

# Northern Cheyenne Tribal Housing Authority

## Substance Abuse Policy



Adopted and Approved by the NCTHA Board of Commissioners

Resolution No. 06-(05)

July 6, 2005

Revised by Board of Commissioners on September 08, 2008

<u>Contents</u>	<u>Page Number</u>
I. Purpose	2
II. Scope	2
III. Policy Dissemination	3
IV. Definitions	3
V. Drug Prohibitions	4
VI. Alcohol Prohibitions	5
VII. Testing	5
VIII. Disciplinary Action	8
IX. Investigation	9
X. Confidentiality	10
XI. Drug Free Awareness Program	10

## I. PURPOSE

As part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work and to promote a drug free community, the Northern Cheyenne Tribal Housing Authority (NCTHA) establishes this policy. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public. Substance abuse can create a variety of workplace problems such as:

- Increased injuries on the job
- Increased absenteeism
- Increased health care and benefit costs
- Increased theft
- Decreased morale
- Decreased productivity
- Decline in the quality of services provided by the Company.

NCTHA has established this policy to detect users and remove abusers of alcohol and illegal drugs from the workplace and to assist permanent employees in overcoming any dependencies on alcohol and/or drugs in accordance with the following guidelines.

The purpose of this policy is to communicate NCTHA's position on alcohol and drugs in the workplace and to provide guidance for the implementation of related provisions in the personnel policy.

NCTHA policies, procedures and substance abuse or employee assistance provisions are not intended to create or alter any existing, implied or expressed contracts, written or verbal, between NCTHA and its employees, contractors or job applicants. NCTHA creates no promises with any of its policies, procedures and programs.

## II. SCOPE

All employees of the NCTHA, including Administrative, Permanent and Temporary employees, and Housing Board Members are covered by this policy. As a condition of employment, all employees are required to abide by the terms of this policy. This substance abuse policy primarily governs actions in the areas of alcohol and drugs.

### III. SUBSTANCE ABUSE POLICY DISSEMINATION

#### A. All Employees

- Are to be informed of the substance abuse policy.
- Employees shall be given a summary of the substance abuse policy.
- Shall be required to sign an Acknowledgment of Receipt and Understanding.

#### B. All Applicants

- Shall be informed in writing of NCTHA's pre-employment testing.
- Shall be required to sign an Applicant Drug Testing Consent Agreement after an offer for hire and prior to referral for drug test.

### IV. DEFINITIONS

- A. **Illegal Drugs:** "Illegal Drugs" are drugs or controlled substance which are, (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful manner. The term "Illegal Drugs" is also defined as mind altering and/or addictive substances which are not sold as drugs or medicines but used for a mind or behavior-altering effect.
- B. **Legal Drugs:** "Legal Drugs" are drugs prescribed or over-the-counter drugs, which are legally obtained and used for the purpose for which they were prescribed and sold.
- C. **Sensitive Position:** "Sensitive Position" is described as any position which requires the performance of physical or supervisory tasks directly affecting operations which, if performed improperly, could not result in injury or death to employees or others or could result in significant property damage. A position may also be classified as sensitive if it requires responsibilities with a high degree of trust and confidence.

- D. Company Property: "Company Property" includes: NCTHA work sites, NCTHA parking lots, NCTHA vehicles, NCTHA offices, employee owned or rented vehicles on NCTHA property or while on NCTHA business and at locations where the employees represent NCTHA.
- E. On Duty: "On Duty" is defined as all working hours, as well as meal periods and break periods, regardless of whether on premises, and all hours when an employee represents NCTHA in any capacity.
- F. Direct Observation/Monitored-Will Be Accompanied by the testing personnel.

#### V. DRUG USE PROHIBITIONS

- A. The uses, sale, purchase, possession, manufacture, distribution or dispensing of illegal drugs on NCTHA property or while on duty is against policy and is cause for immediate termination.
- B. An Employee may not report to work or work with the presence of illegal drugs or the metabolite of illegal drugs in the employee's body. Employees violating this policy are subject to disciplinary action, up to and including termination.
- C. Legal drugs may also affect the safety of the employee or fellow employees or members of the public. Therefore, any employee who is taking any legal drug that might impair safety, performance, or any motor function must advise his or her supervisor before reporting for work under such medications. A failure to do so may result in disciplinary action. Improper use of legal drugs is prohibited by this policy.
- D. Refusal to submit to, efforts to a tamper with, failure to cooperate with or failure to pass a drug test will result in disciplinary action, up to and including termination.
- E. A reasonable suspicion that this policy provisions has been violated should be reported to the employee's immediate supervisor and by that supervisor to the Executive Director.

VI. ALCOHOL USE PROHIBITIONS

- A. The consumption of alcohol on NCTHA property or while on duty is prohibited and will result in disciplinary action up to and including termination.
- B. It is against NCTHA policy to report to work under the influence alcohol or with a blood alcohol content level of .08 or above.
- C. Employees may be asked to submit to an alcohol test based on reasonable suspicion of alcohol use.
- D. Refusal to submit to, efforts to tamper with, failure to cooperate with, or failure to pass an alcohol test will result in disciplinary action up to and including termination.
- E. A reasonable suspicion that this policy provisions has been violated should be reported to the employee's supervisor and the supervisor to the Executive Director.

VII. TESTING

A. Testing of Applicants

- 1. All applicants considered final candidates and who have received a conditional "offer for hire" for a position will be tested for drug use as a part of the application process.
- 2. Applicants will be advised of NCTHA's pre-employment testing requirements in writing before an offer to hire. Applicants will be required to sign the Applicant Drug Testing Consent Agreement.
- 3. Any Applicant who refuses to submit to, tampers with, fails to cooperate, or fails to pass the pre-employment drug test shall have their job offer revoked and shall be ineligible for hire for a period of one (1) year.

## B. Reasonable Suspicion Testing

1. Employees may be required to submit to a drug and/or alcohol test based on a reasonable suspicion that their ability to perform work safely or effectively may be impaired. Factors that individually or in combination could result in reasonable suspicion include, but are not limited to, the following:
  - a. Direct observation of an individual engaged in a drug-related activity
  - b. A pattern of abnormal conduct
  - c. Unusual, irrational or erratic behavior
  - d. Unexplained, increased or excessive absenteeism or tardiness
  - e. Sudden changes in work performance
  - f. Repeated failure to follow instructions or operating procedures
  - g. Failure to follow safe work practices
  - h. Unexplained or excessive negligence or carelessness
  - i. Discovery or presence of drugs in an employee's possession or near an employee's workplace
  - j. Odor or residual odor peculiar to some drugs or the odor of alcohol
  - k. Arrest or Conviction for a drug-related crime
  - l. Information provided either by reliable and credible sources or independently corroborated
  - m. Evidence that an employee has tampered with a prior drug test

n. Failure to submit to a random test

2. If a supervisor believes reasonable suspicion exists, the findings and observations should be reported to the Executive Director.

#### C. Random Testing

1. Employees will be required to submit to drug and/or alcohol testing on a random basis.
2. Selection of employees for random testing shall be conducted using a random number generated or other neutral selection process.
3. By Direct Observation/Monitored

#### D. Testing Procedures

1. NCTHA will determine for which drugs testing will be performed.
2. If the employee refuses to consent to testing, fails to appear for testing, tampers with the test, or fails to cooperate with the testing procedures, he or she may be disciplined up to and including termination, or be referred for counseling and treatment.
3. All samples will be tested according to the following sequence:
  - a. All sample will be subjected to an initial screening process
  - b. Those samples having a negative screen(no illegal or illicitly used substance present) will be considered to have tested negative, and no further testing will be done on the sample
  - c. Those samples that test positive on the first screen will be tested more extensively by a second methodology to

eliminate any false-positive tests and confirm the positive test result

4. The Executive Director will inform employees who consent to testing, the results. As set forth herein, a positive test will result in disciplinary action up to and including termination.

#### E. Appeal of Confirmed Positive Test

1. After receipt of a report confirming a positive test result for the testing laboratory, NCTHA will inform the employee in writing of the positive test result and the consequences of the positive test result.
2. And employee may request and receive from the NCTHA a copy of the test result report.
3. Within one (1) business day after receiving notice of a confirmed positive test result, the employee may submit written information to the NCTHA designee explaining the positive test result and the reason(s) why the result does not constitute a violation of the Substance Abuse Policy.
4. The employee may request a re-test by another certified laboratory. The employee will be responsible for all costs associated with conducting the re-test.

### VIII. DISCIPLINARY ACTION

- A. In the case of a first-time violation of the Substance Abuse Policy, including a positive drug or alcohol test result (without evidence of use, sale, possession, distribution, dispersion, or purchase of drugs or alcohol on NCTHA property or while on duty) the employee will be disciplined up to and including termination, or, application of the following:

1. The employee will remain subject to discipline and required to undergo a drug and/or alcohol evaluation.
  2. The employee must contact and participate in a drug and/or alcohol evaluation and follow the recommendations made.
  3. Employee who (1) do not cooperate with NCTHA and the referral made; (2) refuse to participate in any evaluation or follow through with the recommendations; (3) violate any part of this policy, will be terminated.
  4. Should the employee require in-patient treatment or an intensive outpatient schedule, the employee will be placed on leave without pay.
  5. Any employee referred to treatment for drug use must sign a Last Chance Agreement prior to returning to work and agree to submit to a special random drug test for a period of up to one (1) year.
- B. NCTHA may suspend an employee, with or without pay, under this policy pending the results of a drug/alcohol test or investigation.
- C. NCTHA considers its employees its most valuable assets. No employee will be subject to discipline for voluntarily seeking drug or alcohol evaluation and/or treatment. However, an employee may not avoid discipline for violating the Substance Abuse Policy by seeking assistance after the employee has been referred for testing or tested positive for drug/alcohol use.
- D. Participation in any evaluation, treatment, or counseling program will be at the employees expense unless the employee is entitled to such benefits under the terms of NCTHA's group health plan or by other available benefits or programs.

IX. INVESTIGATION

- A. To ensure that illegal drugs and alcohol do not enter or affect the workplace, NCTHA reserves the right to search all vehicles, containers, desks, file cabinets, or other items on company property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon NCTHA's request.
- B. Failure to consent to a search or to display personal property for the visual inspection will be grounds for termination or other disciplinary action and denial of access to NCTHA premises.
- C. NCTHA will turn over all confiscated drugs to the proper authorities. Furthermore, NCTHA will cooperate with and may enlist the services of the proper authorities in the course of any investigation.

X. CONFIDENTIALITY

Results of an employee's test for the use of illegal drugs or alcohol shall be transmitted to the Executive Directive in strict confidence. In order to effectively address the employee with drug or alcohol problems, it will be necessary for the Executive Director to consult with other persons in the process. However, such results may be disseminated only on a need-to-know basis.

XI. DRUG FREE AWARENESS PROGRAM

- A. NCTHA will Conduct drug-free awareness programs periodically. These programs will inform employees about the following:
  - 1. The dangers of drug and alcohol abuse in the workplace.
  - 2. The policy of maintaining a drug and alcohol free workplace.
  - 3. Available drug and alcohol counseling, rehabilitation and other related assistance programs.

4. The sanctions that may be imposed for drug and alcohol abuse violations.

B. Employees are encouraged to approach their supervisor at any time with any questions they may have about NCTHA's Substance Abuse Policy.



## EMPLOYEE DRUG AND ALOHOL SCREENING CONSENT FORM

I consent to Northern Cheyenne Tribal Housing's request for a sample for the purpose of determining the presence of drugs, alcohol or other controlled substances, and I authorize the selected laboratory, its physicians, technicians and laboratories to do so.

Furthermore, I understand and consent that the results of those tests may be given, by the Company's authorized laboratory and/or agents, to a Medical Review Officer (MRO) and/or a Company designee. Based on the results, appropriate action as per the Northern Cheyenne Housing Authority's Substance Abuse Policy, if Necessary, will be taken.

Employee Name (print): \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date: \_\_\_\_\_



## EMPLOYEE DRUG AND ALCOHOL-FREE WORKPLACE AGREEMENT

### Acknowledgement and Receipt and Understanding

I hereby acknowledge that I have received, read and agree to comply with Northern Cheyenne Tribal Housing Authority's Substance Abuse Policy. I understand that in no way does this create an obligation or contract of employment and that, I as well as Northern Cheyenne Tribal Housing Authority, have the right to end the employment relationship at any time.

Employee Name (print): \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Date: \_\_\_\_\_