

SQUAXIN ISLAND TRIBE

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RESOLUTION NO. 86- 42
OF THE
SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe of Indians by the authority of the Constitution and By-laws 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 Squaxin Island Tribal Council is charged with the welfare of the Squaxin Island Indian people; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the sustained progressive overall development of its members; and

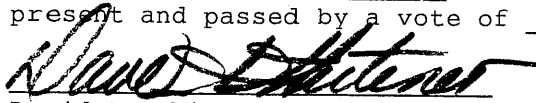
WHEREAS, the Squaxin Island Tribal Council is intent upon providing Tribal members and their families with fair and equitable employment opportunities on or near the reservation; and

WHEREAS, the Squaxin Island Tribal Council believes it is important to establish a Tribal Employment Rights Office in order to increase employment of Indians and to help eradicate discrimination against Indian people in the areas of employment.


NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council does hereby enact the following Ordinance of the Squaxin Island Tribe and shall be known as the "Squaxin Island Tribal Employment Rights Ordinance".


C E R T I F I C A T I O N

The Squaxin Island Tribal Council does hereby certify that the foregoing resolution was adopted at a regular meeting of the Squaxin Island Tribal Council held on this 12th day of Sept., 1986 at which time a quorum was present and passed by a vote of 4 for, 0 against, with 0 abstentions.


David W. Whitener, Chairman

ATTESTED BY:


David Lopeman, Secretary


Evelyn Allen, Vice-Chairperson

SQUAXIN ISLAND INDIAN TRIBE

TRIBAL EMPLOYMENT

RIGHTS ORDINANCE

September 1986

The Squaxin Island Tribe

Tribal Employment Rights Ordinance

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TRIBAL EMPLOYMENT RIGHTS ORDINANCE

FOR THE

SQUAXIN ISLAND TRIBE

SHELTON, WASHINGTON

CHAPTER 1. STATEMENT OF PURPOSE

- (1) The Squaxin Island Tribal Council believes that it is important to create employment and training opportunities for Squaxin Island Tribal Members and other Indians and to eradicate discrimination against Indian people. An integral part of attaining this goal is by structuring employment and training opportunities on or near the Squaxin Island Indian Reservation to provide for the hiring of Indians who are qualified, and through the training of Indians where there are not sufficiently qualified Indians to meet employment opportunities.

Indian preference in contracting and subcontracting will be adhered to so as to promote individual and tribal economic development in accordance to the guidelines, rules, and regulations established herein.

- (2) Nothing contained in this shall violate or undermine federal requirements on equal employment opportunity, namely Title VII of the 1964 Civil Rights Act; and the Office of Federal Contract Compliance Programs (OFCCP) or Executive Order 11246 Title VII prohibits preferential treatment in the privilege of employment on the basis of race, color, religion, sex, or national origin.

However, Title VII contains a special exception which makes Indian preference permissible. Section 703 (i) states: "Nothing contained in this Title shall apply to any business or enterprise on or near an Indian Reservation with regard to any publicity announced employment practices of such business or enterprise under which preferential treatment is given to any individual because he is an Indian".

- (3) The Bureau of Indian Affairs (BIA), in its regulations implementing the Indian Self-Determination Act, Public Law 93-638, 25 CFR 3271.44, provides for Indian preference in employment, training, and contracting and subcontracting on all contracts negotiated or let on behalf of an Indian tribe pursuant to the Act.
- (4) The United States Congress justifies tribes' powers to impose preferential requirements on the grounds that: "This exemption is consistent with the federal government's policy of encouraging Indian employment and with the special legal position of Indians".

- (5) In January 1977, the OFCCP issued regulations which states: "Work on or near Indian Reservations. It shall not be a violation of the equal opportunity clause for a construction or non-construction contractor to extend a publicly announced preference in employment to Indians living on or near an Indian Reservation. The use of the word "near" would include all that area where a person seeking employment could reasonably be expected to commute to and from work in the course of a work day. Contractors or sub-contractors extending such a preference shall not, however, discriminate against Indians on the basis of religion, sex, or Tribal affiliation, and the use of such preference shall not excuse a contractor from complying with the other requirements contained in this chapter".

CHAPTER 2. TITLE

This ordinance shall be cited as the Squaxin Island Tribal Employment Rights Ordinance.

CHAPTER 3. AUTHORITY

This Ordinance was enacted pursuant to the inherent sovereign authority of the Squaxin Island Indian Tribe and pursuant to Article III, Section 1,(h) (i), and Article IV, Section 1,2, and 3 of the CONSTITUTION and By-Laws of the Squaxin Island Indian Tribe.

CHAPTER 4. APPLICABILITY

This Ordinance shall apply to any and all lands and areas within the exterior boundaries of the Squaxin Island Indian Reservation and other lands, water, and areas subject to jurisdiction of the Squaxin Island Tribe.

CHAPTER 5. DEFINITION OF TERMS AS USED IN THIS TITLE

- (1) CHAIRMAN. The term "Chairman" shall mean the Chairman of the Squaxin Island Tribal Employment Rights Commission.
- (2) COMMERCE. The term "Commerce" shall include all trades, traffic distribution, communications, transportation, provision of services, manufacturing, production, agricultural production, building, maintenance, construction, banking, mining, and energy resources productions.
- (3) COMMISSION. The term "Commission" shall mean the Squaxin Island Tribal Employment Rights Commission which will be comprised of the Squaxin Island Tribal Council.
- (4) COMMISSIONER. The term "Commissioner" shall mean a Commissioner of the Squaxin Island Tribal Employment Rights Commission.

- (5) COUNCIL. The term "Council" shall mean the Squaxin Island Tribal Council.
- (6) EEOC. The term "EEOC" shall mean the Equal Employment Opportunity Commission of the United States.
- (7) EMPLOYEE. The term "Employee" shall include any employee or applicant for employment, and shall not be limited to the employees of a particular employer unless a section explicitly states otherwise, and shall include any individual whose work is ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practices and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed in the domestic services of any family or person at his home, or any individual employed by any other person who is not an employee as herein defined.
- (8) EMPLOYEE ON THE SQUAXIN ISLAND INDIAN RESERVATION. The term "Employee on the Squaxin Island Indian Reservation" shall include any employee who, in a non-supervisory or non-managerial position, spends more than one-tenth of his working hours per month or per pay period, whichever is shorter, on the Squaxin Island Indian Reservation; and shall include any employee who is in a supervisory or managerial position and spends more than one-twentieth of his working hours per month or per pay period, whichever is shorter, on the Squaxin Island Indian Reservation.
- (9) EMPLOYER. The term "Employer" includes, but is not limited to, any person who engages in commerce through paid agents or servants or who is hired on contracts for services within the exterior boundaries of the Squaxin Island Indian Reservation. The Term "Employer" includes person acting as an agent, contractor, subcontractor of an employer, directly or indirectly, but shall not include the United States or any wholly owned government corporation, or any state or political sub-division thereof; but shall include independent contractors and subcontractors of the United States or of any wholly owned government corporation of any state or political sub-division thereof.
- (10) COVERED EMPLOYER. The term "Covered Employer" includes any employer who employs two or more employees on the Squaxin Island Indian Reservation for an aggregate of sixty (60) working days or more in any twelve-month period.
- (11) INDIAN. The term "Indian" means:
- (a) Any member of any recognized Indian Tribe now under federal jurisdiction.
 - (b) Descendants of members who were , on June 1, 1934, residing within the present boundaries of any Indian Reservation.

- (c) All others of one-half or more Indian blood or tribes indigenous to the U.S., Eskimos, and other aboriginal people of Alaska.
- (d) Descendants of, until January 17, 1982, at least one-fourth degree ancestry of a current federally recognized tribe whose rolls have been closed by an Act of Congress.
- (12) INDIAN-OWNED FIRM OR ENTITY. The term "Indian-owned firm or entity" means any commercial, industrial, or other business activity owned firm or entity, provided that such Indian ownership constitutes not less than 51% of the enterprises.
- (13) INDIAN PREFERENCE. The term "Indian Preference" means that Indians residing on or near the Squaxin Island Indian Reservation, without regard to tribal affiliation, are given preference over non-resident Indians in employment and training, and that Indians are given preference over non-Indians in employment and training.
- (14) INDIAN RESIDENT. The term "Indian Resident" means any Indian person residing on or near the Reservation who, at the time of contract for on-reservation-work (or near), or, in the case of employment offers made by an employer permanently located on or near the Reservation, has been in residence on or near the Squaxin Island Indian Reservation for not less than the preceding sixty (60) days.
- (15) NON-RESIDENT INDIAN. The term "Non-Resident Indian" includes all Indians who are not resident Indians within the definition of Section 11 & 14.
- (16) LOCATED NEAR THE RESERVATION. The term "Located near the Reservation" shall mean any employer located within daily commuting distance or within a reasonable commuting distance of the Reservation.
- (17) NOTICE. The term "Notice" shall mean as it is required to be given by the TERO Director, shall be sufficient if it is published and posted in a public place on the Reservation as to: unnamed parties in an action; all interested persons who are not parties to an action; and in all instances where a specific person is not addressed.
- (18) OFCCP. The term "OFCCP" shall mean the Office of Federal Contract Compliance Programs of the United States.
- (19) PERSON. The term "Person" shall include both natural and artificial persons including, but not limited to, corporations, trusts, partnerships, unions, agents, societies, sole proprietorships, and estates of descendants.
- (20) RESERVATION. The term "Reservation" shall mean the Squaxin Island Indian Reservation and its territory as defined in Article I of the Constitution and By-Laws of the Squaxin Island Tribe.

- (21) SECRETARY. The term "Secretary" shall mean the Secretary of the Interior or his duly authorized representative.
- (22) TRIBE. The term "Tribe" shall mean the Squaxin Island Tribe of Indians.
- (23) UNION OR LABOR UNION. The term "Union or Labor Union" means an organization of any kind, or any agency or employee representation committee or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rate of pay, hours of employment, or conditions of work.
- (24) "Other definitions reserved" - all other words (definitions) shall be added in accordance to this ordinance.

CHAPTER 6. ESTABLISHMENT OF THE TRIBAL EMPLOYMENT RIGHTS COMMISSION

- (1) By the inherent sovereign powers vested in the Squaxin Island Tribal Council and Ordinance No. _____ establishing the Tribal Employment Rights Ordinance dated Sept. 12, 19__, it is hereby established as the Squaxin Island Tribal Employment Rights Commission. The Council hereby delegates authority to the Commission to faithfully and in a legal procedural manner carry out the duties and powers as assigned to the Commission as to safeguard the sovereign jurisdiction of the Squaxin Island Tribe(s) enforcement of Indian preference laws and regulations as so ordered and/or other policies and procedures deemed appropriate to this ordinance. The Commission shall consist of the Squaxin Island Tribal Council until such time as the Council deems it necessary to appoint a new commission; and to hold office as so required and regulated by the Commission's duties and responsibilities.
- (2) The Commission shall not be compensated but shall be reimbursed for approved expenses incurred in connection with carrying out their duties under this ordinance subject to the Squaxin Island Tribal Accounting Office and Commission's own policies and procedures as so developed, acknowledged, and approved by the Council.
- (3) The Commissioner's responsibility shall be to carry out the purposes of this ordinance.
- (4) The powers of the Commission shall be:
- (a) To hire and fire Commission employees and to pay salaries pursuant to a salary schedule established by the Council.
 - (b) To establish rules and regulations governing all activities of the Commission.
 - (c) To expend funds appropriated by the Council for the Office.

- (d) To obtain funding from federal, state, or other sources to supplement Council appropriations.
- (e) To establish numerical hiring goals and timetables specifying the minimum number of Indians an Employer must hire by craft or skill level.
- (f) To require employers to establish or participate in job training programs as the Commission deems necessary to increase the pool of Indians eligible for employment on the Reservation.
- (g) To assist and monitor the establishment and implementation of the Tribal hiring hall and requiring employers to use it.
- (h) To prohibit employers from using the job qualifications criteria or personnel requirements that may bar Indians from employment unless such criteria or requirements are required by business necessity. Commission regulations may adopt EEOC Guidelines or may adopt additional requirements to eliminate employment barriers unique to Indians and the Reservation.
- (i) To enter into agreements with the unions to ensure union compliance with this ordinance.
- (j) To require employers to give preference to Tribal and other Indian-owned businesses in the award of contracts and subcontracts.
- (k) To establish counseling programs to assist Indians in obtaining and retaining employment.
- (l) To hold hearings and to subpoena witnesses and documents in accordance with this ordinance.
- (m) To require employers to submit reports and take all action deemed necessary by the Commission for fair and rigorous implementation of this ordinance.
- (n) To enter into cooperative agreements with federal employment rights agencies such as EEOC and OFCCP to eliminate discrimination against Indians both on and off the Reservation.
- (o) To take such other actions as are necessary to achieve the purposes and objectives of the Office established in this ordinance.
- (p) In establishing and maintaining the numerical hiring goals set out in Section (e) above, the requirements for training programs as provided in Section (f) above, the Commission and its Director and staff shall, whenever, practicable, consult with the affected employees so as to consider their input and recommendations.

CHAPTER 7. COMMISSION REVIEW

- (1) Filing: Any person aggrieved by an order of the Office and/or Commission, may obtain a review of such order from the Commission by filing the order with same within twenty (20) days after notice of such order, a written petition praying that the order of the Office or Commission be modified or set aside in whole or in part.
- (2) Jurisdiction: Upon filing of the petition, the Commission shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part, so far as it is applicable to the petitioner. The review by the Commission shall be in accordance and limited to the question of the law and administrative procedures.

Findings of fact by the Commission when supported by substantial evidence shall be conclusive. No objection to the order of the Commission shall be considered by the Tribal court unless such objection shall have been argued before the Commission or unless there was reasonable grounds to do so.

Judicial Review:

- (3) Additional Evidence: If a party wants to introduce additional evidence not presented before the Director and Commission, they may petition to the Tribal Court. For good cause, the court may order the Director and Commission to conduct a new hearing allowing new evidence. Good cause shall require that the new evidence is important and could not be presented at the prior hearing through no fault of the party seeking the new hearing.
- (4) Judgement and Appeals of the Commission: The judgement and decrees of the Commission shall be final subject only to review by the Tribal Court upon petition. A petition under this section to the Tribal Court shall be deemed denied if no action is taken by the Tribal Court on the petition within twenty (20) days after final judgement by the Commission.
- (5) Effect of Proceedings: The commencement of proceedings under Chapter 8, subtitle (1) shall not, unless specifically ordered by the court, operate as a stay of the Commission's order. The court may order bond to be posted or other appropriate action prior to entering a stay of the Commission's order.

CHAPTER 8. HEARING

- (1) Notice: If a hearing is requested by the Commission, an individual, an employer, or union pursuant to this section, a written notice of hearing shall be given to all parties concerned of the nature of the hearing and the evidence to be presented, and shall advise such parties of their right to be present at the hearing, to present testimony of witnesses and other evidence, to be represented by counsel at their own expense, and that the Commissioner may be represented by the Director or general counsel for the Squaxin Island Tribe.
- (2) Commission Complaint Procedure: If the Commission believes that an employer, contractor, subcontractor, or union has failed to comply with the ordinance or any rules, regulations, or orders of the Commission, it may file a complaint and notify such party of the alleged violations. The Commission will attempt to achieve an informal settlement of the matter, but if an informal settlement cannot be achieved, the Commission may request a hearing upon the matter pursuant to Chapter 7 (1).
- (3) Individual Complaint Procedure: If any Indian believes he has been discriminated against by an employer because of his race, color, religion, sex, national origin, age, or handicap he may file a complaint with the Commission specifying the alleged violation. Upon receipt of the complaint, the Commission shall investigate and attempt to achieve an informal settlement of the matter. If an informal settlement cannot be achieved, the individual or Commission may request a hearing upon the matter pursuant to Chapter 8 (1).
- (4) Hearing Procedures: Hearings shall be governed by the following rules of procedure:
 - (a) All parties may present testimony of witnesses and other evidence and may be represented by counsel at their own expense.
 - (b) The Commission may have the advice and assistance of the general counsel for the Tribe at the hearing.
 - (c) The Chairman of the Commission or the Vice-Chairman shall preside. No formal rules of evidence or procedure need to be followed, but the Commission shall proceed to ascertain the facts in a reasonable and orderly fashion.
 - (d) Any matter to be proven must be done so to the satisfaction of the Commission by a preponderance of the evidence.
 - (e) The hearing may be continued at the discretion of the Commission.

- (f) At the final close of the hearing, the Commission may take immediate action or take the matter under advisement.
- (g) The Commission shall notify all parties of its decision on the matter within thirty (30) days after the hearing.

CHAPTER 9. PENALTIES FOR VIOLATION

- (1) Any employer, contractor, or subcontractor who violates this ordinance or the rules, regulations, or orders of the Commission shall be subject to penalties for such violations including, but not limited to:
 - (a) Denial of right to commence or continue business inside the Reservation.
 - (b) Suspension of all operations inside the Reservation.
 - (c) Payment of back-pay and damages to compensate any injured party.
 - (d) An order to summarily remove employees hired in violation of this ordinance, or rules, regulations, and order of the Commission.
 - (e) Imposition of monetary civil penalties.
 - (f) Prohibition from engaging in any future operations on the Reservation.
 - (g) An order requiring employment, promotion, and training of Indians injured by the violation.
 - (h) An order requiring changes in procedures and policies necessary to eliminate the violations.
 - (i) An order making any other provisions deemed by the Commission necessary to alleviate, eliminate, or compensate for any violation.

The maximum civil penalty which may be imposed is \$500.00 for each violation. Each day during which a violation exists shall constitute a separate violation.

CHAPTER 10. ORDERS TO POLICE

- (1) The Squaxin Island Tribal Police are hereby expressly authorized and directed to enforce such cease and desist or related orders as may from time to time be properly issued by the Council.

Such orders do not require a judicial decree or order to render them enforceable. The tribal police shall ~~not~~ be civically liable for enforcing such orders so long as the order is signed by the Director and/or Commission.

- (2) The Squaxin Island Tribal Police shall not enforce a removal order for the Director unless it is accompanied by a judicial decree or order by the Council and/or Tribal Court.

CHAPTER 11. COMMISSION FUNDS

All funds derived from collection of employer tax/fees and other appropriate resources collected by the Commission shall be placed in a special account to be utilized by the TERO and the Commission, subject to the final approval of such expenditures of the revenue by the Council.

CHAPTER 12. TRIBAL EMPLOYMENT RIGHTS OFFICE

- (1) The Office is hereby established with the full supervisory authority vested in the Director who shall report directly to the Commission. The Director, however, shall have quasi-reporting authority directly to the Council.
- (2) The Director shall be appointed by the Commission with subsequent approval of the Council, or by a panel delegated with such authority with subsequent approval of the Council.
 - (a) The Director shall have the authority to hire staff and to expend funds appropriated and approved by the Council.
 - (b) The Director shall have whatever authority is delegated by the Council.
 - (c) The Director shall have the authority to obtain and expend funding from federal, state, or other sources to carry out the purpose of his office.
 - (d) The Director shall have the authority to issue guidelines, rules, and regulations to implement the employment right requirements imposed by the ordinance.
 - (e) The Director shall have authority to hold hearings, to subpoena witnesses and documents, to require employers to submit reports, to petition to the Commission and Tribal court for removal orders, and to take such other actions as are necessary for the fair and rigorous implementation of the ordinance.
 - (f) The Director, during his absence, may appoint another person to act on behalf of the Tribe for the conduct of hearings.

CHAPTER 13. TERO TAX/FEES

A Tribal Employment Rights Tax/fee to raise revenue for the operation of the Office is hereby authorized to be imposed by the Office and Commission as follows:

- (1) Every covered construction contractor with a contract of \$50,000 or more on the Squaxin Island Indian Reservation, or with the Squaxin Island Tribe, or any agency thereof, shall pay a one-time tax/fee of one-half of one percent ($\frac{1}{2}$ of 1%) of the total gross contract price of the contract, per each contract. The tax/fee may be paid in installments over the length of the contract.
- (2) Every covered employer, other than construction contractors, with twenty or more employees on the Squaxin Island Indian Reservation or with gross sales of \$50,000 or more, regardless of sources, shall pay an annual fee of one-half of one percent ($\frac{1}{2}$ of 1%) of the annual payroll of employees of that employer. This fee shall not apply to educational, health, government, or non-profit employers.
- (3) Such fees shall be paid to the Squaxin Island Indian Tribe and shall be placed in a special account to be used to meet the operating costs of the Office.

The Director shall be responsible for collecting said tax/fees and is authorized to establish such rules and regulations as are necessary to ensure a fair and timely collection process. An employer or contractor who fails to pay the required fee shall be subject to the remedial actions provided for in Chapter 10 of this ordinance.

- (4) Other applicable Tribal taxes, fees, and permits -- reserved.

CHAPTER 14. REGULATIONS

- (1) In issuing rules, regulations, and guidelines, the Director and Commission are to be guided by the policies and standards enumerated throughout the Squaxin Island Tribal Employment Rights Ordinance and such further resolutions as the Council and Commission may issue. The Director and Commission shall ensure that all rules, regulations, and guidelines that are issued be provided due process.
- (2) Except in cases where the Director has determined that an emergency situation exists, the Director shall abide by the following minimal procedures in issuing all rules, regulations, and guidelines.
 - (a) All proposed rules, regulations, and guidelines shall be sent to the Commission and the Council and shall be posted in a public place for not less than twenty (20) days and in a file in the Director's Office which is open to public inspection, on the Squaxin Island Indian Reservation.

- (b) The Director, along with the Commission, shall accept comments from any interested parties during said twenty (20) days. The Director shall discuss in the preamble to such final rules, regulations, and guidelines, the major issues raised by the comments.
- (c) The final rules, regulations, and guidelines shall go into effect upon being approved by the Commission and the Council. Final rules, regulations, and guidelines shall be posted in a public place, and in a file in the Office of the Director which is open to public inspection, on the Squaxin Island Indian Reservation.

Any amendments or additions to the final rules, regulations, and guidelines will be done in accordance to the Commission's and Council's rules, regulations, and procedures.

CHAPTER 15. PUBLICATION OF ORDINANCE

The Commission shall notify all employers of this ordinance and their obligations to comply. All bid announcements issued by federal, state, tribal agencies, or other private or public entities shall contain a clause or statement that the successful bidder will comply with this ordinance and all rules, regulations, and orders of the Commission where applicable.

All tribal agencies and federal agencies responsible for issuing business permits and/or other tribal permits for Reservation activities, or otherwise engaged in activities involving contracts with prospective employers on the Reservation, shall be responsible for advising such prospective employers of their obligations under this ordinance and rules, regulations, and orders of the Commission.

The Office shall send a copy of the ordinance to every employer operating on the Reservation and all federal agencies and interested parties as so required.

CHAPTER 16. COMPLIANCE PLAN

As of the effective date of this ordinance, no new employer may commence work on the Reservation until it has consulted with the Office or Commission for meeting its obligations under this ordinance.

CHAPTER 17. REPORTING AND ON-SITE INSPECTIONS

Employers shall submit reports and other information requested by the Commission (report forms shall be furnished by the Office for reporting purposes). The Commission, Director, and Compliance Officer(s) shall have the right to inspect and copy all relevant records of any employer, of any signatory union, contractor, and subcontractor, and shall have the right to speak to any worker and conduct on-site investigations as long as it doesn't interfere with operations.

CHAPTER 18. SCOPE OF INDIAN PREFERENCE

- (1) All employers are hereby required to give preference to Indians in hiring, promotion, training, and all other aspects of employment.
- (2) Preference in contracting, subcontracting, and all other business activities will be adhered to herein. Employers shall comply with guidelines, rules and regulations of the Commission and the Office in regard to Indian preference in contracting and subcontracting.

CHAPTER 19. UNION AGREEMENTS

Any covered employer who has a collective bargaining agreement with any one or more unions shall obtain written agreements from said union(s) stating that the union shall comply with the Indian preference laws, rules, regulations, and guidelines of the Squaxin Island Tribe. Such agreement(s) shall be subject to the approval of the Employment Rights Commission, the Director, and the Council in order to ensure that all such agreements comply with the intent of this section and sections thereof covering this item. Such agreement(s) and approval does not constitute official tribal recognition or sanction of any union.

CHAPTER 20. FAIR LABOR STANDARDS POLICY - Reserved

CHAPTER 21. RELIGIOUS FREEDOM

Employers shall make reasonable accommodations to the religious beliefs of Indian worker(s) in accordance with the guidelines hereto made part of this ordinance and approved by the office and commission.

CHAPTER 22. SEVERABILITY

If for any circumstances, provisions or sections of this ordinance are held invalid by the appropriate court of jurisdiction, the remainder of the ordinance and other provisions or sections will not be affected in the application of the ordinance for any person, employer, and others covered by the ordinance.

CHAPTER 23. COVERAGE

This chapter shall be binding on all covered employer(s) whether operating within the exterior boundaries or lands of the Squaxin Island Indian Reservation, and whether or not they are doing so at the time of the implementation of this chapter and ordinance.

CHAPTER 24. AMENDMENTS

All provisions of this ordinance and any regulations promulgated hereunder are subject to amendment by the Squaxin Island Tribal Council.

CHAPTER 25. SOVEREIGN IMMUNITY PRESERVED

No agent or participant in any transaction which is in any way related to activities subject to this ordinance shall attempt, or be authorized, to waive the sovereign immunity of the Squaxin Island Indian Tribe from suit; nor may any such person attempt, or be authorized, to create any liability or obligation on behalf of the Tribe without the express written consent of the Squaxin Island Tribal Council.

CHAPTER 26. WORDS AND TERMS

In constructing the provisions of this ordinance or new regulations promulgated thereunder, except when otherwise plainly declared or clearly apparent from the context:

- (1) Words in the present tense shall include the future tense;
- (2) Words in masculine, feminine, and neuter gender, shall include all genders.
- (3) Words in a singular shall include the plural, and the plural shall include the singular;
- (4) All words and terms shall have their common and understood meanings construed so as to effect the state or purpose and policies of the ordinance and the Commission.

CHAPTER 27. EFFECTIVE DATE

This ordinance shall be effective from the date of its approval by the Council.