

## **Title 3 PERSONNEL SYSTEM**

### **Chapters:**

Chapter 3.04 - EMPLOYEE HANDBOOK\*

Chapter 3.08 - OFFICE OF HUMAN RESOURCES OPERATING MANUAL\*

Chapter 3.12 - DRUG FREE WORKPLACE POLICY\*

Chapter 3.16 - LABOR ORGANIZATIONS

### **Chapter 3.04 EMPLOYEE HANDBOOK\***

\* Editor's note: The Squaxin Island Tribe employee handbook was adopted by Resolution 98-78 and amended by Resolutions 99-84 and 99-100 and is on file for public inspection.

### **Chapter 3.08 OFFICE OF HUMAN RESOURCES OPERATING MANUAL\***

\* Editor's note: The office of human resources operating manual was adopted by Resolution 98-78 and is on file for public inspection.

### **Chapter 3.12 DRUG FREE WORKPLACE POLICY\***

\* Editor's note: The tribal drug free workplace policy was adopted by Resolution 98-78 and is on file for public inspection.

### **Chapter 3.16 LABOR ORGANIZATIONS**

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### 3.16.010 Definitions.

For purposes of the chapter:

"Business agent" means any person who acts or attempts to act for or on behalf of any labor organization in:

1. The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization; or
2. Soliciting or receiving from any employer any right or privilege for employees.

"Council" means the Squaxin Island Tribal Council.

"Employer" means any person, firm, association, corporation and other business entity lawfully operating on the lands within the jurisdiction of the Squaxin Island Tribe.

"Indian country," consistent with the meaning given in 18 U.S.C. 1151 means:

1. All land within the limits of the Squaxin Island Indian Reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; and
2. All Indian allotments or other lands held in trust for a Squaxin Island Tribal member or the Tribe, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

"Labor organization" means any organization of employees organized for the purpose of dealing with an employer concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and desiring to operate on all lands within the jurisdiction of the Squaxin Island Tribe.

"Ordinance" means the Squaxin Island Tribe Labor Organizations Ordinance.

"Person" means any individual, employer, labor organization, corporation, partnership, or other entity.

"Tribal Court" means the Squaxin Island Tribal Court.

"Tribal offense" means any action that violates the Squaxin Island Law and Order Code, as previously enacted. Such offenses include, but are not limited to, assault, assault and battery, breaking and entry, bribery, discharging of firearms, disorderly conduct, extortion, fires, injury to property, malicious mischief, terroristic threats, and trespass.

"Tribe" means the Squaxin Island Tribe, a federally recognized Indian tribe.

(Res. 07-31 § 6; Res. 01-06 (part))

### 3.16.020 Tribal Council findings.

The Tribal Council finds that:

- A. The Tribe possesses the inherent power to exclude non-Indians from Indian country, which includes the lesser power to place conditions on entry, on continued presence, or on conduct in Indian country;
- B. Various labor organizations and their business agents have entered or may enter Indian country without the authorization of the Tribe through their connection with employers who have lawfully entered Indian country pursuant to leases, rights-of-way and other consensual relationships with the Tribe;
- C. The unauthorized entry of various entities and persons to Indian country threatens the political integrity, economic security and the health, safety and welfare of the Tribe and its members;

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- D. The individual freedom of choice in the pursuit of employment in Indian country should be encouraged as a matter of the public policy and law of the Tribe; and
- E. The right to work should not be subject to undue restraint, coercion, or infringement based upon membership in, affiliation with, or financial support of a labor organization, or upon the refusal to join, affiliate with, or financially or otherwise support a labor organization.

(Res. 07-31 § 7; Res. 01-06 (part))

### **3.16.030 Jurisdiction.**

All persons who enter Indian country shall be deemed to have given implied consent to the jurisdiction of the Tribe and shall be subject to the provisions of the chapter.

(Res. 07-31 § 8; Res. 01-06 (part))

### **3.16.040 Registration of labor organizations.**

- A. Every labor organization operating in Indian country shall file a report with the Tribal Council Chair, on or before sixty (60) days after the chapter is enacted by the Tribal Council, or within forty-eight (48) hours of any subsequent first entry in Indian country, and thereafter on or before December 31st of each year. The report, which shall be filed by the president or the business agent of the labor organization, shall contain the following information:
  - 1. The name and address of the labor organization.
  - 2. The names and addresses of the president, secretary, treasurer, and business agent of the labor organization.
  - 3. The name and address of the national or international organization, if any, with which it is affiliated.
  - 4. A copy of the collective bargaining agreement between the labor organization and an employer, if any.
- B. The president or the business agent of the labor organization shall file with the Tribal Council Chair a notice of any changes to the information required by Section 3.16.040(A) no more than ten (10) days after the changes are made, and provide any additional information requested by the Tribal Council Chair.

(Res. 07-31 § 9; Res. 01-06 (part))

### **3.16.050 Business agents.**

- A. No person shall be granted a license to act as a business agent in Indian country if that person:
  - 1. Has been convicted of a felony and has not had his/her civil rights restored; or
  - 2. Is not a person of good moral character. All licenses shall be non-transferable and non-assignable.
- B. Any person desiring to act as a business agent in Indian country shall first obtain a license from the Tribe by:
  - 1. Filing an application under oath with the Tribal Council;
  - 2. Paying a license fee of two hundred dollars (\$200.00);
  - 3. Submitting a full set of fingerprints of the applicant, which shall be taken by the Squaxin Island Public Safety Department or other law enforcement agency authorized by the Tribal Council to do so; and

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4. Submitting a statement signed by the president and the secretary of the labor organization showing his or her authority to act as a business agent for the labor organization.
- C. The Tribal Council, in its discretion, may conduct or cause to be conducted an independent background investigation of the applicant to determine the applicant's eligibility for a license.
- D. Upon compliance with subsection B of this section, the Tribal Council shall issue the license. If at any time after the issuance of the license the Tribal Council receives reliable information based on the background investigation or other source that the licensee is ineligible to hold a license hereunder, then the Tribal Council may suspend or revoke the license, in which case the licensee may within thirty (30) days appeal the suspension or revocation to the Tribal Court. The license shall run for the calendar year for which it is issued unless sooner surrendered, suspended, or revoked.
- E. All licenses shall expire at midnight on December 31st of each year, but may be renewed by the Tribal Council on a form prescribed by the Tribal Council for that purpose and upon the payment of an annual renewal fee of two hundred dollars (\$200.00); however, if any license has been surrendered, suspended or revoked during the year, then the applicant must go through the requirements set forth in subsection B of this section as a new applicant.
- F. Grounds for denial, suspension, or revocation of licenses shall include, but not be limited to, false application.

(Res. 07-31 §§ 10, 11; Res. 01-06 (part))

### **3.16.060 Freedom of choice guaranteed.**

- A. No person shall be required, as a condition of employment or continuation of employment in Indian country, to:
  1. Resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;
  2. Become or remain a member of a labor organization;
  3. Pay dues, fees, assessments or other charges of any kind or amount to a labor organization; or
  4. Pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization.
- B. Any actual agreement between any labor organization and an employer that violates the rights of employees guaranteed by the provisions of the chapter is hereby declared to be against the public policy of the Tribe and of no legal effect.
- C. No person, including any labor organization, employer, or employee, shall commit any tribal offense.

(Res. 07-31 § 12; Res. 01-06 (part))

### **3.16.070 Violations.**

- A. It shall be a violation of the chapter for any person in Indian country:
  1. To act as a business agent without having obtained a valid license.
  2. To solicit membership for or to act as a business agent of any labor organization without authority of the labor organization to do so.
  3. To make any false statement in an application for license.
  4. To unlawfully seize or occupy any property during the existence of a labor dispute.

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5. To coerce or intimidate any employee in the enjoyment of his or her legal rights; to coerce or intimidate any elected or appointed tribal official; or to intimidate the family, picket the domicile, or injure the person or property of any employee or tribal official.
6. To engage in picketing in any manner which constitutes a tribal offense, including picketing in a manner to prevent ingress to and egress from any premises, and picketing other than in a reasonable and peaceful manner.
7. To violate any other provision of tribal law.

(Res. 07-31 § 13; Res. 01-06 (part))

### **3.16.080 Penalties.**

Any person who, directly, or indirectly, violates any provision of the chapter shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) for each violation, or exclusion from Indian country, or both.

(Res. 07-31 § 14; Res. 01-06 (part))

### **3.16.090 Civil remedies.**

Any person injured as a result of any violation or threatened violation of the provisions of the chapter shall be entitled to injunctive relief from the Tribal Court against any person committing or threatening any violation, and may, in addition thereto, recover any and all damages, including costs and reasonable attorney fees, resulting from the violation or threatened violation, except that nothing in the chapter shall be construed as a waiver of the sovereign immunity of the Tribe, or of its enterprises, agents, employees or officials. The remedy shall be independent of and in addition to any other penalties and remedies prescribed by applicable law.

(Res. 01-06 (part))

### **3.16.100 Severability.**

The provisions of the chapter are hereby declared to be severable, and if any provision is declared void, invalid, or unenforceable in whole or in part, then that declaration shall not effect the remaining provisions of this chapter. However, nothing in the ordinance codified in this chapter is intended nor shall be construed to violate the National Labor Relations Act to the extent that it is applicable to the Tribe.

(Res. 01-06 (part))

### **3.16.110 Sovereign immunity.**

Nothing in the ordinance codified in this chapter shall be construed as waiving the sovereign immunity of the Tribe or its enterprises, agents, employees or officials.

(Res. 01-06 (part))