

**LUNA
COUNTY**
New Mexico

700 S. Silver
Deming, New Mexico 88030

Phone: (505) 546-0494 Fax: (505) 544-4293

**ACKNOWLEDGEMENT OF RECEIPT OF
LUNA COUNTY DRUG AND ALCOHOL POLICY**

I, the undersigned, hereby certify that I have received a copy of the Luna County Alcohol and Substance Abuse Policy, and that I understand it is my responsibility to read and comply with this policy.

Employee: _____
(Print)

Employee: _____
(Signature)

Date: _____

Witness: _____

Date: _____

LUNA COUNTY
Drug and Alcohol Policy

SECTION ONE: All activities conducted under this regulation shall be conducted in accordance with the Luna County Personnel Policy.

SECTION TWO: Statement of Purpose and Applicability

The Luna County is a Drug Free Workplace and adopts this policy in accordance with the Drug Free Workplace Act. The Drug and Alcohol Policy applies to all employees of the Luna County. This policy replaces any and all previous policies or practices. This policy is effective immediately. Violation of this policy is cause for dismissal from employment with the County.

All County employees are strictly prohibited from:

1. Using or being under the influence of illegal drugs to any degree during working hours or while actively engaged in the duties of employment, including, but not limited to, lunch periods, breaks, or while on call;
2. Consuming alcohol or having sufficient quantities of alcohol in the employee's system to impair mental or bodily functions to any degree during working hours or while actively engaged in the duties of employment, including but not limited to, lunch periods, breaks, or while on call;
3. Using or being under the influence of prescription or over-the-counter drugs during working hours or while actively engaged in the duties of employment to the extent that the use of any such legal drug may affect the safe and efficient performance of the employee's job duties, or may endanger the safety of co-workers or members of the public;
4. Possessing, selling, transferring, or purchasing illegal drugs or alcohol during working hours, while on County property, or while operating County-owned vehicles or equipment.

SECTION THREE: Pre-Employment

All applicants for employment with the County will be required to complete a pre-employment drug and alcohol test as a condition for employment. A certified licensed physician (Medical Review Officer-MRO) is responsible for receiving all laboratory reports and reviewing those tests to determine the validity of a positive test. Pre-employment job applicants who test positive for controlled substance and .04-alcohol level or greater will not be hired and may request in writing, within ten (10) calendar days from the date of testing, a retest of the same specimen at the applicant's expense. The applicant may request the testing at a different laboratory, following the proper chain of custody procedures.

SECTION FOUR: Drug and Alcohol Refusal and Positive Test Result

Refusal of a Drug and Alcohol test will lead to termination. Full time or part time employees who test positive will be terminated. That employee may request in writing, within (5) calendar days from the date of testing, a retest of the same specimen at the employees expense. The employee may request the testing at a different laboratory, following the proper chain of custody. The employee

may also discuss positive test results with the MRO and may provide a valid prescription for a positive test result to the MRO.

SECTION FIVE: Post Accident

1. All Luna County employees while performing job duties are subject to post accident drug and alcohol testing.
2. Luna County shall conduct post accident drug testing on all employees whose actions or conduct contributed to an accident or cannot be completely discounted as a contributing factor to the accident. Testing will be conducted as soon as practical after an accident in accordance with the following;
 - a. Alcohol testing must be conducted within 2 hours after the accident.
 - b. Drug testing must be conducted within 8 hours after the accident.
3. Any person not reporting an accident shall be subject to disciplinary action.
4. A drug screen shall be initiated after the discharge of a county issued weapon in a use of force situation or accidental discharge on or off duty.

SECTION SIX: Reasonable Suspicion Testing

Any employee may be drug/alcohol tested based on a belief drawn from specific objective and particularly facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion may be based upon, but is not limited to, the following:

1. Observable phenomena, such as direct observation of drug/alcohol use and/or the physical or mental symptoms or manifestations of being under the influence of a drug or alcohol;
2. Abnormal conduct or erratic behavior while at work, absenteeism, tardiness, or deterioration in work performance;
3. A report of drug/alcohol use provided by a credible eyewitness with first-hand knowledge which has been independently corroborated;
4. Evidence that an individual has tampered with a drug/alcohol test while employed by the County;
5. Evidence that an employee has caused or contributed to an accident while at work;
6. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs while working for the County or while on the County's premises, or while operating a County vehicle, machinery, or equipment.
7. Employees will be escorted to the collection site upon notification of their reasonable suspicion selection.

SECTION SEVEN: Random Drug Testing

1. Safety-sensitive positions include, but are not limited to: Sheriff's Department, Road Department, Emergency Services, Detention Center, Dispatch, Planning Department Code Compliance Officer(s), Building Inspector, the Building and Maintenance Department and any employee who regularly operates a County owned vehicle. Road Department Employees with commercial drivers licenses (CDL-CFR 49) are also subject to the testing requirements

established by the Department of Transportation. All safety-sensitive employees will be placed in separate pools and may be tested as often as monthly.

2. The County will test at least twenty-five percent (25%) of each pool each calendar year. A person may be randomly selected more than once or not at all during the calendar year.
 - a. Random selections are made using a scientifically valid method that ensures each covered employee has an equal chance of being selected each time a selection is made, thus employees may be selected more than once a year.
 - b. Random drug and alcohol tests will be conducted throughout the year in an unpredictable pattern.
 - c. The random selection process will be conducted in strict confidence to ensure no employee is forewarned and that testing is unannounced. A limited number of individuals will have knowledge of the random selection to ensure confidentiality and the integrity of the testing process.
 - d. Testing may be conducted any hour that employees are on duty and the employee must present themselves within thirty (30) minutes after being notified of their random selection.

SECTION EIGHT: Written Request

The employee may make a written request for a retest of the same specimen within 5 days of receipt of the final tests results from the MRO for any pre-employment random, post accident or reasonable causes drug test, at his or her own expense.

SECTION NINE: Drug Free Workplace Act Notification

Any employee convicted of a drug or alcohol violation shall inform their Supervisor in writing of the conviction no later than five (5) calendar days after the conviction. If required by the Drug Free Workplace Act, the Supervisor shall inform the appropriate federal agency of the conviction. That employee shall automatically be subjected to reasonable suspicion drug and alcohol testing for 60 months and must complete an acceptable EAP rehabilitation program before returning to work. Failure to notify Supervisor may result in termination.

SECTION TEN: Authorized Testing

Continued employment with the County necessitates that an employee comply with the Drug Free Workplace Act and this Policy. Refusal to submit to testing, refusal or failure to produce an adequate specimen within two (2) hours upon arrival at the collection site, a positive test result, or tampering with a specimen is cause for dismissal from employment.

SECTION ELEVEN: Test Results – Hiring Eligibility

Any employee or applicant who tests positive for alcohol or controlled substances will not be considered for employment by the County for a minimum of one (1) year from date of testing.

SECTION TWELVE: Disciplinary Action

Luna County has zero tolerance for drug and alcohol in the work place. Any employee testing positive for a controlled substance or a .04 alcohol level or greater or a refusal to take a post accident test, reasonable suspicion drug testing, or random drug and alcohol testing shall be subject to disciplinary action up to and including termination.

SECTION THIRTEEN: Employee Assistance Program

The County offers an Employee Assistance Program (EAP) to all County employees. Employees may self-refer to the program for help with an alcohol or drug problem. An employee who self-refers may request to utilize accrued sick leave, annual leave, or leave without pay during any treatment program, up to a maximum of 12 weeks as per FMLA. Self-referral to the EAP is only available to an employee prior to a drug or alcohol test being administered to the employee, which results in a positive test result. Employee who enters EAP is automatically deemed subject to reasonable suspicion drug and alcohol testing for 60 months.

SECTION FOURTEEN: Drug and Alcohol Concentrations

Concentrations of an illegal drug or alcohol at or above the following levels (in nanogram/milliliter (ng/ml)) shall be considered a positive test result when performing a confirmatory GC/MS test:

Marijuana metabolite (THC)	50 ng/ml
Cocaine metabolite	150 ng/ml
Opiates	2000 ng/ml
Codeine	2000 ng/ml
Phencyclidine	25 ng/ml
Amphetamines	500 ng/ml
Methamphetamine	500 ng/ml
Alcohol/Ethanol	20 ng/ml
Benzodiazepine	200 ng/ml
Propoxyphene	150 ng/ml

Approved:

Original Signed By



Luna County Commission Chairman

February 14, 2013
Date