

## **NMC Workplace Policies**

### **Safety**

NMC is committed to maintaining a safe workplace and a work culture that promotes safety. NMC also recognizes the need to comply with regulations governing work related injury and accident prevention and employee safety. Maintaining a safe workplace is the first priority of all NMC employees. If you are ever in doubt about how to safely perform a job, it is your responsibility to ask your manager for assistance.

Timely communication about safety is the most important factor in maintaining a safe workplace. Communicate work related safety issues to your supervisor, any NMC manager or support staff immediately if there is imminent potential for harm. “Work related” means that the incident was caused by or significantly aggravated by events or exposures in the work environment. Report any issue immediately, but no more than one business day from when you observed the issue.

- Incidents. Report work-related incidents involving personal injury or damage to property. Personal injury includes any harm to your person, or subsequent loss of consciousness, illness, days away from work, restricted work activity, or medical treatment.
- Near misses. Report incidents that might have caused or almost caused personal injury or damage, even if no damage occurred.
- Unsafe activities or workplace. Report any work-related activity, process or physical arrangement that appears unsafe.

This information gives the NMC the opportunity to track and manage and address safety issues and maintain a safe workplace.

The Employee's Claim for Worker's Compensation Benefits Form must be completed in all cases in which an injury requiring medical attention has occurred.

Federal law requires that we keep records of certain work related injuries, illnesses and accidents which occur during the workday. The NM state Workers' Compensation Act also requires that you report any workplace illness or injury, no matter how slight. If you fail to report an injury, you may jeopardize your right to collect workers' compensation payments as well as health benefits. Occupational Safety and Health Administration (OSHA) also provides for your right to know about any health hazards which might be present on the job. Should you have any questions or concerns, contact your supervisor or HR for more information.

### **Responsible Conduct of Research**

NMC is committed to responsible conduct of research and research compliance. The NMC Responsible Conduct of Research and Research Misconduct Policy and corresponding procedures are developed in order to prevent misconduct in research and protect the positions and reputations of good faith complainants, witnesses and committee members. The Policy applies to all NMC researchers. In addition, Students and Postdoctoral Researchers receive targeted training on responsible conduct of research.

### **Guest Policy**

All NMC workplace policies apply to guests. Guests are required to sign a Guest Agreement acknowledging the NMC workplace policies.

### **Closures**

In the case of bad weather, NMC employees may come to work late and/or leave early if their commute becomes unsafe or school closures require them to care for children. Each employee should use his/her own judgment regarding when to exercise this option. Your decision should depend on the safety of your own commute and your family situation. When bad weather is expected, if possible, organize your workload to allow for work at home.

NMC does not follow LANL or school closures and, we do not close the NMC for bad weather or holidays or weekends. The NMC will close a particular facility if the facility is unsafe or unsuitable for work (e.g., no heat or cooling).

### **Performance Evaluation Policy**

Research staff. This policy applies to all Junior and Associate Research Scientists, Post-docs, and Students but can also be applied to other research staff. The objective of this policy is to ensure that NMC Students, Post-docs and Junior/Associate Research Scientists receive clear expectations and timely feedback from their supervisor or mentor on their performance. The Principal Investigator (PI) of the project will establish an agreement with Students, Post-docs, Junior Research Scientists or Associate Research Scientists regarding the expectations for the position during pre-employment interviews. The expectations will be included in writing as part of the offer letter. The PI will provide the NMC HR with a written evaluation of the individual against those expectations in 6-month intervals. The expectations may be revised as part of the 6-month evaluation.

The initial work plan must contain the following:

- Long-term research objectives of the project.
- A research plan for the next 6 (or 12) months broken down into steps or tasks. The timeline for completing these tasks.
- Special requirements necessary to achieve these objectives and how they will be obtained. (Training, skills that need to be developed, software.)

- Dependencies on mentor, collaborators or factors outside mentored researcher control.
- Specific deliverables or outcomes expected with timeline. (Presentation, code, papers, data sets, reports, analysis, etc.)
- Any other factors relevant to the success of the project.

The supervisor and researcher may agree that the researcher will spend a specific percentage of their time on self-directed research and other activities; however, those activities, the expected outcomes and when those outcomes are expected must be defined in the work plan.

The manager/mentor and the researcher must meet at least every six months to

- assess progress against the expectations, and
- establish, by mutual agreement, future expectations and a timeline.

The work plan and the outcome of subsequent evaluations may be communicated to HR in any written form, including e-mail.

A sample work plan is available from the HR office upon request.

Other Employees. Performance coaching and observations are conducted on a daily basis through interactions between managers and peers. No formal performance review and evaluation is required.

An employee may request a performance review at any time, up to 2 reviews per year. A supervisor may initiate a formal performance review at any time to address performance issues.

### **Use of Company Phones, Computers, Internet Access**

NMC property, including computers, electronic mail and voice mail, should be used for conducting company business. Brief and occasional personal use of phones, electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate and does not result in expense to NMC. Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Substantive personal use of phones, computers and internet access will be reported on form W-2 as taxable income.

### **Computer Software (Unauthorized Copying)**

NMC does not condone the illegal duplication of software.

1. NMC licenses the use of computer software from a variety of outside companies. NMC does not own this software or its related documentation and, unless authorized by the software manufacturer, does not have the right to reproduce it.

2. With regard to use on local area networks or on multiple machines, NMC employees shall use the software only in accordance with the software publisher's license agreement.

3. NMC employees learning of any misuse of software or related documentation within the company must notify their supervisor immediately.

4. According to the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages and criminal penalties, including fines and imprisonment. NMC employees who make, acquire or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances. Such discipline may include termination.

### **Dating Policy: Consensual Relationships Between People in Positions of Unequal Power**

For the purpose of this policy, consensual romantic or sexual relationships means relationships of a romantic, dating, and/or sexual nature entered into with consent of both parties; supervisory or evaluative authority is the power to control or influence another person's employment and career advancement, including but not limited to, hiring, work conditions, compensation, promotion, discipline, evaluation, assignments, references or financial support.

When individuals involved in a consensual romantic or sexual relationship are in positions of unequal power at NMC, there is a potential for a conflict of interest, favoritism, and exploitation. To protect the integrity of the NMC work environment, NMC requires that when a consensual romantic or sexual relationship exists or has existed between people in powers of unequal power at the NMC, the person in the position of greater power must immediately report the relationship to his or her supervisor or to HR, so that arrangements for alternative supervision and removal of evaluative authority can be made or a written management plan can be developed to manage the conflict of interest. It is the responsibility of both the person with the greater power in the relationship and the individual to whom the relationship is reported to ensure that alternative supervision and removal of evaluative authority is made and /or a written management plan is developed to manage the conflict of interest. Failure to comply with the notification, removal of evaluative authority or management plan requirement is a violation of this policy. Violations of this policy will result in disciplinary actions, which can include, but are not limited to, written warnings, mandatory training or counseling, demotion, and termination of employment.

### **Drug-Free Policy and Drug Testing**

The NMC is committed to maintaining a safe workplace free from the influence of drugs/alcohol. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and conviction of such actions will result in mandatory participation in an approved rehabilitation program and/or dismissal. The NMC may require drug/alcohol testing prior to employment and at any time during employment by the NMC. Refusal to submit to a drug/alcohol test or a positive test result may be cause for termination or for refusal to hire. An employee who has tested positive may request a re-test of the same sample at a certified laboratory at his/her own expense.

### **Reimbursement**

The NMC may reimburse employees for appropriate and necessary work-related expenses, including materials and supplies (i.e., books, software), travel and services (i.e., copying, internet



07-01-2022

charges). The NMC [reimbursement policies](#) are intended to satisfy requirements of the Internal Revenue Service in regard to having an “accountable plan” in place, which allows for providing reimbursement for travel or other business-related expenses without including such payments as income on an employee’s W-2 and withholding applicable taxes from the reimbursement.

The information listed below summarizes NMC requirements to reimbursement payments to meet the “accountable plan” rules.

1. NMC will not reimburse individuals for business or professional expenses incurred on behalf of the NMC that are not properly substantiated. This requirement is necessary to prevent our expense reimbursement plan from being classified as a “nonaccountable” plan.
2. All expenses must be substantiated within 60 days or less after the expense is paid or incurred.
3. All charges to company credit cards must be substantiated in the same manner as the above- mentioned reimbursements.
4. Any excess reimbursement is returned within 120 days after the expense was paid or incurred.
5. Mileage logs: employees that regularly incur this type of expenses are expected to turn in receipts or mileage logs on a quarterly basis.

Use the online [Reimbursement Request](https://newmexicoconsortium.org/insidenmc/reimbursement/) form at <https://newmexicoconsortium.org/insidenmc/reimbursement/> to request reimbursement for allowed expenses.

Information on travel reimbursement requirements can be found in NMC [Travel Guidelines](https://newmexicoconsortium.org/inside-nmc/travel/) at <https://newmexicoconsortium.org/inside-nmc/travel/>.

NMC may reimburse reasonable relocation costs up to \$2,000 for employees relocating to Los Alamos to work for NMC for at least twelve consecutive months. Employees who resign for reasons within their control, are transferred at their own request, or are terminated for cause within twelve months of their payroll start date, or the date of their permanent transfer for which relocation benefits were awarded, may be required to repay NMC the amount received for relocation.

Employees whose job description requires occasional use of their privately-owned vehicles for NMC business will be reimbursed for mileage. Those employees must have car insurance that covers such usage.

## **Harassment**

NMC intends to provide a work environment that is pleasant, professional, and free from intimidation, hostility or other offenses that might interfere with work performance. Harassment of any sort – verbal, physical, and visual – will not be tolerated.

In the workplace, the term “harassment” refers to behavior that constitutes an illegal form of discrimination. To be unlawful, the behavior must be based on or directed at an individual’s status as a member of a protected characteristic.

Workplace harassment is not limited to sexual harassment. Workplace harassment can take many forms. It may be, but is not limited to, words, signs, offensive jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assault or contact, or violence. It may also take the form of other vocal activity including derogatory statements not directed to the targeted individual but taking place within their hearing.

Sexual harassment at NMC is unacceptable. Such harassment includes unwelcome sexual advances and other physical, verbal, or visual conduct based on sex when (a) submission to the conduct is an explicit or implicit term or condition of employment, (b) submission to or the rejection of the conduct is used as a basis for an employment decision, or (c) has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and inappropriate physical contact.

Should you feel that you have been subject to discrimination or any form of harassment at work, or in connection with work, please notify your supervisor. If you are not comfortable discussing this issue with your supervisor, contact the NMC HR, COO or CEO. You may also request a conference with NMC Ombudsman who has the authority to facilitate communication directly with the NMC Board.

NMC will investigate any complaint of harassment, sexual or otherwise, and will take immediate and appropriate disciplinary action (up to and including termination of employment) if harassment has been found within the workplace. NMC will protect the confidentiality of the harassment complaints to the extent possible. NMC prohibits all staff and contractors from retaliating in any way against anyone who has raised any concern about harassment or discrimination against another individual.

## **Violence in the Workplace**

NMC has adopted a policy prohibiting workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect NMC or which occur on NMC property will not be tolerated.

Acts or threats of violence include conduct that is sufficiently severe, offensive, or intimidating to alter the employment conditions at NMC, or to create a hostile, abusive, or intimidating work environment for one or several employees.

NMC prohibition against threats and acts of violence applies to all persons involved in NMC's operation, including but not limited to personnel, contract, and temporary workers and anyone else on NMC property. Violations of this policy by any individual on NMC property will lead to disciplinary action, up to and including termination and/or legal action as appropriate.

Every employee is encouraged to report incidents of threats or acts of physical violence of which he/she is aware. The report should be made to your supervisor, HR, COO or the CEO. You may also request a conference with NMC Ombudsman who has the authority to facilitate communication directly with the NMC Board.

### **Whistleblower Policy**

NMC expects employees to observe high ethical standards in carrying out their responsibilities and to comply with all applicable laws and regulations.

If any employee has complaints, concerns, or questions as to the ethics or legality of a particular action taken by another employee, CEO or an officer, he/she is encouraged to raise such complaints, concerns or questions with HR, COO or the CEO. In the event an employee is not comfortable raising the issue with HR, COO or the CEO, he/she may request a conference with NMC Ombudsman who has the authority to facilitate communication directly with the NMC Board.

Anyone filing a complaint concerning a violation or suspected violation of a law, regulation or ethical requirement must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation.

Within a reasonable time of receiving a complaint, concern or question regarding compliance with a law, regulation or ethics requirement, the COO, CEO, or a board member, shall open an investigation into the matter and pursue it to resolution. Should the CEO or board member find that a law, regulation or ethics requirement has been violated, appropriate action should be taken.

To the degree possible, the names of the individuals reporting under this Whistleblower Policy shall be kept confidential.

Neither the NMC nor its managers may take any negative employment or other retaliatory action against any employee who in good faith reports a violation of a law or regulatory requirement. An employee who retaliates against someone who has reported a violation in good faith may be subject to discipline including, but not limited to, termination of employment.



07-01-2022

This general policy is not a contract and it may be rescinded or amended at any time by the NMC. It is not intended to and does not create any legally enforceable rights whatsoever for any employee.

### **Social Media Policy**

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with NMC, as well as any other form of electronic communication.

All NMC policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Any conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects our funders, clients, customers, colleagues, collaborators, supporters, suppliers, or people who work on behalf of NMC, or NMC's legitimate business interests, may result in disciplinary action up to and including termination.

Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Employees should not use NMC's email addresses to register on social networks, blogs or other online tools utilized for personal use.

NMC employees should not speak to the media on NMC's behalf without prior approval of the CEO or his designee.

Nothing in this policy is intended to or will be applied in a manner that limits employees' rights to engage in protected concerted activity as prescribed by the National Labor Relations Act.

### **Title IX Nondiscrimination Policy**

Title IX reads, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

The HR office is designated to serve as the Title IX coordinators, namely the HR Generalist, Svenja Ellison (located at 999 Central Avenue, Suite 300, Los Alamos, NM 87544, 505-412-4198) is designated to serve as the Section 504 coordinator (14 C.F.R. §1251.106(a)). This office publishes an Affirmative Action Plan annually, including the Equal Employment Policy stating that NMC does not discriminate in the operation of its programs and activities.



07-01-2022

If any employee has complaints, concerns, or questions as to the ethics or legality of a particular action taken by another employee, CEO or officer, he/she is encouraged to raise such complaints, concerns or questions with HR, COO or the CEO. In the event an employee is not comfortable raising the issue with HR, COO or the CEO, he/she may request a conference with NMC Ombudsman who has the authority to facilitate communication directly with the NMC Board.

Anyone filing a complaint concerning a violation or suspected violation of a law, regulation or ethical requirement must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation.

Within a reasonable time of receiving a complaint, concern or question regarding compliance with a law, regulation or ethics requirement, the COO, CEO, or a board member, shall open an investigation into the matter and pursue it to resolution. Should the CEO or board member find that a law, regulation or ethics requirement has been violated, appropriate action should be taken.

To the degree possible, the names of the individuals reporting under this Nondiscrimination Policy shall be kept confidential.

Neither the NMC nor its managers may take any negative employment or other retaliatory action against any employee who in good faith reports a violation of a law or regulatory requirement. An employee who retaliates against someone who has reported a violation in good faith may be subject to discipline including, but not limited to, termination of employment.