



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 03- 76
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 wishes to amend the Squaxin Island Tribe Employee Handbook to better protect employees and the Tribe; and

WHEREAS, the Squaxin Island Tribal Council approved revisions to the Squaxin Island Tribe Employee Handbook on October 23, 2003;

NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby confirms that it adopted the following amendments to the Squaxin Island Tribe Employee Handbook, included in the copy attached hereto, on October 23, 2003 and which became effective that date:

1. Amends the title page to reflect the adoption date of the amended Handbook.

2. Amends the Introduction to include the following: “The Squaxin Island Tribe will use its best efforts to consistently apply personnel policies. However, the Tribe’s failure to achieve strict adherence to these policies will not excuse employee misconduct or performance issues.”
3. Amends the Introduction to declare that the handbook dated October 23, 2003 supersedes all prior versions.
4. Amends the definition of “Dismissal” as follows: “Involuntary termination of an employee’s employment with the Tribal government with cause. ~~The supervisor shall initiate dismissal with cause of an employee in the department by delivering a written statement of reasons to the Executive Director, the employee, and the Human Resources Director.~~”
5. Deletes the definition of “Employee”, but leaves intact definitions of specific employee classifications and adds the following definitions: “Emergency Employee: Employees hired, without advertisement, for a period not to exceed thirty (30) days, or completion of recruitment process. An emergency employee may be terminated without appeal and is not eligible to receive any Tribal benefits.” and “Introductory Employee: An employee during his or her introductory period.”
6. Adds a definition of “Flex Time” as follows: “a revision of the employee’s work schedule within a single workweek to allow time off on one work day in exchange for extra time worked on another work day so that the total amount of time worked during that workweek does not exceed forty hours.”
7. Revises the definition of “Immediate Family” as follows: ~~That~~Unless otherwise defined for the purposes of a specific policy, that group of individuals, including the employee’s parents, spouse, children, sisters, brothers, and grandparents.
8. Replaces the existing definition of “Nepotism” with the following: Means favoritism shown to an immediate family member while functioning in an official administrative capacity. For all practical purposes, this shall also mean that an employee may not directly supervise an immediate family member.
9. Revises the definition of “Part-Time Employee” as follows: “An employee who is regularly scheduled to work less than 40 hours per week. Part-time employees may be ~~either~~ regular, ~~or~~ temporary or seasonal.”
10. Revises the definition of “Reprimand” by deleting the following: “Reprimands are filed in the employee’s personnel file for one year.”
11. Revises the definition of “Suspension” by removing the following limitation: “for up to five (5) working days”.

12. Revises the definition of “Verbal Warning” as follows: ~~Whenever grounds for disciplinary action exist, and the immediate Supervisor determines that more severe action is not immediately necessary, the supervisor should verbally communicate~~ Verbal communication to the employee of the supervisor’s observations of performance the deficiency or disciplinary issues at the time. Whenever possible, sufficient time for improvement should precede formal disciplinary action.
13. Deletes the following language from the description of the Personnel Committee: “to act as a Hearing Panel.”
14. In Section II, Applicability of Rules subsection, deletes a reference to Emergency Disaster or Temporary Employees, thereby making the terms of the Employee Handbook applicable to these employee classifications except as specifically stated in particular sections.
15. In Section II, Confidential Information subsection, adds the following paragraph: “An employee may not disclose other confidential information of the Tribe. If an employee is unsure whether information is confidential, he/she should seek confirmation from the supervisor or other appropriate person before releasing the information.”
16. In Section II, Pay Periods and Procedures subsection, numbered paragraphs 3 and 4, replaces references to “Division Managers” with references to “Directors”.
17. In Section II, General Attendance subsection, numbered paragraph 1, adds the following language: “Attendance is an essential function of every position.”
18. In Section II, Delegation of Authority subsection, numbered paragraph 2, replaces a reference to “Program Managers” with a reference to “Supervisors”.
19. In Section II, Personnel Records subsection, adds a new subsection (2)(f) to permit Tribal attorneys access to personnel records “as necessary to provide legal advice or representation to the Tribe.”
20. In Section II, Personnel Records subsection, revises the list of items to be included in the personnel folder to include the following item: “Record of all formal disciplinary actions such as reprimands, probationary suspension or other personnel actions for a period up to 1 year, except that all records relevant to a disciplinary issue shall remain in the employee’s personnel file for one year from the most recent written records related to that disciplinary issue, and records related to a termination for cause shall be retained indefinitely. If reversed by the personnel Committee, there will be no record maintained in the employee’s file after all appeal processes have been exhausted.”
21. In Section II, Drug Free Workplace Policy subsection, makes the following changes:
 - A. Prohibitions, numbered paragraph 3: deletes an obsolete reference to “Article X of” this policy.

- B. Consequences of a Positive Test Result: substantially revises this subsection to read as follows:

“Any employee who registers a positive test result whether on or off the job where such result becomes known to the Tribe is subject to discipline. For the purposes of this policy, the following shall be treated as a positive test result:

1. Any test result that is not negative, including an inconclusive test result;
2. Refusal to take a required test.

Upon the first occurrence of a refusal to take a required test, the employee shall be placed on unpaid administrative leave for a period not to exceed three working days, unless the leave period is extended by the Executive Director pursuant to the Administrative Leave Policy, but in no case shall the unpaid leave period exceed seven working days. Notice will be provided to the employee’s supervisor that the employee is on administrative leave, but no reason shall be given. Prior to returning to work, the employee must obtain an assessment by a drug/alcohol counselor of the Squaxin Island Tribe or the Employee Assistance Program provided by the Tribe. Following the assessment, the employee may return to work only in compliance with the conditions described in the Continued Employment Plans section below.

Upon the first occurrence of a positive test result other than the refusal to take a required test, the employee will be provided with notice of the test results and of his/her right to have the original sample retested under the Appeal Procedure described in this Section VIII. The employee may, within three (3) calendar days of the receipt of the test results request retest of the original sample under the Appeal Procedure. If the employee elects to have the original sample retested, he/she shall be placed on paid administrative leave for a period not to exceed three working days, unless the leave period is extended by the Executive Director pursuant to the Administrative Leave Policy, as necessary to obtain the result of the retest. Extensions, if granted, may be paid or unpaid leave.

- If the result of the retest of the original sample is a negative test result, there will no further consequences of the original positive test result.
- If the result of the retest of the original sample is a positive test result, or if the employee chooses not to have the original sample retested, the employee must obtain an assessment by a drug/alcohol counselor of the Squaxin Island Tribe or the Employee Assistance Program provided by the Tribe. For the purposes of obtaining the assessment, the employee shall be placed on paid administrative leave for a period not to exceed three working days, unless the leave period is extended by the Executive Director pursuant to the Administrative Leave Policy, but in no case shall the leave period exceed seven working days. Extensions, if granted, may be paid or unpaid leave. Following the assessment, the employee may return to work only in

compliance with the conditions described in the Continued Employment Plans section below.

For all assessments required under this Section VIII, the employee must agree to release his/her counselor to discuss his/her findings and recommendations with the Squaxin Island Tribe Human Resources Department, and to his/her supervisor as necessary for the purposes of developing a Continued Employment Plan.

A second or any subsequent refusal at any time to take a required drug test shall result in immediate termination.

Other than during the term of a Continued Employment Plan, a second or any subsequent positive test result during any rolling two-year period shall result in discipline up to and including immediate termination.

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 under this section. The Squaxin Island Tribe, however, 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 of the Tribe.”

- C. Substantially revises provisions regarding continued employment plans and organizes them under a new subsection title as follows:

“Continued Employment Plans

Subsequent to an assessment as required by this Section VIII, the employee may return to work and continue employment only by entering into and abiding by all terms and conditions of a “Continued Employment Plan” if such a plan is offered by the Tribe. In addition to administrative leave permitted for the purposes of retesting and assessment as described above, if a Continued Employment Plan is offered the employee will be placed on paid leave for no more than seven working days to allow for the development and offer of an appropriate Continued Employment Plan. Refusal by the employee to agree to all terms and conditions, or failure by the employee to comply with all terms and conditions, of the Continued Employment Plan will result in discipline up to and including termination.

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

1. Participation by the employee in all treatment recommended by the assessment 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 meetings.
2. Agreement by the employee to abstain from alcohol and/or drugs, as required by the counselor.



3. 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 appropriate Human Resource and Supervisory Staff.
4. Agreement by the employee to unannounced, unscheduled follow up testing for up to 24 months following the employee's return to work.
5. All Continued Employment Plans must include notice that refusal by the employee to agree to all terms and conditions, or failure by the employee to comply with all terms and conditions, of the Continued Employment Plan will result in discipline up to and including termination.

D. Testing subsection:

- a. Revises numbered paragraph 1 as follows: "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. ~~The test will be administered at the conclusion of the drug and alcohol class described below (see Education and Training, p. 11).~~ 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 at any time."
- b. Revises all references to drug "and" alcohol tests in numbered paragraphs 2, 3, and 4 to drug "and/or" alcohol test.
- c. Adds "Random testing" as a new paragraph 6, as follows:

6. Random testing. All employees of the Squaxin Island Tribe and its enterprises shall be subject to random drug testing according to the following guidelines:

A. The Tribal government, Island Enterprises, Inc., the Little Creek Casino/Hotel, Skookum Creek Tobacco Co., Inc., and the Northwest Indian Treatment Center shall each constitute a separate pool for random drug testing purposes;

B. Each pool shall separately implement this random drug testing policy;

C. Each pool shall include two employee classifications: Heightened and General;

1. The Heightened classification shall include those employees who: are department directors or managers; work in a law enforcement, security or attorney capacity; regularly operate tribal vehicles including boats or other watercraft, or work as a valet; work with children on a regular basis; or handle money on a regular basis;

2. The General classification shall include all other employees;

D. Testing rates and scheduling:

1. The annual effective testing rate for employees in the Heightened classification shall be 100%;
2. The annual effective testing rate for employees in the General classification shall be 50%;
3. 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;
4. The date and time of testing shall not be announced in advance;
5. Any employee selected for testing shall immediately be eligible for selection in the next round;
6. 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.

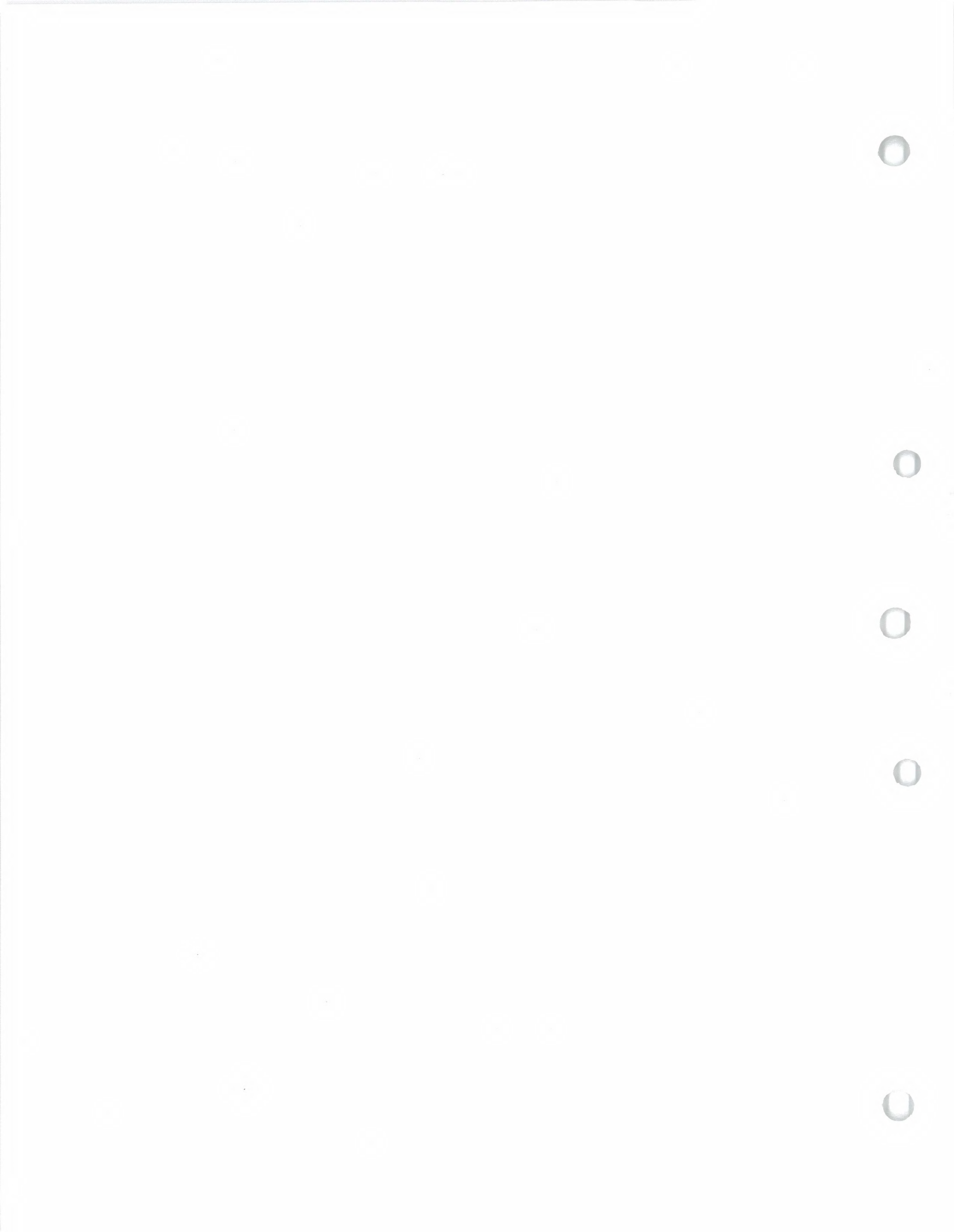
E. All random selections, both of which employees to test and the day and time of testing, shall be performed by a third party entity. However, the testing process may be conducted in any reasonable manner in accordance with the policy established by each pool. An employee that is selected but is not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

F. Refusal to take a required test, or an inconclusive test result, shall be treated as a positive test result; and

G. 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 policy.

- E. Testing Procedures subsection: revises the first paragraph of this subsection as follows: “To ensure that collection and testing procedures performed under this policy are accurate, fair and dignified, ~~such~~ collection and testing procedures used will adhere to the regulation and procedures approved by the U.S. Department of Health and Human Services and the U.S. Department of Transportation regulations or similar standards.”
- F. Appeal Procedure subsection: adds the following sentence: “A second re-test will not be permitted.”

- G. Use of Prescribed and over-the-counter Drugs: revises a reference to a Continued Employment Plan in the fourth paragraph in this subsection by adding the following language: “, if one is offered by the Tribe”. Revises the fifth paragraph in this subsection by adding the following sentence: “The written advice must be dated by the medical provider, and must be no older than one year.”
 - H. Refusal to Cooperate: revises a reference to a Continued Employment Plan in the second paragraph in this subsection by adding the following language: “, if the Tribe offers this option”.
 - I. Education and Training: deletes the following from this subsection: “All new employees hired after the effective date of this policy must complete a drug and alcohol class provided by the Tribe. The class will run for approximately fourteen (14) weeks, will be provided free of cost to employees, and employees will be compensated at their regular hourly wage for attendance of the class. No employee will be considered to have completed his or her introductory period until he or she has completed this drug and alcohol class and passed the required drug and alcohol testing.”
22. Section II, Reasonable Accommodations subsection: deletes numbered paragraph 4 which read “Require Department Directors to place a poster in an accessible place in each work place which explains the employment provisions of the American with Disabilities Act (ADA) of 1990.”
23. Section III, Compensatory Time and Overtime subsection, numbered paragraph 2: revises the second paragraph of this subsection as follows: “Any overtime hours (hours in excess of 40 hours per week) or compensatory time must be explicitly authorized in writing, in advance, by the employee’s immediate supervisor.” Also revises subsection (b) of numbered paragraph 2, as follows: “Any compensatory time accumulated shall be taken prior to separation from Tribal employment within two pay periods, unless an extension is granted in writing by the Executive Director. Any unused compensatory time will be forfeited.”
24. Section III, Educational Assistance Policy subsection: in numbered paragraph 3, replaces “Such reimbursement” with “Reimbursement”; in numbered paragraph 4, replaces “a training course” with “an approved course”.
25. Section IV, Certification Of Eligibility And Screening subsection: in the second paragraph, replaces a reference to the Human Resources Director with a reference to the Human Resources department.
26. Section IV, Scoring subsection: revises the second paragraph as follows: “An additional 5 points will be given to Indian candidates and to Non-Indian spouses of Squaxin Island Tribal members, for their unique understanding of the Squaxin Island Tribe’s culture and values. (~~Additional points for Indian candidates are not necessary under this plan.~~)”



27. Section IV, Special Employment Procedures: makes the following revisions to this section:

Temporary Hires

Supervisors, with the prior documented approval of the Executive Director may fill a position on a temporary basis not to exceed 180 days. ~~Supervisors must consult with the Human Resources Office to determine if there are interested Tribal members within the Skills Bank.~~ Supervisors must consult with the Human Resources Office to determine if there are interested Tribal Members within the skills bank. Temporary positions may not be converted to regular positions. However, temporary employees may apply for any open position. Temporary positions shall be filled using the job vacancy posting policy above.

Emergency Hires

~~Every~~Although emergency hires may be made without using the job vacancy posting policy above, every effort will be made to ensure that emergency hires will be Tribal Members only are Tribal members. In the absence of qualified Tribal members, the supervisor may proceed to recruit and hire independently. During the advertising period, these emergency hires may apply for the position. Emergency hires may be hired, without advertisement, for a period not to exceed thirty (30) days, or completion of recruitment process.

Seasonal Employees

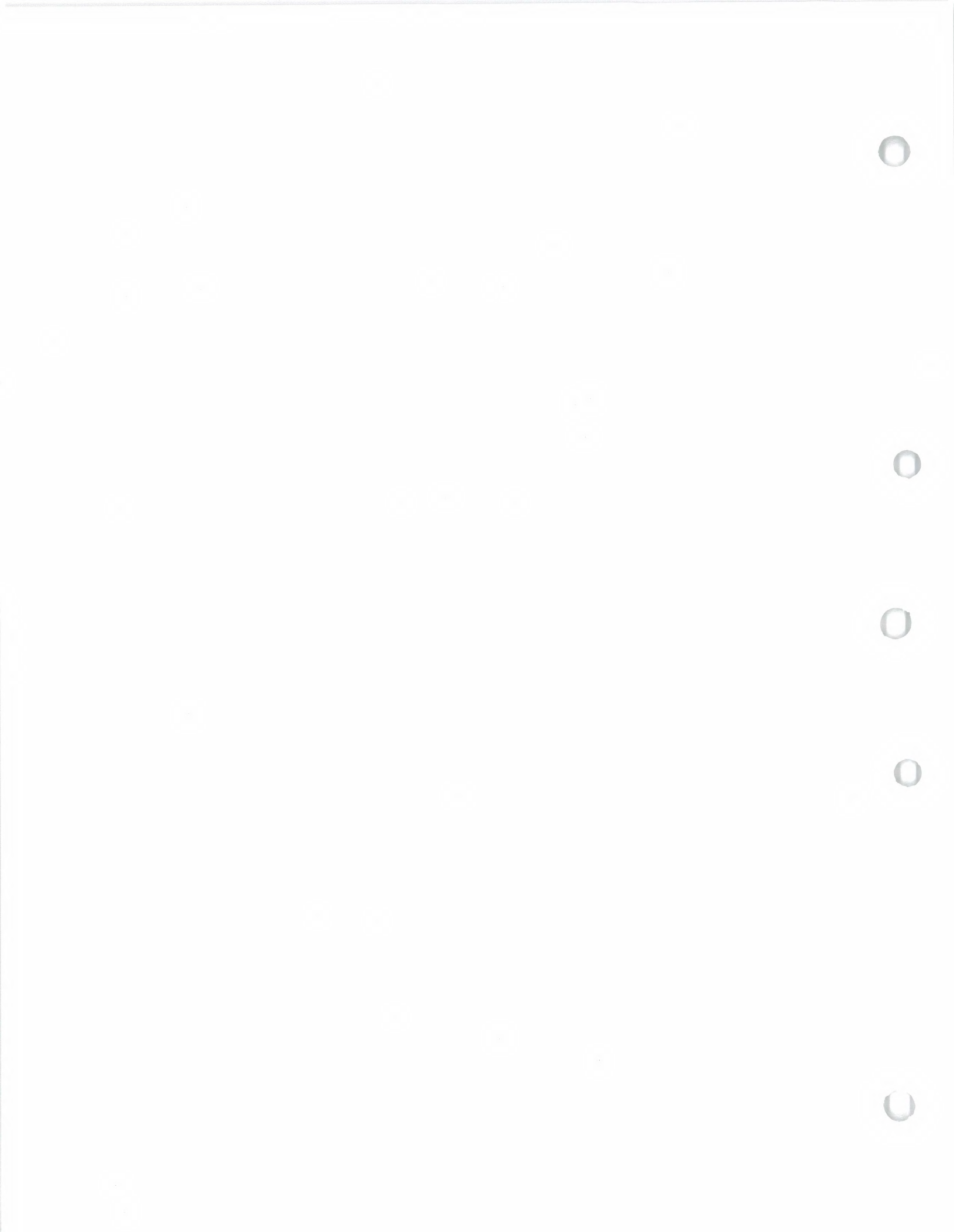
Seasonal positions may be created when there is a seasonal fluctuation in need which recurs annually and which requires staffing for at least six months in duration. A seasonal position may be full-time or part-time. A seasonal position shall be filled using the job vacancy posting policy. However, an employee who has successfully worked for one season may be rehired for the same position in successive seasons without posting the position.

28. Section IV, Retention of Full Time Seasonal Employees subsection: revises this subsection as follows:

~~Employees~~Seasonal employees who have satisfactorily worked for two successive seasons in the same position may be considered as having regular, ~~full-time~~, seasonal status ~~and shall be recalled to work according to seniority and without need for competitive hiring.~~ Beginning with the third successive season, seasonal employees are eligible for benefits during both the season and off-season periods as if the position were not seasonal. However, sick leave and annual leave shall only be earned during the season.

29. Section IV, Introductory Period subsection:

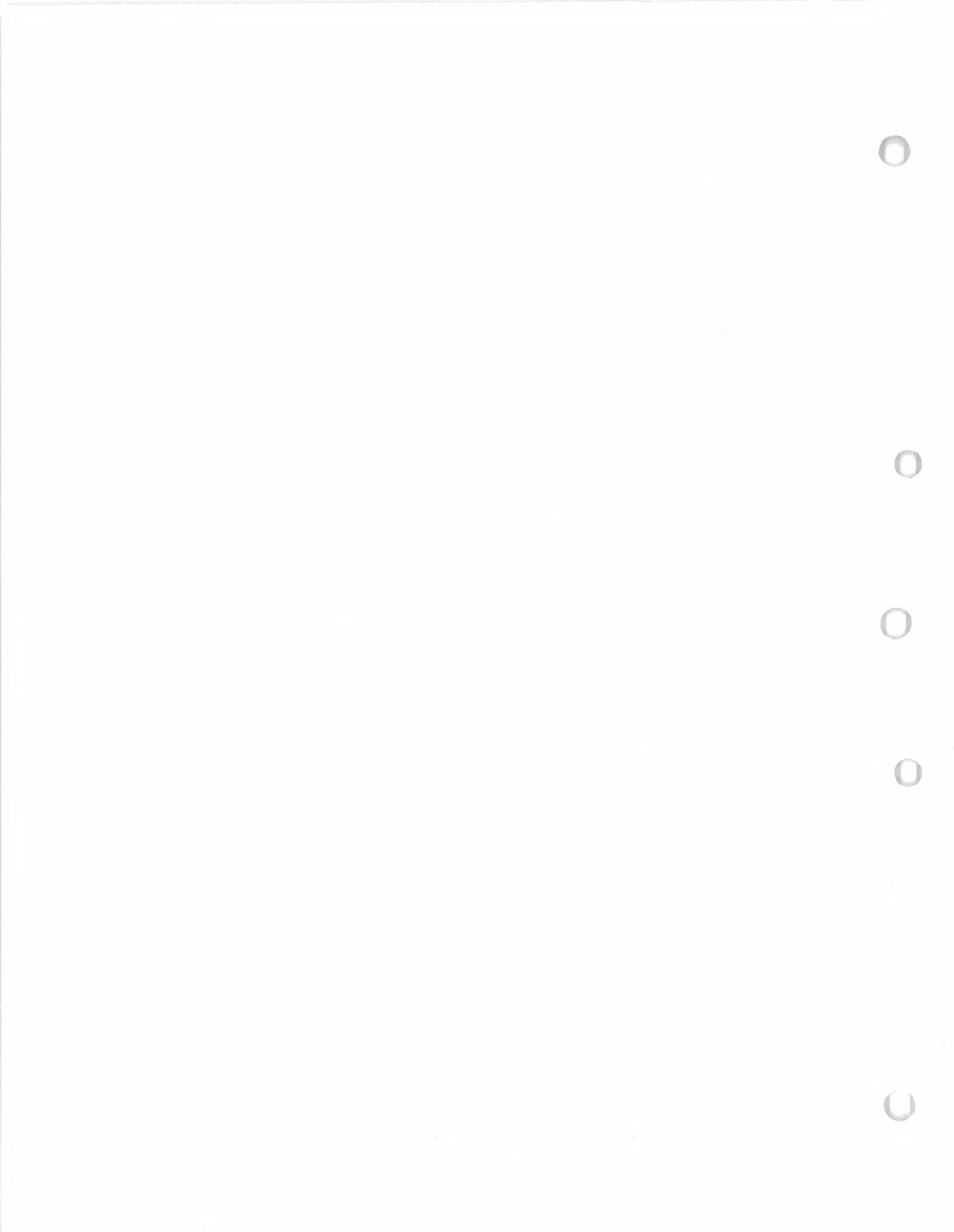
- A. Subsection (a): replaces “temporary” with “part-time”.
- B. Subsection (c): revises the subsection as follows: “The employee may be dismissed. Introductory employees may be dismissed without cause at any time.”



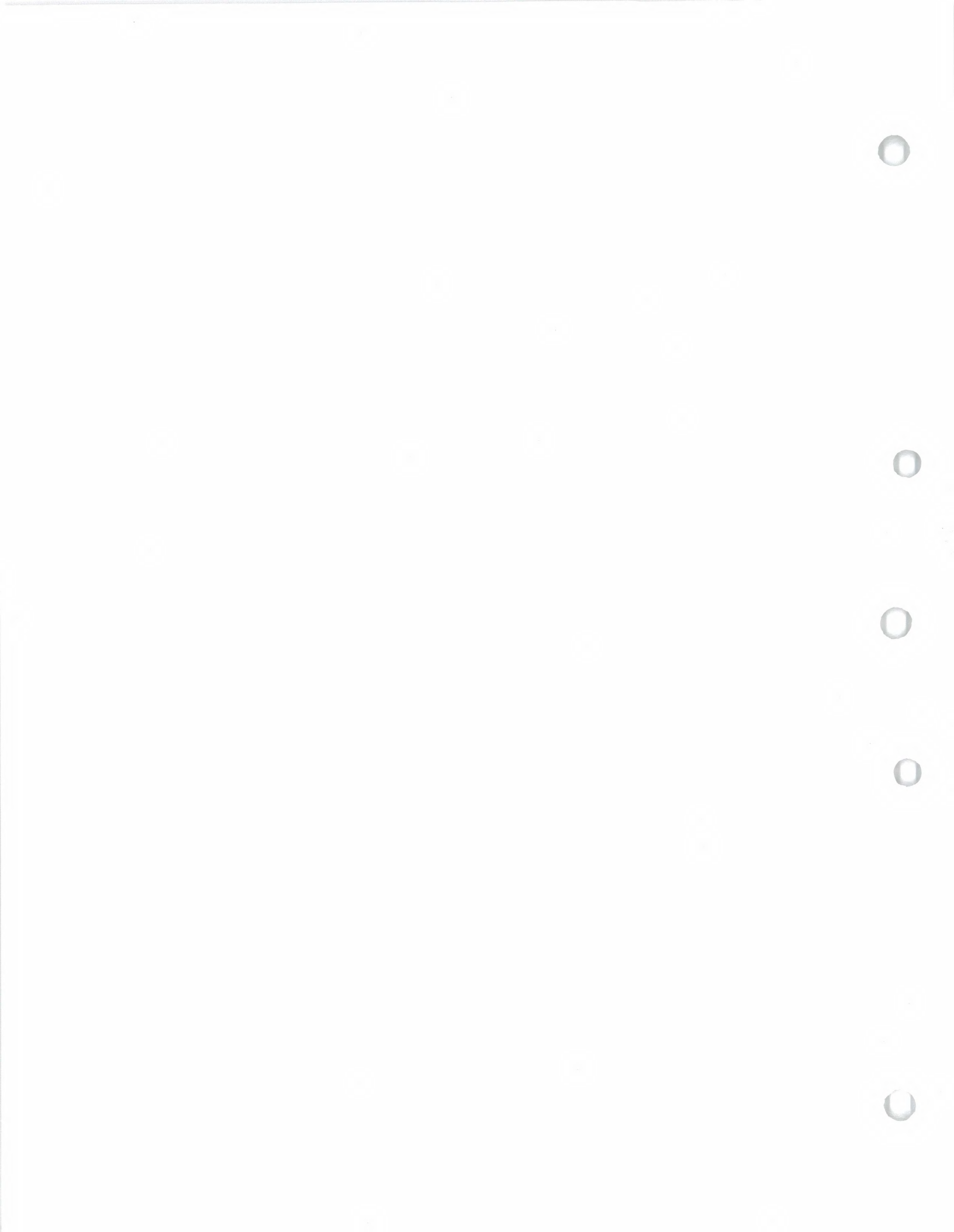
(This action must occur by the time the employee completes 180 days of employment, or ~~at~~by the end of an extended period.)

- C. Subsection (d): replaces “Recommend, that” with “That”.
30. Section IV, Separations subsection:
- A. Replaces a reference in the first paragraph to “Accounting Department” with a reference to “Finance Department”. Also adds the following paragraph: “In cases of involuntary termination, accrued annual leave will not be paid until the expiration or exhaustion of any period of grievance and/or appeal, unless the employee requests in writing that payment be made for all or a portion of the accrued annual leave.”
 - B. Dismissal subsection: adds the following language: “Where appropriate due to the seriousness of the cause for termination, absence of the Supervisor, or other reasonable cause, the Executive Director may dismiss for cause any employee in the manner described above.”
 - C. Final Clearance subsection: replaces a reference to the “Accounting Office” with a reference to “Finance Office”.
31. Section V, Employee Relations subsection:
- A. Numbered paragraph 3: adds “sexual orientation” to the list of prohibited reasons for discrimination.
 - B. Numbered paragraph 7: deletes subsection (e) which read: “The complainant has the right to request an investigation of the incident by the Equal Employment Opportunity Commission (EEOC).”
32. Section V, Disciplinary Process subsection:
- A. Numbered paragraph 2: revises the paragraph as follows: “Discipline shall normally be handled by an employee’s immediate supervisor or one with the appropriate authority to do so. Disciplinary matters shall be discussed in private, and the employee(s) involved shall have ample opportunity to present their side of the problem. It is the employee’s responsibility to take advantage of the opportunity to present their side of the problem. The handling of disciplinary matters should move as quickly as is possible without hampering fair treatment.”
 - B. Numbered paragraph 3: revises the paragraph as follows: “AAA copy of all written disciplinary actions will be filed in the Human Resources Department.”
 - C. Numbered paragraph 4: replaces a reference to “Employees” with a reference to “Regular employees”.

- D. Numbered paragraph 5: replaces a reference to “Supervisors” with a reference to “Investigators”.
33. Section V, Disciplinary Action subsection, numbered paragraph (2)(p), adds “sexual orientation” to the list of prohibited discrimination factors.
34. Section V, Nepotism subsection:
- A. Revises numbered paragraph 2 as follows: “~~The immediate family includes any of the following persons: parents, spouse, brother, sister, son, daughter, grandparents, aunts, uncles and cousins.~~ For all practical purposes, this shall also mean that an employee may not directly supervise and immediate family member.
 - B. Revises numbered paragraph (3)(b) by requiring that documentation for purposes of a waiver must be in writing.
35. Section VI, Grievances and Appeals, General subsection:
- A. First paragraph: adds the following sentence: “The grievance procedures are available to all Regular Employees.”
 - B. Numbered paragraph 2: revises “Any employee” to “Any Regular employee” and adds the following: “Where the grievance occurs at a level higher than the immediate supervisor, the employee shall first attempt to resolve the grievance through informal discussions at that higher level. If the complaint cannot be resolved through informal discussions, the employee may file a written grievance at that higher level in the manner and time described above.”
 - C. Numbered paragraph 3: revises the paragraph as follows: “The application of policy, but not the policy itself, may be the subject of a grievance. Grievances shall include, but not be limited to, duty assignments, hours worked, working facilities and conditions, ~~policies for granting~~denial of a leave request, disciplinary actions, termination, or any other issue where the employee feels there has been a mistake in the application of policy.”
 - E. Numbered paragraph 5: revises the paragraph as follows: “If the final decision overturns a disciplinary action which involves withholding of pay, back pay shall be given to the date of infraction. During the appeal process, pay may be withheld pending the final decision, but the employee, at his or her option, may use any accrued annual leave upon written request.”
 - F. Adds a new numbered paragraph 6 as follows: “Time limits applicable to the Tribe may be extended if, through no fault of the Tribe, the individual(s) required to take an action or to participate in a process are not available prior to the deadline.”



36. Section VI, Grievances and Appeals, Procedures subsection:
- A. Step 1: replaces “they feel” with “the employee believes”.
 - B. Step 2: replaces “an appeal” with “a written appeal”, deletes the sentence “Prior to making a decision, the supervisor may hold a meeting with the parties to gather information and try to resolve the issue”, and adds the following: “Prior to making a decision, the supervisor may hold a meeting with the parties to gather information and try to resolve the issue. However, the supervisor may not resolve the issue by taking any action which would not otherwise be within his/her authority (for example, if in the absence of a grievance the supervisor could not transfer or promote the employee, he/she cannot resolve the grievance by transferring or promoting that employee).”
 - C. Step 3: replaces “an appeal” with “a written appeal”.
 - D. Adds the following paragraph following Step 4: “For the purposes of the above-described steps, five working days shall be counted beginning on the day after the date the written grievance, appeal or decision is received. Where the party required to respond receives the grievance, appeal or decision by mail, receipt shall be deemed to occur three working days after the date the grievance, appeal or decision is placed in the United States mail, properly addressed, first class postage prepaid.”
37. Section VI, Grievances and Appeals, Personnel Committee Hearing subsection:
- A. Numbered paragraph 1: replaces “receipt” with “actual receipt” and adds the following sentence: “The Personnel Committee may keep the hearing open as long as reasonably necessary to complete its work.”
 - B. Adds a new numbered paragraph 3 as follows (and renumbers existing paragraphs 3 and 4 as 4 and 5): “The grieving party shall have the burden of proof. Either party may present witnesses. The Personnel Committee may, in its sole discretion, exclude any witness or testimony that does not provide information relevant to its inquiry.”
 - C. Adds the following to numbered paragraph 5: “If the supervisor or administrator is found to have followed this Squaxin Island Tribe Employee Handbook, the Operations Manual, any applicable variance of Squaxin Island Tribe Employee Handbook or the Operations Manual, and other applicable written policy and law of the Squaxin Island Tribe, the decision of the supervisor or administrator shall be upheld.”
38. Section VI, Grievances and Appeals, Legal Redress subsection:
- A. Orientation to Appeals Process subsection: revises this subsection as follows: “During orientation, the Human Resources office will inform new employees of



the following appeal process. Each new employee will be provided with a copy of the appeals process in the employee handbook for review. This process will apply to all Regular Tribal employees, including, casino, and federal, state and local contract personnel.

B. Appeals subsection:

1. Revises numbered paragraph 1 as follows: “All persons eligible to participate in the grievance process and aggrieved by an action or inaction arising from employment relations may appeal a final decision after exhaustion of all administrative procedures. Employees warned, suspended or dismissed shall be given an appeal form with instructions at the time of warning, suspension or dismissal notified of their right to appeal at the time the Personnel Committee renders its written decision.”
2. Revises numbered paragraph 2 as follows: “Appeals must be submitted to the Employment Court using the appeals notice form within ten (10) days of receipt of written notice of final administrative action. Receipt shall be deemed to occur three working days after the written notice is placed in the United States mail, properly addressed, first class postage prepaid. Revises subsection (a)(iii) of this subsection as follows: “Date employee was notified of suspension or dismissal the action the employee is grieving and how notified.

C. Initial Determination by Employment Court Judge subsection: revises the deadline for a written determination from three to five working days.

D. Scheduling of Appeals Hearing subsection: revises the timeline for scheduling a hearing by adding the language “or on the next available court date thereafter.”

E. Applicable Law subsection: revises the subsection as follows: “The applicable law at the appeal hearing will be this Squaxin Island Tribe Employee Handbook, and the Human Resources Operating Operations Manual, and any other applicable written law or policy of the Squaxin Island Tribe as they now exist or as they may be amended. However, the Employment Court may hear an employee’s appeal for suspension and/or dismissal regulated by other policy and procedural Ordinances ordinances recognized by the Tribe when said ordinances do not affirmatively deny the jurisdiction of the Squaxin Island Employment Court.”

F. Decision subsection: revises the subsection as follows: “The Employment Court judge will render a written final decision within five working days after the appeals hearing. Notice of the decision will be sent to the appellant and supervisor or their representatives on the day of the decision. If the supervisor or administrator is found to have followed this Squaxin Island Tribe Employee Handbook, and the Human Resources Operating Operations Manual, or any applicable variance of Squaxin Island Tribe Employee Handbook and/or the

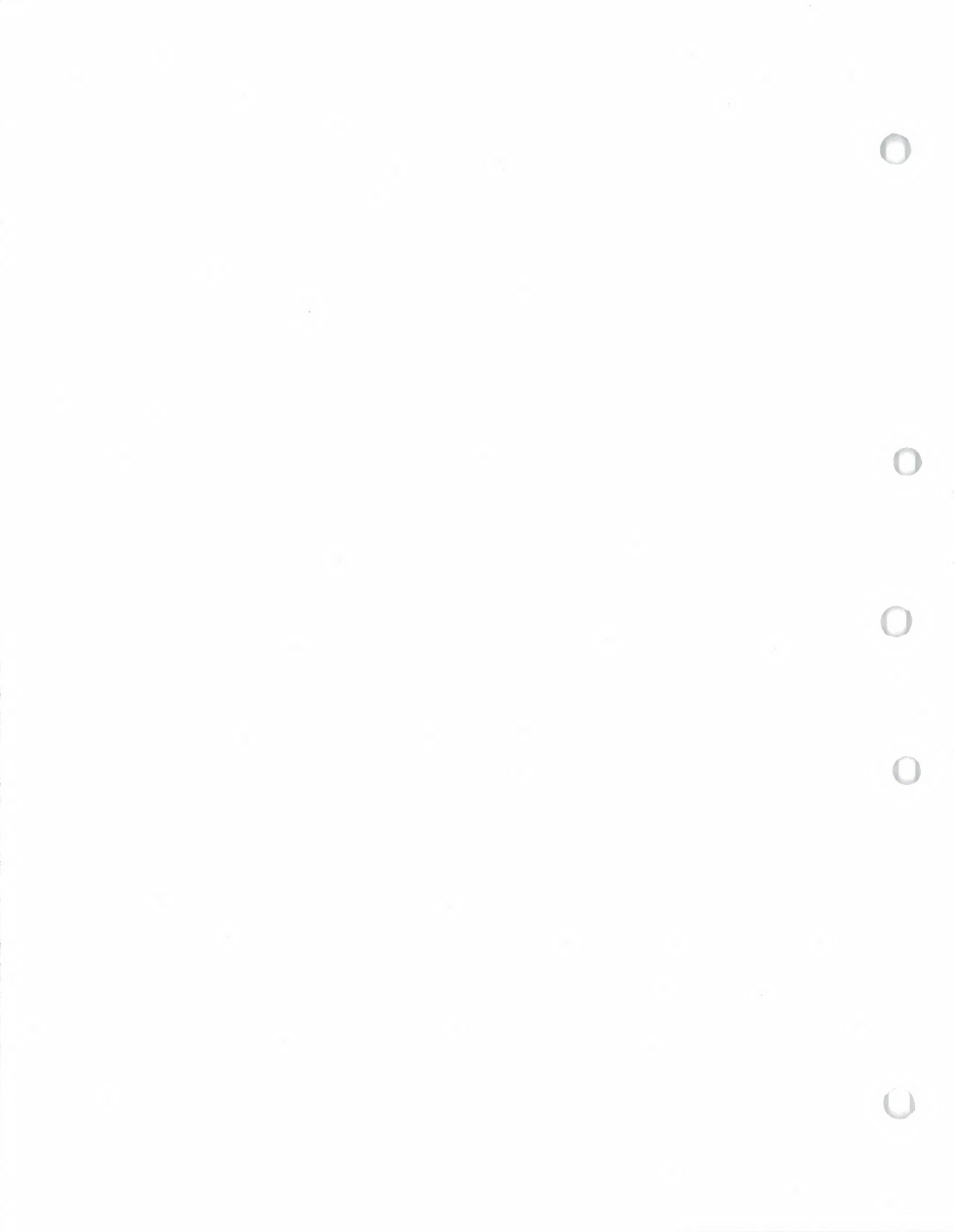
~~Human Resources Operating Operations~~ Manual, and other applicable written policy and law of the Squaxin Island Tribe, the decision of the supervisor or administrator shall be upheld.”

- G. Appellate Court subsection: revises the subsection as follows: “Any party to an Employment Court proceeding may have an appeal on the record to the Squaxin Island Court of Appeals of any final decision of the Employment Court. The appeal shall be taken by filing a written notice of appeal with the Clerk of the Tribal Court within ten calendar days from the date of final decision of the Employment Court. The notice of appeal shall be served on all other parties by the party filing the notice of appeal. The filing of an appeal under this section shall not stay the decision of the Employment Court with the exception of monetary awards and awards of employment or reinstatement. The jurisdiction of the Court of Appeals in appeals of Employment Court final decisions shall be limited to upholding the decision of the Employment Court or reverse~~reversing~~ the Employment Court and ~~direct~~directing a new trial where the decision of the Employment Court is found to be arbitrary, capricious, or unsupported by substantial evidence
39. Section VII, Holidays subsection: in numbered paragraph 1, deletes the number of holidays (13) and corrects the name of the Tribe; in numbered paragraph 3, replaces “An employee’s” with “Whenever possible, an employee’s”.
40. Section VII, Sick Leave subsection:
- A. Numbered paragraph 1, subsection (g): deletes an obsolete page reference.
- B. Numbered paragraph 2: revises the paragraph as follows: “Regular, full-time employees, ~~and regular,~~including regular full-time seasonal employees, will earn sick leave at the rate of one day (8 hours) per month.”
- C. Numbered paragraph 3: revises the paragraph as follows: “Regular, full-time employees, including regular part-time seasonal employees, will earn sick leave at a prorated amount based on the number of hours they work. Sick leave is earned from the first pay period of employment. There is no qualifying period before the employee can use sick leave.”
- D. Numbered paragraph 4: revises the paragraph as follows: “Temporary and emergency employees will not earn sick leave.”
- E. Numbered paragraph 5: adds “or July” to permit conversion of unused sick leave to annual leave twice per year.
- F. Numbered paragraph 8: revises the paragraph as follows: “There will be no advancement of sick leave. Any employee having in excess of 120 hours may “loan” or “transfer” sick leave to another employee; however, no employee shall



solicit sick leave from another employee. The All. The agreement requests will be made in writing using Squaxin Island Tribe Form #121a to the Human Resources Director, who will make the request for a loan or transfer on behalf of the employee requesting sick leave. Upon Human Resources approval and if an employee is found who is agreeable to the transfer/loan of sick leave, the request will be presented to and approved by the Executive Director for his approval. The "loaned" sick leave will be paid back with the first earned sick leave after return to work. Hours not paid back for any reason will be lost to the loaning employee. Any unused, loaned or transferred sick leave shall be returned to the employee who loaned the sick leave."

41. Section VII, Maternity Leave subsection: in numbered paragraph 2, adds sick leave to leave which may be used; in numbered paragraph 3, replaces "Employees" with "An employee"; and, revises numbered paragraph 6 as follows: "A male employee may request annual leave, sick leave, or leave without pay for purposes of caring for his minor children or assisting the mother of his newborn child while she is incapacitated for maternity reasons, to the same extent and in the same manner as a female employee may. Total time allowed shall be up to twelve (12) weeks.
42. Section VII, Funeral Leave subsection:
 - A. Revises numbered paragraph 1 as follows: "For funerals of members of the immediate family, up to three (3) days ~~will~~may be given with pay at the discretion of the immediate supervisor. Employees must notify their supervisor so that their job responsibilities may be covered. Any additional days of absence, due to death in the family, may be charged to sick leave or annual leave upon the approval of the supervisor."
 - B. Deletes the words "may be requested" from numbered paragraph 2.
 - C. Adds a new numbered paragraph 3 as follows: "For the purposes of Funeral Leave, "immediate family" means the employee's: parents; spouse; children; sisters; brothers; grandparents; grandchildren; aunts; uncles; and first cousins."
43. Section VII, Military Leave subsection: adds the following sentence: "Employees shall be entitled to all other applicable provisions of federal law for military leave."
44. Section VII, Administrative Leave subsection: revises this subsection as follows: "Employees may be granted administrative leave at the discretion of the Executive Director. Individual employees and/or the Tribal Offices may be granted leave for reasonable and necessary purposes. The Tribe may also require an employee to take Administrative Leave, with pay, as necessary for purposes of conducting an investigation into a complaint, disciplinary issue or other similar reason. Such leave is not a negative employment action and does not indicate any fault or liability on the part of the employee placed on leave.



45. Section VIII, Performance Evaluations, Purpose subsection: adds “transfers” to decisions in which performance evaluation is to be considered.
46. Section VIII, Performance Evaluations, Periods of Evaluation subsection:
 - A. Numbered paragraph 1: revises this subsection as follows: “End of Introductory Period: Each employee shall be evaluated two weeks prior to the completion of his/her introductory period. The employee must have an overall evaluation of at least 3.0 in order to become a regular employee. Supervisory failure to comply will result in disciplinary action, but does not terminate the introductory period or waive the requirement that the employee receive the required evaluation score prior to becoming a regular employee. ~~The~~At the discretion of the supervisor, the introductory period may be extended in order for employee to meet minimum requirements; if minimums are not met, the Employee~~employee~~ will be terminated
 - B. Numbered paragraph 3: revises this subsection by adding the following sentence: “Supervisory failure to comply will result in disciplinary action, but does not waive the requirement that the employee receive the required evaluation score prior to receiving a salary step increase.”
47. Makes additional revisions to correct grammatical and punctuation errors, to correct references to the Squaxin Island Tribe, to renumber pages, to update the Table of Contents, to update references to “him”, and to make other similar types of non-substantive changes.

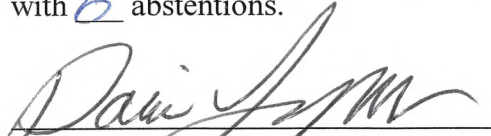
NOW THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribal Council adopts the following additional amendments to the Squaxin Island Tribe Employee Handbook included in the copy attached hereto, effective immediately:

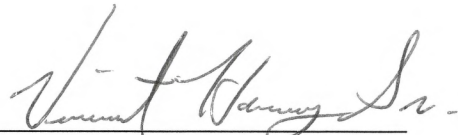
1. Section II, Drug Free Workplace Policy, Prohibitions subsection: revises numbered paragraph 5 as follows: “Failure to pass a drug and/or alcohol test whether on or off the job where such result becomes known to the Tribe.”
2. Section II, Drug Free Workplace Policy, Consequences of a Positive Test Result subsection: revises the first sentence of the subsection as follows: “Any employee who registers a positive test result whether on or off the job where such result becomes known to the Tribe is subject to discipline.”

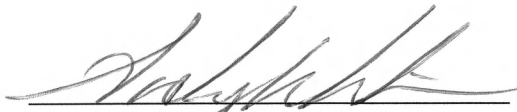
NOW THEREFORE BE IT FINALLY RESOLVED, that where there is any inconsistency between this Resolution and the text of the attached copy of the amended Squaxin Island Employee Handbook, the text of the attached copy shall supersede this Resolution.

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 11th day of November, 2003 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

Attested by: 
Vince Henry, Sr., Secretary


Andy Whitener, Vice Chairman

