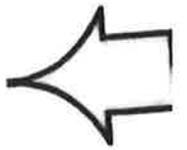


DRUG/ ALCOHOL POLICY



**SUBSTANCE ABUSE PREVENTION, DRUG/ALCOHOL FREE
AND DRUG/ALCOHOL TESTING POLICY**

AS ADOPTED 11/5/97

Fort Belknap Indian Community

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Indian Community Council is charged with managing the affairs of its various programs and insuring compliance therewith for the overall good of the Community, and

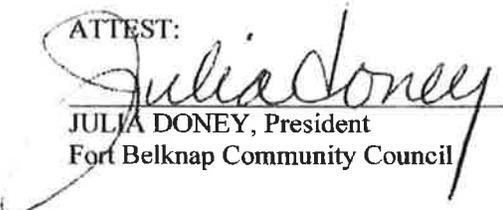
WHEREAS, the Council has reviewed various concerns regarding the length an individual is ineligible for employment, after termination for a conviction of Driving While Under the Influence or Driving While Blood Alcohol Content is above .08, and

WHEREAS, the Council has considered the benefits of amending the Personnel Policies and Procedures Manual, as a part of an overall process to encourage rehabilitation,

NOW, THEREFORE BE IT RESOLVED, that the Fort Belknap Indian Community Council does hereby amend the Personnel Policies and Procedures Manual to include reduce the time an individual is ineligible for employment after conviction of Driving While Under the Influence or Driving While Blood Alcohol Content is above .08, from one (1) year to six (6) months, provided, the individual has completed requirements of their sentence, and

BE IT FINALLY RESOLVED, that the Community Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:

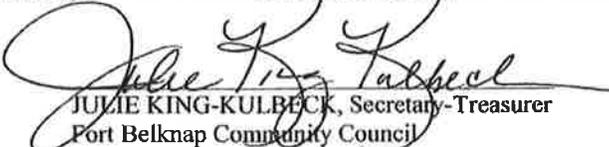

JULIA DONEY, President
Fort Belknap Community Council


JULIE KING-KULBECK, Secretary-Treasurer
Fort Belknap Community Council

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 10 members, of whom 9 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 7th day of February, 2006; and that the foregoing RESOLUTION of the Fort Belknap Community Council was duly adopted and approved by the affirmative vote of 6 for; 1 opposed; 0 not voting; 2 temporary absent; 1 absent; and that the said RESOLUTION has not been rescinded in any way.

DATE: February 9 2006


JULIE KING-KULBECK, Secretary-Treasurer
Fort Belknap Community Council

FORT BELKNAP INDIAN COMMUNITY COUNCIL

FORT BELKNAP AGENCY,
HARLEM, MONTANA

Fort Belknap Indian Community

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Indian Community Council is charged with managing the affairs of its various programs and insuring compliance therewith for the overall good of the Community, and

WHEREAS, the Council has reviewed various concerns regarding the length an individual is ineligible for employment, after termination for violation of the drug testing policy, and

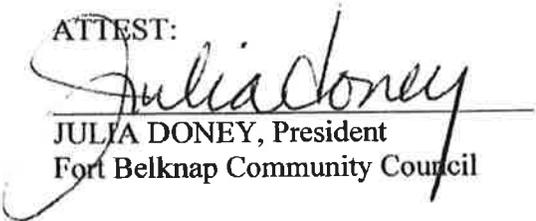
WHEREAS, the Council has considered the benefits of amending the Personnel Policies and Procedures Manual, as a part of an overall process to encourage rehabilitation,

NOW, THEREFORE BE IT RESOLVED, that the Fort Belknap Indian Community Council does hereby amend the Personnel Policies and Procedures Manual to include the attached proposed language,

360.5 A. 7. Any employee whose employment is terminated due to positive drug testing will not be eligible for any employment with the Tribal government for a period of six (6) months ~~one (1) year~~. After the six (6) month ~~one (1) year~~ period, to be eligible for further employment, the employee must have completed an assessment as identified above, and provide written proof of successful completion of an approved substance abuse program or proof of ongoing participation of an on-going substance abuse program.

BE IT FINALLY RESOLVED, that the Community Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:


JULIA DONEY, President
Fort Belknap Community Council


JULIE KING-KULBECK, Secretary-Treasurer
Fort Belknap Community Council

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 10 members, of whom 9 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 7TH day of February, 2006; and that the foregoing RESOLUTION of the Fort Belknap Community Council was duly adopted and approved by the affirmative vote of 5 for; 2 opposed; 0 not voting; 2 temporary absent; 1 absent; and that the said RESOLUTION has not been rescinded in any way.

DATE: February 10, 2006



JULIE KING-KULBECK, Secretary-Treasurer
Fort Belknap Community Council

FORT BELKNAP INDIAN COMMUNITY COUNCIL FORT BELKNAP AGENCY,
HARLEM, MONTANA

Fort Belknap Indian Community

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

Whereas, the Fort Belknap Indian Community Council has determined that the Personnel Policies Manual requires an immediate substantive revision through legislative action since it lacks any guidance or policy in regard to employees who are convicted of the offense of driving under the influence of alcohol or drugs (DUI); and,

Whereas, the Fort Belknap Indian Community Council has determined that the use of alcohol and/or drugs continue to plague the Reservation Community causing numerous social problems for the Indian Community; and;

Whereas, as a consequence the Fort Belknap Indian Community Council has determined that the use of alcohol and/or drugs should not and will not be tolerated, especially when a tribal employee uses drugs or alcohol that results in a DUI conviction, and,

NOW THEREFORE BE IT RESOLVED, under the authority of Section 120.8, the Tribal Council hereby revises the Personnel Policies as follows:

510.9 If an employee receives a final conviction for DUI or "Per Se" (Driving While Blood Alcohol Content is at or over legal limit), he/she shall be immediately terminated from his/her position. The employee may reapply for any future position vacancy upon completion of all requirements of his/her sentence imposed by the sentencing Court.

BE IT FURTHER RESOLVED, this revision is immediately effective and the personnel director shall inform all employees of the revision and potential consequences of the revision.

BE IT FINALLY RESOLVED, that the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:


BENJAMIN SPEAKTHUNDER, President


JULIE KING KULBECK, Secretary/Treasurer

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Indian Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Indian Community Council is composed of 10 (ten) members of whom members constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 7th day of April, 2004; and that the foregoing Resolution of the Fort Belknap Indian Community Council was duly adopted and approved the affirmative vote of 6 for; 1 opposed; 0 not voting; 0 temporary absent; 3 excused absent; and that the said resolution has not been rescinded in any way.

DATE: June 8, 2004


Julie King Kulbeck, Secretary-Treasurer

Fort Belknap Indian Community Council
Tribal Government

RR1 Box 66, Harlem, Montana 59526
Address

Handwritten notes:
see page 8 and
page 10 - again

Fort Belknap Indian Community

R.R. 1, Box 66
Fort Belknap Agency
Harlem, Montana 59526
PH: (406) 353-2205
FAX: Council - (406) 353-4541
FAX: Departments - (406) 353-2797

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and
to represent the Assiniboine and the Gros Ventre
Tribes of the Fort Belknap Indian Reservation)



June 14, 2004

To: All Tribal Employees
Fr: Franklin R. Perez, Personnel Manager 
Re: FBCC Tribal Resolution No. 106-04; Amendment to Personnel Policies Section 510.9

On April 7, 2004 at a duly called meeting, the Fort Belknap Community Council passed Resolution Number 106-04. This resolution hereby revises the Personnel Policies as follows:

510.9 If an employee receives a final conviction for DUI or "Per Se" (Driving While Alcohol Content is at or over legal limit), he/she shall be immediately terminated from his/her position. The employee may reapply for any future position vacancy upon completion of all requirements of his/her sentence imposed by the sentencing Court.

All Tribal employees must understand, the DUI rule is effective immediately and the Personnel Office shall enforce this rule to its limits. So, the potential consequences an employee will lose his/her employment with the Fort Belknap Indian Community for misconduct under section 510.9.

If you have any questions call me at 353-8439.

Fort Belknap Indian Community

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Indian Community Council is responsible for administering the various programs on the Fort Belknap Indian Reservation, and

WHEREAS, the Council has considered alternatives to deter illegal drug use, including policy amendments to the Council's Personnel Policies and Procedures Manual, and

WHEREAS, the Council has concluded that it is appropriate to clarify and amend the Drug Free Workplace policy, to strengthen it as a deterrent to illegal drug use,

NOW, THEREFORE BE IT RESOLVED, that the Fort Belknap Indian Community Council does hereby approve the following language as an amendment/replacement to Part 360.5 of the Council's Personnel Policies and Procedures Manual:

360.5. Disciplinary Actions

A. Violations of this policy shall bring about appropriate disciplinary action:

1. *The employee will be immediately suspended without pay for ten (10) days. This ten (10) day period will allow the employee to obtain an evaluation from an approved Chemical Dependency Center (hereinafter "C.D.C."). The Council's Chemical Dependency Program, if in place, shall be an approved provider. The employee must also obtain results of a negative drug test screen before returning to work. As available, the Council's C.D.C. may be utilized to assist in drug screening. The employee shall be responsible for paying all costs associated with any type of drug or alcohol treatment and additional screening required hereunder.*
2. *If during the initial ten (10) day suspension period the employee does not obtain an evaluation from an approved C.D.C., termination of the employee shall take place. If a C.D.C. evaluation cannot be obtained during this time frame, the employee must be able to demonstrate, in writing, that they made contact with the C.D.C., and, through no fault of the employee, additional time is needed to complete the evaluation. Suspension without pay shall continue until a C.D.C. evaluation is obtained.*
3. *Based on the C.D.C. evaluation, a prescribed plan of action for recovery, with explicit*

time lines shall be recommended by the evaluator. Should the plan require in-patient treatment, the employee shall attend such treatment as soon as possible, successfully complete the program and provide proof thereof to the Personnel Office, as quickly as possible. During attendance at treatment, the employee may utilize any accumulated leave they may have. If an employee has insufficient leave accrued to cover the scheduled absence, they shall have approved leave without pay.

4. The employee must also execute an authorization for release of information with the C.D.C. utilized to insure that documentation can be released assuring the Personnel Department that the employee is following the prescribed plan.

5. Upon the employee's return to work, the employee will be placed on a ninety (90) day probationary period. If the employee is required to go to in patient treatment, the ninety (90) day probationary period shall begin after the required treatment is completed.

6. Each employee will be allowed only one chance to follow the above procedure for positive drug testing. Any subsequent positive drug test results, refusal to submit to testing or other violations of this policy, will result in immediate termination of employment.

7. Any employee whose employment is terminated due to positive drug testing will not be eligible for any employment with the Tribal government for a period of one (1) year. After the one (1) year period, to be eligible for further employment, the employee must have completed an assessment as identified above, and provide written proof of successful completion of an approved substance abuse program or proof of ongoing participation in an on-going substance abuse program.

8. Any employee who refuses to submit to a drug test will be immediately terminated.

9. When an employee is found to test positive for prohibited substances under this policy, he/she will be given the opportunity to explain the results. The employee may submit any relevant documentation, such as, but not limited to, a prescription, explanation or other related information. This information will be considered in determining whether a positive test has been satisfactorily explained. If a second test is required, the employee shall be cooperative therewith, and may be placed on suspension, without pay, until the second test results are received. If a subsequent test is refused, termination from employment is immediate. The employee shall follow the Grievance Procedures/Appeal of Terminated Employee Procedures in the Personnel Policies and Procedures Manual, if dissatisfied with the procedures utilized.

10. Employees who have collaborated with a physician and the Personnel Office for clarification of prescribed medication impacting the outcome of the drug test will not be suspended. It shall be the employee's responsibility to notify the Drug Tester, at the time of drug testing, of any prescribed medication the employee is taking which may impact the outcome of the drug test. Employees who test positive for a controlled substance which has not been prescribed to the individual by a physician will be treated as testing positive.

11. Employees who receive an inconclusive test will be re-tested. Failure to re-test shall be grounds for termination.

12. If, at the time of testing, the person administering the test notifies the employee of a possible inconclusive or adulterated test, the employee shall be given the opportunity to re-

test immediately. Failure to re-test immediately shall be treated as a positive result and grounds for termination.

13. An employee who has chemical dependency problems, whether or not they affect work performance, is always encouraged to seek assistance voluntarily on a confidential basis, by contacting appropriate community resources or their supervisor or the Personnel Director.

14. To further enhance and promote the treatment of alcoholism or drug addiction, FBCC will grant up to forty (40) hours of special leave without pay for the purpose of attending in-patient treatment and will further grant family members who are employees who participate in the family treatment process up to forty (40) hours of special leave without pay for the purpose of participating. Such leave shall be granted only after all annual and sick leave is exhausted. An employee will only be granted such special leave once.

15. Any employee convicted of any criminal drug statute shall notify the FBCC Personnel Director within five (5) days following such conviction.

16. In the case of workplace possession of controlled substances by employees, the Personnel Director shall notify in writing, any Federal grantor, within ten (10) days after employee notification, assurance that one of the two required actions will take place within thirty (30) days: (1) employee terminated, or (2) employee participating in a treatment/rehabilitation program.

and

BE IT FINALLY RESOLVED, the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:

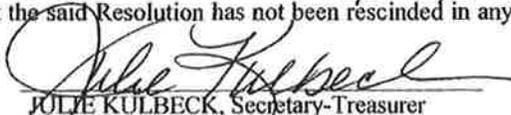

BENJAMIN SPEAKTHUNDER, President
Fort Belknap Community Council


JULIE KULBECK, Secretary-Treasurer
Fort Belknap Community Council

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 10 members, of whom 10 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 14th day of May, 2002, and that the foregoing Resolution of the Fort Belknap Community Council was duly adopted and approved by the affirmative vote of 9 for; 0 opposed; 0 not voting; 1 temporary absent; 0 absent; and that the said Resolution has not been rescinded in any way.

DATE: May 14, 2002


JULIE KULBECK, Secretary-Treasurer
Fort Belknap Community Council

Fort Belknap Indian Community

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Indian Community Council is responsible for administering the various programs on the Fort Belknap Indian Reservation, and

WHEREAS, the Council has considered alternatives to deter illegal drug use, including policy amendments to the Council's Personnel Policies and Procedures Manual, and

WHEREAS, the Council has concluded that it is appropriate to restrict the reemployment of individuals terminated for violations of the Drug Free Workplace policy,

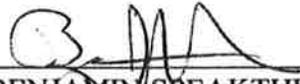
NOW, THEREFORE BE IT RESOLVED, that the Fort Belknap Indian Community Council does hereby approve the following language as an amendment to Part 360.5(7) of the Council's Personnel Policies and Procedures Manual:

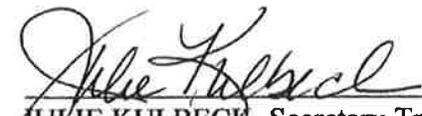
7. Any employee whose employment is terminated due to positive drug testing will not be eligible for any employment with the Tribal government for a period of one (1) year from the date of termination. After the one (1) year period, to be eligible for further employment, the employee must have completed an assessment as identified above, and provide written proof of successful completion of an approved substance abuse program or proof of ongoing participation of an on-going substance abuse program.

and

BE IT FINALLY RESOLVED, the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:


BENJAMIN SPEAKTHUNDER, President
Fort Belknap Community Council


JULIE KULBECK, Secretary-Treasurer
Fort Belknap Community Council

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 10 members, of whom 10 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 3rd day of April, 2002; and that the foregoing Resolution of the Fort Belknap Community Council was duly adopted and approved by the affirmative vote of 7 for; 0 opposed; 2 not voting; 1 temporary absent; 0 absent; and that the said Resolution has not been rescinded in any way.

DATE: April 26 2002



JULIE KULBECK, Secretary-Treasurer
Fort Belknap Community Council

Fort Belknap Community Council

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13th day of December, 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Community Council has met and reviewed necessary changes to the existing Rules of Order, and

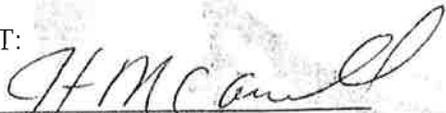
WHEREAS, it appears that certain modifications are necessary to establish the Council's strong position against illegal drugs and their negative effect on this Community, and further, to establish Tribal leadership in support of drug testing as a means to deter illegal drug use,

NOW, THEREFORE BE IT RESOLVED, that the following amendment is made to the Rules of Order and points of policy, and is hereby adopted to take effect August 7, 1998:

24 (A) All individuals serving as Council members shall submit to random drug testing procedures as arranged by the Personnel Department. Publication of the results of such testing shall be made in periodic tribal newsletters. Testing positive, as such is defined in the Personnel Manual of the Council, or failure to submit to testing at least once each year while serving in office, may be grounds for Recall action under the Recall section of the Constitution. To ensure safeguarding/anonymity of test samples, each Council member shall be tested with no less than five (5) employees, when test samples are taken. The procedures established in the Personnel Manual for the handling of samples shall control the processing of Council samples also. All forms for Council testing shall reflect the status of Councilmen as elected officials.

BE IT FINALLY RESOLVED that the Council officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:


JOSEPH F. McCONNELL, President
Fort Belknap Community Council


CLARENA M. WERK, Secretary-Treasurer
Fort Belknap Community Council

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 6 members, of whom 5 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 9 day of September, 1998; and that the foregoing Resolution of the Fort Belknap Community Council was duly adopted and approved by the affirmative vote of 4 for; 0 opposed; 0 not voting; 1 temporary absent; 2 absent, and that the said Resolution has not been rescinded in any way.

DATE: 9-14-98


CLARENA M. WERK, Secretary-Treasurer
Fort Belknap Community Council

Fort Belknap Community Council

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13th day of December, 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Community Council is responsible for overseeing and managing the affairs of the Fort Belknap Reservation, Montana, and;

WHEREAS, the Fort Belknap Community Council is concerned for the Health and Welfare of the residents of the Fort Belknap Indian Reservation, and;

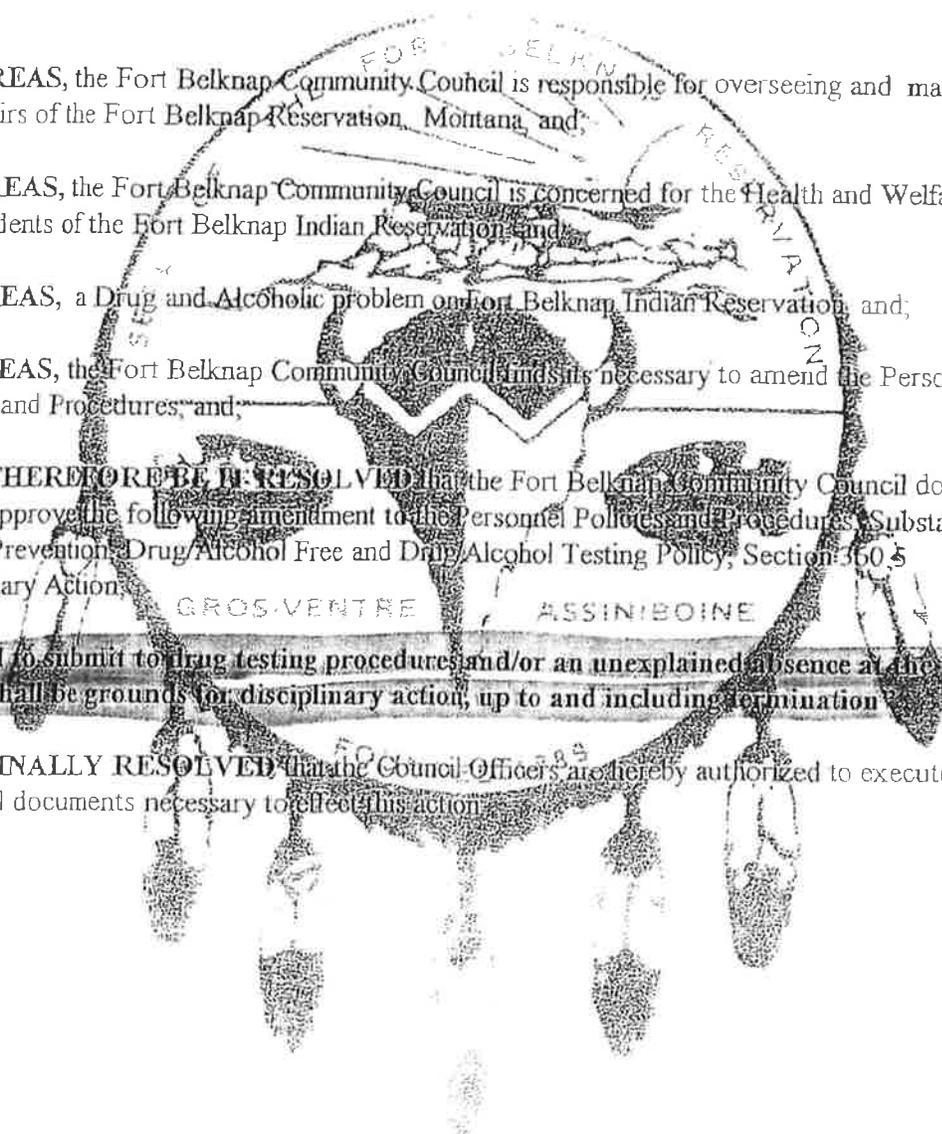
WHEREAS, a Drug and Alcoholic problem on Fort Belknap Indian Reservation, and;

WHEREAS, the Fort Belknap Community Council finds it necessary to amend the Personnel Policies and Procedures, and;

NOW THEREFORE ~~BE IT RESOLVED~~ that the Fort Belknap Community Council does hereby approve the following amendment to the Personnel Policies and Procedures, Substance Abuse, Prevention, Drug/Alcohol Free and Drug/Alcohol Testing Policy, Section 360.5 Disciplinary Action:

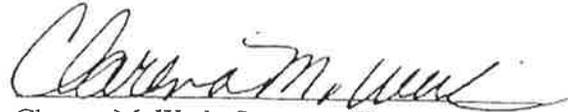
~~"Refusal to submit to drug testing procedures and/or an unexplained absence at the time of testing shall be grounds for disciplinary action, up to and including termination"~~

BE IT FINALLY RESOLVED that the Council Officers are hereby authorized to execute and deliver all documents necessary to effect this action.



ATTEST:

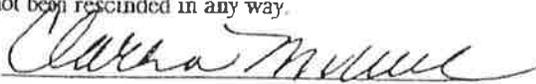

Joseph F. McConnell, President
Fort Belknap Community Council


Clarena M. Werk, Secretary-Treasurer
Fort Belknap Community Council

CERTIFICATION

I, the undersigned as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 6 (six) members of whom 5 members constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 4 day of August 1998, and that the foregoing Resolution of the Fort Belknap Community Council was duly adopted and approved the affirmative vote of 5 for, 0 opposed, 0 not voting, temporary absent, 1 absent, and that the said resolution has not been rescinded in any way.

DATE: 9-10-98


CLARENA M. WERK, Secretary-Treasurer
Fort Belknap Community Council

Fort Belknap Community Council

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13th day of December, 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, the Fort Belknap Community Council is responsible for overseeing the various programs and employees established to provide services for the Community, and

WHEREAS, the Council has heretofore established a Tribal Court and has recently reassumed Law Enforcement services on Reservation, and

WHEREAS, the Council has reviewed and discussed procedures to insure the drug free status of employees of the Council, and

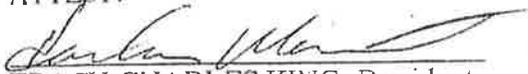
WHEREAS, the Council has reviewed the importance of guaranteeing the Community that Law Enforcement and Tribal Court personnel as well as other personnel are drug free, because of their highly sensitive, safety related positions, and

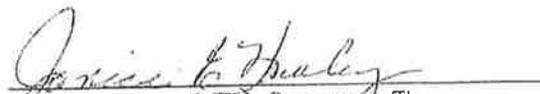
WHEREAS, the Council has developed the attached **SUBSTANCE ABUSE PREVENTION, DRUG/ALCOHOL FREE AND DRUG/ALCOHOL TESTING POLICY** Amendments to the Personnel Manual, and finds them necessary and appropriate to insure the safety of the Community,

NOW THEREFORE BE IT RESOLVED that the Fort Belknap Community Council does hereby adopt and approve the attached **SUBSTANCE ABUSE PREVENTION, DRUG/ALCOHOL FREE AND DRUG/ALCOHOL TESTING POLICY** as an amendment to the established Personnel Manual of the Council, and directs its immediate implementation, and

BE IT FINALLY RESOLVED that the Council officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:

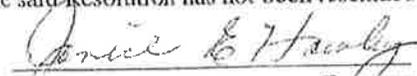

TRACY CHARLES KING, President
Fort Belknap Community Council


JANICE HAWLEY, Secretary-Treasurer
Fort Belknap Community Council

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Community Council is composed of 6 members, of whom 4 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 5 day of November, 1997, and that the foregoing Resolution of the Fort Belknap Community Council was duly adopted and approved by the affirmative vote of 4 for; 0 opposed; 0 not voting; 0 temporary absent; 2 exc. absent; and that the said Resolution has not been rescinded in any way.

DATE: 11-7-97


JANICE HAWLEY, Secretary-Treasurer
Fort Belknap Community Council

SUBSTANCE ABUSE PREVENTION, DRUG/ALCOHOL FREE AND DRUG/ALCOHOL TESTING POLICY

AS ADOPTED 11/5/97

Policy Statement:

360.1 The FBCC is committed to a policy which provides its employees a work environment in which efficiency and safety are assured. While the FBCC has no intention of intruding into the private lives of its employees, it expects employees to understand that their use of alcohol or drugs on or off the job can have an impact on safety and performance that interferes with the FBCC's objective of providing a safe and efficient work environment. Addiction to such substances can radically impact the capabilities and work product of an employee. Consistent with this, the FBCC has established this alcohol and drug abuse policy, which, in summary, requires that employees report for work in a condition to perform their duties free from the presence and/or effects of alcohol and/or illicit drugs, and that the use of illegal drugs will be discouraged.

Procedures:

360.2 ~~Employees to be tested:~~

(A) As a condition for employment, all law enforcement personnel and court personnel must submit to a blood or urine test, with such test to be scheduled by responsible supervisors: (1) as a part of screening candidates for a position; (2) ~~within two weeks of their hiring, as a condition for continued employment;~~ (3) ~~within forty-five (45) days of the adoption of this provision;~~ and/or (4) ~~at such other random times as deemed appropriate.~~

(B) ~~Such testing is deemed appropriate~~ for these positions, because of the following observed conditions in their employment:

2/20 ~~(i) hazardous work environments; and/or~~

2/20 (ii) jobs the primary responsibility of which is security, public safety, or fiduciary responsibility;

(C) as a condition for continuation of employment, any employee of the Council shall submit to a blood or urine test, if:

- (i) the employer has reason to believe that the employee's faculties are impaired on the job as a result of alcohol consumption or illegal drug use;

(ii) the employer has reason to believe that an employee may have contributed to a work-related accident that causes death or personal injury or property damage in excess of \$1,500; or

(iii) drug testing is being conducted at an employee's regular biennial physical for employment in jobs involving the intrastate commercial motor carrier transportation of persons or commodities.

(D) All tribally chartered entities, businesses or programs not otherwise specifically covered by this Policy Manual are hereby authorized to adopt testing procedures of this nature, upon a finding by their Board of sensitive positions defined herein.

360.3 For purposes of this part the following definitions apply:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part, or alcohol in blood or urine tested in similar volume methods sufficient and reliable in established procedures.

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Aliquot. A portion of a specimen used for testing.

Blind sample or blind performance test specimen. A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

Chain of custody. Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.

Collection container. A container into which the employee urinates to provide the urine sample used for a drug test.

Collection site. A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Collection site person. A person who instructs and assists individuals at a collection site and who receives and makes an initial examination of the urine specimen provided by those individuals.

Confirmatory test. A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

DHHS. The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Drug or alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed above. An employer may test an individual for any or all such drugs, derivatives thereof or drugs not specifically listed herein, but deemed to be illegal under federal or tribal law.

Drug Rehabilitation - a service provider that provides confidential, program timely, and expert identification, assessment, and a resolution of employee drug abuse.

Drug Test - any chemical, biological, or physical instrumental analysis administered by a laboratory licensed by the Agency for Health Care Administration or certified by the U.S. Department of Health and Human Services, for the purpose of determining the presence or absence of a drug or its metabolites.

Employee. Any person who works for salary, wages, or other remuneration for an employer as well as an individual designated in a regulation as subject to drug urine testing and the donor of a specimen under this part. As used in this part 'employee' includes an applicant for employment. 'Employee' and 'individual' or 'individual to be tested' have the same meaning for purposes of this part.

Employee Assistance - an established program capable of providing expert Program assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.

Employer. An entity employing one or more employees that is subject to regulations requiring compliance with this part. As used in this part, 'employer' includes an industry consortium or joint enterprise comprised of two or more employing entities, but no single employing entity is relieved of its responsibility for compliance with this part by virtue of participation in such a consortium or joint enterprise.

Initial Drug Test - a sensitive, rapid, and reliable procedure used to identify negative and positive specimens, usually using a chemical procedure or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

Job Applicant - a person who has applied for a position with an employer, and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.

Medical Review Officer (MRO). A licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Prescription - or a drug or medication obtained pursuant to a non-prescription prescription, or a medication that is authorized medication pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

Reasonable suspicion - drug testing based on a belief that an employee is using or has used drugs or alcohol in violation of the FBCC's policy. The reasons for "reasonable suspicion" testing may include the following:

1. Observable phenomena while at work, such direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
2. Abnormal conduct or unpredictable behavior while at work or a significant deterioration in work performance.
3. A report of drug or alcohol use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his

employment with the current employer.

5. Information that an employee has caused, or contributed to, or been involved in an accident while at work.

6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on the employer's premises or while operating the employer's vehicle machinery, or equipment.

Safety-Sensitive - with respect to the FBCC, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety; or such a position that requires the employee to perform life-threatening procedures, or a position in which a momentary lapse in attention could result in injury or death to another person.

Shipping container. A container capable of being secured with a tamper proof seal that is used for transfer of one or more specimen bottle(s) and associated documentation from the collection site to the laboratory.

Specimen - tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health

Specimen bottle. The bottle which, after being labeled and sealed according to the procedures in this part, is used to transmit a urine sample to the laboratory.

360.4 The following conduct is prohibited:

A. The use, transfer, sale or possession of illicit drugs or controlled substances on FBCC property or working sites, or engaged in any business on behalf of the FBCC is strictly prohibited.

B. Any employee found to be working under the influence of alcohol, drugs or controlled substances, or found to have detectable amounts of alcohol or illegal drugs in their body, will not be permitted to remain at work. Such employee shall also be made subject to discipline, up to and including termination from employment, as set forth in part 360.5.

C. Where appropriate, testing will be utilized to determine the presence of alcohol, drugs or controlled substances.

D. The FBCC reserves the right to conduct inspections and searches of all property found on the premises of the Council, of an employee and his or her personal belongings as a means of enforcing the provisions of this policy, when employees are on the job or other FBCC work sites. Inspections and searches may include, for example, employee personal effects, desks, purses, packages, lockers, briefcases and vehicles located on FBCC property or work sites.

E. In the event that any visitor or employee of firms doing business with the FBCC are found to be in violation of this policy, they are to be refused entry or removed from FBCC property.

360.5. Disciplinary Actions

A. Violations of this policy shall bring about appropriate disciplinary action.

1) Any employee determined to have consumed or possessed alcoholic

beverage or illegal drugs or FB premises or while performing any FBCC related activities will be suspended for a period of up to five, (5) days without pay.

2) During the suspension period the employee will obtain professional diagnosis for chemical dependency. If treatment is recommended based upon the diagnosis, the employee will, within thirty (30) days of receiving such notice, enroll in a treatment program as recommended.

3) A repeated violation of this policy shall be cause for termination of employment. It is the responsibility of the employee to comply with referral for diagnosis and to cooperate with properly prescribed treatment plans. When an employee refuses to accept assistance, diagnosis or treatment, or if he/she fails to respond to treatment or assistance, the Personnel Officer and/or supervisor will handle the situation as any other problem of deteriorating job performance.

4) An employee who has chemical dependency problems, whether or not they affect work performance, is encouraged to seek assistance voluntarily on a confidential basis, by contacting appropriate community resources or their supervisor or the Personnel Director.

5) To further enhance and promote the treatment of alcoholism or drug addiction, FBCC will grant up to forty (40) hours of special leave without pay for the purpose of attending in-patient treatment and will further grant family members who participate in the family treatment process up to forty (40) hours of special leave without pay for the purpose of participating. Such leave shall be granted only after all annual and sick leave is exhausted. An employee will only be granted such special leave once.

6) Any employee convicted of any criminal drug statute occurring in the workplace shall notify the FBCC Personnel Director within five (5) days following such conviction.

7) The Personnel Director shall notify in writing, any Federal grantor, within ten (10) days after employee notification, assurance that one of the two required actions will take place within thirty (30) days: (1) employee terminated, or (2) employee participating in a treatment /rehabilitation program.

360.5 To ensure that employees have been exposed to these guidelines, a signed "Acknowledgement — Substance Abuse Policy" as shown in Appendix B will be stored in each employee's personnel folder.

360.6 Specimen collection procedures.

(A) Designation of collection site.

(1) The drug testing program shall have one or more designated collection sites which have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory. An independent medical facility may also be utilized as a collection site provided the other applicable requirements of this part are met.

(2) A designated collection site may be any suitable location where a specimen can be collected under conditions set forth in this part, including a properly equipped mobile facility. A designated collection site shall be a location having an enclosure within which private urination can occur, a toilet for completion of urination (unless a single-use collector is used with sufficient capacity to contain the void), and a suitable

clean surface for writing. The site must also have a source of water for washing hands, which, if practicable, should be external to the enclosure where urination occurs.

(B) Security. The purpose of this paragraph is to prevent unauthorized access which could compromise the integrity of the collection process or the specimen.

(1) Procedures shall provide for the designated collection site to be secure. If a collection site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during drug testing.

(2) A facility normally used for other purposes, such as a public rest room or hospital examining room, may be secured by visual inspection to ensure other persons are not present and undetected access (e.g., through a rear door not in the view of the collection site person) is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public rest room, the facility must be posted against access during the entire collection procedure to avoid embarrassment to the employee or distraction of the collection site person.

(3) If it is impractical to maintain continuous physical security of a collection site from the time the specimen is presented until the sealed mailer is transferred for shipment, the following minimum procedures shall apply. The specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer. The mailer shall be immediately mailed, maintained in secure storage, or remain until mailed under the personal control of the collection site person.

(C) Chain of custody. The chain of custody block of the drug testing custody and control form shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

(D) Access to authorized personnel only. No unauthorized personnel shall be permitted in any part of the designated collection site where urine specimens are collected or stored. Only the collection site person may handle specimens prior to their securement in the mailing container or monitor or observe specimen collection (under the conditions specified in this part). In order to promote security of specimens, avoid distraction of the collection site person and ensure against any confusion in the identification of specimens, the collection site person shall have only one donor under his or her supervision at any time. For this purpose, a collection procedure is complete when the urine bottle has been sealed and initialled, the drug testing custody and control form has been executed, and the employee has departed the site (or, in the case of an employee who was unable to provide a complete specimen, has entered a waiting area).

(E) Privacy.

(1) Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided, as further described in this paragraph.

(2) For purposes of this part, the following circumstances are the exclusive grounds constituting a reason to believe that the individual may alter or substitute the specimen:

(i) The employee has presented a urine specimen that falls outside the normal temperature range (32.5 degrees -37.7 degrees C/90.5 degrees -99.8 degrees F),

and

(a) The employee declines to provide a measurement of oral body temperature, as provided in paragraph (f)(14) of the part; or

(b) Oral body temperature varies by more than 1 degrees C/1.8 degrees F from the temperature of the specimen;

(ii) The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L;

(iii) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.); or

(iv) The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under an applicable DOT agency regulation providing for follow-up testing upon or after return to service.

(3) A higher-level supervisor of the collection site person, or a designated employer representative, shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described in subparagraph (2) of this paragraph.

(F) Integrity and identity of specimen. The Personnel Department shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

(1) ~~To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water (e.g., shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.~~

(2) When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing (e.g., through presentation of photo identification or identification by the employer's representative). If the individual's identity cannot be established, the collection site person shall not proceed with the collection. If the employee requests, the collection site person shall show his/her identification to the employee.

(3) ~~If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.~~

(4) The collection site person shall ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain his or her wallet. If the employee requests it, the collection site personnel shall provide the employee a receipt for any

personal belongings.

(5) The individual shall be instructed to wash and dry his or her hands prior to urination.

(6) After washing hands, the individual shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials which could be used to adulterate the specimen.

(7) The individual may provide his/her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collection site person shall provide the individual with a specimen bottle or collection container, if applicable, for this purpose.

(8) ~~The collection site person shall note any unusual behavior or appearance on the urine custody and control form.~~

(9) In the exceptional event that an employer-designated collection site is not accessible and there is an immediate requirement for specimen collection (e.g., circumstances require a post-accident test), a public rest room may be used according to the following procedures: A collection site person of the same gender as the individual shall accompany the individual into the public rest room which shall be made secure during the collection procedure. If possible, a toilet bluing agent shall be placed in the bowl and any accessible toilet tank. The collection site person shall remain in the rest room, but outside the stall, until the specimen is collected. If no bluing agent is available to deter specimen dilution, the collection site person shall instruct the individual not to flush the toilet until the specimen is delivered to the collection site person. After the collection site person has possession of the specimen, the individual will be instructed to flush the toilet and to participate with the collection site person in completing the chain of custody procedures.

(10) (i) Upon receiving the specimen from the individual, the collection site person shall determine if it contains at least 60 milliliters of urine. If the individual is unable to provide a 60 milliliters of urine, the collection site person shall direct the individual to drink fluids and, after a reasonable time, again attempt to provide a complete sample using a fresh specimen bottle (and fresh collection container, if employed). The original specimen shall be discarded. If the employee is still unable to provide a complete specimen, the following rules apply:

(a) In the case of a post-accident test or test for reasonable cause (as defined), the employee shall remain at the collection site and continue to consume reasonable quantities of fluids until the specimen has been provided or until the expiration of a period up to 8 hours from the beginning of the collection procedure.

(b) In the case of a preemployment test, random test, periodic test or other test not for cause (as defined), the employer may elect to proceed as specified in paragraph (F)(10)(i)(a) of this section (consistent with any applicable restrictions on hours of service) or may elect to discontinue the collection and conduct a subsequent collection at a later time.

(c) If the employee cannot provide a complete sample within the up to 8-hour period or at the subsequent collection, as applicable, then the employer's MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to provide a specimen. (In preemployment

testing, if the employer does not wish to hire the individual, the MRO is not required to make such a referral.) Upon completion of the examination, the MRO shall report his or her conclusions to the employer in writing.

(ii) The employer may, but is not required to, use a 'split sample' method of collection.

(a) The donor shall urinate into a collection container, which the collection site person, in the presence of the donor, after determining specimen temperature, pours into two specimen bottles.

(b) The first bottle is to be used for the mandated test, and 60 ml of urine shall be poured into it. If there is no additional urine available for the second specimen bottle, the first specimen bottle shall nevertheless be processed for testing.

(c) Up to 60 ml of the remainder of the urine shall be poured into the second specimen bottle.

(d) All requirements of this part shall be followed with respect to both samples, including the requirement that a copy of the chain of custody form accompany each bottle processed under 'split sample' procedures.

(e) Any specimen collected under 'split sample' procedures must be stored in a secured, refrigerated environment and an appropriate entry made in the chain of custody form.

(f) If the test of the first bottle is positive, the employee may request that the MRO direct that the second bottle be tested in a DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the MRO without regard to the cutoff values. The MRO shall honor such a request if it is made within 72 hours of the employee's having actual notice that he or she tested positive.

(g) Action required by regulations as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not stayed pending the result of the second test.

(h) If the result of the second test is negative, the MRO shall cancel the test.

(11) After the specimen has been provided and submitted to the collection site person, the individual shall be allowed to wash his or her hands.

(12) Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.

(13) A specimen temperature outside the range of 32.5 degrees -37.7 degrees C/90.5 degrees -99.8 degrees F constitutes a reason to believe that the individual has altered or substituted the specimen (see paragraph (E)(2)(i) of this section). In such cases, the individual supplying the specimen may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen.

(14) Immediately after the specimen is collected, the collection site person shall also

inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the urine custody and control form.

(15) All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.

(16) Whenever there is reason to believe that a particular individual has altered or substituted the specimen as described in paragraph (E)(2) (i) or (iii) of this section, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.

(17) Both the individual being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. As provided below, the specimen shall be sealed (by placement of a tamperproof seal over the bottle cap and down the sides of the bottle) and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person shall request the individual to observe the transfer of the specimen and the placement of the tamperproof seal over the bottle cap and down the sides of the bottle.

(18) The collection site person and the individual being tested shall be present at the same time during procedures outlined in paragraphs (F)(19)-(F)(22) of this section.

(19) The collection site person shall place securely on the bottle an identification label which contains the date, the individual's specimen number, and any other identifying information provided or required by the employer. If separate from the label, the tamperproof seal shall also be applied.

(20) The individual shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.

(21) The collection site person shall enter on the drug testing custody and control form all information identifying the specimen. The collection site person shall sign the drug testing custody and control form certifying that the collection was accomplished according to the applicable Federal requirements.

(22) (i) The individual shall be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from him or her is in fact the specimen he or she provided.

(ii) When specified by an applicable DOT agency regulation or required by the collection site (other than an employer site) or by the laboratory, the employee may be required to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the employer. The employee may not be required to waive liability with respect to negligence on the part of any person participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others.

(23) The collection site person shall complete the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and shall certify proper completion of the collection.

(24) The urine specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, the collection site person shall ensure that it is appropriately safeguarded during temporary storage.

(25) (i) While any part of the above chain of custody procedures is being

performed, it is essential that the urine specimen and custody documents be under the control of the involved collection site person. If the involved collection site person leaves his or her work station momentarily, the collection site person shall take the specimen and drug testing custody and control form with him or her or shall secure them. After the collection site person returns to the work station, the custody process will continue. If the collection site person is leaving for an extended period of time, he or she shall package the specimen for mailing before leaving the site.

(ii) The collection site person shall not leave the collection site in the interval between presentation of the specimen by the employee and securement of the sample with an identifying label bearing the employee's specimen identification number (shown on the urine custody and control form) and seal initialed by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection shall be nullified and (at the election of the employer) a new collection begun.

(G) **Collection control.** To the maximum extent possible, collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled.

(H) **Transportation to laboratory.** Collection site personnel shall arrange to ship the collected specimen to the drug testing laboratory. The specimens shall be placed in shipping containers designed to minimize the possibility of damage during shipment (e.g., specimen boxes and/or padded mailers); and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date specimens were sealed in the shipping containers for shipment. The collection site person shall ensure that the chain of custody documentation is attached or enclosed in each container sealed for shipment to the drug testing laboratory.

(I) **Failure to cooperate.** If the employee refuses to cooperate with the collection process, the collection site person shall inform the Personnel Director and shall document the non-cooperation on the drug testing custody and control form.

(J) **Employee requiring medical attention.** If the sample is being collected from an employee in need of medical attention (e.g., as part of a post-accident test given in an emergency medical facility), necessary medical attention shall not be delayed in order to collect the specimen.

(K) **Use of chain of custody forms.** A chain of custody form (and a laboratory internal chain of custody document, where applicable) shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on the form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

(1) **Utilization of a standard drug testing custody and control form (carbonless manifold).** The form shall be a multiple-part, carbonless record form with an original (copy 1), and a 'second original' (copy 2), both of which shall accompany the specimen to the laboratory. Copies shall be provided for the Medical Review Officer (copy 3, to go directly to the MRO), the donor (copy 4), the collector (copy 5), and the employer representative (copy 6). If the Personnel Department desires to exercise the split sample option, then an additional copy of the urine custody and control form is required. This copy (copy 7) shall be the 'split specimen original,' and is to accompany the split specimen to the same lab, a second lab, or an employer storage site. There must be a positive link established between the first specimen and the split

specimen through the specimen identification number; the split specimen identification number shall be an obvious derivative of the first specimen identification number. The form should be a permanent record on which identifying data on the donor, and on the specimen collection and transfer process, is retained. The form shall be constructed to display, at a minimum, the following elements, which shall appear on its respective parts as indicated:

(A) The following information shall appear on all parts of the form:

(i) A preprinted specimen identification number, which shall be unique to the particular collection. If the split sample option is exercised, the preprinted specimen identification number for split specimen shall be an obvious derivative of the first specimen; e.g., first specimen identification number suffixed 'A,' split specimen suffixed 'B.'

(ii) A block specifying the donor's employee identification number or Social Security number, which shall be entered by the collector.

(iii) A block specifying the employer's name, address, and identification number.

(iv) A block specifying the Medical Review Officer's name and address.

(v) Specification for which drugs the specimen identified by this form will be tested.

(vi) Specification for the reason for which this test conducted (preemployment, random, etc.), which shall be entered by the collector.

(vii) A block specifying whether or not the collector read the temperature within 4 minutes, and then notation, by the collector, that the temperature of specimen just read is within the range of 32.5-37.7C/90.5-99.8F; if not within the acceptable range, an area is provided to record the actual temperature.

(viii) A chain-of-custody block providing areas to enter the following information for each transfer of possession: Purpose of change; released by (signature/print name); received by (signature/print name); date. The words 'Provide specimen for testing' and 'DONOR' shall be preprinted in the initial spaces.

(ix) Information to be completed by the collector: Collector's name; date of collection; location of the collection site; a space for remarks at which unusual circumstances may be described; notation as to whether or not the split specimen was taken in accordance with Federal requirements if the option to offer the split specimen was exercised by the employer; and a certification statement as set forth below and a signature block with date which shall be completed by the collector:

" I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labelled and sealed as in accordance with applicable Federal requirements."

(B) Information to be provided by the laboratory after analysis, which shall appear on parts 1, 2 and 7 (if applicable) of the for only: Accession number; laboratory name; address; a space for remarks; specimen results; and certification

statement as set forth below, together with spaces to enter the printed name and signature of the certifying laboratory official and date:

"I certify that the specimen identified by this accession number is the same specimen that bears the identification number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable Federal requirements, and that the results set forth below are for that specimen."

(C) A block to be completed by the Medical Review Officer (MRO), after the review of the specimen, which shall appear on parts 1, 2 and 7 (if applicable) of the form only, provides for the MRO's name, address, and certification, to read as follows, together with spaces for signature and date:

"I have reviewed the laboratory results for the specimen identified by this form in accordance with applicable Federal requirements. My final determination/verification is:"

(D) Information to be provided by the donor, which shall appear on parts 3 through 6 of the form only: Donor name (printed); daytime phone number; date of birth; and certification statement as set forth below, together with a signature block with date which shall be completed by the donor.

"I certify that I provided my urine specimen to the collector; that the specimen bottle was sealed with a tamper-proof seal in my presence; and that the information provided on this form and on the label affixed to the specimen bottle is correct."

(E) A statement to the donor which shall appear only on parts 3 and 4 of the form, as follows:

"Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications as a 'memory jogger.' THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 4 - Donor) of this form - DO NOT LIST ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE YOUR COPY WITH YOU. A form meeting the requirements of this paragraph is displayed at appendix A to this part."

(F) The drug testing custody and control form may include such additional information as may be required for billing or other legitimate purposes necessary to the collection, provided that personal identifying information on the donor (other than the social security number) may not be provided to the laboratory. Donor medical information may appear only on the copy provided to the donor.

(L) Quality Assurance Requirements.

(1) Use of a clean, single-use specimen bottle that is securely wrapped until filled with the specimen. A clean, single-use collection container (e.g., disposable cup or sterile urinal) that is securely wrapped until used may also be employed. If urination is directly into the specimen bottle, the specimen bottle shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided. If a separate collection container is used for urination, the collection container shall be provided to the employee still sealed in its

wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided; and the collection site person shall unwrap the specimen bottle in the presence of the employee at the time the urine specimen is presented.

(2) Use of a tamperproof sealing system, designed in a manner such to ensure against undetected opening. The specimen bottle shall be identified with a unique identifying number identical to that appearing on the urine custody and control form, and space shall be provided to initial the bottle affirming its identity. For purposes of clarity, this part assumes use of a system made up of one or more preprinted labels and seals (or a unitary label/seal), but use of other, equally effective technologies is authorized.

(3) Use of a shipping container in which the specimen and associated paperwork may be transferred and which can be sealed and initialled to prevent undetected tampering. In the split specimen option is exercised, the split specimen and associated paperwork shall be sealed in a shipping (or storage) container and initialled to prevent undetected tampering.

(4) Written procedures, instructions and training shall be provided as follows:

(a) Employer collection procedures and training shall clearly emphasize that the collection site person is responsible for maintaining the integrity of the specimen collection and transfer process, carefully ensuring the modesty and privacy of the donor, and is to avoid any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

(b) A collection site person shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who is provided instructions for collection under this part and certifies completion as required in this part

(i) A non-medical collection site person shall receive training in compliance with this part and shall demonstrate proficiency in the application of this part prior to serving as a collection site person. A medical professional, technician or technician licensed or otherwise approved to practice in the jurisdiction in which the collection takes place is not required to receive such training if that person is provided instructions described in this part and performs collections in accordance with those instructions.

(ii) Collection site persons shall be provided with detailed, clear instructions on the collection of specimens in compliance with this part. Employer representatives and donors subject to testing shall also be provided standard written instructions setting forth their responsibilities.

(5) Unless it is impracticable for any other individual to perform this function, a direct supervisor of an employee shall not serve as the collection site person for a test of the employee.

(6) In any case where a collection is monitored by non-medical personnel or is directly observed, the collection site person shall be of the same gender as the donor. A collection is monitored for this purpose if the enclosure provides less than complete privacy for the donor (e.g., if a restroom stall is used and the collection site person remains in the restroom, or if the collection site person is expected to listen for use of unsecured sources of water.)

PERSONNEL MANUAL AMENDMENTS:

Additions:

Refusal to submit to drug testing procedures and/or an unexplained absence at the time of testing shall be grounds for disciplinary action, up to and including termination.

SUBSTANCE ABUSE PREVENTION, DRUG/ALCOHOL FREE AND DRUG/ALCOHOL TESTING POLICY

AS ADOPTED 11/5/97
(Draft Amendments 6/26/98
In Italics, pp 1-3)

Policy Statement:

360.1 The FBCC is committed to a policy which provides its employees a work environment in which efficiency and safety are assured. While the FBCC has no intention of intruding into the private lives of its employees, it expects employees to understand that their use of alcohol or drugs on or off the job can have an impact on safety and performance that interferes with the FBCC's objective of providing a safe and efficient work environment. Addiction to such substances can radically impact the capabilities and work product of an employee. Consistent with this, the FBCC has established this alcohol and drug abuse policy, which, in summary, requires that employees report for work in a condition to perform their duties free from the presence and/or effects of alcohol and/or illicit drugs, and that the use of illegal drugs will be discouraged.

In support of these policies, the Council does now make the following findings:

A. That there now exists, on the Fort Belknap Indian Reservation, critical, pervasive problems of addiction to drugs and alcohol. Various Tribal programs, including our Chemical Dependency Center, the Fort Belknap Police Department and the Fort Belknap Indian Community Tribal Court, as well as programs operated by the United States Government, including the Indian Health Service and Bureau of Indian Affairs, have advised the Council that a crisis exists and is growing. This crisis has touched every family on the Fort Belknap Indian Reservation, and is largely responsible for and/or related to our high unemployment and underemployment rates (70%), high infant mortality rates, high suicide rates, high rates of automobile fatalities and low life expectancy ages.

B. This crisis of addiction exists in spite of longstanding efforts to treat and administer to families with addicted members. This crisis is ongoing and has severely tapped the resources of the Tribes. An inordinately large amount of health care resources and governmental resources have been used to treat the effects of these problems. These problems continue to grow.

C. Funds which could be utilized to treat other health problems are not available because of the crisis nature of many addiction-related illnesses. Priorities have necessarily been established to allocate limited resources, adversely affecting the quality of life of most families on the Fort Belknap Indian Reservation.

D. Our personnel Department has reported a growing number of suspected drug and/or alcohol-related behavior problems, absences and reports of addiction with employees in all tribal departments. It is believed that drug and/or alcohol use has adversely affected numerous individuals performance, undermining the ability of the Council to accomplish its governmental functions. Complaints from community members about breaches of confidentiality, mistrust and accusations of drug use among Tribal employees have grown also. The Council, in administering preannounced, "universal" testing of about 100 employees recently, as a part of an investigation to determine the extent of the problem, has evidence that approximately ten (10%) per cent of Tribal employees are using. This number could be much higher, as this testing process had been discussed and provided warning for at least fifteen (15) months in advance of actual testing.

E. Such observed problems with Tribal employees has compromised the efficiency of Tribal government at a time when resources are scarce. It also diminishes the ability of

Tribal government to serve the people and threatens the existence of this government and the people it serves.

F. Because of these extraordinary circumstances, the Fort Belknap Community Council has considered alternatives available. It has determined that an aggressive drug-testing procedure will establish a policy against drugs and/or alcohol which is needed in this time of crisis. It will enable the Council to eliminate illegal drugs and/or alcohol from government employed positions. It will not only establish a much needed Community-wide policy against such practices, but will enable Tribal government to serve people not now being served, because of increased efficiency in the government.

Procedures:

360.2 Employees to be tested:

(A) As a condition for employment, all law enforcement personnel and court personnel must submit to a blood or urine test, with such test to be scheduled by responsible supervisors: (1) as a part of screening candidates for a position; (2) within two weeks of their hiring, as a condition for continued employment; (3) within forty-five (45) days of the adoption of this provision; and/or (4) at such other random times as deemed appropriate.

(B) Such testing is deemed appropriate, for these positions, *in addition to those reasons generally stated for all Tribal staff*, because of the following observed conditions in their employment:

- (i) hazardous *and/or highly sensitive, public work environments*; and/or
- (ii) these jobs include the primary responsibility of security, public safety, or fiduciary responsibility;

(C) as a condition for continuation of employment, all employees of the Council shall submit to a blood or urine test *as set forth hereafter*:

- (i) *within two weeks of their hiring, as a condition for continued employment*;
- (ii) *within forty-five (45) days of the adoption of this provision*;

(iv) *at such other random times as deemed appropriate, including, but not limited to the following circumstances*:

- (i) the employer has reason to believe that the employee's faculties are impaired on the job as a result of alcohol consumption or illegal drug use;
- (ii) the employer has reason to believe that an employee may have contributed to a work-related accident that causes death or personal injury or property damage in excess of \$1,500; or
- (iii) drug testing is being conducted at an employee's regular biennial physical for employment in jobs involving the intrastate commercial motor carrier transportation of persons or commodities.

(D) *Such testing is deemed appropriate, for these positions, because of the following observed conditions in their employment*:

- (i) *these jobs include the primary responsibility of security, public safety,*

(E) All tribally chartered entities, businesses or programs not otherwise specifically covered by this Policy Manual are hereby authorized to adopt testing procedures of this nature, upon a finding by their Board of sensitive positions defined herein.

360.3 For purposes of this part the following definitions apply:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part, or alcohol in blood or urine tested in similar volume methods sufficient and reliable in established procedures.

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Aliquot. A portion of a specimen used for testing.

Blind sample or blind performance test specimen. A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

Chain of custody. Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.

Collection container. A container into which the employee urinates to provide the urine sample used for a drug test.

Collection site. A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Collection site person. A person who instructs and assists individuals at a collection site and who receives and makes an initial examination of the urine specimen provided by those individuals.

Confirmatory test. A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

DHHS. The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Drug or alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer

drug; or any one or more of the substances listed; or any other drug or substance that an employer may test an individual for any or all such drugs, derivatives thereof or drugs not specifically listed herein, but deemed to be illegal under federal or tribal law.

Drug Rehabilitation - a service provider that provides confidential, program timely, and expert identification, assessment, and a resolution of employee drug abuse.

Drug Test - any chemical, biological, or physical instrumental analysis administered by a laboratory licensed by the Agency for Health Care Administration or certified by the U.S. Department of Health and Human Services, for the purpose of determining the presence or absence of a drug or its metabolites.

Employee. Any person who works for salary, wages, or other remuneration for an employer as well as an individual designated in a regulation as subject to drug urine testing and the donor of a specimen under this part. As used in this part 'employee' includes an applicant for employment. 'Employee' and 'individual' or 'individual to be tested' have the same meaning for purposes of this part.

Employee Assistance - an established program capable of providing expert Program assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.

Employer. An entity employing one or more employees that is subject to regulations requiring compliance with this part. As used in this part, 'employer' includes an industry consortium or joint enterprise comprised of two or more employing entities, but no single employing entity is relieved of its responsibility for compliance with this part by virtue of participation in such a consortium or joint enterprise.

Initial Drug Test - a sensitive, rapid, and reliable procedure used to identify negative and positive specimens, usually using a chemical procedure or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

Job Applicant - a person who has applied for a position with an employer, and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.

Medical Review Officer (MRO). A licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Prescription - or a drug or medication obtained pursuant to a non-prescription prescription, or a medication that is authorized medication pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

Reasonable suspicion - drug testing based on a belief that an employee is using or has used drugs or alcohol in violation of the FBCC's policy. The reasons for "reasonable suspicion" testing may include the following:

1. Observable phenomena while at work, such direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.

2. A unormal conduct or unpredictable behavior while at work or a significant deterioration in work performance.
3. A report of drug or alcohol use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his employment with the current employer.
5. Information that an employee has caused, or contributed to, or been involved in an accident while at work.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on the employer's premises or while operating the employer's vehicle machinery, or equipment.

Safety-Sensitive - with respect to the FBCC, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety; or such a position that requires the employee to perform life-threatening procedures, or a position in which a momentary lapse in attention could result in injury or death to another person.

Shipping container. A container capable of being secured with a tamper proof seal that is used for transfer of one or more specimen bottle(s) and associated documentation from the collection site to the laboratory.

Specimen - tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health

Specimen bottle. The bottle which, after being labeled and sealed according to the procedures in this part, is used to transmit a urine sample to the laboratory.

360.4 The following conduct is prohibited:

A. The use, transfer, sale or possession of illicit drugs or controlled substances on FBCC property or working sites, or engaged in any business on behalf of the FBCC is strictly prohibited.

B. Any employee found to be working under the influence of alcohol, drugs or controlled substances, or found to have detectable amounts of alcohol or illegal drugs in their body, will not be permitted to remain at work. Such employee shall also be made subject to discipline, up to and including termination from employment, as set forth in part 360.5.

C. Where appropriate, testing will be utilized to determine the presence of alcohol, drugs or controlled substances.

D. The FBCC reserves the right to conduct inspections and searches of all property found on the premises of the Council, of an employee and his or her personal belongings as a means of enforcing the provisions of this policy, when employees are on the job or other FBCC work sites. Inspections and searches may include, for example, employee personal effects, desks, purses, packages, lockers, briefcases and vehicles located on FBCC property or work sites.

E. In the event that any visitor or employee of firms doing business with the FBCC are found to be in violation of this policy, they are to be refused entry or