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CHEROKEE NATION GAMING COMMISSION RULES AND REGULATIONS

CHAPTER:	Rules and General Accountability	CHAPTER#:	III
SUBJECT:	Drug and Alcohol Testing	SECTION –SUBSECTION:	J
EFFECTIVE DATE:	07/28/2008	SUPERSEDES MATERIAL DATED:	08/01/2007
APPROVED BY:		DATE:	07/28/2008

PURPOSE

The Cherokee Nation Gaming Commission (CNGC) is committed to providing a work environment free from the effects of illegal drugs use as a part of individual licensing, vendor and facility licensing.

SCOPE

This Section shall be implemented and monitored in accordance with CNGC Gaming Licensing Rules and Regulations and Cherokee Nation Enterprises Entertainment (CNE) Policy and Procedures for Substance Abuse and Drug Testing CR HR410 CNB-CORP-210. It shall ensure that all license applicants and employees are properly tested and investigated in order to meet licensing requirements to obtain and maintain a gaming license.

For the purposes of this Chapter, "illegal drugs" includes controlled dangerous substances or prescription drugs either used without a valid prescription or used other than as prescribed. Further, "license applicant" includes all positions requiring a permit and/or license as approved by the CNGC.

A. LICENSE REQUIREMENT

The CNGC strictly prohibits the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance, or medically unauthorized use of prescription drugs, in the workplace or while engaged in the performance of their duties outside the workplace. Such unlawful activities are also prohibited during non-working hours, whether on or off the workplace premises. Abuse of alcohol on or off the premises is also prohibited to the extent that, in the opinion of the CNGC, it impairs the ability of the employee to perform on the job or threatens the reputation or integrity of the Cherokee Nation.

All license applicants shall be required to submit to **and pass** a drug test as a condition of obtaining an individual gaming permit and/or license. An applicant for any gaming license shall, at all times, have the burden of demonstrating to **the** CNGC, by clear and convincing evidence, that the applicant is eligible, qualified, and suitable to be granted and to retain the revocable privilege for which the application is made.

Each license applicant and employee must complete the CNE Substance Abuse and Drug Testing Policy Acknowledgement and Agreement Form, a copy of which shall be provided to CNGC.

B. DRUG TESTING

- 1. Applicants for any gaming license shall be required to submit to a drug test in accordance with the policy and procedures of CNE (CR-HR410 CNB-CORP-210), Pre-Employment.
- 2. Existing employees are subject to random, post accident, and reasonable suspicion testing requirements, as defined in CR HR410 CNB-CORP-210.
- 3. Drug testing shall follow the procedures set fourth under CR-HR410 CNB-CORP-210 for Testing Procedures,
- 4. Management is required to perform random drug testing and shall provide a summary of the results **to the CNGC Licensing department** within seventy-two (72) hours of their receipt, or the next business day.
- 5. Results of post-accident and reasonable suspicion drug testing shall be provided to **the CNGC Licensing department** with twenty-four (24) hours of receipt, or the next business day.
- 6. Refusal by an applicant or employee to submit to a drug test shall be grounds for suspension up to license revocation and possible revocation of their license under random, reasonable suspicion, or post-accident testing.

C. Positive Test Results – Consequences

1. Pre-Employment

- a. Applicants for a gaming permit/license must successfully pass a drug test prior to being hired by CNE.
- b. Management must attest to a license applicant's successful completion of a drug test as provided for in the Application for Gaming License packet. The

results of the drug test shall be open to inspection by and/or a copy provided to the CNGC upon request.

2. Existing Employees

- a. Employees testing positive for illegal drugs shall have their permit/license immediately suspended and removed from the gaming premises, pending a CNGC license revocation hearing.
- b. Employees who are convicted or plead guilty or nolo contenderre (no contest) to drug and/or alcohol related charges may be considered in violation of this regulation and may have their license suspended pending a revocation hearing before the CNGC.

3. License Suspension/Revocation

- a. The suspension and/or revocation of a gaming license shall be done in accordance with approved CNGC regulation.
- b. An Eemployees whose license is revoked for prohibited drug and/or alcohol related activities will not be eligible for consideration for re-licensing for a period of eighteen (18) months,

D. TESTING QUALIFICATIONS

1. Testing Facility

A copy of each lab testing facilities' certification must be on file indicating that the facility and its personnel are qualified to perform drug testing.

2. Supervision / Managers

All licensed persons who supervise or manage employees shall be required to successfully complete a regular reasonable suspicion training course and a copy of each licensed person's initial and renewal certificate must be on file with the CNGC.

E. CONFIDENTIALITY OF RECORDS

- 1. All drug test results are confidential and shall be maintained as a part of the employee's permanent gaming license file.
- 2. Access to the gaming license file is provided for in 25 C.F.R., Title 4 of the Cherokee Nation Code Annotated, and any agreements there under.