



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 15- 07

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the State of Washington has legalized the recreational and medical use of marijuana; and

WHEREAS, the federal government, through the Department of Justice, has announced a policy of forbearance with respect to the sale and use of marijuana in accordance with tribal and state regulation; and

WHEREAS, employees may now lawfully purchase and consume marijuana in surrounding jurisdictions; and

WHEREAS, the Tribe intends to legalize the sale and consumption of marijuana within its jurisdiction in the near future;


NOW THEREFORE BE IT RESOLVED, that the Tribal Council has determined it no longer wishes to penalize the responsible and lawful consumption of marijuana by its employees during non-working hours, except to the extent necessary to protect safety, to preserve licensing necessary to performance of job duties, to preserve funding, or for similar reasons adopted in Council's sole discretion.

NOW THEREFORE BE IT FURTHER RESOLVED, that neither the Tribe nor its enterprises shall test for marijuana for pre-employment screening purposes or in random drug tests except as necessary for the purposes identified above, while continuing to test for marijuana, in the discretion of Council, post-accident and when there is probable cause to believe an employee has possessed marijuana in the workplace, consumed marijuana in the workplace, or been impaired by drugs or alcohol in the workplace.

BE IT FURTHER RESOLVED, the Tribe's Drug Free Workplace Policy is amended to read as shown in the attached document and the Tribe's enterprises are directed to amend their Drug Free Workplace Policies in a manner consistent with the attached documents.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 10¹⁵ day of October, 2015, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Charlene Krise, Secretary



Arnold Cooper, Vice Chairman

DRUG FREE WORKPLACE POLICY

Philosophy and Purpose

The Squaxin Island Tribe believes in and is committed to providing a safe work environment that is free from the harmful effects of substance abuse. Drugs and alcohol in the workplace create hazards to the safety of you and your coworkers, loss of productivity, and ongoing dangers to users' personal health.

The purpose of this policy is to communicate the Squaxin Island Tribe's standards on employee use of alcohol and drugs, to guide employee conduct in order to ensure a safe and efficient work environment, to protect employees and assets from injury or damage caused by an employee who is under the influence of drugs, and to promote the greatest efficiency for the work force. This policy applies to all employees of the Squaxin Island Tribe. Compliance with all elements of this policy is a condition of initial and continued employment.

Prohibitions

The following conduct by any employee is prohibited and will result in disciplinary action, up to and including discharge:

1. While on the job, the use, possession, sale, distribution or being under the influence of illegal drugs, marijuana, or alcohol while on Tribal property, while performing tribal business in any location, or in a company vehicle.
2. While off the job, the use, possession, sale, or distribution of illegal drugs.
- 2.3. While off the job, the use, possession, sale, distribution or being under the influence of ~~illegal drugs, marijuana,~~ or alcohol, when such ~~use activity~~ adversely affects the employee's on-the-job performance, behavior or the Tribe's reputation. Further, the Tribe may completely prohibit off the job use of illegal drugs, marijuana, or alcohol for certain positions in its discretion. For example, any use of illegal drugs or marijuana at any time is impermissible for any employee who must maintain a CDL in order to perform their job duties.
- 3.4. The use of prescription or over-the-counter medication that is contrary to its intended use or used on the job without prior advance notice and approval in accordance with the provision set out below entitled "Use of Prescribed and Over-the-Counter Drugs".
- 4.5. The conviction of an employee for an illegal drug, marijuana, or alcohol related crime on or off the job. Employees are required to notify the Human Resources Director of any criminal alcohol/drug statute convictions no later than five (5) days after such conviction.
- 5.6. Failure to pass a drug and/or alcohol test as administered by any Third Party Administrator and/or laboratory selected by the Squaxin Island Tribal Council.

Testing

Testing for drugs and alcohol will be conducted under the following circumstances.

1. Pre-Employment. Every applicant who is extended an offer of employment will be required, as a condition of employment, to submit to and pass a test for the presence of illegal drugs. Any applicant who is not hired due to a violation of this policy may reapply for employment after 3 months from the date of initial application.
2. Post-Accident Testing. An employee will be required to submit to a drug and alcohol test if any employee suffers a reportable injury because of an on-the-job accident or the employee's job performance, actions or conduct either contributed to an accident or cannot be completely discounted as a contributing factor to an accident. Testing will also be required if the employee's conduct resulted in or contributed to damage to Company property or injury to another individual, even if the employee was not injured because of the incident. ~~The employee must provide a sample of his/her urine, hair, blood, and/or breathe when seeking medical treatment.~~
3. Reasonable Cause. An employee will be required to submit to a drug and alcohol test when the Squaxin Island Tribe has reasonable cause to believe that the employee is under the influence of alcohol, marijuana, an illegal drug or other prohibited substance.
4. Random Testing. Employees will be required to submit to random drug and alcohol testing as determined and established by policies and resolutions adopted by the Squaxin Island Tribal Council.
5. Three no-call/no-shows. A no-call/no-show is defined as the failure of an employee to come to work or call prior to coming to work to obtain approval to be absent. An employee will be required to submit to a drug and alcohol test when the employee has any combination of three no-calls or no-shows within a one-year period. Upon the third no-call/no-show within a one-year period, the employee will be suspended until such time as the employee can be tested for drugs and/or alcohol. Refusal to submit to testing will subject the employee to dismissal.
6. Follow-up. An employee who is returning to duty in accordance with a Continued Employment Plan will be subject to unannounced, unscheduled testing for not less than twenty-four (24) months. The timing and number of the tests will be at the sole discretion of the employer.
7. Different or additional testing procedures may be applied to certain positions due to safety or other needs. Individuals who are offered such positions will be notified of the special drug and alcohol testing procedures applicable to that position.

Testing Procedures

The Tribe will take reasonable steps to ensure that the collection and testing procedures performed under this policy are accurate, fair and dignified, collection and testing procedures used will be guided by the regulation and procedures approved by the U.S. Department of Health and Human Services, and in conformance with all applicable laws and regulations. In addition, Tribal government employees shall be subject to, and comply with, the terms and conditions of any agreement between the Squaxin Island

Tribal Council and a Third Party Administrator and/or laboratory providing testing services.

The following procedures will be followed in testing employees:

1. The Squaxin Island Tribe will provide transportation to and from the specimen collection site for any reasonable cause-suspicion or post-accident test of an employee. In all other specimen collection situations, the employee shall provide his or her own transportation to and from the specimen collection site.
- ~~1.2.~~ The employee must provide a specimen of his or her urine, hair, blood, and/or breath on request.
- ~~2.3.~~ The collection facility will use procedures that will ensure that the results of all specimens are properly matched with the provider of that specimen.
- ~~3.4.~~ All specimens with an initial positive test result for both applicants and employees will be subjected to a confirmation test to ensure the validity of the initial test results.
45. A positive test result of any employee will only be communicated to the Human Resources Director. All information regarding drug test results, rehabilitation, EAP counseling, etc., will be placed in the employee's medical file and kept separate from all other personnel related data.
6. With respect to testing for marijuana, the presence of 50 ng/mL of marijuana metabolites in an employee's urine shall be considered a positive test result and failure to pass a drug test for purposes of this Policy, and may result in disciplinary action up to and including discharge. With respect to marijuana only, the Tribe may in its discretion consider additional evidence as to whether the employee was under the influence of marijuana at the time of testing, and may waive disciplinary consequences upon clear and convincing evidence that the employee was not under the influence of marijuana in the workplace and did not use or possess marijuana at work. With respect to all other alcohol and drugs other than marijuana, positive test levels shall be as adopted in the terms and conditions of the agreement with the Third Party Administrator and/or laboratory providing testing services.

Positive Test Result

An employee shall be considered to have tested positive in a drug/alcohol test under any of the following circumstances:

- a. Employee takes the test and the lab results are positive;
- b. Employee refuses to take the test or provide the requested specimen;
- c. Employee refuses to appear to take the test;
- d. Employee takes the test and it comes back positive, and the employee cannot produce a prescription for the drug in question. Any prescription offered by the employee must have been issued prior to date of testing and a copy must

be provided to the Director of Human Resources within three (3) days of the employee being placed on notice of a positive result.

- e. Employee takes the test and it comes back positive, and the employee has a legitimate prescription for the drug in question, but the employee is obtaining prescribed drugs from multiple doctors and no one doctor is aware of all the prescriptions being issued to the employee.

In circumstances in which there is an issue as to whether or not the employee has a properly prescribed prescription, or whether a drug is being taken properly, the Squaxin Island Tribe may require the employee to provide written verification from a doctor as to when the prescription was prescribed and whether the prescription is being properly used by the employee. Upon request by the employer, employee will provide employer a release which will entitle employer to discuss and/or correspond with the treating doctor and/or prescribing pharmacist on all matters relating to the use of the prescribed drug. The physician and/or pharmacist need not disclose the underlying condition and/or need for the prescription. Failure to provide such release upon request by the employer shall be treated as a positive test result.

Consequences of a Positive Test Result

Any employee who registers a positive test result is subject to discipline up to and including discharge. At a minimum: (1) any employee testing positive for the first time shall be suspended without pay for a minimum of five (5) working days; and (2) any employee testing positive for the second time (unrelated to a Continued Employment Plan violation) shall be suspended without pay for a minimum of fourteen (14) working days, unless the second positive test occurs within one year of the first positive test, in which case the employee shall be automatically terminated. Any employee testing positive for the third time (regardless of the time period for such positive results) shall be automatically terminated.

On the first and second time for testing positive, the Squaxin Island Tribe may, but under no circumstances is required to, offer the employee continued employment. Such continued employment shall be conditioned upon the employee entering into and abiding by all terms, conditions, components, requirements, and expectations of a “**Continued Employment Plan**” and the treating provider. Refusal by the employee to agree to all terms and conditions, or failure by the employee to comply with all terms, conditions, components, requirements, and expectations of the Continued Employment Plan and the treating provider shall result in the employee’s immediate termination.

A Continued Employment Plan shall include, but need not be limited to, the following requirements:

1. Agreement by the employee to be assessed by a drug/alcohol counselor of the Squaxin Island Tribe’s choosing, and an agreement by the employee to abide by all terms and conditions placed on the employee by the provider during the assessment phase.
2. Agreement by the employee to release his/her counselor to discuss his/her findings and recommendations with the Squaxin Island Tribe and its Human Resources Director.

3. Participation by the employee in all treatment recommended by the counselor, which may include referral to an in-patient and/or out patient rehabilitation, facility as well as all follow up treatment recommendation, such as Alcohol Anonymous/Narcotic Anonymous meetings.
4. Agreement by the employee to abstain from alcohol and/or drugs, as required by the counselor.
5. Agreement by the employee to release all counselors and treatment facilities to discuss the employee's progress of recovery and adherence to program requirements with the Squaxin Island Tribe and its Human Resources Director.
6. Agreement by the employee to unannounced and unscheduled follow up testing for a minimum of 24 months following the employee's return to work.

An employee who voluntarily seeks assistance for a substance abuse problem before such a problem results in a violation of this policy will not be subject to disciplinary action. However, the Squaxin Island Tribe reserves the right to administer appropriate disciplinary action for incidents occurring prior to or after the request for assistance, if such action or conduct violates this policy or other work rules or standards.

Any employee who is terminated or resigns due to violation of this Drug Free Workplace Policy shall not be considered for re-employment consistent with other personnel policies unless, and until, such employee is evaluated for drug/alcohol issues by a provider of the Tribe's choosing.

Appeal Procedure

An employee who provides a positive specimen may, within three (3) calendar days of receipt of the test results, request the testing lab to conduct a retest of the original sample. The request must be in writing. The covered employee is responsible for all costs associated with the additional test. A second re-test will not be permitted.

Use of Prescribed and Over-the-Counter Drugs

If required to take prescription medication, it is the sole responsibility of the employee to ask his or her physician, prior to reporting to work, whether the prescribed medication may impair his or her job performance. Employees must keep all prescription medication in its original container, which states the employee's name, identifies the drug, date of prescription and prescribing physician.

The use of drugs that are lawfully obtained and properly used is permitted, if such use does not interfere with the employee's ability to perform the essential functions of his/her job safely and productively. Any employee taking prescribed medication or over-the-counter-drugs that may impair his/her ability to work safely and/or effectively must notify the Human Resources Director prior to beginning work, or after any prescription is issued. Such medication may include, but is not limited to, that which warns the user not to operate motor vehicles or heavy equipment while taking the drug or warns that the drug may cause drowsiness. The Squaxin Island Tribe may require the employee to provide a written statement from the employee's treating physician regarding the affects of any over-the-counter drug on the employee's ability to work safely and productively.

The physician's statement need not identify the reason for the prescription. The Squaxin Island Tribe will attempt to accommodate any job limitations that are noted by the physician, unless to do so would pose a hardship on the employer.

Failure by the employee to notify the Human Resources Director prior to working, or after the issuance of a prescription for medication affecting job performance, will result in discipline, up to and including discharge.

Rehabilitation Treatment

A leave of absence will be granted for prescribed in-patient and/or outpatient treatment to any employee who voluntarily seeks treatment for substance abuse prior to having been discovered to be in violation of this policy. An employee will be granted up to six (6) weeks (up to 12 weeks if Family Medical Leave eligible if applicable) to fulfill all rehabilitation commitments recommended by their attending counselors. An employee who returns to work from rehabilitation leave within the required time will be returned to his/her prior position.

A leave of absence for inpatient rehabilitation will be granted to those employees who enter into a Continued Employment Plan.

Employee Assistance Programs

It is the Tribe's intent to encourage and support employee recovery from substance abuse before the harmful effects of such use threaten the safety and health of the employee, the employee's family, or his/her co-workers. To assist employees in effectively dealing with problems of drugs and/or alcohol, or for other personal or emotional problems, the Tribe has established an Employee Assistance Program (EAP). Our EAP provider is available 24 hours a day to assist employees and their family members without charge. Contact your supervisor or the Human Resources Director.

An employee's decision to seek appropriate professional assistance through the EAP will be confidential and will not be used as a basis for disciplinary action. However, the intent to use or the actual use of the EAP will not excuse the employee from complying with all provisions of this policy or exempt an employee from discipline for a policy violation.

Inspections

If a director of a department, the immediate supervisor of the employee, or security or police has reason to believe that an employee is in possession or control of alcohol, marijuana, illegal drugs or unauthorized prescription or over-the-counter medication, a search of the employee's workplace and personal property may be conducted. Employees are required to cooperate when searches are conducted.

Refusal to Cooperate

Refusal by an employee to consent, immediately upon request, to a test for the presence of alcohol, marijuana, illegal drugs or prescribed medication, to consent to an inspection of his or her workplace or personal property, or to otherwise fully cooperate in any investigation will constitute insubordination and result in immediate termination.

DRUGS, NARCOTICS AND ALCOHOL

Policy:

Drugs and alcohol in the workplace create hazards to the safety of you and your coworkers, loss of productivity, and ongoing dangers to users' personal health. The Squaxin Island Gaming Enterprise believes in and is committed to providing a safe work environment that is free from the harmful effects of substance abuse. The purpose of this policy is to communicate the Squaxin Island Gaming Enterprise's standards on employee use of alcohol and drugs, to guide employee conduct in order to ensure a safe and efficient work environment, to protect employees and assets from injury or damage caused by an employee who is under the influence of drugs, and to promote the greatest efficiency for the work force. This policy applies to all employees of the Squaxin Island Gaming Enterprise. Compliance with all elements of this policy is a condition of initial and continued employment.

Comments:

Prohibitions

The following conduct by any employee is prohibited and will result in disciplinary action, up to and including discharge:

1. While on the job, the use, possession, sale, distribution or being under the influence of illegal drugs, marijuana, or alcohol while on Tribal property, while performing tribal business in any location, or in a company vehicle.
2. While off the job, the use, possession, sale, or distribution of illegal drugs.
~~1.~~
3. While off the job, the use, possession, sale, distribution or being under the influence of ~~illegal drugs, marijuana~~, or alcohol, when such use adversely affects the employee's on-the-job performance, behavior or the Tribe's reputation. Further, the Tribe may completely prohibit off the job use of ~~illegal drugs, marijuana~~, or alcohol for certain positions in its discretion. For example, any use of ~~illegal drugs or marijuana~~ at any time is impermissible for any employee who must maintain a CDL in order to perform their job duties.
- ~~2.4.~~
- 3.5. The use of prescription or over-the-counter medication that is contrary to its intended use or used on the job without prior advance notice and approval in accordance with the provision set out below entitled "Use of Prescribed and Over-the-Counter Drugs".
- 4.6. The conviction of an employee for an illegal drug, marijuana, or alcohol related crime on or off the job. Employees are required to notify the Human Resources

Employees of Squaxin Island Gaming Enterprise are employed at-will and are subject to termination at any time, for any reason, with or without cause or notice. Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that SIGE has implemented or will implement in the future. Accordingly, Squaxin Island Gaming Enterprise retains the right to establish, change, and abolish its policies, practices, rules, and regulations at-will and as it sees fit. PPM 08/01/02

Approved by Mitch Corbine, CEO _____ (Initials) Date _____
 Distributed with Payroll Checks on December 23rd, 2009.

Department of any criminal alcohol/drug statute convictions no later than five (5) days after such conviction.

~~5.7.~~ Failure to pass a drug and/or alcohol test as administered by any Third Party Administrator and/or laboratory selected by the Squaxin Island Tribal Council.

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Testing

Testing for drugs and alcohol will be conducted under the following circumstances.

1. **Pre-Employment.** Every applicant who is extended an offer of employment will be required, as a condition of employment, to submit to and pass a test for the presence of illegal drugs. Any applicant who is not hired due to a violation of this policy may reapply for employment after 3 months from the date of initial application.
2. **Post-Accident Testing.** An employee will be required to submit to a drug and alcohol test if any employee suffers a reportable injury because of an on-the-job accident or the employee's job performance, actions or conduct either contributed to an accident or cannot be completely discounted as a contributing factor to an accident. Testing will also be required if the employee's conduct resulted in or contributed to damage to Company property or injury to another individual, even if the employee was not injured because of the incident. ~~The employee must provide a sample of his/her urine, blood, hair and/or breathe when seeking medical treatment.~~
3. **Reasonable Cause.** An employee will be required to submit to a drug and alcohol test when the Squaxin Island Gaming Enterprise has reasonable cause to believe that the employee is under the influence of alcohol, marijuana, an illegal drug or other prohibited substance.
4. **Random Testing.** Employees will be required to submit to random drug and alcohol testing as determined and established by policies and resolutions adopted by the Squaxin Island Tribal Council.
5. **Two no-call/no-shows.** A no-call/no-show is defined as the failure of an employee to come to work or call prior to coming to work to obtain approval to be absent. An employee will be required to submit to a drug and alcohol test when the employee has any combination of two no-calls or no-shows within a one-year period. Upon the second no-call/no-show within a one-year period, the employee will be suspended until such time as the employee can be tested for drugs and/or alcohol. Refusal to submit to testing will subject the employee to dismissal.
6. **Follow-up.** An employee who is returning to duty in accordance with a Continued Employment Plan will be subject to unannounced, unscheduled testing for not less than twenty-four (24) months. The timing and number of the tests will be at the sole discretion of the employer.
7. **Different or additional testing procedures** may be applied to certain positions due to safety or other needs. Individuals who are offered such positions will be notified of the special drug and alcohol testing procedures applicable to that position.

Employees of Squaxin Island Gaming Enterprise are employed at-will and are subject to termination at any time, for any reason, with or without cause or notice. Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that SIGE has implemented or will implement in the future. Accordingly, Squaxin Island Gaming Enterprise retains the right to establish, change, and abolish its policies, practices, rules, and regulations at-will and as it sees fit.
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Testing Procedures

The Squaxin Island Gaming Enterprise will take reasonable steps To ensure that collection and testing procedures performed under this policy is accurate, fair and dignified, ~~collection and testing procedures used will be guided by the regulation and procedures approved by the U.S. Department of Health and Human Services and in conformance with all applicable laws and regulations.~~ In addition, all employees shall be subject to, and comply with, the terms and conditions of any agreement between the Squaxin Island Tribal Council and a Third Party Administrator and/or laboratory providing testing services.

The following procedures will be followed in testing employees:

1. The Squaxin Island Gaming Enterprise will provide transportation to and from the specimen collection site for any reasonable ~~suspicion~~ cause or post-accident test of an employee. In all other specimen collection situations, the employee shall provide his or her own transportation to and from the specimen collection site.
2. The employee must provide a specimen of his or her urine, hair, blood, and/or breath on request.
3. The collection facility will use procedures that will ensure that the results of all specimens are properly matched with the provider of that specimen.
4. All specimens with an initial positive test result for both applicants and employees will be subjected to a confirmation test to ensure the validity of the initial test results.
5. A positive test result of any employee will only be communicated to the Human Resources Department. All information regarding drug test results, rehabilitation, EAP counseling, etc., will be placed in the employee's medical file and kept separate from all other personnel related data.
6. With respect to testing for marijuana, the presence of 50 ng/mL of marijuana metabolites in an employee's urine shall be considered a positive test result and failure to pass a drug test for purposes of this Policy, and may result in disciplinary action up to and including discharge. With respect to marijuana only, the Squaxin Island Gaming Enterprise may in its discretion consider additional evidence as to whether the employee was under the influence of marijuana at the time of testing, and may waive disciplinary consequences upon clear and convincing evidence that the employee was not under the influence of marijuana in the workplace and did not use or possess marijuana at work. With respect to all other alcohol and drugs other than marijuana, positive test levels shall be as adopted in the terms and conditions of the agreement with the Third Party Administrator and/or laboratory providing testing services.

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Positive Test Result

An employee shall be considered to have tested positive in a drug/alcohol test under any of the following circumstances:

- a. Employee takes the test and the lab results are positive;
- b. Employee refuses to take the test or provide the requested specimen;
- c. Employee refuses to appear to take the test;
- d. Employee takes the test and it comes back positive, and the employee cannot produce a prescription for the drug in question. Any prescription offered by the employee must have been issued prior to date of testing and a copy must be provided to the Department of Human Resources within three (3) days of the employee being placed on notice of a positive result.
- e. Employee takes the test and it comes back positive, and the employee has a legitimate prescription for the drug in question, but the employee is obtaining prescribed drugs from multiple doctors and no one doctor is aware of all the prescriptions being issued to the employee.

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In circumstances in which there is an issue as to whether or not the employee has a properly prescribed prescription, or whether a drug is being taken properly, the Squaxin Island Gaming Enterprise may require the employee to provide written verification from a doctor as to when the prescription was prescribed and whether the prescription is being properly used by the employee. Upon request by the employer, employee will provide employer a release which will entitle employer to discuss and/or correspond with the treating doctor and/or prescribing pharmacist on all matters relating to the use of the prescribed drug. The physician and/or pharmacist need not disclose the underlying condition and/or need for the prescription. Failure to provide such release upon request by the employer shall be treated as a positive test result.

Consequences of a Positive Test Result

Any employee who registers a positive test result is subject to discipline up to and including discharge. At a minimum: (1) any employee testing positive for the first time shall be suspended without pay for a minimum of five (5) working days; and (2) any employee testing positive for the second time (unrelated to a Continued Employment Plan violation) shall be suspended without pay for a minimum of fourteen (14) working days, unless the second positive test occurs within one year of the first positive test, in which case the employee shall be automatically terminated. Any employee testing positive for the third time (regardless of the time period for such positive results) shall be automatically terminated.

Employees of Squaxin Island Gaming Enterprise are employed at-will and are subject to termination at any time, for any reason, with or without cause or notice. Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that SIGE has implemented or will implement in the future. Accordingly, Squaxin Island Gaming Enterprise retains the right to establish, change, and abolish its policies, practices, rules, and regulations at-will and as it sees fit. PPM 08/01/02

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On the first and second time for testing positive, the Squaxin Island Gaming Enterprise may, but under no circumstances is required to, offer the employee continued employment. Such continued employment shall be conditioned upon the employee entering into and abiding by all terms, conditions, components, requirements, and expectations of a “**Continued Employment Plan**” and the treating provider. Refusal by the employee to agree to all terms and conditions, or failure by the employee to comply with all terms, conditions, components, requirements, and expectations of the Continued Employment Plan and the treating provider shall result in the employee’s immediate termination.

A Continued Employment Plan shall include, but need not be limited to, the following requirements:

1. Agreement by the employee to be assessed by a drug/alcohol counselor of the Squaxin Island Gaming Enterprise’s choosing, and an agreement by the employee to abide by all terms and conditions placed on the employee by the provider during the assessment phase.
2. Agreement by the employee to release his/her counselor to discuss his/her findings and recommendations with the Squaxin Island Gaming Enterprise and its Human Resources Department.

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3. Participation by the employee in all treatment recommended by the counselor, which may include referral to an in-patient and/or out patient rehabilitation facility as well as all follow up treatment recommendation, such as Alcohol Anonymous/Narcotic Anonymous meetings.
4. Agreement by the employee to abstain from alcohol and/or drugs, as required by the counselor.
5. Agreement by the employee to release all counselors and treatment facilities to discuss the employee’s progress of recovery and adherence to program requirements with the Squaxin Island Gaming Enterprise and its Human Resources Department.
6. Agreement by the employee to unannounced and unscheduled follow up testing for a minimum of 24 months following the employee’s return to work.

An employee who voluntarily seeks assistance for a substance abuse problem before such a problem results in a violation of this policy will not be subject to disciplinary action. However, the Squaxin Island Gaming Enterprise reserves the right to administer appropriate disciplinary action for incidents occurring prior to or after the request for assistance, if such action or conduct violates this policy or other work rules or standards.

Any employee who is terminated or resigns due to violation of this Drug Free Workplace Policy shall not be considered for re-employment consistent with other personnel policies unless, and until, such employee is evaluated for drug/alcohol issues by a provider of the employer’s choosing.

Employees of Squaxin Island Gaming Enterprise are employed at-will and are subject to termination at any time, for any reason, with or without cause or notice. Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that SIGE has implemented or will implement in the future. Accordingly, Squaxin Island Gaming Enterprise retains the right to establish, change, and abolish its policies, practices, rules, and regulations at-will and as it sees fit.
PPM 08/01/02



Appeal Procedure

An employee who provides a positive specimen may, within three (3) calendar days of receipt of the test results, request the testing lab to conduct a retest of the original sample. The request must be in writing. The covered employee is responsible for all costs associated with the additional test. A second re-test will not be permitted.

Use of Prescribed and Over-the-Counter Drugs

If required to take prescription medication, it is the sole responsibility of the employee to ask his or her physician, prior to reporting to work, whether the prescribed medication may impair his or her job performance. Employees must keep all prescription medication in its original container, which states the employee's name, identifies the drug, date of prescription and prescribing physician.

Employees of Squaxin Island Gaming Enterprise are employed at-will and are subject to termination at any time, for any reason, with or without cause or notice. Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that SIGE has implemented or will implement in the future. Accordingly, Squaxin Island Gaming Enterprise retains the right to establish, change, and abolish its policies, practices, rules, and regulations at-will and as it sees fit.
PPM 08/01/02

The use of drugs that are lawfully obtained and properly used is permitted, if such use does not interfere with the employee's ability to perform the essential functions of his/her job safely and productively. Any employee taking prescribed medication or over-the-counter-drugs that may impair his/her ability to work safely and/or effectively must notify the Human Resources Department prior to beginning work, or after any prescription is issued. Such medication may include, but is not limited to, that which warns the user not to operate motor vehicles or heavy equipment while taking the drug or warns that the drug may cause drowsiness. The Squaxin Island Gaming Enterprise may require the employee to provide a written statement from the employee's treating physician regarding the affects of any over-the-counter drug on the employee's ability to work safely and productively. The physician's statement need not identify the reason for the prescription. The Squaxin Island Gaming Enterprise will attempt to accommodate any job limitations that are noted by the physician, unless to do so would pose a hardship on the employer.

Failure by the employee to notify the Human Resources Department prior to working, or after the issuance of a prescription for medication affecting job performance, will result in discipline, up to and including discharge.

Rehabilitation Treatment

A leave of absence will be granted for prescribed in-patient and/or outpatient treatment to any employee who voluntarily seeks treatment for substance abuse prior to having been discovered to be in violation of this policy. An employee will be granted up to six (6) weeks (up to 12 weeks of Family Medical Leave eligible if applicable) to fulfill all rehabilitation commitments recommended by their attending counselors. An employee who returns to work from rehabilitation leave within the required time will be returned to his/her prior position.

A leave of absence for inpatient rehabilitation will be granted to those employees who enter into a Continued Employment Plan.

Employee Assistance Programs

It is the Squaxin Island Gaming Enterprise's intent to encourage and support employee recovery from substance abuse before the harmful effects of such use threaten the safety and health of the employee, the employee's family, or his/her co-workers. To assist employees in effectively dealing with problems of drugs and/or alcohol, or for other personal or emotional problems, the Squaxin Island Gaming Enterprise has established an Employee Assistance Program (EAP). Our EAP provider is available 24 hours a day to assist employees and their family members without charge. Contact your supervisor or the Human Resources Department.

Employees of Squaxin Island Gaming Enterprise are employed at-will and are subject to termination at any time, for any reason, with or without cause or notice. Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that SIGE has implemented or will implement in the future. Accordingly, Squaxin Island Gaming Enterprise retains the right to establish, change, and abolish its policies, practices, rules, and regulations at-will and as it sees fit. PPM 08/01/02

Approved by Mitch Corbine, CEO _____ (Initials) Date _____

Distributed with Payroll Checks on December 23rd, 2009.

An employee's decision to seek appropriate professional assistance through the EAP will be confidential and will not be used as a basis for disciplinary action. However, the intent to use or the actual use of the EAP will not excuse the employee from complying with all provisions of this policy or exempt an employee from discipline for a policy violation.

Inspections

If a director of a department, the immediate supervisor of the employee, or security or police has reason to believe that an employee is in possession or control of alcohol, marijuana, illegal drugs or unauthorized prescription or over-the-counter medication, a search of the employee's workplace and personal property may be conducted. Employees are required to cooperate when searches are conducted.

Refusal to Cooperate

Refusal by an employee to consent, immediately upon request, to a test for the presence of alcohol, marijuana, illegal drugs or prescribed medication, to consent to an inspection of his or her workplace or personal property, or to otherwise fully cooperate in any investigation will constitute insubordination and result in immediate termination.

DRUG FREE WORKPLACE POLICY

Philosophy and Purpose

The Enterprises believe in and are committed to providing a safe work environment that is free from the harmful effects of substance abuse. Drugs and alcohol in the workplace create hazards to the safety of you and your coworkers, loss of productivity, and ongoing dangers to users' personal health.

The purpose of this policy is to communicate the Enterprises' standards on employee use of alcohol and drugs, to guide employee conduct in order to ensure a safe and efficient work environment, to protect employees and assets from injury or damage caused by an employee who is under the influence of drugs, and to promote the greatest efficiency for the work force. This policy applies to all employees of the Enterprises. Compliance with all elements of this policy is a condition of initial and continued employment.

Prohibitions

The following conduct by any employee is prohibited and will result in disciplinary action, up to and including dismissal:

1. While on the job, the use, possession, sale, distribution or being under the influence of illegal drugs, marijuana, or alcohol while on Tribal property, while performing Enterprise business in any location, or in an Enterprises or personal vehicle or watercraft.
2. While off the job, the use, possession, sale, distribution, or being under the influence of illegal drugs.
- 1.
3. While off the job, the use, possession, sale, distribution or being under the influence of illegal drugsmarijuana or alcohol, when such use-activity adversely affects the employee's on-the-job performance, behavior, or the Tribe's or Enterprise's reputation. Further, IEI may completely prohibit off the job use of marijuana or alcohol for certain positions in its discretion. For example, any use of marijuana at any time is impermissible for any employee who must maintain a CDL in order to perform their job duties.
- 2.
- 3-4. The use of prescribed or over-the-counter medication that is contrary to its intended use or used on the job without prior advance notice and approval in accordance with the provision set out below entitled "Use of Prescribed and Over-the-Counter Medication".
- 4-5. The conviction of an employee for an illegal drug, marijuana, or alcohol related crime on or off the job. Employees are required to notify the Human Resources Department of any criminal alcohol/drug convictions no later than five (5) days after such conviction.
- 5-6. Failure to pass a drug and/or alcohol test as administered by any Third Party Administrator and/or laboratory selected by the Squaxin Island Tribal Council or the Enterprises.

Testing

Testing for drugs and alcohol will be conducted under the following circumstances.

1. Pre-Employment. Every applicant who is extended an offer of employment will be required, as a condition of employment, to submit to and pass a test for the presence of illegal drugs. Any applicant who is not hired due to a failure to pass a pre-employment drug test may reapply for employment after 3 months from the date of such test.
2. Post-Accident Testing. An employee will be required to submit to a drug and alcohol test if the employee suffers a reportable injury because of an on-the-job accident or the employee's job performance, actions or conduct either contributed to an accident or cannot be completely discounted as a contributing factor to an on-the-job accident or injury. Testing will also be required if the employee's conduct resulted in or contributed to damage to Enterprise property or injury to another individual, even if the employee was not injured because of the incident. ~~The employee must provide a sample of his/her urine, hair and/or breath when seeking medical treatment.~~
3. Reasonable Cause. An employee will be required to submit to a drug and alcohol test when the Enterprises have reasonable cause to believe that the employee is under the influence of alcohol, marijuana, an illegal drug or other prohibited substance.
4. Random Testing. Employees will be required to submit to random drug and alcohol testing as determined and established by policies and resolutions adopted by the Squaxin Island Tribal Council or the Enterprises.
5. Follow-up. An employee who is returning to duty in accordance with a continued employment plan will be subject to unannounced, unscheduled testing for not less than twenty-four (24) months. The timing and number of the tests will be at the sole discretion of the employer.
6. Different or additional testing procedures may be applied to certain positions due to safety or other needs. Individuals who are offered such positions will be notified of the special drug and alcohol testing procedures applicable to that position.

Testing Procedures

The Enterprises will take reasonable steps ~~To~~ to ensure that the collection and testing procedures performed under this policy are accurate, fair and dignified, ~~collection and testing procedures used will be guided by the regulation and procedures approved by the U.S. Department of Health and Human Services and in conformance with all applicable laws and regulations.~~ In addition, Enterprises employees shall be subject to, and comply with, the terms and conditions of any

agreement between the Squaxin Island Tribal Council or the Enterprises and a Third Party Administrator and/or laboratory providing testing services. The following procedures will be followed in testing employees:

1. The Enterprises will provide transportation to and from the specimen collection site for any reasonable ~~suspicion~~ cause or post-accident test of an employee. In all other specimen collection situations, the employee shall provide his or her own transportation to and from the specimen collection site.
2. The employee must provide a specimen of his or her urine, hair, and/or breath on request.
 - ~~1.~~
 - 2.3. The collection facility will use procedures that will ensure that the results of all specimens are properly matched with the provider of that specimen.
 - 3.4. All specimens with an initial positive test result for any applicant or employee will be subjected to a confirmation test to ensure the validity of the initial test results.
 - 5.4. A positive test result of any applicant or employee will only be communicated to the Human Resources Department and the relevant supervisor(s). All information regarding drug test results, rehabilitation, EAP counseling, etc., will be placed in the employee's medical file and kept separate from all other personnel related data.
6. With respect to testing for marijuana, the presence of 50 ng/mL of marijuana metabolites in an employee's urine shall be considered a positive test result and failure to pass a drug test for purposes of this Policy, and may result in disciplinary action up to and including discharge. With respect to marijuana only, the Enterprises may in their discretion consider additional evidence as to whether the employee was under the influence of marijuana at the time of testing, and may waive disciplinary consequences upon clear and convincing evidence that the employee was not under the influence of marijuana in the workplace and did not use or possess marijuana at work. With respect to all other alcohol and drugs other than marijuana, positive test levels shall be as adopted in the terms and conditions of the agreement with the Third Party Administrator and/or laboratory providing testing services.

Positive Test Result

An applicant or employee shall be considered to have tested positive in a drug/alcohol test under any of the following circumstances:

1. Individual takes the test and the lab results are positive;
2. Individual refuses to take the test or provide the requested specimen;
3. Individual refuses to appear to take the test;
4. Individual takes the test and it comes back positive, and the individual cannot produce a prescription for the drug in question. Any prescription offered by the individual must have been issued prior to date of testing and a copy must be provided to the Department of Human Resources within three (3) days of the individual being placed on notice of a positive result.

5. Individual takes the test and it comes back positive, and the individual has a legitimate prescription for the drug in question, but the individual is obtaining medication from multiple doctors and no one doctor is aware of all the prescriptions being issued to the individual.

In circumstances in which there is an issue as to whether or not the individual has a properly prescribed medication, or whether a drug is being taken properly, the Enterprise may require the employee to provide written verification from a doctor as to when the prescription was prescribed and whether the prescription is being properly used by the employee. Upon request by the employer, employee will provide employer a release which will entitle employer to discuss and/or correspond with the treating doctor and/or prescribing pharmacist on all matters relating to the use of the prescribed medication. The physician and/or pharmacist need not disclose the underlying condition and/or need for the prescription. Failure to provide such release upon request by the employer shall be treated as a positive test result.

Consequences of a Positive Test Result

Any employee who registers a positive test result is subject to discipline up to and including dismissal. At a minimum: (1) any employee testing positive for the first time shall be suspended without pay for a minimum of five (5) working days; and (2) any employee testing positive for the second time (unrelated to a continued employment plan violation) shall be suspended without pay for a minimum of fourteen (14) working days, unless the second positive test occurs within one year of the first positive test, in which case the employee shall be automatically dismissed. Any employee testing positive for the third time (regardless of the time period for such positive results) shall be automatically dismissed.

On the first and second time for testing positive, the Enterprise may, but under no circumstances is required to, offer the employee continued employment. Such continued employment shall be conditioned upon the employee entering into and abiding by all terms, conditions, components, requirements, and expectations of a continued employment plan and the treating provider.

Refusal or failure by the employee to agree to or comply with all terms, conditions, components, requirements, and expectations of the continued employment plan and the treating provider shall result in the employee's immediate dismissal.

A continued employment plan offered as a consequence of a positive test result shall include, but need not be limited to, the following requirements:

1. Agreement by the employee to be assessed by a drug/alcohol counselor of the Enterprise's choosing, and an agreement by the employee to abide by all terms and conditions placed on the employee by the provider during the assessment phase.

2. Agreement by the employee to release his/her counselor to discuss his/her findings and recommendations with the Enterprises and its Human Resources Department.
3. Participation by the employee in all treatment recommended by the counselor, which may include referral to an in-patient and/or outpatient rehabilitation, facility as well as all follow up treatment recommendation, such as Alcohol Anonymous/Narcotic Anonymous meetings.
4. Agreement by the employee to abstain from alcohol and/or drugs, as required by the counselor.
5. Agreement by the employee to release all counselors and treatment facilities to discuss the employee's progress of recovery and adherence to program requirements with the Enterprises and its Human Resources Department.
6. Agreement by the employee to unannounced and unscheduled follow up testing for a minimum of 24 months following the employee's return to work.
7. A continued employment plan does not alter the at-will status of the employee' position.

An employee who voluntarily seeks assistance for a substance abuse problem before such a problem results in a violation of this policy will not be subject to disciplinary action as a result of such action. However, the Enterprises reserves the right to administer appropriate disciplinary action for incidents occurring prior to or after the request for assistance, if such action or conduct violates this policy or other work rules or standards.

Any employee who is dismissed or resigns due to violation of this Drug Free Workplace Policy shall not be considered for re-employment consistent with other personnel policies unless, and until, such employee is evaluated for drug/alcohol issues by a provider of the employer's choosing and re-employment may be conditioned upon entry into a written continued employment plan.

Appeal Procedure

An employee who provides a positive specimen may, within three (3) calendar days of receipt of the test results, request the testing lab to conduct a retest of the original sample. The request must be in writing. The covered employee is responsible for all costs associated with the additional test. A second re-test will not be permitted.

Use of Prescribed and Over-the-Counter Medication

If required to take a prescribed medication, it is the sole responsibility of the employee to ask his or her physician, prior to reporting to work, whether the prescribed medication may impair his or her job performance. Employees must keep all prescribed medication in its original container, which states the employee's name, identifies the drug, date of prescription and prescribing physician.

The use of drugs that are lawfully obtained and properly used is permitted, if such use does not interfere with the employee's ability to perform the essential functions of his/her job safely and productively. Any employee taking prescribed medication or over-the-counter medication that may impair his/her ability to work safely and/or effectively must notify the Human Resources Department prior to beginning work, or after any prescription is issued. Such medication may include, but is not limited to, that which warns the user not to operate motor vehicles or heavy equipment while taking the drug or warns that the drug may cause drowsiness. The Enterprises may require the employee to provide a written statement from the employee's treating physician regarding the effects of any over-the-counter or prescribed medication on the employee's ability to work safely and productively. The physician's statement need not identify the drug or the reason for the prescription. The Enterprises will attempt to accommodate any job limitations that are noted by the physician, unless to do so would pose a hardship on the employer.

Failure by the employee to notify the Human Resources Department prior to working, or after the issuance of a prescription for medication affecting job performance, will result in discipline, up to and including dismissal.

Rehabilitation Treatment

A leave of absence will be granted for prescribed in-patient and/or outpatient treatment to any employee who voluntarily seeks treatment for substance abuse prior to having been discovered to be in violation of this policy. An employee will be granted up to six (6) weeks (up to 12 weeks if Family Medical Leave eligible if applicable) to fulfill all rehabilitation commitments recommended by their attending counselors. An employee who returns to work from rehabilitation leave within the required time will be returned to his/her prior position whenever possible.

A leave of absence for inpatient rehabilitation may be granted to those employees who enter into a continued employment plan.

Employee Assistance Programs

It is the Enterprises' intent to encourage and support employee recovery from substance abuse before the harmful effects of such use threaten the safety and health of the employee, the employee's family, or his/her co-workers. To assist employees in effectively dealing with problems of drugs and/or alcohol, or for other personal or emotional problems, the Enterprises have established an Employee Assistance Program (EAP). Our EAP provider is available 24 hours a day to assist employees and their family members without charge. Contact your supervisor or the Human Resources Department.

An employee's decision to seek appropriate professional assistance through the EAP will be confidential and will not be used as a basis for disciplinary action. However, the intent to use or



the actual use of the EAP will not excuse the employee from complying with all provisions of this policy or exempt an employee from disciplinary action or dismissal.

Inspections

If a Manager, Director, or the immediate supervisor of the employee, or security or police, has reason to believe that an employee is in possession or control of alcohol, marijuana, illegal drugs or unauthorized prescribed or over-the-counter medication, a search of the employee's workplace and personal property located on the premises may be conducted; provided that the employee's vehicle shall not be searched except by law enforcement personnel in accordance with applicable law unless the employee has re-entered any portion of the vehicle during his/her working hours. Employees are required to cooperate when searches are conducted.

Refusal to Cooperate

Refusal by an employee to consent, immediately upon request, to a test for the presence of alcohol, marijuana, illegal drugs or unauthorized prescribed medication or over-the-counter medication, to consent to an inspection of his or her workplace or personal property, or to otherwise fully cooperate in any investigation will constitute insubordination and result in immediate dismissal.

DRUG FREE WORKPLACE POLICY

Philosophy and Purpose

The Squaxin Island Tribe believes in and is committed to providing a safe work environment that is free from the harmful effects of substance abuse. Drugs and alcohol in the workplace create hazards to the safety of you and your coworkers, loss of productivity, and ongoing dangers to users' personal health.

The purpose of this policy is to communicate the Squaxin Island Tribe's standards on employee use of alcohol and drugs, to guide employee conduct in order to ensure a safe and efficient work environment, to protect employees and assets from injury or damage caused by an employee who is under the influence of drugs, and to promote the greatest efficiency for the work force. This policy applies to all employees of the Squaxin Island Tribe. Compliance with all elements of this policy is a condition of initial and continued employment.

Prohibitions

The following conduct by any employee is prohibited and will result in disciplinary action, up to and including discharge:

1. While on the job, the use, possession, sale, distribution or being under the influence of illegal drugs, marijuana, or alcohol while on Tribal property, while performing tribal business in any location, or in a company vehicle.
2. While off the job, the use, possession, sale, or distribution of illegal drugs.
3. While off the job, the use, possession, sale, distribution or being under the influence of marijuana or alcohol, when such activity adversely affects the employee's on-the-job performance, behavior or the Tribe's reputation. Further, the Tribe may completely prohibit off the job use of marijuana or alcohol for certain positions in its discretion. For example, any use of marijuana at any time is impermissible for any employee who must maintain a CDL in order to perform their job duties.
4. The use of prescription or over-the-counter medication that is contrary to its intended use or used on the job without prior advance notice and approval in accordance with the provision set out below entitled "Use of Prescribed and Over-the-Counter Drugs".
5. The conviction of an employee for an illegal drug, marijuana, or alcohol related crime on or off the job. Employees are required to notify the Human Resources Director of any criminal alcohol/drug statute convictions no later than five (5) days after such conviction.
6. Failure to pass a drug and/or alcohol test as administered by any Third Party Administrator and/or laboratory selected by the Squaxin Island Tribal Council.

Testing

Testing for drugs and alcohol will be conducted under the following circumstances.

1. Pre-Employment. Every applicant who is extended an offer of employment will be required, as a condition of employment, to submit to and pass a test for the presence

of illegal drugs. Any applicant who is not hired due to a violation of this policy may reapply for employment after 3 months from the date of initial application.

2. **Post-Accident Testing.** An employee will be required to submit to a drug and alcohol test if any employee suffers a reportable injury because of an on-the-job accident or the employee's job performance, actions or conduct either contributed to an accident or cannot be completely discounted as a contributing factor to an accident. Testing will also be required if the employee's conduct resulted in or contributed to damage to Company property or injury to another individual, even if the employee was not injured because of the incident.
3. **Reasonable Cause.** An employee will be required to submit to a drug and alcohol test when the Squaxin Island Tribe has reasonable cause to believe that the employee is under the influence of alcohol, marijuana, an illegal drug or other prohibited substance.
4. **Random Testing.** Employees will be required to submit to random drug and alcohol testing as determined and established by policies and resolutions adopted by the Squaxin Island Tribal Council.
5. **Three no-call/no-shows.** A no-call/no-show is defined as the failure of an employee to come to work or call prior to coming to work to obtain approval to be absent. An employee will be required to submit to a drug and alcohol test when the employee has any combination of three no-calls or no-shows within a one-year period. Upon the third no-call/no-show within a one-year period, the employee will be suspended until such time as the employee can be tested for drugs and/or alcohol. Refusal to submit to testing will subject the employee to dismissal.
6. **Follow-up.** An employee who is returning to duty in accordance with a Continued Employment Plan will be subject to unannounced, unscheduled testing for not less than twenty-four (24) months. The timing and number of the tests will be at the sole discretion of the employer.
7. **Different or additional testing procedures** may be applied to certain positions due to safety or other needs. Individuals who are offered such positions will be notified of the special drug and alcohol testing procedures applicable to that position.

Testing Procedures

The Tribe will take reasonable steps to ensure that the collection and testing procedures performed under this policy are accurate, fair and dignified, and in conformance with all applicable laws and regulations. In addition, Tribal government employees shall be subject to, and comply with, the terms and conditions of any agreement between the Squaxin Island Tribal Council and a Third Party Administrator and/or laboratory providing testing services.

The following procedures will be followed in testing employees:

1. The Squaxin Island Tribe will provide transportation to and from the specimen collection site for any reasonable cause or post-accident test of an employee. In all other specimen collection situations, the employee shall provide his or her own transportation to and from the specimen collection site.
2. The employee must provide a specimen of his or her urine, hair, and/or breath on request.

3. The collection facility will use procedures that will ensure that the results of all specimens are properly matched with the provider of that specimen.
4. All specimens with an initial positive test result for both applicants and employees will be subjected to a confirmation test to ensure the validity of the initial test results.
5. A positive test result of any employee will only be communicated to the Human Resources Director. All information regarding drug test results, rehabilitation, EAP counseling, etc., will be placed in the employee's medical file and kept separate from all other personnel related data.
6. With respect to testing for marijuana, the presence of 50 ng/mL of marijuana metabolites in an employee's urine shall be considered a positive test result and failure to pass a drug test for purposes of this Policy, and may result in disciplinary action up to and including discharge. With respect to marijuana only, the Tribe may in its discretion consider additional evidence as to whether the employee was under the influence of marijuana at the time of testing, and may waive disciplinary consequences upon clear and convincing evidence that the employee was not under the influence of marijuana in the workplace and did not use or possess marijuana at work. With respect to all other alcohol and drugs other than marijuana, positive test levels shall be as adopted in the terms and conditions of the agreement with the Third Party Administrator and/or laboratory providing testing services.

Positive Test Result

An employee shall be considered to have tested positive in a drug/alcohol test under any of the following circumstances:

- a. Employee takes the test and the lab results are positive;
- b. Employee refuses to take the test or provide the requested specimen;
- c. Employee refuses to appear to take the test;
- d. Employee takes the test and it comes back positive, and the employee cannot produce a prescription for the drug in question. Any prescription offered by the employee must have been issued prior to date of testing and a copy must be provided to the Director of Human Resources within three (3) days of the employee being placed on notice of a positive result.
- e. Employee takes the test and it comes back positive, and the employee has a legitimate prescription for the drug in question, but the employee is obtaining prescribed drugs from multiple doctors and no one doctor is aware of all the prescriptions being issued to the employee.

In circumstances in which there is an issue as to whether or not the employee has a properly prescribed prescription, or whether a drug is being taken properly, the Squaxin Island Tribe may require the employee to provide written verification from a doctor as to when the prescription was prescribed and whether the prescription is being properly used by the employee. Upon request by the employer, employee will provide employer a release which will entitle employer to discuss and/or correspond with the treating doctor and/or prescribing pharmacist on all matters relating to the use of the prescribed drug. The physician and/or pharmacist need not disclose the underlying condition and/or need for the prescription. Failure to provide such release upon request by the employer shall be treated as a positive test result.

Consequences of a Positive Test Result

Any employee who registers a positive test result is subject to discipline up to and including discharge. At a minimum: (1) any employee testing positive for the first time shall be suspended without pay for a minimum of five (5) working days; and (2) any employee testing positive for the second time (unrelated to a Continued Employment Plan violation) shall be suspended without pay for a minimum of fourteen (14) working days, unless the second positive test occurs within one year of the first positive test, in which case the employee shall be automatically terminated. Any employee testing positive for the third time (regardless of the time period for such positive results) shall be automatically terminated.

On the first and second time for testing positive, the Squaxin Island Tribe may, but under no circumstances is required to, offer the employee continued employment. Such continued employment shall be conditioned upon the employee entering into and abiding by all terms, conditions, components, requirements, and expectations of a "Continued Employment Plan" and the treating provider. Refusal by the employee to agree to all terms and conditions, or failure by the employee to comply with all terms, conditions, components, requirements, and expectations of the Continued Employment Plan and the treating provider shall result in the employee's immediate termination.

A Continued Employment Plan shall include, but need not be limited to, the following requirements:

1. Agreement by the employee to be assessed by a drug/alcohol counselor of the Squaxin Island Tribe's choosing, and an agreement by the employee to abide by all terms and conditions placed on the employee by the provider during the assessment phase.
2. Agreement by the employee to release his/her counselor to discuss his/her findings and recommendations with the Squaxin Island Tribe and its Human Resources Director.
3. Participation by the employee in all treatment recommended by the counselor, which may include referral to an in-patient and/or out patient rehabilitation, facility as well as all follow up treatment recommendation, such as Alcohol Anonymous/Narcotic Anonymous meetings.
4. Agreement by the employee to abstain from alcohol and/or drugs, as required by the counselor.
5. Agreement by the employee to release all counselors and treatment facilities to discuss the employee's progress of recovery and adherence to program requirements with the Squaxin Island Tribe and its Human Resources Director.
6. Agreement by the employee to unannounced and unscheduled follow up testing for a minimum of 24 months following the employee's return to work.

An employee who voluntarily seeks assistance for a substance abuse problem before such a problem results in a violation of this policy will not be subject to disciplinary action. However, the Squaxin Island Tribe reserves the right to administer appropriate disciplinary action for incidents occurring prior to or after the request for assistance, if such action or conduct violates this policy or other work rules or standards.

Any employee who is terminated or resigns due to violation of this Drug Free Workplace Policy shall not be considered for re-employment consistent with other personnel policies unless, and until, such employee is evaluated for drug/alcohol issues by a provider of the Tribe's choosing.

Appeal Procedure

An employee who provides a positive specimen may, within three (3) calendar days of receipt of the test results, request the testing lab to conduct a retest of the original sample. The request must be in writing. The covered employee is responsible for all costs associated with the additional test. A second re-test will not be permitted.

Use of Prescribed and Over-the-Counter Drugs

If required to take prescription medication, it is the sole responsibility of the employee to ask his or her physician, prior to reporting to work, whether the prescribed medication may impair his or her job performance. Employees must keep all prescription medication in its original container, which states the employee's name, identifies the drug, date of prescription and prescribing physician.

The use of drugs that are lawfully obtained and properly used is permitted, if such use does not interfere with the employee's ability to perform the essential functions of his/her job safely and productively. Any employee taking prescribed medication or over-the-counter-drugs that may impair his/her ability to work safely and/or effectively must notify the Human Resources Director prior to beginning work, or after any prescription is issued. Such medication may include, but is not limited to, that which warns the user not to operate motor vehicles or heavy equipment while taking the drug or warns that the drug may cause drowsiness. The Squaxin Island Tribe may require the employee to provide a written statement from the employee's treating physician regarding the affects of any over-the-counter drug on the employee's ability to work safely and productively. The physician's statement need not identify the reason for the prescription. The Squaxin Island Tribe will attempt to accommodate any job limitations that are noted by the physician, unless to do so would pose a hardship on the employer.

Failure by the employee to notify the Human Resources Director prior to working, or after the issuance of a prescription for medication affecting job performance, will result in discipline, up to and including discharge.

Rehabilitation Treatment

A leave of absence will be granted for prescribed in-patient and/or outpatient treatment to any employee who voluntarily seeks treatment for substance abuse prior to having been discovered to be in violation of this policy. An employee will be granted up to six (6) weeks (up to 12 weeks if Family Medical Leave eligible if applicable) to fulfill all rehabilitation commitments recommended by their attending counselors. An employee who returns to work from rehabilitation leave within the required time will be returned to his/her prior position.

A leave of absence for inpatient rehabilitation will be granted to those employees who enter into a Continued Employment Plan.

Employee Assistance Programs

It is the Tribe's intent to encourage and support employee recovery from substance abuse before the harmful effects of such use threaten the safety and health of the employee, the employee's family, or his/her co-workers. To assist employees in effectively dealing with problems of drugs and/or alcohol, or for other personal or emotional problems, the Tribe has established an Employee Assistance Program (EAP). Our EAP provider is available 24 hours a day to assist employees and their family members without charge. Contact your supervisor or the Human Resources Director.

An employee's decision to seek appropriate professional assistance through the EAP will be confidential and will not be used as a basis for disciplinary action. However, the intent to use or the actual use of the EAP will not excuse the employee from complying with all provisions of this policy or exempt an employee from discipline for a policy violation.

Inspections

If a director of a department, the immediate supervisor of the employee, or security or police has reason to believe that an employee is in possession or control of alcohol, marijuana, illegal drugs or unauthorized prescription or over-the-counter medication, a search of the employee's workplace and personal property may be conducted. Employees are required to cooperate when searches are conducted.

Refusal to Cooperate

Refusal by an employee to consent, immediately upon request, to a test for the presence of alcohol, marijuana, illegal drugs or prescribed medication, to consent to an inspection of his or her workplace or personal property, or to otherwise fully cooperate in any investigation will constitute insubordination and result in immediate termination.