

# Oneida Nation

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## **BC Resolution # 02-14-24-B Amendments to the Drug and Alcohol Free Workplace Law**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Drug and Alcohol Free Workplace law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-10-25-95-A and amended by resolutions BC-10-20-99-A, BC-12-05-07-B, BC-12-11-13-F, and BC-04-12-17-C; and
- WHEREAS,** it is the policy of the Nation to establish a drug and alcohol-free workplace program that balances respect for individuals with the need to maintain an alcohol and drug-free environment; and
- WHEREAS** currently, the Law provides that each employee, as a condition of employment, shall participate in pre-employment, reasonable suspicion, and follow-up testing upon the request of an appropriate authority, and that a negative test result is required for employment eligibility; and
- WHEREAS,** the proposed amendments to the Law require that all external and internal applicants participate in pre-employment drug testing, and that a negative drug test result shall be required for employment eligibility; and
- WHEREAS,** the amendments to the Law further provide that an external applicant’s confirmed positive THC test result shall be exempted from the requirement of a negative drug test result for pre-employment eligibility unless prohibited by an external licensing or grant requirement; and
- WHEREAS,** once an individual is hired by the Nation, the employee is prohibited from the use of prohibited drugs and alcohol during working hours, when on-call, and when operating a vehicle owned by the Nation or a vehicle rented by the Nation; and
- WHEREAS,** all employees of the Nation are required to participate in reasonable suspicion and follow-up testing upon the request of an appropriate authority, and a negative test result is required for unimpeded employment eligibility; and

**WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Oneida Law Office, Human Resources Department, Gaming, and Employee Health Nursing; and

**WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and

**WHEREAS,** a public meeting for the proposed amendments to this Law was held on February 15, 2023, with six (6) individuals providing oral comments, and the public comment period for the amendments to this Law was held open until February 22, 2023, with four (4) individuals providing written comments; and

**WHEREAS,** the Legislative Operating Committee reviewed and considered the public comments received on December 20, 2023, and any changes have been incorporated into this draft; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments to the Drug and Alcohol Free Workplace law which shall become effective on March 4, 2024.

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 14<sup>th</sup> day of February, 2024; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 1 member against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Liggins, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."