

TITLE 1: GOVERNMENT
DIVISION 8: PUBLIC EMPLOYMENT

§ 8602. Law Enforcement Mandatory Drug Testing.

Random Testing. During each calendar year randomly selected employees performing safety-sensitive functions will be required to submit to breath tests for alcohol and urine tests for cocaine, marijuana, opiates, amphetamines, and phencyclidine. The testing will be done during on-duty time. Except as otherwise provided, the government shall pay for the testing.

(a) Method of selection. Employees will be selected by a statistically valid method such as a random number table or computer-based random number generator that is matched with employee Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

(b) Number to be tested. No more than twenty-five percent of all employees performing safety-sensitive functions in each department or agency each year shall be required to submit to breath alcohol testing and no more than fifty percent shall be required to submit to urine testing. Except, subject to funding, each year one hundred percent of law enforcement officers, as defined in 1 CMC § 8282, shall be required to submit to urine testing. The actual percentage will be determined at the beginning of each fiscal year for each department or agency by the Office of Personnel Management's Alcohol and Drug Free Workplace Coordinator, in consultation with the appointing authority and the MRO after reviewing the department's or agency's prior positive testing rates, reasonable suspicion and post accident events, and referrals for service.

Source: PL 18-47 § 3 (Apr. 24, 2014), modified.

Commission Comment: The Commission corrected the spelling of the words "Management's" and "department's" in subsection (b) pursuant to 1 CMC § 3806(g).

PL 18-47 § 3 purported to amend NMIAC § 10-20.2-424(d). However, pursuant to 1 CMC § 9103(a), the Administrative Code consists of "Commonwealth administrative rules." As PL 18-47 is a statute enacted by the legislature and not an administrative rule promulgated by an agency, the Commission codified it in the Commonwealth Code.