

Administrative Office of the Courts

Supreme Court of New Mexico

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MEMORANDUM

TO: All Judges and Judiciary Employees

FROM: Artie Pepin, AOC Director

DATE: January 25, 2007

SUBJECT: **Revised Drug & Alcohol Policy; New Drug Testing Policy**

The New Mexico Judiciary is strongly committed to a drug-free and alcohol-free work environment. The New Mexico Supreme Court is also committed to providing any judicial employee who faces the challenge of drug or alcohol abuse the opportunity to obtain treatment and recover the sobriety necessary for performing the work of the courts.

The judiciary will strongly support employees who voluntarily undertake to treat and recover from a problem with drugs or alcohol. At the same time, the judiciary will not tolerate possession or use of drugs or alcohol during the work day. Drug use has long been prohibited and the judiciary now adopts a no alcohol approach to the work day as well. The public served by our courts is entitled to judicial employees unaffected by drugs or alcohol.

The New Mexico Supreme Court has adopted a revised "Drug-Free And Alcohol-Free Work Place Policy" and a new "Drug/Alcohol Testing Policy" for all judicial employees. In addition, although judges are not judicial employees bound by the NMJBPR, the Court's order adopting these policies expresses the Court's requirement that judges abide by them in the execution of their judicial duties. Copies of these policies are attached.

Drug-Free And Alcohol-Free Work Place Policy

The revision to this policy adds alcohol abuse to the previous prohibition on drug abuse by judicial employees. Under the revised policy, in addition to not possessing or using controlled substances or abusing drugs, judicial employees may not consume alcohol during

the work day. It is a violation of this policy to consume alcohol during a work break or at lunch. An employee's supervisor is expected to counsel any employee suspected of consuming alcohol during the work day to ensure the employee is aware of the policy prohibiting consumption of alcohol during the work day and to take progressive steps in response to repeated or flagrant violations of this policy. Every judicial employee must sign an acknowledgment of receipt of a copy of this policy and the signed acknowledgment will be kept in the employee's personnel file.

Employee supervisors should refer any employee who can benefit from counseling or treatment to the Employee Assistance Program. Disciplinary action shall not be initiated if the employee, prior to being arrested for or reasonably suspected of drug or alcohol abuse voluntarily self-identifies a problem with drug or alcohol abuse and successfully completes an appropriate treatment program.

Drug Testing Policy

This new policy provides for drug or alcohol testing of any employee when the Administrative Authority reasonable suspects the employee has used drugs or consumed alcohol. Working with the designated Drug Testing Coordinator, the Administrative Authority may compel the test, at a certified lab and at the expense of the judicial entity, and an employee's refusal to undergo such a test shall be deemed to have tested positive and be subject to disciplinary action. Records of any testing shall be confidential except to the extent the test results in disciplinary action, and the records of test results shall be kept separate from an employee's personnel file. All employees should be advised of and reminded of the Drug Testing Policy when initially hired and during regular drug and alcohol training.

AWP