

SQUAXIN ISLAND TRIBE

RESOLUTION NO. 93- 51
of the
SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the governing body of the Squaxin Island Indian Tribe 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, drug (including alcohol) abuse in the workplace is dangerous and may cause injury to the abuser and other people with who he/she works or comes in contact with; and,

WHEREAS, drug abuse may decrease the efficiency of the abuser and the workplace, putting a financial burden on the Squaxin Island Tribe; and,

WHEREAS abuse of drugs is illegal and such abuse would bring disfavor upon the Tribe; and,

WHEREAS, certain employees use equipment and work in hazardous areas where it is necessary to be in physical and mental control of themselves; and,

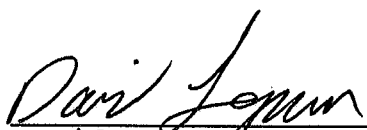
WHEREAS, the Squaxin Island Tribe, to a great extent, is dependent upon federal monies and the federal government demands a drug-free workplace; and,

WHEREAS, there is available to employees of the Squaxin Island Tribe drug counseling, rehabilitation and assistance programs;


THEREFORE BE IT RESOLVED that the Squaxin Island Tribal Council does hereby approve and support the Squaxin Island Drug-Free Workplace Policy.

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

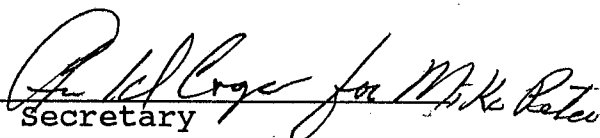
The Squaxin Island Tribal Council does hereby certify that the foregoing resolution was adopted at a regular meeting of the Council this 22nd day of July, 1993 at which time a quorum was present. The resolution was passed by a vote of 4 for, 0 against, and 1 abstentions.



David Lopeman, Chairperson



David Johns, Vice-Chairperson

ATTESTED BY: 
Mike Peters, Secretary

SQUAXIN ISLAND DRUG FREE WORKPLACE POLICY
EFFECTIVE JULY 22, 1993

The Squaxin Island Tribal Council does hereby declare that the Squaxin Island Tribal workplace shall be drug - free; and that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in any Squaxin Island Tribal workplace; and, that such unlawful manufacture, distribution, dispensing, possession or use of a controlled substance at places other than the workplace which interferes with subsequent work performance of the offender; or, discredits the Squaxin Island Tribe in the community (as determined by the Tribal Council) also is prohibited.

Each applicant for employment who is offered a position or contractual employee, employee, and council member shall acknowledge this policy and rules as a condition of employment or of their position, and is aware that violation may cause disciplinary action to include termination, and will:

- (1.) Abide by the terms of this resolution and sign a copy of this resolution, the signed copy to be placed permanently in the personnel file.
- (2.) Notify the employer (Squaxin Island Tribe) of any criminal drug statute conviction occurring in the workplace no later than five days after such conviction.
- (3.) Submit to random DRUG testing, understanding that the employer may take action against applicants or employees who are currently using illegal drugs.
- (4.) And, that action may be taken against applicants or employees using alcohol where alcohol use adversely affects the employee's ability to perform the essential functions of his/her job, including habitual tardiness or time loss due to alcohol.
- (5.) Participate satisfactorily in an assessment for chemical dependency and/or treatment with an approved chemical dependency program.

THE SQUAXIN ISLAND TRIBE AGREES TO;

- (1.) Make a good faith effort to continue to maintain a drug-free workplace.
- (2.) Establish and maintain a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, this policy of maintaining a drug-free workplace, and information regarding available drug counseling rehabilitation and employee assistance programs.

- (3.) Establish and fairly enforce penalties that may be imposed upon employees for drug abuse violations that affect satisfactory performance in the workplace.
- (4.) Notify appropriate federal agencies within ten days after receiving notice of conviction of an employee for a violation in the workplace of a criminal drug statute.
- (5.) Not make any employment decision based upon an employee's history of alcoholism or drug addiction. There shall be reasonable accommodation (verifiable time for employee to participate in a chemical dependency treatment program) for qualified employee's or applicants who are recovering alcoholics or drug addicts.

THE SQUAXIN ISLAND TRIBE AGREES THAT;

- (1.) The employer may NOT inquire into an employee's physical or mental condition or disability including questions about prescription medications. Employee's are NOT required to alert their supervisor's concerning their prescription drugs. The employer may NOT ask employee's to identify prescription or over the counter drug use on drug testing consent forms. This inquiry may be made by the Tribal Clinic or personal physician or a certified testing laboratory only, for confirmation of a positive test result. This also applies to applicants prior to a conditional job offer. Drug testing must be done AFTER the conditional job offer so that the employer can inquire into prescription medications to verify a positive test result.
- (2.) Alcohol testing may be required for applicants ONLY AFTER extending a conditional job offer; and for employee's, but ONLY when the employee has difficulty performing his/her job effectively, has habitual tardiness or absenteeism, where there is reasonable suspicion of alcohol use, after accidents, and after conditional job offers.
- (3.) The employer shall NOT automatically take action against applicants, council members, contractual employee's, and employee's who test positive for the presence of alcohol because alcohol is a legal drug. Action shall be taken ONLY where the use of alcohol adversely affects the employee's performance of his/her job or where there is no indication that the employee has a disability, such as alcoholism or drug addiction.
- (4.) Appropriate personnel actions shall be taken within 30 days against employee's convicted of a drug statute violation, up to and including termination or reacquiring such employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

- (5.) Supervisors and managers shall be trained in methods of observing drug abuse indicators and procedures to follow if such observations are made.

***ADA 1993