

# 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- and Alcohol-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. Violation of this policy may result in disciplinary action up to and including termination.

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. 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. 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.
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.

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. 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. 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. 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. 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.

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.

The full Policy is incorporated in this manual by reference and is available on the NMC website at <https://newmexicoconsortium.org/wp-content/uploads/2024/03/Drug-and-Alcohol-Policy-022724.pdf>.

## Reimbursement

Policy and procedures. 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 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 “non-accountable” 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](#) form at <https://newmexicoconsortium.org/inside-nmc/reimbursement/> to request reimbursement for allowed expenses.

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

Relocation and moving expenses. NMC may reimburse reasonable relocation costs for eligible employees moving to a location within a 100-mile radius of the NMC site in Los Alamos, NM. Only expenses specified in the [NMC Relocation Policy](#) and employee’s offer letter or employment agreement are reimbursable.

Use of POV. 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.

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.

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.

## Cell Phone Policy

All employees are expected to follow applicable local, state, and federal laws and regulations regarding the use of cellphones at all times.

Employees whose job responsibilities include driving and who are issued an NMC cellphone are expected to refrain from using the phone while driving; use of a cellphone while driving is not required by the NMC.



Regardless of the circumstances, employees are expected to use hands-free operations or pull off to the side of the road and safely stop the vehicle before placing or accepting a call.

NMC adopted Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving. Reading or sending text messages while driving is strictly prohibited while driving NMC-rented vehicles or while driving privately-owned vehicles in connection with NMC activities.

Employees who are charged with traffic violations resulting from the use of their phone (NMC-owned or personal) while driving will be solely responsible for all liabilities that result from such actions.

Pursuant to federal law, whenever NMC is sued or reasonably anticipates that litigation may be commenced, it must take actions to preserve all electronically stored information that may be relevant to the claim. This requires NMC to suspend the deletion, overriding, or any other destruction of electronic information relevant to the dispute that is under the control of NMC. Consequently, mobile communication devices used to conduct NMC business, whether owned by NMC or the individual, may be subject to these preservation rules.

The use of cameras or other video or audio recording-capable devices on NMC premises is prohibited without the express prior permission of senior management and of the person(s) subject to recording. Video or audio recording in restrooms is strictly prohibited.

Employees are not allowed to play games on their cell phone (personal or company-issued) during work hours, use their device (personal or company-issued) in an area where cellphone use is explicitly prohibited (e.g., some courthouses, laboratories, hospitals, meetings), download, upload, or view inappropriate, illegal, or obscene material on any device or over the business's internet connection.

Employees are encouraged to make any personal calls during nonwork time when possible and to ensure that friends and family members are aware of NMC's policy. The full text of the NMC Cell Phone Policy is available on the NMC website. A copy can be requested from the HR.