Drug and Alcohol Free Workplace Process

1) SUPERVISOR
Observes or Becomes Aware their employee may be under the influence

2) SUPERVISOR
Directs employee to stop work and explain behavior

Acceptable Explanation → No further action is required *END*

Unacceptable Explanation

3) SUPERVISOR
May use only one (1) of the following three (3) actions:

(1)

4a) SUPERVISOR
If the employee was caught using alcohol or illegal controlled substances during work hours

SUPERVISOR
May issue a formal Suspension and/or Termination. *END*

(2)

4b) SUPERVISOR
May Request employee obtain a documented EAP assessment

EMPLOYEE
Must return documentation showing they attended an EAP assessment. *END*

(3)

4c) SUPERVISOR
Requests Director approval to have employee undergo a medical Examination

Denied → **SUPERVISOR**
May request Alternative Action (i.e. EAP) from the Director and/or may issue formal Disciplinary Action if appropriate. *END*

Approved

5a) SUPERVISOR
Shall have employee sign consent form acknowledging they are suspended pending test results. Ensure employee, within 2 hours of the request for medical exam, is sent directly to the testing site.
(Transportation to and from testing site is the supervisor responsibility)

Testing Sites
7:00am to 1:30pm - Employee Health Nursing (**EHN**) @ 405-4492
1:31pm to 6:59am – St. Mary's Hospital Prevea

Transportation
Astro Taxi @ 499-9119

6b) EMPLOYEE
Sent to Testing Site for Medical Exam

7b) EHN
Send test results Supervisor

8a) Negative
Test Results

SUPERVISOR:
Notify employee to Return to Work and if applicable, contact Law Office for Back Pay. *END*

8b) Positive
Test Results

First Occurrence

1) **SUPERVISOR**
Will refer employee to EAP

2) **EMPLOYEE**
Required to complete a return to work agreement within ten (10) working days after the referral. (Failure to comply will result in termination) *END*

Second Occurrence

1) **SUPERVISOR**
Will issue a formal suspension for five (5) working days from the date of notification.

2) **SUPERVISOR**
Will refer employee to EAP

3) **EMPLOYEE**
Complete a return to work agreement within ten (10) working days after the referral. (Failure to comply will result in termination) *END*

Third Occurrence

SUPERVISOR
Will issue formal termination and the employee is ineligible for re-employment with the Tribe for one (1) year. *END*

6a) EMPLOYEE
Refused or Failed to take medical examination

7a) EHN
Send refusal or failure to test letter to Supervisor

First Occurrence

1) **SUPERVISOR**
Will issue a formal suspension for up to five (5) working days for failing to participate.

2) **EMPLOYEE**
Within five (5) working days of being suspended, must give supervisor reasonable documentation that such behavior will not occur on the job in the future. (Failure to comply will result in termination)

3) **SUPERVISOR**
May require an EAP assessment *END*

Second Occurrence

1) **SUPERVISOR**
Will issue a formal suspension for five (5) working days for failing to participate.

2) **SUPERVISOR**
Will refer employee to EAP

3) **EMPLOYEE**
Complete a return to work agreement within ten (10) working days after the referral. (Failure to comply will result in termination) *END*

Third Occurrence

SUPERVISOR
Will issue formal termination and the employee is ineligible for re-employment with the Tribe for one (1) year. *END*

Terminations for failing to comply with this policy and/or third occurrences, will result in the employee being ineligible for re-employment with the Tribe for one (1) year.