

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Commercial Motor Vehicle Safety Act of 1986 requires mandatory drug testing of operators of commercial vehicles used interstate or over 26,000 pounds gross vehicle weight, or which have multiple trailers, carry hazardous materials or over sixteen passengers; and

WHEREAS, mandatory testing requires: (1) pre-employment testing; (2) bi-annual testing; and (3) for cause testing and possibly random testing and post accident with for cause testing subject to resolution of a pending federal court injunction; and

WHEREAS, FATCO and other enterprises became subject to the Drug Testing Act effective December 21, 1990, and FATCO has adopted a Drug Free Workplace Policy; and

WHEREAS, the Drug Free Workplace ACT of 1988 requires that a grantee of a federal grant must certify that it will provide a drug free workplace by:

(A) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(B) Establishing a drug-free awareness program to inform employees about -

1. The dangers of drug abuse in the workplace;
2. The grantee's policy of maintaining a drug free workplace;
3. Any available drug counseling, rehabilitation, and employee assistance programs; and
4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

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- (C) Making it a requirement that each employee be engaged in the performance of the grant to be given a copy of the statement required by paragraph (A);
- (D) Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the grant, the employee will -
 - 1. Abide by the terms of the statement; and
 - 2. Notify the employer of any criminal drug stature conviction for a violation occurring in the workplace no later than five days after such conviction;
- (E) Notifying the agency within ten days after receiving notice under subparagraph (D) 2, with respect to any employee who is so convicted -
 - 1. Taking appropriate personnel action against such an employee, up to an including termination; or
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health law enforcement, or other appropriate agency;
- (F) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (A) (B) (C) (D) (E) and (F); and

WHEREAS, a proposed Drug Free Workplace Policy has been distributed to the Tribal Council for its review and adoption as part of the Personnel Policies of the White Mountain Apache Tribe; and

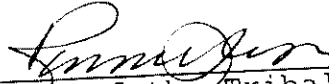
WHEREAS, the Tribal Council concludes that the Tribal Chairman should be delegated authority to adopt a final Drug Free Workplace Policy for the White Mountain Apache Tribe and to implement the same.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes and directs the Tribal Chairman to adopt and implement a Drug Free Workplace Policy into the Tribe's Personnel Policies in accordance with the requirements of the Commercial Motor Vehicle Safety Act of 1986 and the Drug Free Workplace Act of 1988.

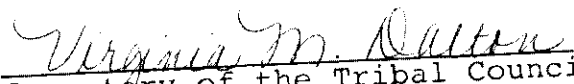
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BE IT FURTHER RESOLVED by the Tribal Council that the final draft and policy adopted and implemented by the Chairman shall generally conform with the draft of the Drug Free Workplace Policy previously distributed to the Tribal Council.

The foregoing resolution was on February 13, 1991, duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

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FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA