

# **Employee Assistance and Drug-Free Workplace Policy**

The Drug-Free Workplace Act requires that each employee be given a copy of our policy regarding this matter. Attached is a copy of our policy.

## **Compliance Requirements**

All recipients receiving grants, including cooperative agreements, from any Federal Agency must certify that they will provide a drug-free workplace, or, in the case of a grantee who is individually certified to the agency, that his or her conduct of grant activity will be drug-free. Making the required certification has been a precondition of receiving a grant from a Federal Agency since March 18, 1989. Every recipient is required to make this certification for each grant by:

1. Publishing a policy statement notifying employees that the unlawful distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Establishing an ongoing drug-free awareness program to inform employees about:
  - a. The dangers of drug abuse in the workplace.
  - b. The grantee's policy of maintaining a drug-free workplace.
  - c. Any available drug counseling, rehabilitation, and employee assistance programs.
  - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1.
4. Notifying the employees in the statement required by paragraph 1 that as a condition of employment under the grant, the employee will:
  - a. Abide by the terms of the statement.
  - b. Notify the employer in writing of any criminal drug statute conviction for a violation occurring in a workplace no later than five (5) calendar days after such conviction.
5. Notifying the agency in writing within ten (10) calendar days after receiving notice under subparagraph 4b from an employee or otherwise receiving actual notice of such conviction.
6. Taking one of the following actions, within thirty (30) calendar days after receiving notice under subparagraph 4b, with respect to any employee who is so convicted.
  - a. Taking appropriate personnel action against such an employee, up to and including termination; or
  - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or Local Health or Law Enforcement agency.

## **Policy**

For the purpose of this policy, chemical dependency problems are defined as illnesses in which the employee's consumption of alcoholic beverages and/or illegal use of drugs, definitely and repeatedly interferes with the employee's job performances and/or health. Job performance might be affected in any or all of the following ways:

- Repeated Absences; Repeated Tardiness; Physical Symptoms of Chemical Use; Fatigue, Anxiety, Impatience, etc.; Non-Professional and Inappropriate Behavior

St. Stephens Indian School does not and will not tolerate the use or possession of alcohol and/or illegal drugs by its employees on school premises or while in attendance at a school related function. Any employee who is determined to have consumed or be in possession of alcoholic beverages or illegal drugs at school or at a school function, will be suspended. The employee will be referred to the INSITE team representative for immediate assistance. Procedures and methods for assistance will be adhered to as prescribed in the Employee Assistance and Drug-Free Workplace Policy.

St. Stephens Indian School believes that one of the basic functions of a supervisor is to identify poor job performance and to take corrective action. It is recognized, however, that many supervisors do not have the professional qualification to determine whether or not an employee is suffering from chemical dependence. Proper corrective action, then, is referring the employee to a community resource for professional diagnosis and treatment. We believe diagnosis and treatment should be accomplished, as with all other illnesses, by outside treatment sources. St. Stephens Indian School believes that job performance may also be affected when a member of the employee's family is afflicted with personal-emotional problems and chemical dependence. For this reason, we extend the same offer of referral assistance.

It is the responsibility of the employee to comply with referral for diagnosis and to cooperate with properly prescribed treatment. When an employee refuses to accept assistance, diagnosis, or treatment, or fails to respond to treatment within an agreed upon timeframe, the administrator or supervisor will handle the situation as one would any other problem of deteriorating job performance.

St. Stephens Indian School assures that referral for diagnosis or acceptance of treatment will not jeopardize the employee's job security or promotional opportunities. The employee's position and benefits will remain in effect during a treatment period. The employee's financial compensation will consist of insurance, benefits, and accrued leave. An individual's participation in a treatment program will remain confidential and will not be made a part of his/her personnel records.

## **Process**

St. Stephens Indian School believes it is in the interest of the employee, the employee's family, and the school to confront chemical dependency. Therefore, it is the policy of the school to handle such problems within the following framework.

A referral team will be established internally by and from the INSITE committee. The responsibilities of this team include:

1. When requested by the supervisory, the team will assist in determining if consumption or possession of alcohol and/or drugs has occurred.
2. Explain to the involved employee the services available.
3. Assist the employee in developing a plan of action to deal with the problem.
4. If a second intervention becomes necessary, participate in a joint conference involving the employee, the supervisor, and the service provider to evaluate treatment progress.

If a staff member, who is not a supervisor, suspects another staff member of possession or use of alcohol and/or illegal use of drugs while on school premises, that staff member's sole responsibility lies in reporting the appropriate supervisor. Self-referrals are also encouraged.

### **FIRST INTERVENTION**

- **Step 1** - The supervisor will interview the employee in question to determine that employee's condition
- **Step 2** - If the supervisor determines that consumption or possession has occurred, that employee will be suspended for (3) full days without pay.
- **Step 3** - A written plan of action will be developed by the supervisor and employee. The supervisor may involve the referral team in development of this action plan.

### **SECOND INTERVENTION**

- **Step 1** -The Supervisor's will interview the employee in question to determine that employee's condition
- **Step 2** - If the supervisor determines that consumption or possession has occurred, that employee will be suspended for (5) full days without pay.
- **Step 3** - A conference will be held involving the employee, the employee's supervisor, the referral team and the service provider to assess the employee's effort and potential for success in treatment. If progress or potential is determined to be unsatisfactory, the supervisor will handle the situation as he/she would any other problem of deteriorating job performance.

### **THIRD INTERVENTION**

- **Step 1** - Termination

## **Tobacco Policy**

St. Stephens Indian School is a tobacco free school. This policy is inclusive of students, staff, and visitors.

- **Use, Possession, and Furnishing:** All students, staff, and visitors who use, possess, share and/or sell any tobacco products on school property (including school busses) during school hours, or at any school sponsored activity, etc., are subject to immediate disciplinary action. No smoking or chewing will be allowed in personal vehicles on school property or at any school function.

Staff members who violate this policy will be dealt with as in other disciplinary matters.

1. **First Offense** - Verbal warning by supervisor.
2. **Second Offense** - Written reprimand to be placed in personnel file. Supervisor may require staff member to present a class on the harmful effects of tobacco to students.
3. **Third and Future Offenses** - To be dealt with as a disciplinary matter including any or all of the following: probation, written contract, requirement to attend Stop Smoking Seminars.

All visitors who violate this policy will be dealt with in the following way:

1. **First Offense** - Visitors who smoke or chew any tobacco products on school property or at school functions will be asked to leave school property or the school function.

## **Fund Raising Activities**

St. Stephens Indian School strictly prohibits the use of alcohol, drugs, or tobacco for fund raising purposes, (i.e., booze baskets for raffles, promotion of alcoholic beverages by using COORS numbers for runners in races, etc.).