

M e m o r a n d u m

Academic Year 2006-2007

TO: All NMSU Employees

FROM: Dario Silva, Ph.D., Director Employee Assistance Program

SUBJECT: Drug Free Workplace, Drug Free School and Communities Act, and Drug Free Workforce Regulations

In order to comply with federal regulations, NMSU is required to annually distribute policies regarding drugs and alcohol to include information regarding the health risks associated with substance abuse and a description of legal sanctions applicable to possession or trafficking of controlled substances. Also included is a description of referral and treatment opportunities available to employees. This is the 17th annual distribution of this document to all NMSU employees. Temporary and occasional employees should be provided with a copy of this memorandum at the time of hire. Should you have any questions or require clarification, please contact the university's Employee Assistance Program (EAP) at 646-6603.

DRUG FREE WORKPLACE, DRUG FREE SCHOOLS AND COMMUNITIES ACT,
AND DRUG FREE WORKFORCE RULES

SECTION I: NMSU POLICY STATEMENT

A. STANDARDS OF CONDUCT

Employees of New Mexico State University are considered a valuable asset, and their health and welfare are of serious concern. The university strives to maintain a safe and productive environment free from the influence of illegal drugs and unlawful use of alcohol. As a recipient of federal funds, the university is obligated to inform all employees that the unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of any of its activities is prohibited and a violation of university policy. University property is defined as all lands and buildings under the control of the Board of Regents, New Mexico State University. Employees who violate this prohibition will be subject to appropriate disciplinary action. It is also a federal requirement and a university policy that, as a condition of employment, any employee will notify his or her immediate supervisor within 5 days after conviction of a criminal drug offense occurring in the workplace. Supervisors will inform the Personnel Office, through appropriate channels, of any notifications received.

B. AVAILABLE DRUG OR ALCOHOL COUNSELING, TREATMENT REHABILITATION, AND RE-ENTRY PROGRAMS

Any employee who may have a drug or alcohol problem is encouraged to obtain confidential and voluntary counseling and/or treatment. Counseling and referral services are available on campus. For information regarding the EAP, employees should contact the EAP at 646-6603. When an employee or student requires extended treatment and rehabilitation for a drug or alcohol problem, the counseling services on campus will arrange referral to an appropriate treatment program. Inpatient treatment facilities in the area are: Mesilla Valley Hospital (Las Cruces), Alliance Hospital (Santa Teresa), Columbia Behavioral Center (El Paso) and Rio Valle. In Las Cruces, outpatient treatment facilities with programs for drug and alcohol abuse are: Associates for Counseling and Recovery, Southwest Counseling Center, The Professional Assessment Center, Associates for Family Therapy, Psychology and Psychiatry. Several support groups are also available, including Alcoholics Anonymous, AL-ANON, Narcotics Anonymous, and Co-Dependents Anonymous.

Supervisors 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. Employees' privacy is protected when he/she has voluntarily obtained counseling on a self-referral basis. The supervisor is advised to contact the EAP Counselor when the employee's treatment is ended. At the time the employee returns to work, a meeting will be arranged with the EAP Counselor, the employee, and the employee's immediate supervisor. In this meeting, the supervisor should discuss what is expected of the employee in terms of job performance. At this time, the EAP Counselor will assist the employee in coordinating after care arrangements if this has not already been done. The recovering employee needs strong support in order to make a successful transition back into the workforce.

C. NMSU DISCIPLINARY SANCTIONS FOR EMPLOYEES

Employees who violate the university's alcohol or drug policies are subject to termination, demotion, or suspension as specified in the Personnel and Benefits Policy Manual and the Administrative Policies and Procedures Manual. Additionally, employees may be strongly encouraged to report to the EAP or other counseling program for a clinical assessment and participate in a recommended counseling/rehabilitation program. When returned to work, the employee must comply with all university policies and maintain acceptable job performance or be subject to appropriate disciplinary action.

SECTION II: HEALTH AND LEGAL INFORMATION

A. HEALTH RISKS

NMSU is required by federal regulations to provide information on the risks of drug and alcohol use to employees. A chart attached to this document outlines the risk of physical and/or psychological dependence on controlled substances and the effects of use, overdose, and withdrawal. In compliance with Drug Free Workforce regulations, the University will present workshops on the identification of drug and alcohol abuse to appropriate supervisory personnel.

Alcohol is also a drug, and employees need to be aware of the health risks involved in using 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. 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.

Alcohol can kill. 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. Approximately half of the deaths from car accidents each year in the United States are related to alcohol abuse.

Federal trafficking penalties for methamphetamine, heroin, cocaine, PCP, LSD, Fentanyl, and Fentanyl Analogue vary depending on the quantity of drugs involved and whether the offense is the first or a repeat offense. Prison sentences range from 5 years to life. Fines for trafficking in these drugs range from \$2 to \$8 million.

Federal trafficking penalties for marijuana range from 10 years to life imprisonment, depending on the quantity involved and whether the offense is a first or repeat offense. Fines range from \$250,000 to \$8 million.

The New Mexico Legislature has enacted numerous laws concerning possession and trafficking of controlled substances. The most abused controlled substances are: marijuana, cocaine, heroin, LSD, and amphetamines. Fines and prison sentences vary according to the quantity of drugs involved and whether the offense is a first or repeat offense.

Fines for possession of marijuana range from not less than \$50 to \$5,000. Prison sentences range from not more than 15 days to 18 months. The fine for trafficking marijuana is \$5,000; prison sentences for trafficking range from 18 months to 3 years.

The fine for possession of cocaine and heroin is \$5,000 and the prison sentence is 18 months. Fines for trafficking cocaine and heroin range from \$10,000 to 15,000. Prison sentences for trafficking are 9 years for a first offense and 18 years for a repeat offense.

The fine for possession of LSD and amphetamines is \$1,000 and the prison sentence is up to 1 year. Trafficking in LSD and amphetamines carries a fine of \$5,000 and a prison sentence of 3 years.

Alcohol abuse is subject to penalties specified by the Liquor Control Act. A driving while under the influence (DWI) conviction can result in a fine up to \$300, and/or imprisonment up to 7 months, and/or prosecution for vehicular homicide, and/or license revocation and vehicle impoundment.

