



# NEW MEXICO CORRECTIONS DEPARTMENT

Secretary  
Alisha Tafoya Lucero

CD-038200 Drug/Alcohol Testing for Contract Employees	Issued: 6/3/97 Effective: 6/3/97	Reviewed: 10/31/20 Revised: 6/1/14
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

## AUTHORITY:

- A. NMSA 1978, Section 33-1-11, as amended.
- B. Drug-Free Workplace Act of 1988.
- C. Policy *CD-010100*.

## REFERENCE:

- A. Policy *CD-037900*.
- B. ACA Standard 2-CO-1C-20, *Standards for the Administration of Correctional Agencies*, 2<sup>nd</sup> Edition.

## PURPOSE:

To establish a uniform policy and procedure to implement mandatory drug testing for all contractual employees who are working for the New Mexico Corrections Department.

## APPLICABILITY:

All employees of contractors or sub-contractors who are working for the Department.

## FORMS:

None

## ATTACHMENTS:

None

## DEFINITIONS:

- A. Alcohol: Includes all consumable non-prescription substances which contain alcohol, specifically including, without limitation: spirits, wine, malt beverages, intoxicating liquors, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
- B. Alcohol Use: Any consumption of a preparation including alcohol (e.g. beverages or medicines).
- C. Controlled Substance: Includes the following five (5) prohibited classes of drugs: narcotics, depressants, stimulants, hallucinogens and cannabis. This includes any chemical substances having the capacity to affect behavior and regulated bylaw with regard to possession and use.
- D. Covered Employees: Employees of contractors and sub-contractors who are required to enter correctional facilities where inmates are housed or who have regular or frequent contact with inmates.

- E. Drugs: Includes the following six (6) types of controlled substances: marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines, metabolites of previously delineated drugs; or non-prescription substances containing previously delineated drugs.
- F. Random Sample: Random selection must be based on a scientifically valid method that assures that all contractual employees have an equal chance of being selected for testing. As used in this policy, testing is required for ten (10) percent of all contractual employees on a monthly basis.
- G. Reasonable Suspicion: A belief drawn from specific, objective facts which can be articulated and have reasonable inferences drawn from those facts.

#### **POLICY:**

- A. The Department is a drug-free workplace for all employees. Employees are informed during orientation as to the following: **[2-CO-1C-20]**
- Prohibition of the use of illegal drugs;
  - Prohibition of possession of any illegal drug except in the performance of official duties;
  - The opportunities available for treatment and/or counseling for drug abuse;
  - The procedures to be used to ensure compliance; and
  - The penalties for violation of the policy.
- B. The New Mexico Corrections Department strictly prohibits the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the workplace. Violations of this nature shall be just cause for dismissal and will be reported to the appropriate local law enforcement agency for further action.
- C. The Department requires that all contractors and sub-contractors have a drug free policy for their employees assigned to work for the Department which includes drug and alcohol pre- employment testing, random testing and testing upon reasonable suspicion. Random testing must be conducted on ten (10) percent of the employees on a monthly basis. Expenses related to all testing are the responsibility of the contractor or sub-contractor.
- D. The contractor or sub-contractor shall report all positive results from reasonable suspicion or random drug and/or substance abuse testing to the Director of Adult Prisons or a designee. An employee who tests positive shall not be permitted to work at New Mexico Corrections Department locations.

This policy shall be reviewed/revised at least annually.