

# **YUROK TRIBE**

## **Drug and Alcohol Free Workplace Policy**

### **Statement of Policy**

The Yurok Tribe's goal is to establish and maintain a work environment free from alcohol, illegal drugs, abused prescription drugs and any other controlled substance. The Tribe's Drug and Alcohol Free Policy is, in many circumstances, also mandated by Federal contracting agencies. The Tribe will comply with all requirements of the Drug Free Workplace Act of 1988 if applicable to the particular employee involved, including notifying the granting agency within ten (10) days of learning that an employee has been convicted of violating a criminal drug statute in the workplace. All employees who are specifically subject to the Drug Free Workplace Act of 1988 will be given an official notice that they must sign as a condition of continued employment with the Yurok Tribe.

The Tribe has neither the desire nor the intent of intruding into the private lives of its employees, yet all employees must perform their duties safely and efficiently. The presence of alcohol, illegal drugs, and unprescribed controlled substances in the workplace, including employees reporting to work under the influence of alcohol, illegal drugs, or unprescribed controlled substances, is strictly prohibited.

The Tribe acknowledges that a successful approach to the problems related to alcohol or drug use requires an interaction among education, assistance, deterrence and discipline. It is in the spirit of achieving the Tribe's business goals, the goals of employees, and the legitimate expectations of Tribal members and clients of the Tribe that this drug and alcohol free workplace policy is adopted by the Yurok Tribal Council.

### **Policy**

1. This Drug Free and Alcohol Free Policy applies to all Yurok employees. Violation of this policy will result in disciplinary action, up to and including immediate termination of employment. For purposes of this Policy, "workplace" or "work environment" includes all tribal property and facilities, any subcontractor's property, facility or job site, and any other locations when an employee is "on duty" as a Tribal representative. "Workplace" or "work environment" also includes tribally owned vehicles, rental vehicles paid for by the Tribe, or whenever the employee is being reimbursed by the Tribe for using his/her own vehicle.
2. Any employee who violates this Policy will, at a minimum, be referred for participation in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes. The cost of such program will be paid by the employee. Disciplinary action may also be imposed. Continued employment with the Tribe may be conditioned on satisfactory completion of such a rehabilitation program.
3. Employees who have drug or alcohol use problems are urged to voluntarily seek assistance from the Tribe's Employee Assistance Program ("EAP"). Although the employee is solely responsible for paying for and successfully completing the drug or alcohol rehabilitation program, the Tribe will be supportive of all employees who voluntarily seek treatment. Thus, employees who voluntarily request this assistance will not be disciplined absent a violation of the Tribe's laws and policies.
4. The unlawful manufacturing, distributing, dispensing, possessing, or using of a controlled substance without a medical prescription is strictly prohibited in an employee's work environment.

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5. An employee reporting to work or working under the influence of any controlled substance without a medical prescription is strictly prohibited. Likewise, exceeding prescribed dosages is also forbidden and is a violation of this policy. At a minimum, an employee so acting will be referred for alcohol or drug counseling.
6. The Tribe reserves the right to require all employees, while on duty, to agree to inspections of their lockers, and/or tribal property in their possession for reasonable cause as described in paragraph #8. If an employee attempts to withhold consent to such an inspection, the Tribe may discipline the employee, up to and including termination of employment. Moreover, being under the influence of alcohol, an illegal drug or a controlled substance does not excuse an employee's misconduct that violates any Tribal law or policy. For example, an assault committed while under the influence of alcohol, an illegal drug or a controlled substance will result in disciplinary action commensurate with the nature of the misconduct. Likewise, use of alcohol, an illegal drug, or a controlled substance is not a legitimate excuse for poor job performance.
7. The Tribe reserves the right to investigate any possible violation of this policy. This may include requiring an employee to undergo medical testing for alcohol or drug use. If an employee refuses to participate in such an investigation, or to submit to medical testing for alcohol and drug use, the Tribe may discipline the employee, up to and including termination of employment.
8. An illustrative list of factors that the Tribe may consider in determining whether or not to require an employee to undergo medical testing for alcohol and/or drug use includes, but is not limited to: (1) observable phenomena, such as direct observation of drug use or possession and/or physical symptoms of being under the influence; (2) a pattern of abnormal conduct or erratic behavior, (3) conviction for a drug-related offense; or (4) corroborated, regarding an employee's substance abuse or violation of this policy. The Tribe also reserves the right to implement additional forms of drug and/or alcohol testing from time to time, including but not limited to, random drug testing for all current employees. The Tribe currently requires that each "successful" job applicant submit to and pass a drug screen before he or she may begin working for the Tribe. If the "successful" applicant fails to pass the drug screen, the Tribe will withdraw its offer of employment to the individual. If an applicant fails the pre-employment drug/alcohol screen they will not be considered for a employment with the Yurok Tribe for 90 days. If an applicant fails two pre-employment drug/alcohol screens they will be not be considered for employment for one (1) year with the Yurok Tribe.
9. According to Department of Transportation (DOT) requirements every Head Start bus driver shall submit to random alcohol and controlled substance testing. The selection of drivers for random alcohol and controlled substances testing shall be made by a statistically valid method through HOEM. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.
10. Employees who are convicted of violating a criminal drug statute in the workplace must notify the Yurok Personnel Officer within five (5) calendar days. In deciding how to address this very serious violation of the Tribe's Policy, management will consider the nature of the conviction, the employee's work record with the Tribe, and any other relevant factors affecting the Tribe's ability to do business.
11. While use of a prescribed controlled substance in the workplace is not a per se violation of this policy, employees taking a prescribed controlled substance that may alter their physical or mental ability to perform their job safely must immediately report the use of this