

Chapter 18 – GENERAL RULES OF SAFETY

SECTION 1. POLICY

The health, safety and general well-being of Nation employees shall be a top priority concern of the Nation. Furthermore, it is the Nation's position that employee efficiency, productivity, and morale is enhanced when its employee is safe and protected from harm. Protection of Nation employees from injury or illness on the job cannot be achieved unless all employees follow safety rules at all times. Supervisors are responsible for instructing employees about safety rules and in techniques necessary to perform work safely. Employees who violate safety rules defined and/or outlined in this Chapter or any other safety rules established, approved, and published by a department or office to which an employee is assigned shall be subject to disciplinary action.

Executive Leadership, Directors and Supervisors are responsible for instituting, educating, implementing and enforcing written safety policies, procedures, and standards of safety for their respective departments and offices.

SECTION 2. GENERAL SAFETY RULES

General rules of safety that apply to all Nation departments and offices are presented below:

A. Safe Work Areas

Work areas must be free of obstructions considered unsafe, clean and orderly at all times.

B. Horseplay Prohibited

Pranks and horseplay are prohibited while an employee is on duty.

C. Appropriate Work Attire

Employees are required to wear clothing considered appropriate for the work to be performed. Employees who operate power tools or machinery should not wear loose or torn clothing, long neckties, and rings on fingers or wristwatches while operating equipment.

D. Drugs Prohibited

The use or possession of intoxicants, narcotics or controlled substances by employees while on duty is prohibited. The use or possession of drugs to keep alert (other than those prescribed by a physician) by employees on duty is prohibited. Any employee

who operates a vehicle or other Nation owned equipment while intoxicated is subject to immediate dismissal.

E. Equipment Authorization

Employees must not operate equipment with which they are unfamiliar or for which they are not authorized to use.

F. Defective Equipment

Defective equipment shall not be used. Employees must maintain their equipment and tools in proper condition. Defective or otherwise unsafe equipment and tools must be repaired or reported to the supervisor, who shall replace or schedule repairs.

G. Safety Equipment

Employees must use proper safety equipment as directed by their supervisor or Director.

H. Emergency Equipment

Employees shall be instructed and expected to know how to use fire extinguishers, location and use of first aid kits, emergency telephone procedures, and the use of any other safety equipment in the event of an emergency. Employees may be requested at any time to demonstrate their ability to use such equipment.

I. Lifting Procedures

Employees should lift and move material in a safe manner to avoid back injuries. It is suggested that employee bend at the knees and keeping the back straight when lifting.

J. Vehicle Operation

Only employees who have a current valid state driver's license will operate Nation vehicles and other equipment. All Nation employees must submit to a motor vehicle background check prior to operating Nation owned vehicles and equipment. Employees must have been instructed in the use of the vehicle or equipment prior to operation. Employees may be denied Nation vehicle operation if they have a history of reported major traffic violations, accidents, arrests or convictions for driving under the influence of intoxicants. The driver assumes full responsibility for the safe operation of the vehicle as well as for the safety and wellbeing of passengers. Drivers and passengers are required to use seat belts. Drivers will inspect their vehicles prior to use. They will assure that all safety equipment is operational and that windshields, turn signals, headlights, and reflectors are clean. Any unsafe condition will be reported to a supervisor for correction. Before leaving a parked vehicle, the driver will see that it is properly secured.

K. Reporting Vehicle Accidents

Any driver of a Nation vehicle involved in an accident must contact the closes police agency available, immediately to the scene of the accident. The Driver shall not leave the scene before the police have completed its investigation. The driver must notify his or her supervisor, and they must prepare a vehicle accident report jointly. The report must be forwarded to the Insurance Claims Office, in the Nation Finance Office, within twenty-four (24) hours from the time the accident took place, if on the Reservation, or within forty-eight (48) hours, if the accident occurred elsewhere.

L. Reporting Injuries

All job-related injuries, no matter how minor, must be reported promptly to the immediate supervisor. The supervisor will see that the injured employee obtains first aid or medical attention. Supervisors must investigate all reported injuries. The supervisor and injured employee must complete required forms and forward such forms to the Insurance Claims Office within forty-eight (48) hours of the injury.

M. Job related Injury or Illness

An employee who is injured or suffers from an illness, as a direct result of performing his/her assigned duties shall be eligible for compensation under existing policies established for this purpose by the Nation, State or Federal Government.

N. Physical Fitness to Perform Work

Supervisors are responsible for determining whether an employee is physically capable of performing the duties of his position. A supervisor may request that a complete medical examination be scheduled for an employee when there is reason to believe an employee is not fully capable of performing the duties assigned. Supervisors are responsible for preparing injury and accident reports and forwarding such to the Insurance Claims Office.

O. Employee Limitations

A physician may limit the duties to which an employee may be assigned. The Human Resource Office shall take action to reasonably accommodate an employee whose duties have been limited or place the employee on leave until such accommodation can be arranged.

SECTION 3. DRUG/ALCOHOL POLICY AND TESTING PROCEDURES

In accordance with the Drug Free Workplace Act of 1988, it is unlawful and against Nation policy to manufacture, distribute, dispense, possess or usage any intoxicants, narcotics or controlled substances, except when prescribed by a Physician, within the workplace. This policy applies to all Nation's employees. It is the policy for all Classified or Court employees to submit to random drug testing procedures.

Whenever an employee is suspected of violations of the Drug/Alcohol Policy, such conduct should be reported to the investigative officer of the Jicarilla Apache Nation Police for a confidential investigation.

Drug Testing Procedure

If there is sufficient evidence to lead to a reasonable suspicion of violations of the Drug/Alcohol Policy, the following will occur:

The investigative officer will notify the Human Resource Office in writing of the need to have the employee submit to a drug test.

The Human Resource Office will notify the employee in writing and arrange for mandatory testing at the Dulce Public Health Clinic/Laboratory. An employee may choose to forego drug testing and submit to an approved Rehabilitation Program (see program guidelines below).

Results of the testing will be provided to the Human Resource Office (or investigating officer).

In the event of a positive result, the Human Resource Office will notify the employee of the rehabilitation options and disciplinary action required for policy violations. In the event of the negative result, all records of the report and investigation shall be destroyed, and the employee may return to work.

Rehabilitative Option

Any employee who chooses not to submit to drug testing shall notify the Human Resource Office within seven (7) calendar dates of the receipt for their drug testing date. Employees must submit themselves to rehabilitation through programs designated acceptable by the Employee Assistance Program. Upon completion of the rehabilitation program, the employee must report to the Human Resource Office before returning to work or the employee shall not be entitled to receive pay for work done.

Disciplinary Action

Nation Employees 1st Offense = suspension without pay for 1 week

Nation Employees 2nd Offense = suspension without pay for 2 weeks

Nation Employees 3rd Offense = termination

Law Enforcement Employees 1st Offense = suspension without pay for 2 weeks

Law Enforcement Employees 2nd Offense = suspension without pay for 4 weeks plus mandatory rehabilitation. Refusal or failure to submit rehabilitation shall result in termination.

Law Enforcement Employees 3rd Offense = termination with permanent disability to be employed in any law enforcement position.

Mandatory Reporting

Any employee convicted in any court for the sales, possession, transfer, distribution, manufacture or use of any controlled substance is required to report it to the Human Resource Office within five (5) calendar days of the conviction. Failure to report a conviction will result in suspension for one (1) week without pay.

Employee Appeal

An employee who has been affected by the Drug/Alcohol Testing Policy may file an action in the Court of the Jicarilla Apache Nation to challenge the random selection for drug testing or the determination that reasonable suspicion of the violation exists. The Notice must be filed before the date of the drug test. The employee is still required to submit to the drug test however, results of the test shall not be released until all appeals are exhausted.