NEW MEXICO CONSORTIUM DRUG FREE WORKPLACE POLICY

In compliance with the Drug-Free Workplace Act of 1988, the New Mexico Consortium (NMC) is committed to providing a safe, quality-oriented, and productive work environment in compliance with applicable state and federal laws. Alcohol and drug misuse poses a threat to the health and safety of NMC employees and to the security of the company's equipment and facilities. For these reasons, NMC is committed to the elimination of drug and alcohol use and misuse in the workplace.

NMC prohibits the use, sale, possession, and/or distribution of any controlled substance, alcohol, or related paraphernalia while working, or while present, on NMC owned or leased property[1]. Violation of this policy may result in disciplinary action up to and including termination.

Controlled substances include any drug that is considered illegal under state or federal law, or the use of prescription drugs obtained illegally or used against the directions of a licensed professional.

Employees must notify their supervisor or HR if they are convicted of a criminal drug offense within 5 (five) days of the conviction. The NMC will notify the granting or contracting federal agency within 10 (ten) days of receiving notice of a conviction of any employee working on a federal contract or grant when said conviction involves a drug offense.

In addition, employees must adhere to the following:

1. No employee shall use, possess or be under the influence of alcohol or any other controlled substance while on NMC premises[1].
2. No employee shall report for duty or remain on duty if they are not alert and fit to perform their duties safely and efficiently as determined by either a co-worker who will bring it to their supervisor's attention or their own supervisor using the guidelines under Reasonable Suspicion Testing.

Prescribed Medications

NMC will not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. Employees are required to notify their supervisor or HR if they have reason to believe that an employee's use of any lawful prescription drug or medication will negatively affect job safety or performance. Any reporting of such use will be handled confidentially and whatever action is taken, if any, will depend on all available facts. Although the use of prescribed medications is not in itself grounds for disciplinary action, improper abuse of such medications or the failure to report use that affects job performance may result in disciplinary action.

Reasonable Suspicion Testing

NMC has the right to test any employee if reasonable suspicion exists that the employee is impaired or is under the influence of drugs or alcohol. At no time will an employee, who in good faith is suspected of being unfit for duty, be allowed to perform any assigned duties, or operate any moving machinery, including the employee's personal vehicle.

[1]4200 W Jemez and 999 Central in Los Alamos, 800 Bradbury in Albuquerque.

Reasonable suspicion testing may result from one or more of the following:

- specific personal and articulable observations concerning the appearance, behavior, speech or performance of the employee or
- violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor(s) to believe that the employees functioning is impaired or
- other physical, circumstantial or other indicators of impairment.

Examples include

- odors: smell of alcohol, body odor or urine,
- movements: unsteady, fidgety, dizzy,
- eyes: dilated, constricted or watery eyes, or involuntary eye movements,
- face: flushed, sweating, confused or blank look,
- speech: slurred, slow, distracted mid-thought, inability to verbalize thoughts,
- motions: argumentative, agitated, irritable, drowsy,
- actions: yawning, twitching,
- inactions: sleeping, unconscious, no reaction to questions.

When a supervisor has reasonable suspicion to request testing, the supervisor will arrange for the employee to be tested and will arrange for the employee's transport home. The employee will continue in a paid status pending the receipt of testing results. If an employee refuses testing, or is a no-show, it will result in termination.

Post-Incident Testing

Any employee who is involved in an incident or accident that involves an injury, or who warrants drug and alcohol testing (as determined in the Reasonable Suspicion Testing section above), may be tested for drugs and alcohol as soon as practicable, subject to any need to seek or receive emergency medical treatment.

Other Instances for Drug Testing

In addition to those instances listed above, drug testing may be required under the following circumstances: when an employee is found in possession of drugs or alcohol or when suspected drugs or alcohol are found in an area controlled or used exclusively by the employee, such as an employee's office, desk or workspace.

Testing

Refusal to submit to drug or alcohol testing procedures or a failure to cooperate with the implementation of this policy and the NMC's efforts to maintain a drug and alcohol-free workplace will result in discipline, up to and including termination.

Any alteration, adulteration or contamination of a test sample or its identification or tampering with such sample or its identification will result in termination of the employee's employment.

Drug and alcohol (urine, hair, blood, saliva or breath) screening tests will be conducted at NMC's expense. All testing will be conducted consistent with applicable state and federal laws. An employee who has tested positive may request a re-test of the same sample at a certified laboratory at his/her own expense. Employees who are engaged in work under a federal grant/contract may be required to submit to test for illegal use of controlled substances as provided by the law or regulations of the funding agency.

Test Results and Confidentiality

An employee may request in writing a copy of his/her written test result report. Any employee who tests positive on a verified test may submit additional information, in a confidential setting, to provide an explanation for the verified positive test result within 30 days of notification of a verified positive test.

NMC will make reasonable attempts to keep confidential the results of any positive drug or alcohol test by releasing the test results only to authorized representatives and agents to the extent authorized by law.

Drug and Alcohol Searches

Drug and alcohol searches may be conducted when there is reason to believe that a specific employee or group of employees may be in possession of substances that are prohibited.

NMC has the right to inspect employee's personal property at any of their premises or site of operations for drugs or alcohol. Failure of an employee to cooperate is grounds for immediate termination.