



## SQUAXIN ISLAND TRIBE

**RESOLUTION NO. 03-18B**  
**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 emphasized the need for a strong and consistent drug free work place policy for all Tribal entities; and

**WHEREAS**, the Squaxin Island Tribal Council finds that due to travel, safekeeping of confidential and/or proprietary information, physical safety, security and other aspects, all or some of which are a part of each and every job position with the Tribe and its enterprises, the random drug testing of all employees is necessary to secure a drug-free workplace for the protection of all employees and of the Tribe;

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council and all employees of the Squaxin Island Tribe and its enterprises shall be subject to random drug testing according to the following guidelines:

1. The Tribal government (including the Tribal Council), Island Enterprises, Inc., the Little Creek Casino and the Northwest Indian Treatment Center shall each constitute a separate pool for random drug testing purposes;
2. Each pool shall separately implement this random drug testing policy;
3. Each pool shall include two employee classifications: Heightened and General:
  - a. The Heightened classification shall include those employees who: are Tribal Council Members; department directors or enterprise managers; work in a law enforcement, security or attorney capacity; regularly operate tribal vehicles including boats or other watercraft, or work as a valet; or work with children on a regular basis;
  - b. The General classification shall include all other employees (regular and part-time);
4. Testing rates and scheduling:
  - a. The annual effective testing rate for employees in the Heightened classification shall be no less than 100% (for example, with 200 people in the pool, over the year 200 tests will be taken, with 50 names selected from 200 in the 1<sup>st</sup> quarter, 50 names selected from 200 in the 2<sup>nd</sup> quarter, etc.; it is possible that one person may be selected four times or no times in one year);
  - b. The annual effective testing rate for employees in the General classification shall be no less than 50% (for example, with 200 people in the pool, over the year 100 tests will be taken, with 25 names selected from 200 in the 1<sup>st</sup> quarter, 25 names selected from 200 in the 2<sup>nd</sup> quarter, etc.; it is possible that one person may be selected four times or no times in one year);
  - c. Testing shall be spread throughout the year in a manner that meets or exceeds the effective testing rate, and shall occur no less than quarterly;
  - d. The date and time of testing shall not be announced in advance;
  - e. Any employee selected for testing shall immediately be eligible for selection in the next testing round;
  - f. Each pool shall provide a report to the Tribal Council as soon as possible after the third quarterly testing period. The report shall include the number of employees in each classification; the number of tests conducted

to date; the number of positive test results; and, the number of negative test results. The report shall not include any information about the individuals tested (i.e. who was tested, individual test results), but shall be limited to cumulative data. Based upon this information, the Tribal Council may consider whether to increase or decrease testing rates and/or scheduling.

5. All random selections, both of which employees to test and the day and time of testing, shall be performed by a third party entity selected by the Tribal Council. However, the testing process may be conducted in any reasonable manner in accordance with the policy established by each pool. An employee that is selected but is not scheduled to work or to work locally during the time the test is to be administered shall take the test as soon as possible upon their return to work.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that refusal to take a required test, or an inconclusive test result, shall be treated as a positive test result; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that the procedures and penalties under existing drug testing policies for the Tribe and its enterprises, including penalties for failure to take a required test, a positive test result, and an inconclusive test result, shall apply to random drug tests under this Resolution; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that this Resolution shall become an amendment to all existing employee handbooks and that its terms shall be incorporated into any future employee handbook revisions; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be provided to every new employee along with the Employee Handbook; and

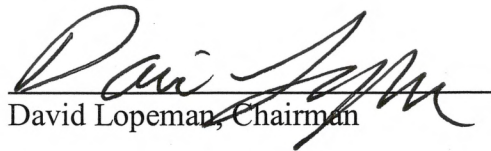
**NOW THEREFORE BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be provided to every current employee along with their paycheck distributed on or before May 20, 2003.

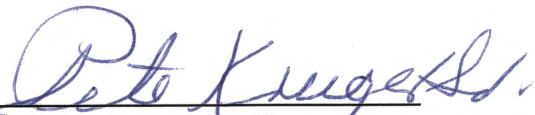
**NOW THEREFORE BE IT FURTHER RESOLVED**, that nothing herein is intended to alter the right or obligation to conduct drug tests for pre-employment screens, post-accident, continued work plan, reasonable cause or reasonable suspicion under existing drug policies; and

**NOW THEREFORE BE IT FINALLY RESOLVED**, that random drug testing under this Resolution shall be implemented on or before May 20, 2003, with assistance of the Squaxin Island Legal Department, with a report to Tribal Council on or before April 20, 2003 on progress in implementing.

**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 20<sup>th</sup> day of March, 2003, at which time a quorum was present and was passed by a vote of 2 for and 0 against with 3 abstentions.

  
David Lopeman, Chairman

Attested by:   
Pete Kruger, Sr., Secretary

  
Andy Whitener, Vice Chairman



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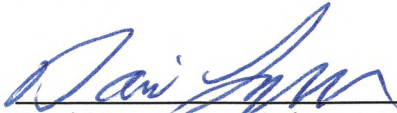
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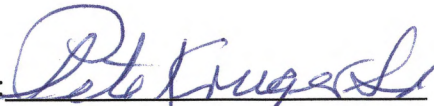
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