If and when this notice is changed, we will post this information on our website and provide you with a copy of the revised notice upon your request.

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

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

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

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

**Payment:** We may use and disclose PHI so that we can bill, collect and remit premiums and eligibility information to your designated health benefit carrier with the A&M System. For example, we must provide your health carrier with periodic reports showing that you are eligible for benefits and have paid your premiums for their coverage. We may use and disclose PHI when you apply for any insurance coverage that requires you to provide a medical history. We may use and disclose PHI when you apply for disability retirement or disability benefits that require you to provide your detailed medical records. We may use and disclose your PHI to verify your health benefit enrollment to a health benefit carrier or health care provider when you seek medical treatment or care. We may use and disclose your PHI to an insurance carrier that provides you with, or has previously provided you with, additional health coverage. We may use and disclose your PHI to the members of a health plan grievance review panel convened at your request to consider the denial of a medical claim by our third-party administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Right to Request Restrictions:** You have the right to request additional restrictions on the PHI that we may use for treatment, payment, and health care operations. You may also request additional restrictions on our disclosure of PHI to certain individuals involved in your care or benefit coverage that otherwise are permitted by the Privacy Rule. We are not required to agree to your request. If we do agree to your request, we are required to comply with our agreement except in certain cases, including where the information is needed to treat you or verify coverage in the case of an emergency. To request restrictions, you must make your request in writing to our Privacy Official. In your request, please include (1) the information that you want to restrict, (2) how you want to restrict the information (for example, restricting use to this office, restricting disclosure only to persons outside this office, or restricting both), and (3) to whom you want those restrictions to apply.

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

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

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

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

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

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

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

#### **IV. COMPLAINTS**

If you believe your privacy rights have been violated, you may file a complaint with us or the Secretary of the United States Department of Health and Human Services at 200 Independence Avenue, S.W., Washington, D.C. 20201. To file a complaint with us, please contact our Privacy Official at the address and number listed below. We will not retaliate or take action against you for filing a complaint.

#### **V. QUESTIONS**

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

**VI. PRIVACY OFFICIAL CONTACT INFORMATION**

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

Mr. Kevin McGinnis  
Director, Risk Management and Benefits Administration  
The Texas A&M University System  
System Human Resources  
200 Technology Way  
College Station, TX 77845-3424  
Phone: 979/458-6330