



## Employee and Labor Relations

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### Memorandum

**TO:** All NMSU Employees

**FROM:** Dr. Gena Jones –Assistant Vice President, Human Resource Services *Gena L. Jones*  
Louie C Atencio, MS, LPCC, LADAC – Employee Assistance Program

**DATE:** October 4, 2022

**SUBJECT:** Annual Notice/Drug and Alcohol Free University and Workplace

In accordance with Drug Free Workplace Act of 1988, Drug Free Schools and Communities Act and the U.S. Department of Defense's Drug Free Workforce regulations, New Mexico State University (NMSU) provides the following information pertaining to:

- NMSU's policy prohibiting the unlawful manufacture, possession, use or distribution of drugs and/or alcohol on university property and in the workplace;
- the health risks associated with substance abuse, and provides information regarding some of the referral and treatment opportunities available in this geographical area, and;
- the potential administrative and legal consequences which may be imposed for violations of NMSU policy.

For employees with hiring responsibilities, please note that all employees, including temporary and occasional employees, should be provided a copy of this Memorandum and the attachment at the time of hire. Any questions or require clarification, may be directed to the NMSU's Employee Assistance Program at (575) 646-6603 or Human Resource Services Employee and Labor Relations at (575) 646-2449.

#### **NMSU ANNUAL DRUG-FREE WORKPLACE STATEMENT**

##### **SECTION I: REQUIRED STANDARDS OF CONDUCT**

Employees of NMSU are considered a valuable asset, and their health and welfare are of serious concern to NMSU. The University strives to maintain a safe and productive work environment free from the influence of unlawful use of alcohol and drugs.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, including marijuana, or alcohol on NMSU's property or as part of any NMSU activity is prohibited. NMSU property is defined as all lands and buildings under the control of the Regents of New Mexico State University and any place the employee may go in the scope of their employment.

As a condition of employment all NMSU employees must adhere to the terms of the Drug-Free Workplace policy, including the obligation for any employee convicted of a criminal drug violation occurring in the workplace to notify their immediate supervisor within five (5) calendar days after conviction. The supervisor must inform the Human Resource Services Office, that will work with the appropriate NMSU units to notify the cognizant granting or contracting agency within ten (10) days after receiving notice of an employee's conviction.

The University's Drug and Alcohol-Free Community policy may be viewed at ARP 16.65 of the NMSU Administrative Rules and Procedures Manual, accessible on line at <https://arp.nmsu.edu/>.

## **SECTION II: ASSOCIATED HEALTH RISKS**

The National Institute on Drug Abuse's Commonly Used Drug Charts outline the various health risks relating to physical, and/or psychological dependence on *controlled substances* and the effects of use, overdose, and withdrawal.

*Alcohol* is also a drug, and employees need to be aware of the health risks associated with the consumption of alcohol. In large doses, alcohol can dull sensation and impair muscular coordination, memory and judgment. Taken in large quantities over a long period of time, alcohol can damage the liver and heart, and can cause permanent brain damage and death. Dependence on alcohol can be psychological when the drinker uses alcohol to escape from stress. A pattern of repeated heavy drinking produces a condition in which the body needs alcohol to function, and can lead to physical dependence. A large dose consumed at once can interfere with the part of the brain that controls breathing. The respiratory failure which results can bring death. Delirium tremens, the most extreme manifestation of alcohol withdrawal, can also cause death. Pregnant women who drink, risk delivering babies stillborn or with serious abnormalities.

According to the latest data, published information from the National Highway Traffic Safety Administration (NHTSA), National Center for Statistics and Analysis, 2019 TRAFFIC SAFETY FACTS report:

- A total of 38,824 people lost their lives on U.S. roads in 2020.
- 11,654 of those were drunk driving fatalities.

## **SECTION III: COUNSELING AND TREATMENT OPTIONS AVAILABLE LOCALLY; TRANSITION BACK TO WORK**

Any employee who may have a drug or alcohol problem is encouraged to obtain confidential and voluntary counseling and treatment. Counseling and referral services are available on campus through the Employee Assistance Program at (575) 646-6603. Employees may also visit the Employee Assistance Program website at <https://benefits.nmsu.edu/hr-benefits/wellness.html> for more information. Self-referral to the Employee Assistance Program is highly recommended.

When an employee requires extended treatment and rehabilitation for a drug or alcohol problem, the counseling services on campus may arrange referral to an appropriate treatment program. Inpatient treatment facilities include: Mesilla Valley Hospital (Las Cruces), Peak Behavioral Health Services (Santa Teresa) and Villa De Esperanza (Carlsbad). Outpatient treatment facilities with programs for drug and alcohol abuse include: Mesilla Valley Hospital (Las Cruces), Peak Behavioral Health

Services (Santa Teresa), Valle Del Sol (Grants), Golden Services Counseling Associates (Carlsbad), Alamogordo Counseling Associates, LLC (Alamogordo), Las Cruces Mental Health (Substance Abuse Treatment - Las Cruces), and La Clinica de Familia (Substance Abuse Treatment - Las Cruces). Several support groups are also available, including Alcoholics Anonymous, AL-ANON, Narcotics Anonymous, and Co-Dependents Anonymous. Additional facilities may be located through the U.S. Department of Health and Human Services by utilizing its Substance Abuse Treatment Locator at <https://findtreatment.samhsa.gov/>.

Supervisors and Human Resource Services representatives who refer or have knowledge of an employee's treatment for substance abuse should participate in the process of transition when the employee returns to the workforce. The supervisor or HR representative is advised to contact the Employee Assistance Program Counselor when the employee's treatment has ended to discuss what is expected of the employee in terms of job performance. The Employee Assistance Program Counselor will assist the employee in coordinating after care arrangements if needed.

#### **SECTION IV: ADMINISTRATIVE AND CRIMINAL SANCTIONS**

Employees who violate the drug and alcohol-free university community policy may be subject to disciplinary action up to and including termination and may also be required to participate in other clinical assessments and rehabilitation programs. Employees returning to work from a treatment program must maintain an acceptable level of job performance or be subject to appropriate disciplinary action.

In addition to any administrative disciplinary that may be imposed for violations occurring on NMSU property, the possession, use, distribution, manufacture of controlled substances, including marijuana, or unlawful use of alcohol may result in fines, jail or prison, court and corrections fees under applicable local, state and federal law.

Please note that marijuana, while it may be legal under state law, is still illegal under federal law. Therefore, possession, use, or distribution of marijuana is prohibited on NMSU Property under ARP 16.65.