



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 02-57
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 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, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; 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 with protecting and managing the lands and treaty resources and rights of the Tribe; 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 Squaxin Island Tribal Council has previously expressed its belief in and commitment to providing a safe work environment that is free from the harmful effects of substance abuse (see, for example, the Squaxin Island Tribe Employee Handbook); and

WHEREAS, the Squaxin Island Tribal Council has previously emphasized the need for a strong and consistent drug free work place policy for all Tribal entities (see Tribal Council minutes for October 25, 2001, December 13, 2001 and January 10, 2002, and Tribal Council work session minutes for March 15-18, 1999); and

WHEREAS, the Squaxin Island Tribal Council has previously agreed that all members of the Tribal Council shall submit to a drug test (see Tribal Council minutes for January 10, 2002 – drug test to occur prior to implementation of Island Enterprises drug testing policy; see also

Tribal Council work session minutes for March 15-18, 1999 – all Tribal Council members present agreed to have completed a drug test this year); and

WHEREAS, the Squaxin Island Tribal Council finds that Tribal Council members must demonstrate the highest ethical standards and should serve as an example for all Tribal employees, including the promotion and establishment of a drug-free workplace;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby confirms its determination that all Squaxin Island Tribal Council members shall be subject to drug testing; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribal Council hereby directs that every current Tribal Council member shall submit to a drug test after the 2002 General Body meeting but no later than 5:00pm, June 14, 2002; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribal Council hereby directs that after June 19, 2002, every Tribal Council member shall submit to an annual drug test within 36 hours after the close of the General Body meeting; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the failure to take a required drug test shall be treated as a positive test result; and

NOW THEREFORE BE IT FURTHER RESOLVED, that an inconclusive drug test result (one which is neither clearly positive nor negative) shall be treated as a positive test result, except that the Tribal Council member shall be permitted to have a retest within 24 hours of the inconclusive drug test result; and

NOW THEREFORE BE IT FURTHER RESOLVED, that all drug tests administered under this policy shall be performed in a manner consistent with the then-current procedures for Tribal government employee drug testing; and

NOW THEREFORE BE IT FURTHER RESOLVED, that upon a positive drug test result, a Tribal Council member shall:

- Obtain an assessment by a qualified drug/alcohol counselor no later than 10 days after the positive test result;
- Agree to release his/her counselor to discuss his/her findings and recommendations with the Squaxin Island Tribe Human Resources Department;
- Comply with all treatment and other recommendations of the counselor, which may include, but not be limited to, referral to an in-patient and/or out-patient rehabilitation facility, as well as all follow up treatment recommendations such as Alcoholics Anonymous meetings; and
- Agree to unannounced, follow up testing for up to one year following the original positive test result.

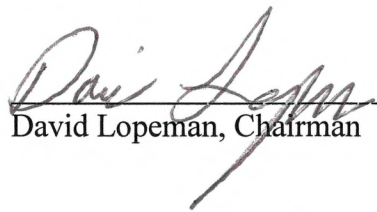
NOW THEREFORE BE IT FINALLY RESOLVED, that a positive drug test result shall subject that Tribal Council member to the following penalties:

- No stipend will be paid for any Tribal Council work;
- No travel on behalf of the Tribal Council shall be permitted;
- The Tribal Council member shall not be permitted to speak on behalf of the Tribal Council until the evaluation is complete;
- No service as a Tribal Council representative to any advisory committee shall be permitted;
- The Tribal Council member shall not receive any casino comps;
- No check signing authority shall be granted and any previously granted check signing authority shall be revoked.

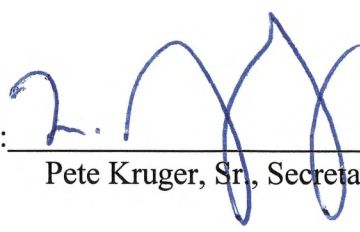
These penalties shall remain in effect until the Tribal Council member has obtained an assessment and complied with all treatment recommendations as required by this policy, except that a Tribal Council member shall begin to receive a stipend for Tribal Council work if he/she is has continuously been in full compliance with this policy for a period of 60 days (probation period) following the original positive test result and thereafter continuously remains in full compliance. No stipend shall be permitted for work done during the 60-day probation period.

CERTIFICATION

The Squaxin Island Tribal Council does hereby certify that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 9th day of May, 2002 at which time a quorum was present and was passed by a vote of 4 for and 0 against with 0 abstentions.


David Lopeman, Chairman


Andy Whitener, Vice Chairman

Attested by: 
Pete Kruger, Sr., Secretary



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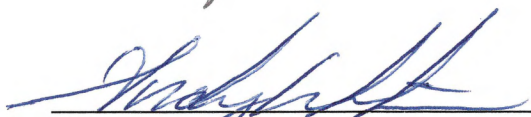
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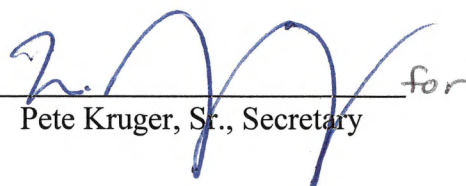
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