

# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 99-84

### OF THE

### SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Indian Tribe, its members, its lands, its enterprises and its agencies by 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 Tribe is a federally recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, under the Constitution, By-Laws 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,

NOW THEREFORE BE IT FURTHER RESOLVED, that the Squaxin Island Tribal Council hereby adopts the amended Squaxin Island Tribe Employee Handbook as attached hereto, incorporating the following amendments to the previous Handbook:

1. Amends the title page to reflect the adoption date of the amended Handbook;
2. Amends the Introduction to declare that the handbook dated September 1999 supersedes all prior versions.

3. Amends the definition of "Dismissal" to provide for at-will employment by allowing dismissal "with or without cause" (page 1).
4. Amends the definition of "Regular Employee" to declare that "Employment is at-will, and may be terminated by the employer or the employee, with or without cause, at any time, unless otherwise agreed in writing by an authorized representative of the Tribe" (page 3).
5. Amends the "Pay Periods and Procedures" section to provide for semi-monthly, rather than monthly, pay periods. Also deletes certain provisions and amends others allowing for mid-month payroll draws no longer necessary with the introduction of semi-monthly payroll (page 5).
6. Amends the Drug Free Workplace Policy as follows:
  - a. Replaces "company" property with "Tribal" property in subsection (1) for clarification of the prohibition on use, possession, sale, distribution or being under the influence of illegal drugs or alcohol (page 7).
  - b. Adds language to subsection (5) for clarification purposes as follows: "Failure to pass a drug and/or alcohol test is prohibited act."
  - c. Amends provisions requiring employees participating in a Continued Employment Plan to agree to be assessed by a "qualified drug/alcohol counselor." New provisions will require that employees agree to be assessed by "a drug/alcohol counselor of the Squaxin Island Tribe or the Employee Assistance Program provided by the Tribe" (page 8).
  - d. Changes "pre-employment" drug testing provisions to provide for testing after an employee completes a required drug/alcohol class, rather than upon offer of employment. To accomplish this change, deletes a provision that stated "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" and replaces it with "The test will be administered at the conclusion of the drug and alcohol class described below (see Education and Training, p.12)" (page 9).
  - e. Adds the following new provision at subsection (4) (remaining sections are renumbered accordingly; page 9):

"Three no-call/no-shows. An employee will be required to submit to a drug and alcohol test when the employee has three no-call/no-shows within a one-year period. Upon a first no-call/no-show, the employee will receive a verbal warning. Upon the second no-call/no-show within a one-year period, the employee will receive a written warning. Upon the third no-call/no-show within a one-year period, the employee will be suspended and be tested for drugs and/or alcohol. Refusal to submit to testing will subject the employee to dismissal."

- f. Adds an exception to allow for more stringent drug testing requirements as follows: "6. Different or additional testing procedures may be applied to certain positions due to safety or other needs. Individuals who are offered such positions will be notified of the special drug and alcohol testing procedures applicable to that position." (page 9).
- g. Drug testing provisions are amended to include the following phrase: "An employee tested under any of the above provisions who fails the drug/alcohol test will be subject to the Consequences of a Positive Test Result as outlined above." (page 10).
- h. The following changes are made to subsection (3) for clarification: "All specimens with an initial positive tests test result for both applicants and employees will be subjected to a ~~second~~ confirmation test to ensure the validity of the initial test results." (page 10).
- i. The following phrase is deleted from subsection (4) because it is not a complete sentence: "If the confirmation test is also positive and such positive test results have been reviewed and confirmed by a Medical Review Officer (MRO) in accordance with the U.S. Department of Health and Human Services guidelines." (page 10).
- j. The following is added to provisions prescribing penalties for failure to notify the Tribe, prior to working, of the use of prescribed or over-the-counter medications: "The employee may continue employment only by entering into and abiding by all terms and conditions of a Continued Employment Plan. Refusal by the employee to agree to all terms or failure by the employee to comply with all terms and conditions of the Continued Employment Plan will result in the Employee's termination." (page 11).
- k. Amends provisions on use of prescribed and over-the-counter drugs by adding the following:

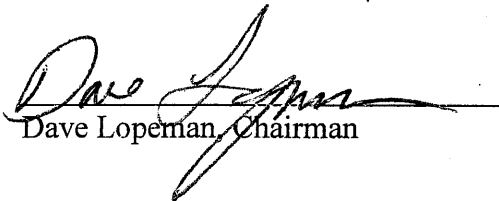
"Washington and other state laws permit certain medical providers to advise their patients on the use of marijuana for certain medical conditions. These laws do not, however, allow medical providers to prescribe marijuana for their patients. The written advice of a physician regarding the use of marijuana to treat medical conditions under Washington or other state law constitutes a prescription for the purposes of this policy." (page 11)
- l. The Education and Training section is amended by deleting a requirement that the Tribe provide minimum levels of employee education training every year. The requirement is replaced with a provision stating that the Tribe "may present periodic drug and alcohol training. 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." (page 12)

7. Annual Leave provisions are amended as follows (page 30):
  - a. To correct a typographical error, "month" is changed to "months" at section 1(c).
  - b. Provisions allowing employees to carry over annual leave are changed to allow employees to carry over a maximum of 25 days (200 hours) rather than 15 days (120) hours.
8. Sick Leave provisions are amended to allow employees to convert sick leave accumulated in excess of 200 hours to annual leave at the rate of 4:1 at the request of the employee in January of each year or upon termination. The provisions are also amended to declare that sick leave under 200 hours is forfeited upon termination of employment, but employees may convert sick leave over 200 hours to annual leave upon termination (page 31).

#### 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 23<sup>rd</sup> day of Sept., 1999, at which time a quorum was present and was passed by a vote of 5 for and 0 against with 1 abstentions.

  
Dave Lopeman, Chairman

Attested by: Sue McFarlane  
Sue McFarlane, Secretary

  
Cal Peters, Vice Chairman