

Rio Arriba County Drug and Alcohol Policy and Procedures

Table of Contents

Drug and Alcohol Policy and Procedures.....	Error! Bookmark not defined.
Scope of Policy	3
Purpose:	4
Policy Statement:	4
Covered Substances	4
Prohibited Activities	5
Pre-Duty/On-Call Use of Alcohol	5
Indictments or Convictions	6
The Drug Free Workplace Act of 1988	6
Non-RAC Employees	7
Termination of Employment.....	7
Failure to Test	8
Corrective Action.....	9
Eligibility for Rehire.....	9
Back to Work Agreement	10
Voluntary Disclosure or Self-Referral	10
Employee Assistance Program (EAP)	12
Records Retention and Confidentiality	13
Drug Screening	14
Confirmation Testing	13
Alcohol Screening.....	14
Alcohol Concentration	14
Post Offer/Pre-Employment Screening	15
For Cause/ Reasonable Suspicion Screening.....	16
Post-Accident Screening.....	18
Screening Required by Federal or State Law or by Contract	18
Random Drug & Alcohol Screening for Safety-Sensitive Functions	18
Percentage of Safety-Sensitive Employees Randomly Screened	19
Outside Vendor "Pulls"	19
Procedures	19
Post-Offer/	19
Re-Hire Screening.....	19
Reasonable Suspicion Drug/Alcohol Procedure.....	20
Reasonable Suspicion Drug/Alcohol Procedure continued.....	16
Post-Accident Drug Screening Procedure	23
Random Drug and Alcohol Screening For Safety-Sensitive Functions.....	18



Rio Arriba County Drug and Alcohol Policy and Procedures

Appendix I, Definitions	26
Accident	26
Adulterated Specimen.....	26
Alcohol.....	26
Alcohol Concentration.....	26
Alcohol use	26
Collection Site.....	26
Confirmation/Confirmatory test	26
Failure to Test	27
Medical Review Officer (MRO).....	27
Random Pull	27
Safety- Sensitive	27
Appendix II, Back to Work Agreement	28
Appendix III, Diversion Program Evaluation	30

Rio Arriba County Drug and Alcohol Policy and Procedures

DEPARTMENTS: Risk Management and Human Resources	POLICY DESCRIPTION: Rio Arriba County Drug and Alcohol Policy and Procedures
Pages: 31	REPLACES POLICY DATED: August 22, 2025
EFFECTIVE DATE: July 24, 2026	REFERENCE NUMBER: Resolution 2026
NEXT REVIEW DATE: Annually or as needed	APPROVALS: County Commissioners, County Manager and legal

I. Scope of Policy

The Rio Arriba County Drug and Alcohol Policy and Procedures applies to the following:

1. Applicants for employment with Rio Arriba County;
2. Employees of Rio Arriba County; and
3. Independent contractors, volunteers, interns, temporary workers, and other non-employees performing services on County property or on behalf of the County, to the extent required by contract, applicable law, or County policy;

While they are:

4. Conducting Rio Arriba County business;
5. Representing Rio Arriba County at any time or place;
6. In any vehicle utilized to conduct or support Rio Arriba County services or affairs; or
7. On-call.

Rio Arriba County Drug and Alcohol Policy and Procedures

II. Purpose

Rio Arriba County, “RAC”, or “the County”, is strongly committed to the health, safety and welfare of its employees, and the public it serves. The County recognizes that drug and alcohol misuse may adversely affect employee safety, job performance, public confidence, and the efficient delivery of governmental services.

The County recognizes its responsibility to take all reasonable measures to provide a safe working environment for its employees, as well as to assure the public safety and foster trust in local government. The County is concerned that the use, possession, or distribution of drugs or alcohol affects job performance, and may threaten the safety of the public and employees. This policy is in response to that concern, and is intended to establish guidelines to protect County employees and the public from the dangers inherent in the prohibited use, possession or distribution of drugs or alcohol on the job.

III. Policy Statement

RAC is committed to preventing the use and/or abuse of alcohol, drugs, or controlled substances that affect job performance and safety in order to:

1. Maintain a safe and healthy, drug and alcohol-free work environment for its employees;
2. Provide the public with the highest quality care and service possible; and
3. Comply with the Drug-Free Workplace Act of 1988.
4. Promote employee health while ensuring that employees are able to perform their duties safely, efficiently, and in compliance with applicable federal and state law.

IV. Covered Substances

The following are substances covered by this policy:

1. Alcoholic beverages of any kind;
 2. Controlled substances unlawfully possessed or used;
 3. Prescription medications that impair an employee’s ability to safely perform essential job duties or that are used without a valid prescription or contrary to the prescribing provider’s instructions;
 4. Any other intoxicating substance that impairs an employee while performing County duties.
-

Rio Arriba County Drug and Alcohol Policy and Procedures

V. Prohibited Activities

The following activities are prohibited while an employee is on RAC premises or otherwise engaged in RAC business:

1. The manufacture, unauthorized possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug;
2. Performing duties while under the influence of alcohol, controlled and/or illegal drugs, or substances in any manner:
 - a. Whether consumed on or off RAC premises;
 - b. Whether consumed outside of or during working hours; and
 - c. Reporting to work or remaining at work while impaired by a lawfully prescribed medication when such impairment affects the employee's ability to safely perform the essential functions of the position, provided the employee has failed to timely notify the County when required by this policy or otherwise cannot safely perform assigned duties.
3. Excessive consumption of alcoholic beverages at RAC sponsored events.

Note: The above list is not meant to be an exhaustive or all-inclusive list.

VI. Pre- Duty/On-Call Use of Alcohol

This policy extends beyond the period of time in which the employee is immediately available to perform their job. This includes those employees who are "on-call".

The following is a list of prohibited activities related to alcohol:

Pre-Duty Use of Alcohol	On-Call Use of Alcohol
Employees are prohibited from consuming alcohol for at least six (6) hours prior to performing job functions. This provision does not prohibit the lawful consumption of alcohol while off duty, but employees are responsible for reporting to the County fit for work and free from impairment.	Employees are prohibited from consuming alcohol for specified on-call hours.

Rio Arriba County Drug and Alcohol Policy and Procedures

VII. Indictments or Convictions

The following actions, although not occurring on RAC's premises, are considered to reflect negatively on RAC's reputation for integrity and safety.

1. Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs;
2. Indictment or conviction for criminal offenses related to alcohol use:
 - a. Employees who are indicted or convicted for criminal offenses involving alcohol, controlled substances, or illegal drugs must notify the County's Risk Management Department within five (5) calendar days of the indictment, conviction, or entry of a plea of guilty or *nolo contendere*.
 - b. As a condition of continued employment, employees who report such activities will be required to sign a Back to Work Agreement, if their employment is not terminated;
 - c. Failure to report such activities shall be considered a violation of this policy and shall result in disciplinary action up to and including termination from employment;
 - d. Certain convictions may result in termination of employment at the discretion of the County.

VIII. The Drug Free Workplace Act of 1988

Pursuant to the Drug Free Workplace Act of 1988, employees who are convicted of violating any criminal drug statute under state or federal law or who plead guilty or *nolo contendere* (i.e. no contest) to such charges:

1. Must inform RAC's Risk Management Department within five (5) days of such conviction or pleas to such charges.
 2. Failure to report such activities shall be considered a violation of this policy and shall result in corrective action up to and including termination from employment. Nothing in this section limits any reporting obligations imposed by federal grants, contracts or applicable law.
-

Rio Arriba County Drug and Alcohol Policy and Procedures

IX. Non-RAC Employees

Other individuals and independent contractors who work in the workplace but who are not RAC employees and are in violation of the Drug and Alcohol Abuse and Screening Policy may be removed from County property, denied access to County facilities, or prohibited from performing services under the applicable contract, consistent with County contractual rights and applicable law.

X. Conduct Resulting in Proposed Termination of Employment

The following conduct is considered sufficiently serious that the County may initiate disciplinary action in the form of a proposed termination of employment. Any proposed termination will be processed in accordance with the Rio Arriba County Personnel Handbook, applicable due process requirements, and any other applicable law or County policy. An employee:

1. Has a verified positive drug test in violation of this policy;
 2. Diverts drugs;
 3. Refuses to execute or materially violates a required Back to Work Agreement;
 4. Tampers with or alters a written or verbal prescription; or
 5. Engages in behavior or actions which constitutes a "Failure to Test" as defined by this policy.
-

Rio Arriba County Drug and Alcohol Policy and Procedures

XI. Failure to Test

Failure to test constitutes grounds for disciplinary action in the form of a proposed termination of employment, subject to the Rio Arriba County Personnel Handbook and applicable due process requirements. A failure to test includes:

1. Refusal to submit to a required drug and or alcohol test authorized under this policy;
 2. Inability to provide sufficient quantity of breath to be tested without a valid medical explanation;
 3. Inability to provide sufficient quantity of urine within three hours without a valid medical explanation;
 4. Tampering with, substituting, adulterating or otherwise attempting to compromise the integrity of the specimen or collection procedure;
 5. Providing an adulterated specimen;
 6. Failing to report to the collection site in the time allotted;
 7. Not complying with the Post-Accident Drug/Alcohol procedure;
 8. Engaging in any behavior that obstructs the testing process;
 9. Failure to provide a specimen meeting the collection requirements established by the testing protocol without a valid medical explanation;
 10. Providing a specimen with an out of range temperature;
 11. Refusal to authorize release of drug/alcohol results to Risk Management;
 12. Refusal to provide authorization for a Medical Review Officer (MRO) to obtain or review medical information reasonably necessary to determine whether a lawful medical explanation exists for the drug or alcohol test result . The review will be solely for the purpose of determining whether or not there was evidence of any use/abuse of legal/illegal drugs or alcohol.
-

Rio Arriba County Drug and Alcohol Policy and Procedures

XII. Disciplinary Action for Other Violations

Violations of this policy not previously identified may result in disciplinary action, up to and including termination, depending on the nature and severity of the violation:

1. An employee's confirmed alcohol concentration exceeds the limits established by this policy;
2. Employee is indicted or convicted for conduct involving alcohol, drugs or controlled substances;
3. Employee fails to report an indictment or conviction to Risk Management within five (5) days for conduct involving alcohol, drugs, or controlled substances;
4. Manager, supervisor, or co-worker who knowingly fails to report objectively reasonable suspicion of impairment or otherwise fails to comply with this policy may be subject to disciplinary action;
5. An employee assigned to on-call duties acknowledges being unable to safely perform required duties because of drug and/or alcohol consumption.

XIII. Eligibility for Rehire

Employees who have been terminated by RAC for violation of the Drug and Alcohol Policy and Procedures may be eligible for re-hire. The RAC Manager will review the individual circumstances on a case-by-case basis. The following criteria will be used in determining if the employee may be considered for re-hire:

1. Written evidence of an evaluation by a Substance Abuse Counselor (SAC) and/or successful completion of an approved rehabilitation treatment program must be provided to County Manager;
2. Recommendation for frequency of periodic unannounced testing by the SAC;
3. Previous employment history;
4. Recommendation of the employee's Supervisor;
5. A Back to Work Agreement must be executed;
6. The employee must submit to periodic unannounced drug and alcohol screening as outlined in the Back to Work Agreement.

If the County Manager determines the employee is not eligible for re-hire, the employee may request re-consideration after six (6) months by following the above procedure. Nothing in this section creates an entitlement to reemployment. Rehire remains within the sole discretion of the County.

Note: An employee, whose employment was terminated as a result of drug diversion activities, is NOT eligible for rehire.

Rio Arriba County Drug and Alcohol Policy and Procedures

XIV. Back to Work Agreement Exhibit II

Execution of a Back to Work Agreement is required only when the County elects to continue or restore employment under circumstances where such an agreement is appropriate, including but not limited to circumstances where employees:

1. Were terminated due to a positive drug screen and who meet the re-hire criteria;
2. Voluntarily disclose a drug or alcohol use problem to their manager, a Risk Management representative or a co-worker prior to being notified to undergo drug or alcohol screening, or prior to investigation of or disciplinary action regarding that a drug or alcohol use problem;
3. Have been indicted or convicted for conduct involving alcohol, drugs or controlled substances; or
4. As part of a corrective action due to alcohol use which violates policy.

The Back to Work Agreement requires the employee to:

1. Submit to at least six (6) periodic, unannounced drug/alcohol screenings in the first twelve (12) months following execution of the Back to Work Agreement;
2. Extend the twelve (12) month time period based upon the assessment and recommendation of the SAC.

Note: An employee who tests positive on any follow-up screening is not eligible for rehire, even if they meet the re-hire criteria, for a period of two (2) years from the date of termination.

XV. Voluntary Disclosure or Self-Referral

RAC encourages employees to voluntarily seek assistance in dealing with a drug and/or alcohol dependency. Voluntarily seeking assistance may include voluntary disclosure to a representative of RAC or self-referral to the Employee Assistance Program (EAP) or a rehabilitation treatment service. Voluntary disclosure under this section does not excuse misconduct that has already occurred or prevent disciplinary action for independent policy violations.

Rio Arriba County Drug and Alcohol Policy and Procedures

Voluntary disclosure occurs when the employee:	Then the employee should be referred to the EAP and:	By doing so the employee may:
Discloses a drug or alcohol use problem to: 1. Their supervisor; 2. A Risk Management Representative; or 3. A co-worker who reports the problem to the proper administrator on his/hers behalf.	Upon completion of a rehabilitation program, will be required to sign and comply with the conditions contained in a Back to Work Agreement.	1. Be eligible for services and referrals through the EAP; 2. Gain access to rehabilitation services; 3. Have access to Short Term Disability benefits and/or Family Medical Leave (FMLA) protection (if eligible), if the employee is participating in an approved rehabilitation program; and 4. In most cases, retain employment.

Self-Referral occurs when the employee:	By doing so the employee may:	And:
Seeks assistance through the EAP or a rehabilitation program.	1. Be eligible for services and referrals through RAC EAP; 2. Gain access to rehabilitation services; 3. Have access to STD benefits and/or FMLA protection (if eligible), if the employee is participating in an approved rehabilitation program.	4. In most cases, retain employment; 5. Is not subject to a Back to Work Agreement.

Note:

The option of self-referral and continued employment is not available to any employee who voluntarily discloses or self-refers AFTER being notified to submit for drug/alcohol screening or after investigation of or disciplinary action relating to drug or alcohol use begins.

Rio Arriba County Drug and Alcohol Policy and Procedures

XVI. Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) can provide support and refer the employee to the rehabilitation services an employee needs to treat a drug or alcohol use problem.

The EAP is a:

1. Free professional and confidential counseling program designed to assist employees.
2. Pre-paid benefit for employees and members of their family; and
3. Provides a maximum of six (6) counseling sessions per calendar year.

If the employee requires more extensive treatment, the EAP may provide assistance to the employee in seeking reimbursement for rehabilitative service through medical insurance, where such services are covered. An employee who completes a rehabilitation program and requires a workplace accommodation may request an accommodation through the County's Human Resources Department in accordance with applicable law and County policy. Nothing in this policy alters the employee's obligation to meet the essential functions of the position or the County's performance and conduct standards. Participation in the EAP shall not prevent discipline otherwise warranted from being imposed.

Rio Arriba County Drug and Alcohol Policy and Procedures

XVII. Records Retention and Confidentiality

All records relating to drug and alcohol testing, including test results, medical information, chain-of-custody documentation, Medical Review Officer (MRO) reports, and related investigative records, shall be treated as confidential to the fullest extent permitted by applicable law.

Drug and alcohol testing records shall be maintained separately from an employee's general personnel file and shall be accessible only to County officials and employees who have a legitimate business need to know the information in the performance of their official duties, or as otherwise authorized or required by law.

The County may disclose such records when necessary to administer this policy, comply with a lawful court order, administrative proceeding, or governmental investigation, respond to a valid subpoena, defend or prosecute legal claims involving the County, or otherwise as required by federal or New Mexico law.

Nothing in this policy shall prevent the County from providing information to a Medical Review Officer, Substance Abuse Professional, testing laboratory, governmental agency, or other person or entity authorized by law to receive such information in connection with the administration of this policy.

Drug and alcohol testing records shall be retained in accordance with applicable law and the County's records retention requirements.

XVIII. Confirmation Testing

A screen which is positive for drugs will not be considered a verified positive test unless:

1. The specimen undergoes confirmatory testing utilizing scientifically accepted laboratory procedures;
 2. The confirmatory test confirms the presence of the substance(s) identified during the initial screening;
 3. The confirmed laboratory result is reviewed by the Medical Review Officer ("MRO"); and
 4. The MRO determines that there is no legitimate medical explanation that would negate the confirmed positive result.
-

Rio Arriba County Drug and Alcohol Policy and Procedures

XIV. Alcohol Screening A trained technician using a device on the National Highway Traffic Safety Administration (DOT) Conforming Products List will perform breath alcohol testing. RAC will use the Evidential Breath Testing (EBT) device for alcohol screening.

A confirmation test will be conducted on a positive screen.

Alcohol screening shall be conducted by qualified personnel using testing devices approved or recognized under applicable federal or state standards and in accordance with manufacturer specifications and applicable testing protocols.

XX. Alcohol Concentration An employee whose confirmed alcohol concentration equals or exceeds the limits established by this policy shall be removed from duty pending appropriate disciplinary review. The County shall determine the appropriate disciplinary action in accordance with this policy and the Personnel Handbook.

If an employee's alcohol concentration is:	Then the employee will be immediately suspended without pay for a minimum of:	And the employee will receive:
0.02 or greater, but less than 0.04	12 hours	<u>at a minimum</u> , a written Summary of Counseling.
0.04 or greater	24 hours	<u>at a minimum</u> , a written Summary of Counseling and referral to EAP to determine screening requirements for execution of a Back to Work Agreement.

XXI. Drug Screening All RAC applicants and employees may be required to participate in drug and alcohol testing authorized by this policy. The categories of drug/alcohol screening are: Post-offer/Pre-Employment Screening, For Cause/Reasonable Suspicion Screening; Post-Accident Screening; Screening required by Monitored Diversion Programs; Random Screening.

Urine Drug screening will be performed to screen for any or all of the following:

1. Opiates (e.g., heroin, morphine, codeine, fentanyl)	2. Phencyclidine (PCP) or Angel Dust)
--	---------------------------------------

Rio Arriba County Drug and Alcohol Policy and Procedures

3. Amphetamines and Methamphetamines	4. Barbiturates (e.g., Phenobarbital, Secobarbital, Amobarbital, etc.)
5. Benzodiazepines (e.g., Valium, Halcyon, Tranxene)	6. Methadone (synthetic narcotic)
7. Cocaine	8. Cannabinoids* (e.g. marijuana, hashish)
* Note: Consistent with applicable New Mexico law, applicants for positions that are not designated as safety-sensitive, are not federally regulated, and do not otherwise require cannabinoid testing by law or contract will not be screened for cannabinoids during post-offer/pre-employment testing. Nothing in this policy prohibits the County from enforcing its prohibition against on-duty impairment or use of cannabinoids while working.	

Note: Screening for additional drugs may be done depending upon the department or other needs as warranted.

XXII. Post Offer/Pre-Employment Screening

Rio Arriba County requires all applicants receiving a conditional offer of employment, and employees transferring into positions requiring screening, to undergo drug and alcohol screening in accordance with this policy. Offers of employment are contingent upon the applicant or transferring employee successfully completing all required screenings. The County shall rely only upon a verified positive drug test reported by the Medical Review Officer ("MRO") before rescinding a conditional offer of employment based upon a drug screening.

As stated above, based upon the legalization of recreational cannabis in New Mexico, only safety-sensitive positions as designated by this policy, positions that are partially or fully funded by federal monies or positions that require an employee to work with vulnerable populations shall be tested for cannabinoids for post-offer/pre-employment drug screening.

If...	then ...
The applicant fails to report to the collection site,	The offer of employment is rescinded.
The applicant engages in conduct which is deemed to be a failure to test,	The offer of employment is rescinded.
An applicant's screen is positive,	The offer of employment is rescinded and the applicant must wait for a period of 24 months to reapply.

Rio Arriba County Drug and Alcohol Policy and Procedures

Applicants whose conditional offer of employment is withdrawn pursuant to this section may reapply after twenty-four (24) months, subject to the following conditions:

1. They provide evidence of successful completion of a drug and alcohol rehabilitation program to Human Resources;
2. They can perform the essential functions of the position with or without accommodation;
3. They pass a drug screen and alcohol screen;
4. If hired, they sign a Back to Work Agreement.

XXIII. For Cause/ Reasonable Suspicion Screening

Current employees may be required to submit to a drug and alcohol screening if cause or reasonable suspicion exists to believe the employee(s) may be under the influence of drugs or alcohol or to rule out that possibility. Reasonable suspicion shall be based upon specific, contemporaneous, and articulable observations concerning an employee's appearance, behavior, speech, body odors, physical condition, or other objective facts that reasonably suggest impairment or a violation of this policy. Whenever practicable, the observations supporting reasonable suspicion should be documented in writing before testing occurs and should be corroborated by a second supervisor or management employee when reasonably available.

As previously stated, based upon the legalization of recreational cannabis in New Mexico, certain positions shall not be tested for cannabinoids for post-offer/pre-employment drug screening. Employees whose positions do not require cannabinoid screening for post-offer/pre-employment drug screening shall nevertheless be aware that an absolute prohibition on the use of cannabinoids during working hours shall be in place, as follows:

1. Employees shall not consume cannabinoids at any time during working hours;
2. Employees shall not have consumed cannabinoids at least five (5) hours prior to the start of a shift;
3. The reasonable suspicion of use of cannabinoids during working hours may form the basis for a reasonable suspicion screening, and a positive cannabinoid test may be considered together with other competent evidence in determining whether an employee violated this policy but shall not, standing alone, establish on-duty impairment unless otherwise required by applicable law.
4. The recreational use of cannabinoids, while legal under New Mexico law, does not extend to the use of any other substance with cannabinoids.

Factors which could establish cause/reasonable suspicion include, but are not limited to:

Rio Arriba County Drug and Alcohol Policy and Procedures

1. Scent of alcohol and/or residual odor peculiar to some illegal or controlled substances on employee's breath, clothing or work area
2. Employee passed out
3. Noticeable changes in work performance
4. Observed irregular driving
6. Observed impairment of physical ability or mental/judgment capability
5. Obvious disorientation
8. Repeated failure to follow instructions or operating procedures
7. Unusual or erratic behavior, rapid mood swings, suspicious behavior, aggressive behavior
9. Unexplained and/or frequent absenteeism
10. Noticeable personality changes
11. Observed drug/alcohol use
12. Presence of drugs or drug paraphernalia
14. Report of drug/alcohol use, sale and/or unauthorized transfer of drugs/alcohol on RAC premises or while involved in RAC business
13. Alcohol in an employee's possession or in the employee's work area
16. Unsteady gait, slurred speech, glassy-eyed appearance
15. Report of off-premises or off-duty drug or alcohol related event involving the employee which may be considered to reflect negatively on RAC's reputation for integrity and safety
17. Suspected drug diversion pattern or trend of injuries or accidents a report of suspicion of drug/alcohol use

Rio Arriba County Drug and Alcohol Policy and Procedures

XXIV. Post-Accident Screening

Employees must be tested for drugs and alcohol in post-accident situations when:

1. The work related accident results in property damage; or
2. An individual dies; or
3. An individual suffers a bodily injury and receives medical treatment away from the scene of the accident; or
4. As a result of the accident, a vehicle or piece of equipment is removed from service or revenue service.

Post-accident testing is intended to assist the County in determining whether drug or alcohol impairment may have contributed to the accident and is not intended to establish fault for purposes of civil liability. Each employee operating the vehicle or equipment at the time of the accident must be screened. Occupants of a vehicle or other employee whose performance could have contributed to the accident may be sent for screening at the discretion of the County Manager.

Employees are prohibited from alcohol use for eight (8) hours following the accident, or until undergoing a post-accident drug and alcohol screen, whichever comes first.

Post-accident screening may be delayed while employees assist in resolution of the accident or receive medical attention and as soon as practicable.

Any employee who is seriously injured and cannot provide a specimen at the time of the accident will be required to provide authorization for RAC Medical Review Officer to view the employee's hospital records and/or other documents. The review will be solely for the purpose of determining whether or not there was evidence of any use/abuse of legal/illegal drugs or alcohol. **Refusal to provide authorization will be deemed to be a failure to test.**

XXV. Screening Required by Federal or State Law or by Contract

Employees occupying positions subject to federal or state drug and alcohol testing requirements, or positions governed by contractual obligations requiring such testing, shall comply with those requirements in addition to this policy. Where a conflict exists between this policy and an applicable law, regulation, or contractual requirement, the applicable law, regulation, or contractual requirement shall control.

XXVI. Random Drug & Alcohol Screening for Safety-Sensitive Functions

RAC has designated the following as Safety-Sensitive positions:

**Rio Arriba County Drug and Alcohol
Policy and Procedures
SAFETY-SENSITIVE CATEGORIES**

Sheriff's Office Law Enforcement*	
Detention Officers	
Senior Program Employees	
CDL Drivers	
Fleet Department*	
Roads Department*	
Swimming Pool Life Guards	

**Excludes clerical/office staff*

Note: RAC reserves the right to add, amend, or modify the categories for safety-sensitive functions, as it deems necessary. The County Manager may designate additional positions as safety-sensitive when the essential duties present a significant risk to the employee, coworkers, or the public.

**XXVII.
Percentage of
Safety-
Sensitive
Employees
Randomly
Screened**

RAC will randomly screen a specified percentage of employees in safety-sensitive positions each year. In no event will such percentage be less than ten (10%) of the total pool of employees in safety-sensitive functions. Random selections shall be made through a scientifically valid random selection process administered by an independent third-party vendor.

**XXVIII.
Outside
Vendor
"Pulls"
Procedures**

All employees who are part of the random screening pool are chosen for screening solely by an independent outside vendor not affiliated with RAC in any manner.

**XXIV.
Post-Offer/
Re-Hire
Screening**

The following table describes the steps that will be followed for Post-Offer or Re-Hire Screening:

Post-Offer/Re-Hire Screening Procedure	
Step	Action
1	All applicants receiving a conditional offer of employment (prospective employee) are required to complete a drug/alcohol screen following the established Rio Arriba County guidelines.
2	The prospective employee will be referred to the appropriate site.

Rio Arriba County Drug and Alcohol Policy and Procedures

3	If the prospective employee is under 18 years of age and applicable law requires parental consent, written parental consent must be obtained before the drug screen is collected. An electronic consent, i.e. email or text message, is acceptable.
4	The prospective employee will be asked to show a valid picture ID.
5	The prospective employee will provide a urine sample.
6	Any non-negative laboratory result shall be reviewed by the Medical Review Officer before being reported as a verified positive result.
7	Confirmed positive screens will be reported to the Human Resources Representative.
8	The conditional offer of employment shall be withdrawn if: 1. the applicant receives a verified positive drug test reported by the Medical Review Officer; 2. the applicant commits a Failure to Test under this policy; or 3. the applicant otherwise fails to satisfy the conditions of employment established by this policy.
9	Test results will be maintained by RAC Human Resources.

XXX.

Reasonable Suspicion Drug/Alcohol Procedure

The following describes the steps a director/supervisor must take when reasonable suspicion or suspected drug diversion exists. Whenever practicable, the supervisor shall document the specific objective observations giving rise to reasonable suspicion before directing the employee to undergo testing.

Step	Action				
1	Director/Supervisor must immediately contact:				
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Española</td><td style="width: 50%; text-align: center;">Tierra Amarilla</td></tr> <tr> <td style="text-align: center;">County Manager</td><td style="text-align: center;">Risk Manager</td></tr> </table>	Española	Tierra Amarilla	County Manager	Risk Manager
Española	Tierra Amarilla				
County Manager	Risk Manager				
2	If not available then call:				
	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Española</td><td style="width: 50%; text-align: center;">Tierra Amarilla</td></tr> <tr> <td style="text-align: center;"> 1. Risk Manager 2. Deputy County Manager </td><td style="text-align: center;"> 1. Deputy County Manager 2. County Manager </td></tr> </table>	Española	Tierra Amarilla	1. Risk Manager 2. Deputy County Manager	1. Deputy County Manager 2. County Manager
Española	Tierra Amarilla				
1. Risk Manager 2. Deputy County Manager	1. Deputy County Manager 2. County Manager				
3	The Risk Manager (or designee) shall review the reported observations and determine whether the documented facts establish reasonable suspicion under this policy.				

Rio Arriba County Drug and Alcohol Policy and Procedures

4	The director/supervisor will arrange to have the employee(s) screened at the appropriate site.	
5	Employees reasonably believed to be impaired shall not be permitted to operate a motor vehicle or County equipment pending completion of the screening process. If the collection site is not on the premises, the director/supervisor must arrange for transportation to the collection site.	
6	The director/supervisor will notify the collector if there is a specific substance that is suspected.	
7	The employee shall be placed on paid administrative leave pending completion of the investigation and receipt of the verified test results, unless otherwise authorized by the County Manager or required by law.	
8	If the employee is under 18 years of age, written parental consent must be obtained before the drug/alcohol screen can be done. An electronic consent, i.e. email or text message, is acceptable.	
9	At the collection site, the employee will be asked to show a valid picture ID. If the employee does not have one available, the employee's supervisor will visually confirm identity. The employee will be asked to sign an authorization to release the results to Risk Management. Refusal to execute any authorization reasonably necessary to complete the testing process may constitute a Failure to Test as defined by this policy.	
10	At the collection site, the employee will provide a urine sample for a drug screen. An EBT will also be performed.	
	If the employee. . . Refuses to test or refuses to sign an authorization to release results to Risk Management After first making an attempt, is unable to provide a urine specimen within (3) hours	then. . . The employee shall be removed from duty immediately, and disciplinary action shall be initiated in the form of a proposed termination pursuant to Section X of this policy. Standard medical "shy bladder" procedures will be followed.
Step	Action	
	Fails the EBT and reports using a product with a slight amount of alcohol, such as cough syrup, mouthwash, etc.	The screen will be repeated in approximately 30 minutes after the use of the product.

Rio Arriba County Drug and Alcohol Policy and Procedures

	Is unable to provide sufficient breath to successfully complete EBT	Standard medical procedures will be followed.
	Supplies information regarding prescribed medication use	The collector will inform the employee that they will not record that information, but to keep a list of all medications being used in the event the employee is contacted by the MRO for confirmation testing purposes.
11	Upon delivery of the urine sample to the collector, the employee will receive a copy of the form detailing the chain of custody the specimen will follow.	
12	The director/supervisor of the employee must arrange for transportation home. If the employee refuses transportation and does not appear to be impaired, the director/manager must document the employee refused transportation and contact local law enforcement. Under no circumstances shall a supervisor knowingly permit an employee reasonably believed to be impaired to operate a County vehicle.	
Step	Action	
13	A designated laboratory site will test the sample with testing results available in approximately 72 hours.	
14	If results are positive. . . The laboratory performs a confirmation test	
15	The results are sent to the MRO	
	If. . .	then. . .
	The results of the confirmation test are positive, or if the specimen is adulterated or substituted	The MRO will contact the employee to check for an alternative medical explanation behind the presence of the specific substance or medical explanation for the test results.
	There is a valid medical reason behind presence of substance as confirmed by the MRO	The test is recorded as negative.
	There is no valid medical explanation for presence of substance as confirmed by the MRO	The test is reported as verified positive.
16	MRO will report the results to the Risk Manager.	

Rio Arriba County Drug and Alcohol Policy and Procedures

17	The Risk Manager will report the results to the employee's Director/Supervisor, who in turn will report the results to the employee. The supervisor shall document the date and time the employee is notified of the results and any resulting employment action.		
		If the results are . . .	then
		Negative	The employee will be returned to work and will be paid for the time on Administrative leave.
		Verified positive	A verified positive drug or alcohol test constitutes grounds for disciplinary action in accordance with Section X of this policy and the Personnel Ordinance. The director/supervisor will prepare and submit the appropriate disciplinary paperwork in consultation with the County Attorney, which includes the notation that the "employee tested positive for a prohibited drug or alcohol screen". The re-hire status will be marked "not eligible for re-hire".

XXXI. Post-Accident Drug Screening Procedure

For departments who are subject to post-accident screening, the Director/Supervisor will follow the procedures outlined in For Cause/Reasonable Suspicion Screening.

	The Director/Supervisor and the local police will respond to the scene. Nothing in this procedure shall interfere with emergency medical treatment or actions necessary to protect life, safety, or property. Testing shall occur as soon thereafter as reasonably practicable.
	As part of the investigation process, the Director/Supervisor in conjunction with the testing authority will determine if post-accident drug and alcohol screening will be performed according to the criteria in policy.

Rio Arriba County Drug and Alcohol Policy and Procedures

XXXII. Random Drug and Alcohol Screening For Safety- Sensitive Functions

The procedures contained in this section are intended to provide general administrative guidance for implementing this policy. The County may deviate from these procedures when reasonably necessary to address emergency circumstances, comply with applicable law, protect employee or public safety, or respond to circumstances not specifically addressed herein. Any such deviation shall not invalidate otherwise lawful disciplinary action taken under this policy. The following table describes the steps that will be followed for random drug /alcohol screening:

Random Drug/Alcohol Screening Procedure Table		
1	A third party vendor randomly chooses the employee from a database.	
2	Risk Manager will be notified of employees who have been pulled for random screening.	
3	Risk Manager will inform the employee's director/supervisor. The employee shall not receive advance notice beyond that reasonably necessary to report immediately for testing.	
4	The director/supervisor will notify the employee and release the employee from their duties as soon as safe and practicable.	
5	The Collector will wait a maximum of one hour for the employee to be released for screening.	
6	Employees directed to report to a designated collection site must report to the site within two hours of notification.	
7	If the employee is under 18 years of age, written parental consent must be obtained before the drug screen is collected. An electronic consent, i.e. email or text message, is acceptable.	
8	The employee will be asked to show a valid picture ID. If the employee does not have one available, the employee's supervisor will visually confirm identity. The employee will be asked to sign an authorization to release the results to Risk Management.	
9	At the collection site, the employee will provide a urine sample and an EBT will be conducted.	
	If the employee...	then...
	Refuses to test or refuses to sign an authorization to release results to Risk Manager.	Refusal shall constitute a Failure to Test and shall result in the initiation of disciplinary action in the form of a proposed termination under Section X of this policy.
	After first making an attempt, is unable to provide a urine sample within (3) three hours	Standard medical "shy bladder" procedures will be followed.

Rio Arriba County Drug and Alcohol Policy and Procedures

10		Fails the EBT screen and reports just using a product with a slight amount of alcohol, such as cough syrup, mouthwash, etc...	The screen will be repeated in approximately 30 minutes after the use of the product.
11		Is unable to perform EBT	Standard medical procedures will be followed
		Supplies information regarding prescribed medication use	The collector will inform the employee that they will not record that information, but to keep a list of all medications being used in the event the employee is contacted by the MRO for confirmation testing purposes.
12	Upon delivery of the urine sample to the collector, the employee will receive a copy of the Chain of Custody the specimen will follow.		
13	A designated laboratory site will test the sample with results available in approximately 72 hours.		
14	If results are positive. . . The laboratory performs a confirmation test		
15	Results are sent to the MRO		
		If . . .	then. . .
		The results of the confirmation test are positive or the specimen has been adulterated or substituted	The MRO will contact the employee to check for an alternative medical explanation behind the presence of the specific substance or medical explanation for the test results.
		There is a valid medical reason behind presence of substance	The test is recorded as negative.
16		No valid medical explanation for presence of substance	The test is reported as verified positive
	The MRO will report confirmed positive findings to the County Risk Manager.		
17	The Risk Manager will notify the employee's director/supervisor of a confirmed positive result.		
18	The employee's director/supervisor will prepare the appropriate disciplinary paperwork in consultation with the County Attorney, which includes the notation that "Employee tested positive for a drug or alcohol screen". The re-hire status will be marked "not eligible for re-hire". See re-hire procedure contained in this policy.		

Rio Arriba County Drug and Alcohol Policy and Procedures

19	An employee whose alcohol concentration is 0.02 or greater shall be immediately removed from safety-sensitive duties pending completion of the disciplinary process.
20	If applicable, results of a positive drug screen will be reported to the appropriate licensing board by County Risk Manager.

Appendix 1, Definitions

Accident	An occurrence associated with the operation of a vehicle or equipment when the accident results in personal injury, death, significant property damage or if one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle.
Adulterated Specimen	A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
Alcohol	The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
Alcohol Concentration	The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
Alcohol use	The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
Collection Site	A place designated by the employer for the purpose of collecting specimens to be analyzed for the presence of drugs or alcohol.
Confirmation/Confirmatory test	In drug screening, a second analytical procedure from the same specimen to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates amphetamines and phencyclidine.)

Rio Arriba County Drug and Alcohol Policy and Procedures

Confirmation/ Confirmatory test (continued)	In alcohol testing, a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. An EBT is an approved device for testing alcohol concentration in the breath.
Failure to Test	Failure to test includes any or all of the following: refusing to take the test, tampering with the specimen, inability to provide sufficient specimen without medical reason, providing a specimen with an out of range temperature, providing a specimen that was not freshly voided at the time of collection, providing an adulterated specimen, failing to report to designated collection site in time allotted, failure to report for screening after an accident, engaging in a behavior that obstructs the testing process, refusal to authorize release of screening results to Risk Management.
Medical Review Officer (MRO)	A licensed physician (medical doctor or doctor of osteopathy) who is knowledgeable about and has clinical experience in controlled substances abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug screen results. An MRO is also knowledgeable about issues relating to adulterated and substituted specimens as well as the possible medical cause of specimens having an invalid result. Both qualification training and certifying examinations are provided by one of several nationally recognized MRO certification boards.
Random Pull	Is a system of drug and/or alcohol screening imposed without individualized suspicion that a particular individual is using illegal drugs or alcohol, and may either be: (1) uniform-unannounced testing of designated employees occupying a specified area; element or position; or (2) A statistically random sampling of such employees based on a number of neutral criteria such as employee ID number.
Safety- Sensitive	All employees identified as performing safety-sensitive functions are subject to random drug and alcohol screening. Safety-sensitive functions is defined as those with any of the following: Sheriff's Office Law Enforcement Detention Officers Senior Program Employees CDL Drivers Fleet Department Roads Department Swimming Pool Lifeguards

Rio Arriba County Drug and Alcohol Policy and Procedures

Appendix II, Back to Work Agreement

Employee Name:	Employee SS:
Home Phone:	Work Phone:

As a condition of continued employment or re-employment with Rio Arriba County, I agree to the following:

1. I must have a negative drug and alcohol screen before I can return to the workplace.
2. Regular attendance a _____ per week for _____ weeks. ____AA____NA
____CA____ other Out/In Patient Substance Abuse Program.
3. Commitment to continuous attendance at aftercare sessions.
4. I must complete a RACEAP approved treatment program.
5. Authorize release of information to include admission summary, psychiatric/chemical assessment, discharge date, aftercare plan, and multi-disciplinary progress and other pertinent information to the following persons (initial after each name)

1. _____

3. _____

2. _____

4. _____
6. I am required to submit to periodic unannounced random drug/alcohol screening for a minimum of six times in the first twelve months following execution of the "Back-to-Work Agreement." The 12 months time period or the number of screens required may be extended based upon the assessment of the counseling program and other factors, which may warrant such extension.
7. Drug/Alcohol screening to be done randomly.
8. I will follow the recommendations of the Substance Abuse Professional (SAP) program counselor.

Follow up screening recommendation: _____ screens per year for _____ year(s), then
_____ screens per year for _____ year(s).

I understand failure to follow the prescribed treatment plan or a positive drug/alcohol screen at any point in the future may result in disciplinary action, up to and including proposed termination of employment, in accordance with the Personnel Handbook and this Policy.

Employee:	Date:
------------------	--------------

Rio Arriba County Drug and Alcohol Policy and Procedures

Employee Health:	Date:
Risk Manager/Representative	Date

Send completed forms to:

Employee

Employee, Department Director/Supervisor

HR Manager/Representative

Risk Files

**Rio Arriba County Drug and Alcohol
Policy and Procedures**

Appendix III, Diversion Program Evaluation

DIVERSION PROGRAM EVALUATION OF WORK PERFORMANCE

**NM Board of Nursing Diversion Program
4305 Louisiana NE Suite A, Albuquerque, NM 87109
Telephone: 841-8345**

Supervisor This form is due every two months.
Report Form

Licensee's Name	License Number
Licensee's Position and Shift Hour:	
Facility Name & Phone Number	
Supervisor's Name & Phone #	

The DP Coordination must be notified of any DP Contract violations or workplace concerns immediately. Please contact DP Coordinator regarding violations in writing or by phone.

Evaluation Please provide information on the following:

Work Habits (absenteeism, tardiness, unexplained absences, accidents, documentation of problems, appropriate dress, etc.)	
Quality of Work:	
Interpersonal Relationships (peer relationships & work skills)	
Specific Accomplishments:	
Specific Problems:	
Additional Remarks:	
Supervisor Signature and date: Phone:	
HR Manager/Representative Signature and Date	

**Rio Arriba County Drug and Alcohol
Policy and Procedures**

SIGNED, ADOPTED AND APPROVED THIS 23rd DAY OF JULY 2026.

THIS POLICY SHALL BE EFFECTIVE AS OF JULY 24, 2026.

BOARD OF COUNTY COMMISSIONERS

Moises A. Morales, Jr.
Chairman, District I

Alex M. Naranjo
Commissioner, District II

Brandon M. Bustos
Commissioner, District I

ATTEST BY:

Sarah Archuleta, County Clerk