

## ROLL CALL MATRIX

Meeting Date: 5-22-12

P	A	Res. Number	113	114	115	116	117	118	119				
		2012											
		Unanimous		U	U		U	U					
✓		Cathy Abramson	1		2	Y			2Y				
✓		Deb Pine				Y			Y				
✓		Bernard Bouschor				Y			Y				
✓		DJ Malloy	N			N	1	1	Y				
✓		Lana Causley		2		Y			N				
✓		Cath Hollowell				A			Y				
✓		Keith Massaway		1		1Y			N				
✓		Pat Rickley	2		1	2Y	2	2	1Y				
✓		Denise Chase	N			Y			Y				
✓		Tom Miller	N			Y			Y				
✓		Joan Anderson				Y			Y				
✓		Joe Eitrem											

- 1 = Made Motion
- 2 = Second/Support Motion
- Y = Voted Yes
- N = Voted No
- A = Abstained
- U = Unanimous
- S = Sponsored by Board Member



RESOLUTION NO: 2012-113

**SMOKE FREE DINING**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians has affirmed the commitment to promote the health of tribal members, employees, and patrons of its businesses; and

WHEREAS, commercial tobacco use is the single most preventable cause of death and disease in the United States, as well as in the Sault Ste. Marie Tribe of Chippewa Indians service area, leading to more deaths than most other leading causes combined; and

WHEREAS, the 2006 U.S. Surgeon General's report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that there is no risk-free level of exposure to secondhand smoke.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors does hereby adopt the following policy:

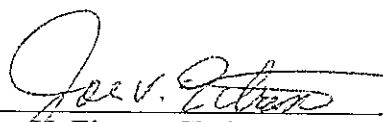
**SMOKE FREE DINING POLICY**

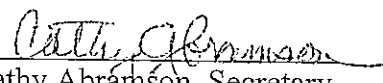
The Sault Ste. Marie Tribe of Chippewa Indians is concerned about the health of all of its members, employees, and patrons and has, therefore, adopted the following smoke free dining policy:

These designated Kewadin Casino Restaurants, in Sault Ste. Marie, St. Ignace and Manistique Casinos will offer a healthy eating environment which includes smoke free dining throughout the entire restaurant. This policy will be enforced through signage indicating smoke-free areas. This policy shall be effective May 13, 2012.

**CERTIFICATION**

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 22 day of May, 2012; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 8 members for, 3 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Joe V. Eitrem, Chairman  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
Cathy Abramson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians

**Min Waban Dan**

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RESOLUTION NO: 2012-114

**TITLE VI ELDERLY  
FY 2013 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2013 budget modification to Title VI Elderly to decrease Tribal Support Corporate Tax \$6,284.30. This budget modification will correct the space costs.

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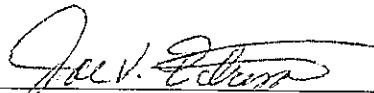
**CERTIFICATION**

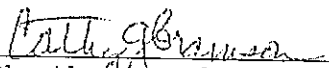
We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 22 day of May 2012; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

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\_\_\_\_\_  
Joe V. Eitrem, Chairman  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Cathy Abramson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2012-115

**HEALTH CENTER LABORATORY  
FY 2012 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2012 budget modification to Health Center Laboratory to change the personnel sheet and reallocate funds. No effect on Tribal Support.

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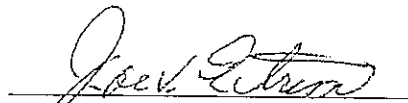
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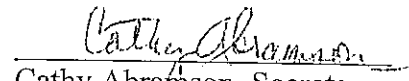
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Joe V. Eitrem, Chairman  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
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Cathy Abramson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2012-116

**TRIBAL TAX & APPROPRIATIONS  
FY 2012 BUDGET MODIFICATIONS**

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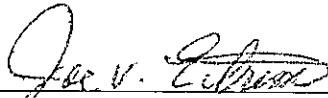
**Membership  
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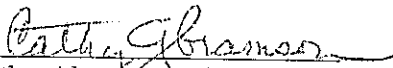
**Economic  
Development  
Commission**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians here by approves the FY 2012 budget modification for the four Tribal Tax & Appropriations Budgets; Internal Services Tax, Corporate Tax, Tobacco/Fuel/Room Tax, and Tribal Sales Tax, for revenues of \$18,251,319, program expenses of \$21,413,455, and a reduction of fund balance of \$3,162,136, per the previously approved Documents: FY 2012 Document 001-Schedule A (Resolution 2011-51), FY 2012 Document 002-Schedule B (Resolution 2011-200), FY 2012 Document 003-Schedule C (Resolution 2011-258), FY 2012 Document 004-Enterprise (Resolution 2011-257), FY 2012 Kewadin Casino Budget Document (Resolution 2011-10), and FY 2013 Document 001-Schedule A (Resolution 2012-71).

**CERTIFICATION**

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 22 day of May 2012; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 1 members against, 1 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Joe V. Eitrem, Chairman  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Cathy Abramson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



**TRIBAL PARTICIPATION IN A NATIONWIDE ELDER NEEDS ASSESSMENT**

WHEREAS, long-term care, a category that includes health promotion, home health services, personal care, housekeeping assistance, meals-on-wheels, skilled nursing care, assisted living, and other in-home services, is an emerging unmet need in Indian Country; and,

WHEREAS, the North Dakota, Alaska, and Hawaii national resource centers on Native Aging have been awarded grants through the Administration on Aging, Department of Health and Human Services, to provide technical assistance on the health and social needs of American Indian, Alaska Native, and Native Hawaiian elderly and assist these groups in conducting a needs assessment which is a requirement for their AoA grant; and

WHEREAS, the needs assessment is designed to yield information on the following Native elder health care needs:

- General Health Status
- Activities of Daily Living
- Visual, Hearing, and Dental
- Tobacco and Alcohol Use
- Nutrition, Exercise, and Excess Weight
- Social Support, Housing, and Work

WHEREAS, in addition to providing technical assistance, the grant to the North Dakota, Alaska, and Hawaii resource centers on Native Aging is required by the Older Americans Act to perform research and disseminate the results of the research; and

WHEREAS, the North Dakota, Alaska, and Hawaii national resource centers on Native Aging are asking Tribes throughout the nation to volunteer to participate in a partnership arrangement, to identify the needs of American Indian and Alaska Native elders nationwide, in which the resource centers and the Tribe/consortium will each assume responsibilities; and

WHEREAS, summary information from each needs assessment, along with a national comparison report from all the needs assessments, will be returned to the Board of Directors of the Tribe and to the local contact person; and

WHEREAS, the confidentiality of enrolled members and Tribal/consortium information is of the utmost importance; therefore, the information in this needs assessment will be collected anonymously by tribal members with the information stored at the UND School of Medicine and Health Sciences within a locked file cabinet and destroyed after a period of three years.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes participation in the "Identifying Our Needs: A Survey of Elders" Native elder social and health needs assessment, and grants permission to the North Dakota, Alaska, and Hawaii National Resource Centers on Native Aging to use all collected needs assessment information in aggregate format for the purpose of disseminating state, regional, and national results from analyses of the data.

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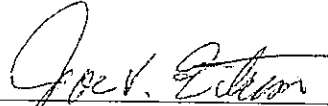
**Economic  
Development  
Commission**

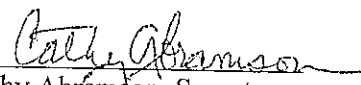
Res. No: 2012-117  
Page 2

BE IT FURTHER RESOLVED, that specific information collected from members of the Sault Ste. Marie Tribe of Chippewa Indians belongs to the Sault Ste. Marie Tribe of Chippewa Indians and may not be released in any form to individuals, agencies, or organizations without additional tribal authorization.

### CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 22 day of May 2012; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 2 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Joe V. Eitrem, Chairman  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Cathy Abramson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians



RESOLUTION NO: 2012 - 118

LETTER OF INTENT - UPPER PENINSULA  
COMMISSION FOR AREA PROGRESS

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq ("Tribe"); and

WHEREAS, an elected Board of Directors ("BOD") makes up the governing body of the Tribe; and

WHEREAS, the Eldercare Service Division was established by the Tribe in January, 1996, in order to provide services directly to tribal elders at their residence; and

WHEREAS, the Tribal elderly population in the seven county service area numbers over 4,100 elderly individuals; and

WHEREAS, in July of 1997, the Tribe's BOD approved the submission of a grant application to Upper Peninsula Commission for Area Progress ("UPCAP") to obtain funding for providing services to Native American Elders; and

WHEREAS, recently, the Eldercare Service Division was made aware that UPCAP grant yearly money is available for help in providing services to Native American Elders and such money may be obtained by submitting the yearly grant application to UPCAP and qualifying for said funds; and

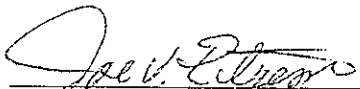
WHEREAS, the UPCAP requires that a letter of intent from the Tribe be sent to them before they will provide the Tribe with the physical grant application to complete for submission.

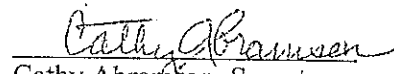
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors supports, approves and authorizes the Eldercare Service Division to send a letter of intent to receive a grant application from the Upper Peninsula Commission for Area Progress in order to secure funding to provide and expand direct services to Native American Elders.

BE IF FURTHER RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Joe Eitrem, Tribal Chairman or his designee, to sign, on behalf of the Tribe, the letter of intent to be sent to the Upper Peninsula Commission for Area Progress.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 22 day of May 2012; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 11 members for, 0 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
Joe V. Eitrem, Chairman  
Sault Ste. Marie Tribe of  
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Cathy Abramson, Secretary  
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RESOLUTION NO: 2012-119

**AMENDING DRUG-FREE WORKPLACE POLICY**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq ("Tribe"); and

WHEREAS, an elected Board of Directors ("BOD") makes up the governing body of the Tribe; and

WHEREAS, several years ago, the BOD approved and enacted the current Drug-Free Workplace Policy; and

WHEREAS, currently, the Drug-Free Workplace Policy is a stand-alone policy and not included as part of the Tribe's Human Resource Policy Manuals for the Tribe's government, casinos, and enterprises; however, it still applies to all employees; and

WHEREAS, the BOD desires to amend the current Drug-Free Workplace Policy in the following manner and as attached hereto:

In the Disciplinary Action section of the Policy, language shall be included to evidence that the 12 month provision in the Tribe's Disciplinary Policy shall not apply to prohibited conduct under the Drug-Free Workplace Policy.

In the Disciplinary Action section of the Policy, language shall be included to evidence that the time limit in between prohibited conduct is three (3) years.

In sub-section 1.b. of the Disciplinary Action section of the Policy, language shall be amended to read:

- b. 2<sup>nd</sup> Offense Voluntary termination due to non-compliance with Sault Tribe Drug-Free Workplace policy.

WHEREAS, the BOD further desires to include a pared down version the Drug-Free Workplace Policy, as attached, into the Tribe's Human Resource Policy Manuals for the Tribe's government, casinos, and enterprises.

NOW, THEREFORE, BE IT RESOLVED, that the BOD hereby enacts the proposed revisions to the Drug-Free Workplace Policy, as set forth above and as attached, beginning on May 22, 2012.

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**Government Services**

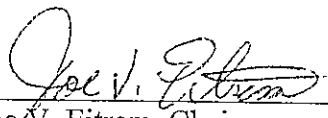
**Membership Services**

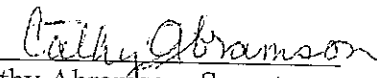
**Economic Development Commission**

BE IT FURTHER RESOLVED, that the BOD hereby approves that a pared down version of the Drug-Free Workplace Policy, as attached, be included the Tribe's Human Resource Policy Manuals for the Tribe's government, casinos, and enterprises, beginning on May 22, 2012.

### CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 22 day of May 2012; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, 2 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Joe V. Eitrem, Chairman  
Sault Ste. Marie Tribe of  
Chippewa Indians

  
\_\_\_\_\_  
Cathy Abramson, Secretary  
Sault Ste. Marie Tribe of  
Chippewa Indians

## **DRUG-FREE WORKPLACE POLICY**

### **Purpose**

1. This policy in the team member handbook is an overview of the Tribes Drug-Free Workplace Policy. For specific testing procedures, reference the Sault Tribe Drug-Free Workplace Policy.
2. The Drug-Free Workplace Policy prohibits employees from unlawfully manufacturing, distributing, dispensing, possessing or being under the influence of any Prohibited Drug while on the premises of any tribal workplace.
3. The Substance Abuse Policy prohibits employees from reporting to work with detectable levels of Prohibited Drugs.
4. In adopting the Drug-Free Workplace Policy and the Substance Abuse Policy, the Tribe recognized that drug abuse by employees adversely impacts the tribal workplace by promoting an unsafe work environment and lowering productivity.
5. The Tribe seeks to maintain a safe and efficient workplace and this Policy and Procedures is necessary to achieve this goal.
6. The Tribe declares that in adopting this Policy and Procedures it seeks to strike a balance between the privacy interests of employees and the Tribe's special need to maintain a safe and efficient workplace.
7. The Tribe declares that it has special need to require Random Drug Tests of all employees and that it has the right to require all Applicants to consent to Pre-employment Drug Tests and to require all employees to submit to Reasonable Suspicion Tests.

### **Scope**

1. This Policy and Procedures applies to all employees, except that it shall not apply to employees who are subject to the drug testing under 49 C.F.R. Part 382, relating to drivers of commercial motor vehicles. In determining a course of action or resolving an issue not addressed in this Policy and Procedures, the Human Resources Department, Tribal Health Center Laboratory and Reference Laboratory may look to 49 C.F.R. Part 40 for guidance.
2. This Policy and Procedures states time limits relating to drug testing. All entities, departments and individuals involved in administering this Policy and Procedures, including without limitation, the Tribal Health Center Laboratory, Reference Laboratory and Human Resources Department are expected to follow the time limits contained herein, provided however, that any failure to follow any such time limit(s) shall not prevent a test from being administered or invalidate any test.

## **Definitions**

1. Applicant means any person seeking employment in the Tribe, including any employee attempting to be transferred to another position.
2. Negative Drug Test means lack of a finding of a Prohibited Drug in the sample at threshold detection levels as determined by the Tribal Health Center Laboratory or the Reference Laboratory.
3. Positive Drug Test means a finding of the presence of a Prohibited Drug in the sample at threshold detection levels as determined by the Tribal Health Center Laboratory or the Reference Laboratory.
4. Prohibited Conduct means any of the following:
  - a. submitting to an Initial Drug Test with a Verified Positive Drug Test;
  - b. refusing to submit to an Initial Drug Test;
  - c. intentionally failing to comply with testing instructions or otherwise interfering with an Initial Drug Test; including without limitation, adulterating the sample;
  - d. refusing to cooperate or failing to comply with a supervisor's instructions regarding transportation, as required under Reasonable Suspicion Testing.
5. Prohibited Drug means marijuana, cocaine, opiates, amphetamines, phencyclidine, synthetic drugs, designer drugs, prescription drugs obtained without a valid prescription or any other illegal drug not specifically listed herein.

## Drug Testing

### 1. Permitted Drug Testing

#### a. Reasonable Suspicion Drug Testing

- i. An employee must immediately submit to a Drug Test if a supervisor so instructs the employee based upon reasonable suspicion that the employee has violated the Drug-Free Workplace Policy or Substance Abuse Policy.
- ii. Reasonable suspicion shall be determined based upon specific, contemporaneous and articulable observations of the employee, including the appearance, behavior, speech and body odors of the employee.
- iii. An employee's supervisor shall ensure that a Reasonable Suspicion Drug Test is administered within eight (8) hours following the determination of reasonable suspicion.
- iv. If the sample is to be collected at a location other than the employee's place of employment the employee's supervisor shall arrange for appropriate transportation of the employee to such location.
- v. After a sample is collected, the employee's supervisor shall arrange for appropriate transportation of the employee.

#### b. Pre-Employment Drug Testing

- i. An Applicant (not currently employed with the tribe) must submit to Pre-Employment Drug Testing after accepting a conditional offer of employment.
- ii. The Human Resources Department shall inform all Applicants that they are required to submit to Pre-Employment Drug Testing after accepting a conditional offer of employment and shall schedule the time of the testing within twenty four (24) hours of notifying an Applicant.

c. Random Drug Testing

- i. All Employee's are subject to Random Drug Testing.
- ii. An Employee selected for Random Drug Testing must submit to Initial Drug Testing at the scheduled date and time. All Random Drug Testing shall occur no later than twenty four (24) hours after the Employee has received notice of selection for testing from the Director of Human Resources, or designee.
- iii. If the Human Resources Department is unable to notify an Employee selected for Random Drug Testing because the Employee is absent from work because of vacation, sick leave or other permitted compensable leave or other acceptable reason at the time of selection for the drug test, the Employee shall be excluded from that particular Random Drug Testing.
- iv. The selection of Employees for Random Drug Testing shall be made by a scientifically valid method, such as a computer-based random number generator that is matched with employees' social security numbers, payroll identification numbers or other comparable identifying numbers. Under the selection process used, each Employee shall have an equal chance of being tested each time selections are made. The Director of Human Resources, or designee, is responsible for selecting Covered Employees for Random Drug Testing.
- v. The Director of Human Resources, or designee, shall ensure that dates and times of Random Drug Testing are kept confidential until the randomly selected Covered Employees are notified.

d. Return-to-Duty Drug Testing

- i. An Employee who has been absent, or otherwise has not worked for a period of three (3) months, for any reason, must submit to a Return-to-Duty Drug Test with a Verified Negative Drug Test to be eligible to work.
- ii. An Employee who is absent from work under the Family and Medical Leave Act shall not be subject to a Return-to-Duty Drug Test before returning to work.

e. Follow-up Drug Testing

- i. An Employee who engages in Prohibited Conduct is subject to unannounced Follow-up Drug Testing for a period of two (2) years.

## **Disciplinary Action**

### 1. Employee

An employee who engages in Prohibited Conduct shall be subject to disciplinary action as follows:

- a. 1<sup>st</sup> Offense     1 week disciplinary leave of absence without pay
- b. 2<sup>nd</sup> Offense     Voluntary termination due to non-compliance with Sault Tribe Drug-Free Workplace policy

Note: The 12 month provision in the discipline policy does not apply to prohibited conduct under the drug test policy. The time limit in between failures is three (3) years from the first offense.

An employee who is terminated as a result of engaging in Prohibited Conduct shall not be eligible to apply for employment with the Tribe in any position for the period of six (6) months from the date of termination.

### 2. Applicant

The Tribe shall revoke the conditional offer of employment and shall not hire an Applicant who engages in Prohibited Conduct. An Applicant who has engaged in Prohibited Conduct shall not be eligible to apply for employment with the Tribe in any position for the period of six (6) months from the date the written notice is sent to the Applicant.