

**YUROK TRIBAL COUNCIL
DRUG TESTING POLICY FOR COUNCIL**

WHEREAS, the Yurok Tribal Council is the governing body of the Yurok Tribe pursuant to the Constitution of the Yurok Tribe as approved on November 19, 1993, and

WHEREAS, the Yurok Tribal Council is authorized by Article IV, Section 5, (I) of the Constitution of the Yurok Tribe to prescribe a Drug Testing Policy for Council Members, and to all appointed and assigned tribal officials, to enact such policies setting forth the Drug Testing Policy for Council Members of the Yurok Tribe,

NOW THEREFORE BE IT RESOLVED that the following policy governing the Drug Testing Policy for Council Members is hereby enacted and shall be effective upon the date of approval by the Yurok Tribal Council.

I. PURPOSE

The purpose of this Drug Testing Policy for Council is to establish, maintain, and assure the Tribe's general public that elected, appointed, and assigned tribal officials exercising the authority vested with them as a matter of public trust shall be in an environment free from the abuse of alcohol, illegal drugs, abuse of prescription drugs, and any other controlled substance.

II. INTENT

It is the intention of the Yurok Tribal Council that the provisions of this policy be construed and applied in each instance so as to accomplish its purposes of protecting the Yurok People from government decisions, actions resulting from, or affected by, the abuse of alcohol, illegal drugs, abuse of prescription drugs and any other controlled substance.

III. POLICY

A. The Drug Testing Policy applies to all elected, appointed, and assigned tribal officials.

B. It is the Policy of the Tribe to prohibit the abuse of alcohol, abuse of prescribed drugs, abuse any other controlled substances, and/or use illegal drugs, by any elected, appointed, or assigned tribal official at all times whenever exercising and performing their official duties. Further, the Tribe prohibits the unlawful manufacturing, distributing, dispensing, transporting, possessing, or using of a controlled substance without a medical prescription, by any elected, appointed, or assigned tribal official during such times of exercising their official duties.

C. Elected tribal official upon such election submit, within thirty (30) days, to medical testing for alcohol and/or drug use.

1. Elected officials in office on the date of enactment of this ordinance shall submit within thirty (30) days, to medical testing for alcohol and/or drug use.

2. Subsequent to the initial medical testing for alcohol and/or drug use, each elected tribal official shall be tested randomly once each year.

(a) The date for such random testing shall be established by each elected official drawing one of three dates, which has been placed in a sealed envelope for draw at the first regularly scheduled Yurok Tribal Council meeting in January of each year.

(b) The drawn sealed envelope shall be placed in trust with the Council Support Administrative Assistant, who shall identify the medical testing date for each individual elected tribal official on such date, providing the tribal official is not absent. In such case the medical testing shall be completed prior to the next regularly scheduled Council meeting.

3. Refusal to submit to medical testing for alcohol and/or drug use or the positive result of such a medical test shall be deemed to be a violation of this policy.

4. Any elected tribal official deemed to be in violation of this policy, shall be referred for participation in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes. The cost of the program to be paid by such referred elected official.

(a) If an elected tribal official is deemed to be in violation of this policy, the Yurok Tribal Council shall, within thirty (30) days, notify the registered voters of said elected official's district of such violation. Said registered votes shall determine what further action may be requested of such elected tribal official.

(b) In the case of the Chairperson or Vice-Chairperson, such notice shall be provided by the Yurok Tribal Council to all registered voters, who shall be informed of the violation.

D. Appointed and assigned tribal officials shall acknowledge in writing that at all times during the performance of their official duties they shall uphold the Drug Testing Policy of the Yurok Tribe as set forth in Subsection B.

1. Further, appointed and assigned tribal officials shall acknowledge in writing that violation of such policy may result in removal from such appointment or assignment by the Yurok Tribal Council.


E. Nothing in this ordinance shall surpass the mandate of Section 5 (d) of the Constitution of the Yurok Tribe.

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

This is to certify that this Drug Testing Policy for Council was adopted by the Yurok Tribal Council at a regularly scheduled meeting on April 20, 1995 at which a quorum was present and that this Ordinance was enacted by a vote of 8 For , 0 Opposed, 0 Abstentions.

This is to certify that this Drug Testing Policy for Council was amended on by the Yurok Tribal Council at a regularly scheduled meeting on November 24, 1997 at which a quorum was present and that this Ordinance was enacted by a vote of 8 For, 0 Opposed, 0 Abstentions.

DATED THIS 24TH OF NOVEMBER, 1997


Susie L. Long, Chairperson
Yurok Tribe

ATTEST:


Cynthia Carlson, Recording Secretary
Yurok Tribal Council