

Caddo Nation of Oklahoma Employee Drug Testing Policy

The following is a draft of the Employee Drug Testing Policy adopted by the Tribal Council. According to Chairman Parker, this policy was put forth by Acting Personnel Supervisor, Lionel Ahdunko, and is necessary for insurance purposes, as well as the maintenance of a drug-free work place. The policy was adopted in October of 2004.

EMPLOYEE DRUG TESTING POLICY

I. Purpose

A. The purpose of the Employee Drug Testing Policy is to establish guidelines through which the Caddo Nation Indian Tribe can test its employees for the illicit or otherwise inappropriate use of controlled substances, drugs or other medications which could adversely affect an employee's ability to perform his or her job, create safety issues or undermine public trust and confidence.

II. Policy

The Caddo Nation Indian tribe recognizes its responsibility to create and maintain a workplace that is free from the illicit or inappropriate use of a controlled substance, drugs, or other medications by its employees. This policy regarding employee drug testing is therefore established.

III. Circumstances for Testing

- A. As a part of applicant testing.
- B. Mandatory testing for new hires.
- C. Random employee testing (without notice).
- D. Reasonable suspicion testing.
- E. Traffic accident or unsafe practices testing.
- F. Voluntary testing.
- G. Testing as a follow-up to counseling or rehabilitation.

IV. Definitions

A. The following definitions are adopted for the purposes of interpreting, implementing and enforcing this policy.

- 1. Employees - These are personnel hired by the Caddo Nation Indian tribe.
- 2. Applicants and New Hires - These are employee potential and employees about to begin their tour of service.
- 3. Controlled Substance - Any narcotic, drug or compound controlled or prohibited by the Oklahoma Statutes Controlled Substances Act to specifically include but not limited to: cocaine and any derivative thereof; non-prescription opiates; amphetamine or methamphetamine; marijuana; hallucinogens; anabolic steroids or intoxicating inhalants.
- 4. Substances tested for - Tests look for the presence of five drugs: marijuana, cocaine, opiates, amphetamines, and PCP.
- 5. Influence - The presence of any controlled substance, drug or other medication in the body at levels which could affect the ability of an employee to perform his or her job function in the manner required.
- 6. Medication - Any controlled substance or drug lawfully prescribed by a licensed medical practitioner.
- 7. Non-prescription Medication - Any drug, compound or other "over the counter" substance which,

because of its contents of qualities, could render an employee unable to perform his or her job assignment.

8. Probationary Employee - Any employee of the Caddo Nation who has not completed his or her initial probationary period as defined by the Caddo Nation Policy and Procedure manual.

9. Reasonable Suspicion - A reasonable ground for belief in the existence of facts or circumstances warranting an order to submit to a drug test. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but not limited to: A pattern of abnormal or erratic behavior; information provided by a reliable and credible source; direct observations of drug use or evidence of such use; and the presence of physical symptoms of controlled substance use.

10. Rehabilitation - A program voluntarily entered into by an employee of the Caddo Nation designed by an authorized representative of the Chairman to assist an employee who is chemically dependent to return to full duty status without suffering disciplinary action.

11. Voluntary Admission - The admission by an employee that he or she has been involved in the illicit use of controlled substances, drugs or medications and/or has developed a dependency upon any such substance.

12. Without Notice - With respect to this policy, all tests will be administered without the Caddo Tribe being required to provide the affected employee with any preliminary warning or notice.

13. Mandatory Testing - When a Caddo Nation employee is involved in a traffic accident which results in any injury, bodily harm and/or death to oneself or another. When a Caddo Nation employee is involved in an injurious or bodily hurt incident that could show signs of carelessness, negligence or an unsafe practice.

14. Random Testing - All Caddo Nation employees are subject to the random drug testing program. This program will be administered on an unannounced quarterly basis with at least two randomly selected employees by at least three designated representatives appointed quarterly by the chairperson.

V. Testing Procedures

The program administrator ensures that all testing is done in accordance with the Scientific and Technical guidelines established by the Department of Health and Human Services for Federal drug testing.

VI. Designated Laboratories and Tests

The program administrator ensures that the laboratory designated for drug testing has been certified and that the screening tests used are FDA approved immunoassay tests. No test is reported positive unless there is a confirmation test using the Gas Chromography / Mass Spectrography assay, with a thorough review by a Medical Review Officer.

VII. Privacy Requirements

The results of drug tests are not disclosed without prior written consent of the employee unless the disclosure is:

A. To the employee's Medical Review Officer

B. To the administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating.

C. To any supervisory or management official within the Caddo Nation having the authority to take adverse personnel action against the employee.

VIII. Procedures

1. Applicants, new hires and existing employees are routinely tested for drug or narcotic usage as a part of their pre-employment, probationary or random categories.
2. Refusal to take the test, or test results reporting a presence of illegal drugs or narcotics, or the use of non-prescription drugs, is the basis for discontinuing an applicant in the selection process, releasing a new hire from employment, disciplinary action and/or termination for an existing employee.
3. Applicants, new hires or employees found to be involved in the illegal sale, manufacture or distribution of any narcotic drug are permanently rejected or terminated.
4. Results of drug tests are kept confidential.
5. All employees who are ingesting any prescribed or non-prescription medication which could adversely affect their ability to perform their job function shall immediately report such to their immediate supervisor. Failure to report may result in disciplinary action. Fitness for duty of an affected employee shall be evaluated by the supervisor.
6. A written directive will indicate the cause of circumstances by which a supervisor has developed a reasonable suspicion that the employee is in violation of this policy.
7. No employee of the Caddo Nation will in any way interfere with, resist or obstruct any authorized supervisor from enforcing this policy. The validity of the "reasonable suspicion" shall not be subject to review or appeal prior to the testing.
8. Failure to submit a sample for testing is considered a refusal and cause for termination. The accused employee has a right to explain the presence of drugs in the urine.
9. The purpose of the test is to determine if drug use affected the employee's actions or judgment.
10. A "reasonable suspicion" basis could be when there is documentation that an employee is impaired or incapable of performing his or her duties, of the employee exhibits reduced productivity, excessive vehicle accidents, high absenteeism, or other behavior inconsistent with previous performance.
11. The supervisor will make the contents of the documentation available to the employee when ordered to take a drug test as a result of an incident or allegation.

IX. Drug Testing Procedures

1. Personnel authorized to administer drug tests require a pictured identification from each employee to be tested before then enter the testing area.
2. A pre-test interview is conducted by testing personnel with each employee to ascertain and document the recent use of any prescription or non-prescription drugs, or any indirect exposure to drugs that may result in a false positive test result.
3. The testing area of the bathroom facility is private and secure.
4. The drug testing personnel will explain the testing and observation phase to the employee.
5. The drug testing policy excludes alcohol and/or alcohol dependency from its provisions.
6. The actual procedure utilized in determining the presence of controlled substances, drugs or other medications will be conducted through the use of urine samples initially screened by a reputable entity. A positive reaction to the initial testing will always require confirming "follow-up" testing.
7. Each step in the collecting and processing of the urine specimens is documented to establish

procedural integrity and the chain of custody.

8. All records pertaining to program required drug tests remain confidential and are not provided to other employees or agencies without express permission of the person whose records are sought.

9. Drug test results and records are stored and retained in compliance with federal law or for an indefinite period in a secured area where there is no applicable federal law.