

CONFEDERATED SALISH AND KOOTENAI TRIBES
SUBSTANCE ABUSE POLICY

Approved:  Date 8-13-19

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All text in boldface print indicated Federal Transit Administration required elements as set forth in 49 CFR Part 40 and Part 655 as amended. All other text is under the authority of the Confederated Salish and Kootenai Tribes.

Confederated Salish and Kootenai Tribes SUBSTANCE ABUSE POLICY

1.0 POLICY

The Confederated Salish and Kootenai Tribes (Tribes) are dedicated to providing safe, dependable, and economical transportation services to our transit system passengers. The Confederated Salish and Kootenai Tribes' employees are a most valuable resource and it is our goal to provide a healthy, satisfying work environment which promotes personal opportunities for growth. In meeting these goals, it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; and (3) encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

It is the policy of the Tribes to enforce a "second chance" policy for those individuals covered under this policy.

2.0 PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers, and the public from the risk posed by the misuse of alcohol and abuse of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The Federal Transit Administration (FTA) of the U. S. Department of Transportation (US DOT) has published 49 CFT Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. US DOT has published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. This policy incorporates those requirements for safety-sensitive employees and others when so noted. Part 40 is available on-line at <http://www.dot.gov/ost/dapc/index.html>.

3.0 APPLICABILITY

This policy applies to all testing designated positions and safety-sensitive transit system employees, paid part-time employees, contract employees, volunteers (who receive remuneration in excess of expenses incurred while performing a covered activity or are required to hold a CDL to operate a vehicle) and contractors when they are on transit property or when performing any transit-related safety-sensitive business. Additionally, this policy applies to teachers, teacher's aides and school administrators having day to day contact with students; peace officers and others required to carry a firearm or having access to a firearm in the performance of job duties; law enforcement personnel having direct contact with prisoners; wildland firefighters with direct fireline responsibilities; individuals delivering direct health care services (doctors, dentists, nurses); and pharmacists. Finally, this policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

A safety-sensitive function is any duty related to the operation of mass transit service including operating a revenue service vehicle (whether or not the vehicle is in revenue service), dispatching, maintaining a revenue service vehicle or equipment used in revenue service, carrying a firearm for security purposes, and operating a non-revenue service vehicle when required to be operated by a holder of a Commercial Driver's License. Safety-sensitive positions are identified in Attachment A.

4.0 PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

4.1 Illegally Used Controlled Substances or Drugs

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), as further defined by 21 CFR 1300.11 through 1300.15, is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana (including medical marijuana), amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

4.2 Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance, which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected, must be reported to a transit system supervisor. In addition,

the employee must obtain a written release from the attending physician releasing the person to perform their job duties any time they obtain a performance-altering prescription. **Medical marijuana under a state law does not constitute a valid medical explanation under federal law and will be considered a positive drug test result.**

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.

Transit employee(s) performing safety-sensitive job functions and employees in testing designated positions who are taking OTC and legally prescribed drugs must:

- Confer with their physician prescribing the medication to ascertain pertinent side effects of prescription and/or OTC medications and inquire into alternative treatment options.
- Seek medical advice, as appropriate, before performing work-related duties.
- Advise his/her supervisor/management staff personnel if the use of such prescribed drugs/medication affects his/her ability to drive and/or work safely.

Some of the medications identified by the National Transportation Safety Board and FTA as medications of concern, are listed in Attachment B of this policy.

4.3 Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or any other substance such that alcohol is present in the body while performing transit business is prohibited. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as measured by an evidential breath-testing device. No safety-sensitive employee should report for duty or remain on duty when his/her breath alcohol concentration is 0.02 or greater. No safety-sensitive employee shall use alcohol while performing safety-sensitive functions, within four hours prior to performing a safety-sensitive function, or during on-call hours. Violation of these provisions is prohibited and subject to corrective action up to and including termination.

5.0 COMPLIANCE WITH TESTING REQUIREMENTS

In accordance with Part 655, all safety sensitive employees and employees in testing designated positions shall be subject to urine drug testing and breath alcohol testing as a condition of employment. Any safety-sensitive employees or employees in testing designated positions who refuse to comply with a request for testing shall be immediately removed from duty, referred to a substance abuse professional (SAP), and subject to corrective action up to and including termination from employment. Any safety-sensitive employee who is suspected by the collector during the specimen collection process of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an immediate observed second collection. Verification of these actions will result in the employee's immediate removal from duty and corrective action up to and including termination from employment.

Any person who has been given a conditional job offer subject to pre-employment drug testing and leaves the testing site once testing has commenced (i.e., once the collector provides the individual with the urine collection cup), shall be deemed to have refused the test. Failure to show up for or leaving the collection site prior to commencement of the pre-employment drug test is not considered a refusal. Failure to undergo a medical examination or evaluation directed by the MRO shall constitute a refusal of a pre-employment test only if the pre-employment test is conducted after a contingent offer of employment.

The following circumstances constitute a test refusal:

- 1. Failure to appear for any test (except pre-employment) within a reasonable time after being notified to go**
- 2. Failure to remain at the testing site until the testing process is complete**
- 3. Failure to attempt to provide a specimen for any drug or alcohol test required by DOT/FTA rules**
- 4. Refusal to allow the observation or monitoring of a specimen collection when it is required**
- 5. Failure to provide a sufficient urine or breath sample without an adequate medical explanation for the failure**
- 6. Failure to take a second drug test that the employer or collector has directed the employee to take**

- 7. Failure to undergo a medical exam as directed by the employer or the medical review officer (MRO) as part of the verification process, or “shy bladder” or “shy lung” procedures**
- 8. Failure to cooperate with the testing process. (examples: refusal to empty pockets when requested, behaving in a confrontational manner that disrupts the process)**
- 9. For an observed collection, failure to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants to mid-thigh, and to turn around to allow the observer to see if the employee is wearing a prosthetic or similar device that could be used to interfere with the collection process**
- 10. Possession or wearing of a device as described above intended to help the employee pass the drug test**
- 11. Admitting adulteration or substitution of the specimen to the collector or MRO**
- 12. If the MRO reports a verified adulterated or substituted test result**
- 13. Refusal to sign Step 2 of the Alcohol Testing Form.**
- 14. Failure to remain readily available for post-accident drug and alcohol testing until a decision is made that no testing is required or until testing is completed**

A drug test can be performed any time a safety sensitive employee is on duty. A random or reasonable suspicion alcohol test can only be performed just before, during or immediately after the performance of a safety sensitive duty.

6.0 TREATMENT REQUIREMENTS

All employees are encouraged voluntarily to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses to fails to comply with transit system or other requirements for treatment, after care, or return to duty shall be subject to termination. The cost of any treatment or rehabilitation services will be paid for directly by the employee or their insurance provider. Employees will be allowed to take accumulated personal time leave to participate in the prescribed rehabilitation program. Any employee with a positive test result will be subject to corrective action up to and including termination.

7.0 TESTING PROCEDURES

All safety-sensitive employees shall be subject to pre-employment, reasonable suspicion, post-accident, and random testing as defined in sections 7.2, 7.3, 7.4 and 7.5. All other employees, except non safety-sensitive temporary employees working less than 30 days, shall be subject to pre-employment, reasonable suspicion, and post-accident testing as defined in sections 7.2, 7.3, 7.4 and 7.5.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment and laboratory facilities, which have been approved by the U. S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. A copy of 49 CFR Part 40 is available from the DER upon request.

The five drugs that will be tested for in a urine specimen include marijuana, cocaine, opioids, amphetamines and phencyclidine. All urine specimen drug testing will be conducted at a DHHS-certified laboratory. An initial drug screen will be conducted on each urine specimen. For those specimens with non-negative initial drug screen results, confirmatory gas chromatography/mass spectrometry (GC/MS) testing is conducted. The test result will be considered positive if the amount(s) present are above the minimum thresholds established in 49 CFR 40.87, as amended.

Breath alcohol testing will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved testing device operated by a trained breath alcohol technician. If the initial test indicates a breath alcohol concentration of 0.02 or greater, a second test will be performed by the breath alcohol technician. The confirmatory test will be performed using an NHTSA-approved evidential breath-testing device operated by a trained breath alcohol technician. A safety-sensitive employee who has a confirmed breath alcohol concentration of 0.02 or greater but less than 0.04 will be immediately removed from duty for eight hours or the remainder of the work day whichever is longer, unless a retest results in a concentration measure of less than 0.02. A confirmed breath alcohol concentration of 0.04 or greater will be considered a positive alcohol test in violation of this policy and a violation of the requirements set forth in 49 CFR Part 655 for safety-sensitive employees.

The consequences for covered employees, including applicants for safety-sensitive positions, who have a verified drug or a confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuse to submit to a test under this part, include the mandatory requirements that the covered employee be removed immediately from his/her safety-sensitive function and referred to a SAP. The DER shall notify the

employee's supervisor that a positive test result was reported. An employee referred to the SAP for assessment must report to the SAP for the assessment within five (5) working days of being notified of the positive test results. The SAP shall send a letter to the DER documenting the results of the assessment and the treatment plan the employee is required to complete. The employee is required to follow the treatment plan recommended by the SAP.

The SAP will notify the DER of the employee's successful completion of the treatment plan. The employee will be required to have a verified negative return-to-duty test result before returning to work and must do so within ninety (90) days or be terminated. The employee, upon returning to duty, shall be subject to follow-up testing in accordance with section 7.6.

For the first positive test result the employee may use personal time off if available for any time required away from work. For the second positive test result, which shall include relapse during treatment, the employee shall be required to take two (2) weeks of unpaid leave. The employee may use personal time off if the period before the employee can test negative is longer than the two (2) weeks of unpaid leave. Such period shall be identified by the SAP. Administrative leave and leave from the leave share program shall not be available for such disciplinary actions. For the third positive test result the employee shall be terminated.

The cost of any treatment or rehabilitation services will be paid directly by the employee.

The Confederated Salish and Kootenai Tribes affirm the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Consistent with the requirements in 49 CFR Part 40, as amended, an immediate urine specimen collection will be conducted under direct observation (by a person of the same gender) with no advance notice if:

- 1. The DHHS-certified laboratory reports to the MRO that a specimen is invalid, and the MRO reports to the designated employer representative (DER) that there was not an adequate medical explanation for the result.**
- 2. The MRO reports to the DER that the original positive, adulterated, or substituted test result had to be canceled because the test of the split specimen could not be performed**

3. **The MRO directs the DER to conduct a recollection under direct observation because the creatinine concentration of the initial specimen collected was equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL.**
4. **The collector must immediately conduct a collection under direct observation if:**
 - **The employee is directed by the DER to do so, or the employees conduct clearly indicates an attempt to tamper with a specimen**
 - **The collector observes materials brought to the collection site by the donor or the donor's conduct clearly indicates an attempt to tamper with a specimen**
 - **The temperature of the original specimen is outside the acceptable range of 90-100 degrees Fahrenheit**
 - **The original specimen appeared to be tampered with**
5. **The DER will direct an employee to provide a urine specimen under direct observation for return-to-duty and follow-up drug tests**

7.1 Employee Requested Testing

Any safety-sensitive employee or applicant who questions the results of a verified positive required drug test may request that the split sample be tested at a second DHHS certified testing laboratory. This test must be conducted on the split specimen (the original specimen was separated into two bottles – the primary specimen and the split specimen.) The Confederated Salish and Kootenai Tribes will seek to be reimbursed from the employee for all costs of such testing unless the test result of the split specimen invalidates the test result of the primary specimen. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted by the MRO if the delay was due to documentable facts that were beyond the control of the employee.

7.2 Pre-Employment Testing

All applicants for safety-sensitive positions shall undergo urine drug testing prior to hiring or transfer into a safety-sensitive position. All offers

of employment for safety-sensitive positions shall be extended conditional upon the applicant passing a drug test. If any employee or applicant has not performed a safety-sensitive function for 90 consecutive calendar days or more, regardless of the reason, and the employee had been removed from the random testing selection pool during that time, a pre-employment drug test is required. An MRO-verified negative result must be obtained prior to the performance of any safety-sensitive work. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded.

Any applicant for a job required to be entered on the Tribal payroll, with the exception of temporary employees working less than thirty (30) days is subject to pre-hire drug testing. This includes all applicants for contract, temporary (working thirty (30) days or longer), or youth positions.

The Confederated Salish and Kootenai Tribes' Personnel Office shall schedule appoints for drug and alcohol testing with the test facility and applicant. The applicant must contact the Personnel Office within two working days of the appointment if unable to keep the appointment. If the applicant has a valid reason for missing the appointment, testing will be rescheduled.

The Confederated Salish and Kootenai Tribes will provide each applicant or employee who fails a pre-employment drug test with the name, address, and telephone number of the available SAP meeting the qualifications listed in 49 CFR Part 40, as amended.

Any individual who has previously either failed or refused a DOT required pre-employment test must provide evidence of successfully completing a SAP referral and evaluation, and treatment plan compliant with the requirements in 49 CFR Parts 40 and 655, as amended, prior to further consideration for employment. The cost for the assessment and any subsequent treatment will be the sole responsibility of the individual. If the drug screen test is canceled by the MRO, the applicant must retake and pass the drug screen test before being hired.

7.3 Reasonable Suspicion Testing

All employees including safety-sensitive employees may be subject to urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made based on documented contemporaneous and articulable observations consistent with substance abuse and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors trained to detect the signs and symptoms of drug abuse and alcohol misuse and conclude that an employee may be adversely affected or impaired in his/her work performance due to possible

prohibited substance abuse or alcohol misuse. The decision to test for alcohol under reasonable suspicion will be made based on observations made just before, during or immediately after performing a safety-sensitive function.

Examples of reasonable suspicion include, but are not limited to, the following:

- 1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse which includes specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of an employee.**
- 2. Evidence of the manufacture, distribution dispensing, possession or use of controlled substances, drugs, alcohol or other prohibited substance.**
- 3. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security or other operation procedures.**

7.4 Post-Accident Testing

All employees including safety-sensitive employees will be required to undergo urine drug and breath alcohol testing if they are involved in an accident involving the operation of a Confederated Salish and Kootenai Tribes' revenue service vehicle (regardless of whether or not the vehicle is in revenue service at the time of the accident) that results in a fatality. This includes any surviving safety-sensitive employee that was operating the vehicle and any other employee whose performance could have contributed to the accident.

In addition, post-accident drug and alcohol testing will be conducted if the accident involves the operation of a revenue service vehicle, whether or not in revenue service, and

- An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or**
- Any vehicle involved sustains disabling damage requiring a tow away from the scene.**

For non-fatal accidents drug and alcohol testing will be conducted on all covered employees operating the mass transit vehicle unless their performance can be completely discounted as a contributing factor based on the best information available at the time of the decision, and all other covered employees whose performance could have contributed to the

accident, as determined by the Confederated Salish and Kootenai Tribes using the best information available at the time of the decision to test.

Following an accident, all employees including a safety-sensitive employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any safety sensitive employee involved in an accident must refrain from consuming alcohol for eight hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first. Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and shall be subject to corrective action up to and including termination. Employees tested under this provision will include any covered employee whose performance could have contributed to the accident.

Post-accident testing is stayed while the employee assists in the resolution of the accident or receives medical attention following the accident.

The Confederated Salish and Kootenai Tribes will make every effort to complete breath alcohol testing within 2 hours of the accident. If alcohol testing cannot be completed within 2 hours, a report must be maintained that documents the reason for the testing delay. If alcohol testing cannot be accomplished within 8 hours of the accident, all attempts to obtain a specimen must cease and the documentation on the testing delay must be updated.

7.5 Random Testing

Employees in testing designated positions and safety-sensitive positions will be subject to random, unannounced, and unpredictable drug and alcohol testing. The selection of employees in testing designated positions and safety-sensitive employees for random drug and alcohol testing will be made using a scientifically valid method that ensures that each covered employee has an equal chance of being selected for testing each time selections are made with no influence from operations or management. Random drug testing will be conducted throughout the calendar year and at all times of the day when safety-sensitive functions are performed. Once an employee is notified of his/her selection for random testing, he/she must proceed to the testing site immediately. Random drug tests can be conducted at any time while an employee is on duty. Random alcohol testing may only be conducted just before, during, or immediately after performing a safety-sensitive function. At a minimum, the Confederated Salish and Kootenai Tribes will test at the current FTA established rates set forth in 49 CFR Part 655, as amended. A copy of 49 CFR Part 655 is available from the DER upon request.

7.6 Return-to-Duty Testing

FTA safety-sensitive employees who test positive for alcohol or drugs may only return to safety-sensitive duties if they successfully complete the SAP referral, evaluation, and treatment process and have a verified negative test result on a DOT return-to-duty test. The return-to-duty test may only occur after the SAP has evaluated the employee and has determined that the employee poses no undue risk to public safety.

7.7 Follow-up Testing

FTA safety-sensitive employees who return to duty following a positive test result will be required to undergo frequent, unannounced DOT alcohol and/or drug testing following their return to duty. Such follow-up-testing will be performed for a period of time determined by the SAP; however, each employee will be subject to a minimum of six follow-up tests over the first 12 months after the employee's return to duty. Follow-up testing may be performed for up to 60 months after the employee's return to duty. The DER shall adhere to the follow-up testing plan developed by the SAP.

7.8 Dilute Negative Policy

A dilute specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine. As permitted in 49 CFR 40.197, the Confederated Salish and Kootenai Tribes will not perform a second test on any applicant/employee with a dilute negative drug test result, unless directed to do so by the MRO. If the employee declines to take the second observed drug test as directed, it will be considered a test refusal.

8.0 REFERRALS FOR TREATMENT

Any testing designated position and safety-sensitive employee who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40 and 49 CFR Part 655, as amended, will be referred for evaluation to a SAP that meets the qualifications set forth in 49 CFR Part 40, as amended. The SAP will evaluate each employee to determine what assistance (treatment and/or education) the employee needs in resolving problems associated with prohibited drug use or alcohol misuse. Any cost of treatment will be paid solely by the employee.

9.0 CONSEQUENCES OF A POSITIVE TEST

All employees who test positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth above will be subject to corrective action up to and including termination. For the first violation, the employee will be removed from duty and referred to the employee assistance program and will be required to meet with the SAP and provide a negative test result to return to work. For the second violation, the employee will be removed from duty for a period of two week and will be required to meet with the SAP and provide a negative test result to return to work. For the third violation, the employee will be terminated.

10.0 EMPLOYEE AND SUPERVISOR TRAINING

All testing designated employees and safety-sensitive employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use in personal health, safety, and the work environment. The training will also include manifestations and behavioral cues that may indicated prohibited drug use.

Supervisors will also receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

Information on the signs, symptoms, health effects and consequences of alcohol misuse is presented in Attachment C of this policy.

11.0 INFORMATION DISCLOSURE

The Confederated Salish and Kootenai Tribes shall release information regarding a covered employee's record as directed by specific, written consent from the employee authorizing release of the information to an identified person.

A covered employee is entitled, upon written request, to obtain copies of any records pertaining to his/her use of prohibited substances, including any records pertaining to test results.

The Confederated Salish and Kootenai Tribes may disclose information that is required to be maintained to the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee tested.

When requested by the National Transportation Safety Board as part of an accident investigation, the Confederated Salish and Kootenai Tribes shall

disclose information related to its administration of drug and alcohol tests following the accident investigation.

Records shall be made available to subsequent employers upon receipt of written request from the covered employee.

The Confederated Salish and Kootenai Tribes shall disclose data for its drug and alcohol testing program and any other information pertaining to its anti-drug program, when requested by the Secretary of Transportation or any DOT agency with regulatory authority over the Confederated Salish and Kootenai Tribes.

The Confederated Salish and Kootenai Tribes shall disclose drug and alcohol testing information to the Montana Department of Transportation as the oversight agency for the program.

To be considered for employment, all applicants will be asked to give consent to the Confederated Salish and Kootenai Tribes for a background check of the applicant's previous DOT covered employers over the past two years. The information requested will include:

- 1. Alcohol test results of 0.04 or higher alcohol concentration**
- 2. Verified positive drug tests**
- 3. Refusals to be tested (including verified adulterated or substituted drug test results)**
- 4. Other violations of DOT agency drug and alcohol testing regulations**
- 5. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests)**

12.0 PROPER APPLICATION OF THIS POLICY

The Tribes are dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of the policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

13.0 System Contact

Any questions regarding this policy or any other aspect of the drug free and alcohol free transit program should contact the following transit system representatives:

Designated Employer Representative (DER):

Name: Melanie Piedalue
Title: Lead Personnel Management Specialist/Employee Benefits Supervisor
Address: Confederated Salish and Kootenai Tribes
P. O. Box 278
51383 Highway 93 North
Pablo, Montana 59855
Phone: (406) 675-2700, Extension 1295
Fax: (406) 675-2711
Email: melanie.piedalue@cskt.org

Consortium/Third Party Administrator:

Name: St. Luke Community Hospital
Address: 107 6th Avenue SW
Ronan, Montana 59864
Phone: (406) 676-4441, Extension 359
Fax: (406) 676-4419

Drug Testing Lab:

Name: Pathology Associates Medical Laboratories
Address: 110 West Cliff Drive
Spokane, Washington 99204
Phone: (509) 755-8991/800-541-7897, Extension 7
Fax: (509) 922-5281

Medical Review Officer (MRO):

Name: Paul Gochis, MD
Address: Mission Mountain Medicine
104 Rufus Lane
Polson, Montana 59860
Phone: (406) 883-2555
Fax: (406) 883-2559

Employee Assistance Program (EAP)

Provider: Sapphire Resource Connection
Address: P.O. Box 7487
Kalispell, MT 59904
Phone: 1-866-767-9511

Substance Abuse Professional (SAP):


Name: Jeanette Stangl
Address: 821 S. Orange St.
Missoula, MT 59801
Phone: 406.542.8461
E-mail: stangljeanette@gmail.com

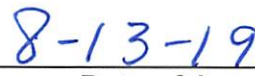
14.0 FUTURE CHANGES OR MODIFICATIONS

The Confederated Salish and Kootenai Tribes, at the direction of the Montana Department of Transportation, will update this drug and alcohol policy to reflect all regulatory modifications, clarifications, and FTA and US DOT interpretations that are relevant to our Tribal organization. In addition, the Confederated Salish and Kootenai Tribes reserve the right to change the provisions of this policy and testing program in the future. Employees will be notified in writing of any changes pertinent to this policy.

15.0 FORMAL APPROVAL OF THE POLICY

This drug and alcohol policy has been approved by the Confederated Salish and Kootenai Tribal Council and will be strictly adhered to.


Chairman, Tribal Council
Confederated Salish & Kootenai Tribes


Date of Approval

Attachment A: Covered Positions by Job Titles

A. "Safety-Sensitive" as defined by FTA 49 CFR 655:

Safety-sensitive function means any of the following duties:

- (1) Operating a revenue service vehicle, including when not in revenue service;**
- (2) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License (CDL);**
- (3) Controlling dispatch or movement of a revenue service vehicle;**
- (4) Maintaining a revenue service vehicle or equipment used in revenue service;**
- (5) Carrying a firearm for security purposes.**

The following positions are considered to be FTA safety-sensitive positions:

Department of Human Resources Development

**Van Driver
Dispatcher
Mechanic**

- B. The Confederated Salish and Kootenai Tribes' Covered Positions are all defined as all positions requiring a commercial driver's license for performance of job duties; teachers, teacher's aides and school administrators having day to day contact with students; peace officers and others required to carry a firearm or having access to a firearm in the performance of job duties; law enforcement personnel having direct contact with prisoners; wildland firefighters with direct fireline responsibilities; individuals delivering direct health care services (doctors, dentists, nurses); and pharmacists.**

- C. The following jobs, delineated by these job titles, are Covered Positions:**

Department of Human Resources Development

**Home Care Provider
Elderly Care Program Manager
Child Protective Services Worker
Foster Care Worker
Child Protection Specialist**

Early Childhood Services

Accounting Assistant
Bus Driver
Bus Driver/Grandparent
Cook
Cultural Specialist
Cultural/Traditional Instructor
Driver
Early Childhood Services Director
Early Headstart Teacher
Early Headstart Teacher/Supervisor
Early Headstart Lead Teacher
Early Headstart Teacher Aide
Early Headstart Lead Teacher/Supervisor
Grandparent
Education Coordinator
Education Manager
ERSEA/Childcare Coordinator
Family Advocate
Family Engagement Coordinator
Facilities Coordinator
Facilities Transportation Assistant
Fiscal Manager
Headstart Teacher
Headstart Teacher Aide
Headstart Teacher in Training
Headstart Teacher Aide in Training
Headstart Teacher/Supervisor
Health Services Coordinator
Infant/Toddler Lead Teacher
Infant/Toddler Lead Teacher/Supervisor
Infant/Toddler Teacher
Infant/Toddler Teacher in Training
Language Teacher
Lead Teacher
Native American Activities
Receptionist/Records Clerk
Special Education Aide
Special Services Aide
Special Services Coordinator
Teacher
Teacher Aide
Teacher Aide/Cook
Teacher Aide in Training
Teacher/Supervisor
Teacher

Fire Control

- Assistant Dispatch**
- Crew Foreman**
- Dispatcher**
- Engine Operator**
- Fire Aide**
- Fire Helicopter Senior Firefighter**
- Fire Management Officer (FMO)**
- Fire Management Specialist**
- Fire Prevention Mitigation Specialist**
- Fire Prevention Technician I**
- Fire Prevention Technician II**
- Fire Technician Squad Leader – Engine Boss**
- Fire Technician (Fire/Fuels) Squad Leader**
- Forestry Technician**
- Forestry Aide**
- Forestry Aide I (Helitack)**
- Forestry Aide II (Helitack)**
- Forestry Aide/Technician**
- Forestry Technician (Fire-Fuels)**
- Forestry Aide/Firefighter**
- Fuels Forester**
- Helicopter Foreman**
- Lead Fire/Fuels Technician**
- Prescribed Fire/Fuels Specialist**
- Prescribed Fire & Fuels Manager**
- Prescribed Fire Fuels Technician I**
- Prescribed Fire Fuels Technician II**
- Prescribed Fire & Fuels Monitoring Specialist**
- SEAT Manager**
- Senior Fire/Fuels Technician**
- Supervisory Fire/Fuels Foreman (OPS)**
- Supervisory Fire/Fuels Technician – Assistant Crew Foreman**
- Supervisory Fire/Fuels Technician – Crew Foreman**
- TEA Burning**
- TEA Forestry Aide**
- TEA Forestry Technician**
- Wildland Fire Operations Specialist**

Natural Resources

- Fish and Wildlife Program Manager**
- Wildlife Protection Officer I**
- Wildlife Protection Officer II**
- Sergeant – Fish & Wildlife**
- National Monitoring Center Monitor**
- National Monitoring Center Supervisor**

Forestry

Heavy Equipment Operator
Heavy Equipment Operator Assistant

Law and Order

Chief of Police
Police Captain
Communications Officer
Corporal
Corporal of Patrol
Criminal Investigator
Detention/Guard/Cook
Detention Officer
Drug Task Force Officer
Narcotics Investigator
Patrol Officer I
Patrol Officer II
Sergeant of Patrol

Salish Kootenai Housing Authority

Heavy Equipment Operator
Truck Driver

Tribal Health

Community Health Nurse
Dentist
Doctor
Clinic Nurse
Pharmacist
Pharmacy Program Manager
Physician's Assistant
Lead Pharmacist
Pharmacy Division Manager
Pharmacy Technician
Relief Pharmacist
Pharmacy Clerk
Pharmacy Technician/Administrative Assistant
Pharmacy Technician in Training

Two Eagle River School

Administrative Assistant
Alcohol Counselor
Alcohol Prevention Manager
Bus Driver
Business Education Teacher
Counselor

Daycare Assistant
Daycare Supervisor
English Teacher
Facilities Manager
History Teacher
Home Cultures Teacher
Kootenai Language Teacher
Librarian
LPR Coordinator
Math Teacher
Paraeducator
P.E./Health Teacher
Reading Teacher
Salish Language Teacher
Science Teacher
Special Education Teacher
Special Education Specialist/Aide
Student Teacher
Superintendent
Teacher
Teacher Aide
Transition Room
7th Grade Teacher
8th Grade Teacher

Attachment B: Medications of Concern

List some of the medications identified by the National Transportation Safety Board and FTA as medications of concern. This list is not definitive.

- **Analgesics:** Aspirin with codeine, Codeine, Darvocet, Darvon, Demerol, Dilaudid, Empirim Compound with codeine, Levo-Dromoran, Methadone, Morphine, Percocet, Perodan, Soma Compound with codeine, Talacet, Talwin, Tylenol with codeine, and Vicodin
- **Anti-Motion Sickness:** Antivert, Dramamine, Marezine, Phenergan, Tansderm-Scop
- **Tranquilizers and Sedatives:** Ativan, Denadryl, Centrax, Compazine, Dalmane, Diazepam, Equani, Halcion, Haldol, Libritabs, Librium, Limbitrol, Paxipam, Phenergan, Prolixin, Serax, Stelazine, Thorazine, Tranxene, Valium, Vlarelease, Xanax
- **Antidepressants:** Adapin, Amitriptyline, Asendin, Deprol, Desyrel, Elavil, Endep, Etrafon, Limbitrol, Lithium, Ludiomil, Marplan, Nardil, Norpramin, Pamelor, Parnate, Petrofrance, Sinequan, Surmontil, Tofranil, Triavil, Vivactil
- **Barbiturates:** Alurate, Buttisol, Dilantin, Mederal, Nembutal, Pentobartital, Phenobarbital, Secobarbital, Seconal, Sedapap, Tuinal
- **Skeletal Muscle Relaxants:** Flexeril, Parafon, Soma
- **Non-Prescription Cough & Cold Remedies, Antihistamines:** Benadryl, Bromfed, Chiotrimetron, Comtrex, Contac, Deconamine, Dimetapp, Dristan, Drixoral, Externdryl, Fedahist, Kronofed, Naldecon, Nolamin, Novafed, Ornade, Phenegran, Rondec, Ryantan, Sinubid, Sinulin, Tavist-D

Attachment C: Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for employment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental process
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slow reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependant on alcohol and can be termed "alcoholic")
- Fatal liver disease
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related)

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.

- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicular collision during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver
- 12,000 more will die on the highway due to the alcohol-affected driver
- 15,800 will die in non-highway collisions
- 30,000 will die due to alcohol-caused liver disease
- 10,000 will die due to alcohol-induced brain disease or suicide
- Up to another 125,000 will die due to alcohol-related conditions or accidents

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body
- Impairment in coordination and judgment can be objectively measured with a little as two drinks in the body
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person

Acknowledgment of Receipt

I hereby acknowledge receipt of a copy of the revised Confederated Salish and Kootenai Tribes Drug and Alcohol Policy with a revision date of _____.

I understand that I am responsible to read this policy and in consideration of my employment with the Confederated Salish and Kootenai Tribes, I hereby agree to comply with the policy in all respects and the alcohol and drug testing required by the substance abuse program policy.

Employee's Name: (Printed) _____

Position/Job Title: _____

Your signature below certified that you, the employee, have received a copy of the policy.

Please fill out, sign, and return this receipt form to your Substance Abuse Program Manager, Designated Employer Representative.

Contact the DER at _____ if you have any questions pertaining to the policy or receipt.

Signature of the employee: _____ Date: _____