

**TENTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES
SPECIAL SESSION
OCTOBER 30, 2025
CONCHO, OK**

RESOLUTION: A Resolution to Approve and Adopt the Updated Drug and Alcohol Policy for the Cheyenne and Arapaho Tribal Transit Program.

RESOLUTION NO: 10L-SS-2025-1030-011

DATE INTRODUCED: October 23, 2025

SPONSOR: Kendricks Sleeper, District A2

CO-SPONSOR: Rector Candy, District A4

SUBJECT: A Resolution to Approve and Adopt the Updated Drug and Alcohol Policy for the Cheyenne and Arapaho Tribal Transit Program.

WHEREAS: The Cheyenne and Arapaho Tribes are duly recognized by the United States Secretary of the Interior as a self-governing, Sovereign Nation, that is a federally recognized Indian Tribe with all rights, privileges, and powers attended thereto as a sovereign government under a constitution approved by the Secretary of Interior; and

WHEREAS: Article VI, Section 5(a) of the Constitution provides that the Legislative power shall be vested in the Legislature, which includes the powers to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes; and

WHEREAS: The purpose of this policy is to establish guidelines to maintain a drug and alcohol free workplace in compliance with the Drug Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991; and

WHEREAS: The policy is intended to comply with all applicable and Federal regulations governing workplace anti-drug and alcohol programs in the transit industry; and

WHEREAS: The Cheyenne and Arapaho Tribal Transit Program finds it necessary to adopt an amended drug and alcohol testing policy to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry; and

NOW THEREFORE BE IT RESOLVED that the Tenth Legislature of the Cheyenne and Arapaho Tribe, pursuant to its Constitutional authority, hereby approves and adopts the Updated Drug and Alcohol Policy for the Cheyenne and Arapaho Tribal Transit Program; and,

NOW THEREFORE BE IT FURTHER RESOLVED that the Tenth Legislature of the Cheyenne and Arapaho Tribe hereby repeals any and all previously adopted policies related to Drug and Alcohol in effect regarding the Cheyenne and Arapaho Tribal Transit Program.

NOW THEREFORE BE IT FINALLY RESOLVED, that the Cheyenne and Arapaho Tribes authorizes the Governor to sign all related documents for the Updated Drug and Alcohol Policy for the Cheyenne and Arapaho Tribal Transit Program.




Kendricks Sleeper
Speaker of the Tenth Legislature
Cheyenne and Arapaho Tribes

ATTEST:

I, Jodi White Buffalo, Legislative Clerk, hereby certify that the foregoing is a True and Accurate Copy of the Original Bill No. 10L-SS-2025-1030-011 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Tenth Legislature Special Session, by a roll call vote on the 30th day of October, 2025, by a vote.

VOTE RECORD:

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
A1	Diane Willis	✓			
A2	Kendricks Sleeper	✓			
A3	Travis Ruiz	✓			
A4	Rector Candy	✓			
C1	Bruce Whiteman, Jr.	✓			
C2	George Woods				✓
C3	Thomas Trout	✓			
C4	Byron Byrd	✓			
TOTAL		7			
Passes (X) Fails () Tabled () Allowed to Die () No Action ()					


Jodi White Buffalo, Legislative Clerk
Tenth Legislature, Cheyenne and Arapaho Tribes

ATTEST:

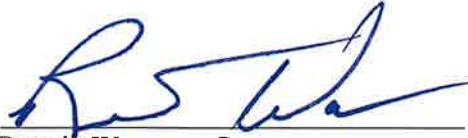
Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: "All Bills passed by the Legislature shall be presented to the Governor for signature or veto. All laws shall take effect thirty days after signature by the Governor or veto override by the Legislature unless any Member of the Tribes submits to the Coordinator of the Office of Tribal Council a petition signed by at least one hundred fifty Members of the Tribal Council seeking to repeal the law or resolution at the next Tribal Council meeting. If the Tribal Council fails to repeal such law or resolution at the next Tribal Council where the matter has been properly placed on the agenda for the Tribal Council meeting, such law or resolution shall become effective immediately."

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: "The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten days of passage with a written explanation of any objections; and if the Governor takes no action within ten days, then the enactment shall become law in accordance with this Constitution."

{ ☒ APPROVED

{ ☐ VETOED: Attachment ____; Governor's written explanation of any objections.

On the 30th day of October, 2025.



Reggie Wassana, Governor
Cheyenne and Arapaho Tribes

TRANSMITTAL OF DOCUMENTS:

From the Legislative Branch to the Office of Records Management

ATTEST:

Pursuant to Article VI, Section 7, subsection (a)(v), of the Tribes Constitution reads, "The Office of Records Management shall compile all Laws and Resolutions into a comprehensive Code in an orderly manner that shall be published annually."

Office of Records Management Staff, hereby certify that the foregoing is a True and Accurate Original Resolution No. 10L-SS-2025-1030-011.

Space below is reserved for Stamp:

Received (Date) Office of Record Management



Signature: Cheryl Blind
Print Name: Cheryl Blind
Title: Director
Date: 10/30/25

Office of Records Management
Department of Administration, Executive Branch
Cheyenne and Arapaho Tribes

**Cheyenne and Arapaho Tribes
Legislative Action Request**



This Form will be used by the Governor of the Cheyenne and Arapaho Tribes on behalf of all Departments and programs when submitting all Bills and Resolutions to the Legislative Branch for Public Hearings and Regular/Special Sessions.

Name: Angela Plumley Title: Executive Director
Contact Number: Ext. 27794 Work E-mail: aplumley@cheyenneandrapaho-nsn.gov
Department: Transportation Program: Tribal Transportation Program
Date of Submission: October 22, 2025 Date Document is Needed 12/13/2025
Regular/Special Session: Regular Session

What Type of Request: Bill, Resolution, Contract, and Supporting Documents are you submitting:

New Bill to be adopted: _____; Revised Act to be adopted: _____
New Resolution to be adopted: Updated Policy; Revised Resolution to be adopted: _____
New Contract to be adopted: _____; Revised Contract to be adopted: _____
Supporting Document: Updated Drug & Alcohol; Supporting Document: _____
Policy

Please provide a detailed description of your request to include what type of action is required by the Legislature. Attach all supporting documentation to this form.

A Resolution to Approve and Adopt the Updated Drug and Alcohol Policy for the
Cheyenne and Arapaho Tribal Transit Program

Program Director Approval: Angela Plumley Date: 10/22/2025
Department Executive Director Approval: Angela Plumley Date: 10/22/2025
Received and Reviewed by Legal Department, Executive Branch: _____
Tribal Attorney: David J. Hall Date: _____
Received by Executive Office: _____ Date: _____
Governor Approval: Ken Stier Date: _____

ACTION TAKEN BY LEGISLATIVE BRANCH:

Resolution /Bill # _____

ATTEST:

The Legislative Staff hereby certify that the foregoing (Bills, Resolutions, Contracts, and/or supporting documents) that were submitted by the Submitting Party are complete.

Legislative Staff: _____ Title: _____

Date of action: _____

Cheyenne and Arapaho Tribal Transit Program

Drug and Alcohol Policy

Effective 30 Days After Passage



Adopted by: Resolution # 10L-SS-10-011

Date Adopted: [11/29/2025]

Table of Contents

1.	Purpose of Policy	3
2.	Covered Employees	3
3.	Prohibited Behavior	4
4.	Consequences for Violations	4
5.	Circumstances for Testing	5
6.	Testing Procedures	7
7.	Test Refusals	7
8.	Prescription Drug Use	8
9.	Contact Person	9

I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fia.dot.gov/DrugAndAlcohol/>.

All potential or covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect Cheyenne and Arapaho Tribal Transit Program's policy. These additional provisions are identified by bold text.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All Cheyenne and Arapaho Tribal Transit Program employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

A list of covered positions by job title are:

- Transit Director
- Transit Driver Supervisors
- Transit Receptionist/Dispatchers
- Transit Administrative Assistants
- Transit Drivers
- Transit Mechanics

3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions, or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is charged of any criminal drug statute for a violation occurring in the workplace shall notify Designated Employer Representative no later than five days after such citation. Should the employee be convicted of said violation that occurs in the workplace, the employee may be deferred to corrective action that aligns with the Tribes Personnel Policies.

4. Consequences for Violations

Following a positive drug or alcohol test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs), placed on a leave of absence, and provided (5) working days to transfer. The employee will be allowed use of leave during the (5) days leave of absence. The employee will be referred to the Tribes Office of Personnel regarding demotions, transfers and/or dismissals. If a transfer is not received within (5) working days, the employee will be deemed terminated from the Tribal Transit Program.

Zero Tolerance

Per Cheyenne and Arapaho Tribal Transit Program policy, any and all covered employees, whether tribal or non-tribal, who test positive for drugs or alcohol or refuses to test will be either; terminated from employment with the Tribal Transit Program or allowed to transfer to a different program if a transfer is secured within 5 working days of a positive test result or a refusal.

5. Circumstances for Testing

Pre-Employment Testing

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer. All pre-employment alcohol tests will be conducted using the procedures set forth in 49 CFR Part 40.

An alcohol test result of less than 0.02 is required before an employee can first perform safety-sensitive functions. If a pre-employment alcohol test is cancelled, the individual will be required to undergo another test with a result of less than 0.02 before performing safety-sensitive functions.

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when Cheyenne and Arapaho Tribal Transit Program has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by Cheyenne and Arapaho Tribal Transit Program using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by Cheyenne and Arapaho Tribal Transit Program using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

FTA Drug and Alcohol Policy – Cheyenne and Arapaho Tribal Transit Program

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

6. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Dilute Urine Specimen

If there is a negative dilute test result, Cheyenne and Arapaho Tribal Transit Program will conduct one additional retest. The result of the second test will be the test of record.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory and assume all costs. Cheyenne and Arapaho Tribal Transit Program guarantees that the split specimen test will be conducted in a timely fashion. The Tribal Transit Program will be not be responsible to pay for costs of the split specimen testing.

7. Test Refusals

As a potential or covered employee, you have refused to test if you:

FTA Drug and Alcohol Policy – Cheyenne and Arapaho Tribal Transit Program

- (1) Fail to appear for any test within a reasonable time, as determined by Cheyenne and Arapaho Tribal Transit Program.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to provide a specimen for a drug or alcohol test. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second drug test as directed by the collector or Cheyenne and Arapaho Tribal Transit Program.
- (7) Fail to undergo a medical evaluation as required by the MRO or Cheyenne and Arapaho Tribal Transit Program's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine drug test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a potential or covered employee, if the MRO reports that you have a verified adulterated or substituted test result, the result is deemed a refusal.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and provided with contact information for SAPs. The Tribal Transit Program will either rescind an offer of employment to potential employees or remove covered employees from performing safety-sensitive functions. Individuals that test positive will be referred to the Tribes Office of Personnel regarding demotions, transfers and/or dismissals.

8. Prescription Drug Use

The use of legally prescribed drugs and over the counter medications, in an appropriate manner, are allowed. However, the use of any substance, which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected, must be reported to the Designated Employer Representative. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

9. Contact Person

For questions about Cheyenne and Arapaho Tribal Transit Program's anti-drug and alcohol misuse program, contact the Designated Employer Representative.

Wilma Tapaha
Transit Director
580-331-2603
wtapaha@cheyenneandarapaho-nsn.gov