

DRUG AND ALCOHOL POLICY

Under New Mexico State law any employee found to be under the influence of and/or impaired by drugs or alcohol when they are injured may not be eligible for Workers' Compensation benefits or payment of medical expenses. (New Mexico Workers' Compensation Act, Section 52-1-11 and 52-1-12, NMSA 1978 as amended.)

Taos Ski Valley, Inc. is committed to providing a safe, healthy and efficient working environment for all employees and those who do business with TSV as well as protecting its reputation in the community. To help achieve this goal, employees are prohibited from:

Rules Governing Drug and Alcohol Use

Taos Ski Valley prohibits the following:

- ◆ the possession of, use of, consumption of, or being under the influence of or impaired by alcohol or illegal drugs at work, when reporting for work, on the premises of any TSV, Inc. property or facility while on the clock, or in TSV, Inc. vehicles;
- ◆ the manufacture, distribution, sale, possession, or use of illegal drugs at any time on or off the job; and
- ◆ consumption of alcohol within 4 hours prior to performing your job or consumption of any alcohol on a lunch or ski/snowboard break;
- ◆ Abusing inhalants or prescription drugs or possessing prescription drugs that have not been prescribed for the employee by a physician.

Prescription drugs may be used only by the person to whom they are prescribed and in the manner, combination, and quantity prescribed. If you must use any over-the-counter or prescription drugs that would impair your physical, mental, emotional or other faculties or which causes adverse side effects or may affect your work performance in any way, you must notify your supervisor and obtain approval before starting work. Your supervisor will gather the necessary information from you and/or Mogul Medical to determine if you can remain at work and what work restrictions, if any, may be necessary.

Drug and Alcohol Testing Policy

All information relating to drug and /or alcohol screens are kept secured and separate from employee files.

You may be tested in the event of:

- any on-the-job injury requiring medical care by a licensed physician
- being involved in an accident while at work which either (a) injures another person or (b) damages more than \$500 of TSV, Inc. property or private property unless it is clear to management that you are not at fault
- a serious near miss situation (no injuries or property damage), as determined by management
- odor of alcohol or residual odor peculiar to some chemical or controlled substance
- uncharacteristic behavior, personality changes, or disorientation
- deterioration of work performance
- repeated minor injuries or accidents
- a reasonable basis to believe a violation of the TSV, Inc. Drug and Alcohol Policy has occurred
- cash shortages or inconsistencies

If for any reason you do not take a drug or alcohol test within 24 hours of seeking medical attention for an on-the-job injury you will be tested before you will be allowed to return to work.

Refusal to be tested, altering, or tampering with your test specimen will result in termination of your employment and you will be ineligible for rehire.

Consequences of a Positive Drug/Alcohol Test Result

Failure to pass a drug and/or alcohol test will result in the immediate termination of your employment or a 30-day suspension depending upon whether you want to return to work. If you fail your drug and alcohol test and want to return to work you must follow these steps within the time periods specified:

1. Within 10 days after the date you are notified of a positive test result, have your situation evaluated by a substance abuse professional or a counselor at the Taos/Colfax Community Services (575.758.5857).
2. If recommended by your counselor, immediately enroll and participate in a rehabilitation program.
3. Your reinstated employment is conditioned upon successfully completing the program within the time frame recommended by your counselor. If you postpone fulfilling this requirement, you jeopardize your eligibility to return to work. If your program lasts longer than 30 days, you will be required to fulfill your 30-day suspension and will only be eligible to return to work if you are in full compliance with the program recommended by your counselor. You must have biweekly progress reports from your counselor sent to the Human Resources department. Missing an appointment with your counselor or an AA/NA meeting will result in your taking a drug test at your own expense. A second missed appointment will result in termination of your employment with TSV, Inc.
4. After your 30-day suspension you must pass a drug and alcohol test before you return to work. All aspects of the testing policy explained above apply. If you fail this test, your employment with TSV, Inc. is terminated and you will be ineligible for rehire.
5. After returning to work you must pass and pay for at least two random tests at \$40.00 each. If you return late in the season, one or both of your tests may be administered during a subsequent season. If you test positively on either of these random tests, your employment with TSV, Inc. will be terminated and you will be ineligible for rehire in the future.

Alcohol Policy

Alcohol is a legal substance and its use when you are not at work is not prohibited by this policy. However, TSV, Inc. will not tolerate alcohol use under the following circumstances.

- 1) Reporting to work under the influence of alcohol or so incapacitated by its after-effects that you cannot perform the essential functions of your job.
- 2) Knowingly giving, serving or allowing a minor to consume alcohol on TSV, Inc. property. Providing or selling alcohol to a minor is a 4th degree felony in the State of New Mexico. If you are under 21 years of age you may not consume alcohol on TSV, Inc. property.
- 3) Failing to accept decisions made by TSV wait staff when you are a patron. It is TSV server's responsibility to adhere to all New Mexico's liquor laws and regulations. If you are drinking in a TSV establishment and are asked to modify your behavior or you are cut off, you must cooperate.
- 4) Drinking while remaining punched in, on a lunch or ski/snowboard break, or drinking within 4 hours of reporting to work.
- 5) The only allowed on-premise drinking is in the Main and Rental Employee Locker Rooms after the end of the work day, 4:45pm, and after you have punched out for the day.
- 6) All servers and warehouse staff must possess a valid New Mexico Server Certification to sell or move alcohol products. Upon request, you must be able to show your Server Certification to the TSV, Inc. Resident Agent or the New Mexico Department of Public Safety. Any TSV, Inc. employee who serves alcohol must comply with and enforce the New Mexico Liquor Control Act.
- 7) Special event staff must be pre-approved by the Resident Agent, Michael Mitchell or Events and Promotions Manager, Alejandro Blake.

Violating this policy may result in disciplinary action including the suspension or termination of your season pass and/or employment.

Workers under the influence WUI Procedures

If you suspect someone on the staff is under the influence while working, please follow these procedures:

1. Contact your manager/supervisor who will then remove them from their work station. If they are on the mountain **do not let them ski/ride down**. Call patrol and have them escorted off the mountain.
2. The supervisor will bring them to Human Resources for an alcohol/drug test.
3. Human Resources or the supervisor will arrange for a ride home for them by a sober individual.