# Drug & Alcohol Free Workplace Policy Consequences

**See:** DAFWP Consequences flowchart for the appropriate <u>Violation</u> process as stated in the DAFWP Policy Section 11.5.

11-5.(a) FIRST Violation

## 11-5.(a)(1)

Supervisor notifies employee and issues a mandatory EAP Referral and remove the employee from duty without pay.

#### 11-5.(a)(2)

The employee shall complete, sign and submit a Return-to-Work Agreement to their supervisor within ten (10) calendar days after the date of referral.

#### 11-5.(a)(2)(A)

When the supervisor signs the
Return-to-Work Agreement the employee
will return to work the next scheduled
working day.

## 11-5.(b)(3)

ONEAP will determine if employee shall require follow-up testing at employee's expense upon completion of drug and/or alcohol treatment.

END; however,

#### 11-5.(a)(3) & (b)(4)

Failure to comply with the Return-to-Work Agreement shall result in the employee being terminated using the DAFWP Separation Form and ineligibility for re-hire for one (1) year after the date of termination. 11-5.(b)
SECOND Violation

#### 11-5.(b)(1)

Supervisor notifies employee and issues a mandatory EAP Referral and remove the employee from duty without pay.

#### 11-5.(b)(2)

The employee shall complete, sign and submit a Return-to-Work Agreement to their supervisor within ten (10) calendar days after the date of referral.

#### 11-5.(b)(2)(A)(B)(C)

- A) The employee shall not return to work until ONEAP verifies sufficient progress in a treatment program that indicates the employee is drug and alcohol free within thirty (30) days from being removed from duty; and,
- B) The employee, at their own expense, completes a return-to-duty drug and alcohol test at a SAMHSA-certified facility with negative results;
- **C)** ONEAP will notify the supervisor of the employee's eligibility to return-to-work.

**NOTE:** If applicable, supervisor may place the employee on a Leave of Absence.

#### 11-5.(b)(3)

ONEAP will determine if employee shall require follow-up testing. Any required follow-up testing will be at the employee's expense.

END; however,

## 11-5.(a)(3) & (b)(4)

Failure to comply with the Return-to-Work Agreement shall result in the employee being terminated using the DAFWP Separation Form and ineligibility for re-hire for one (1) year after the date of termination.

11-5.(c)
THIRD Violation

## 11-5.(c)(1)

Any employee who engages in prohibited behavior as defined in Article VI a third time in their lifetime of employment with the Tribe shall be terminated using the DAFWP Separation Form.

**END** 

## 11-5.(c)(1)

The employee shall not be eligible for employment unless they receive forgiveness pursuant to the Pardon and Forgiveness Law.

## 11-5.(c)(1)

Any employee that receives forgiveness shall not be eligible for re-hire for one (1) year after the date of termination.

## **TIMELINES**

Day one (1) for all timelines will begin the day after employee receives Supervisory notification, EAP Referral, and/or Termination

Section 12-1. Former employees that were terminated due to violations of this Policy shall provide, along with their application for employment, the following:

- (a) Proof of completion of a certified Alcohol and Other Drug Abuse program; and
- (b) A negative drug screening and alcohol test at a SAMHSA-certified facility completed within the last thirty (30) calendar days. This drug screening and alcohol test shall be done at their own expense.

(Former employees with a 3<sup>rd</sup> DAFWP violation must prove they received forgiveness in accordance with the Pardon and Forgiveness Law)

Sections 5-4./13.1. Supervisors and Employees that fail to adhere to their responsibilities under this Policy may be subject to disciplinary action, corrective action, and/or other consequences, such as, the disqualification of Unemployment Benefits, Reduction of Workers Compensation Benefits, Criminal Penalties, and/or Liability of Accidents.