

# VOLUNTEER POLICY

Lower Elwha Klallam Tribal Government



This Volunteer Policy is established for the Lower Elwha Klallam Tribal Government by Resolution No. 78-23, dated July 18, 2023.

## TABLE OF CONTENTS

INTRODUCTION.....	2
CATEGORIES OF VOLUNTEERS (REQUIREMENTS) .....	2
I. Short-Term, Low-Risk Volunteers and Visitors .....	2
II. Limited-Contact Citizen Science and Field Work Volunteers .....	3
III. Recurrent Volunteers .....	3
IV. Tribally-Led Interns .....	3
V. Formal Internships through an Outside Entity .....	4
VI. Volunteers in Contact with Children and Elders; Background Check Required ..	4
USE OF TRIBAL VEHICLES.....	5
HEALTH AND SAFETY.....	5
I. Emergency Procedures .....	5
ETHICS AND STANDARDS OF CONDUCT.....	6
I. Ethics and Conduct .....	6
II. Confidential Information .....	6
III. Staff and Volunteer/Tribal Member Relations .....	7
IV. Sexual and Other Unlawful Harassment .....	7
V. Respect and Dignity .....	8
LOWER ELWHA KLALLAM TRIBE VOLUNTEER AGREEMENT AND RELEASE OF LIABILITY.....	10

## INTRODUCTION

Welcome to the Lower Elwha Klallam Tribe! We appreciate your interest in volunteering and are grateful for the gift of your time in supporting the Lower Elwha Klallam Tribal community.

This Volunteer Policy provides volunteers, and employees who manage volunteers, with information about Tribal and volunteer rights and responsibilities. As a volunteer, your staff contact at the Tribe can assist you if you have questions about how to access the relevant codes, ordinances, and policies. Employees can reach out to Human Resources if they have questions about the application of this Policy.

The Tribe is an inherently sovereign, federally recognized Indian tribe that is separate from both the state and federal governments. The Lower Elwha Klallam Tribal Business Committee (“Business Committee”) is the duly elected representative governing body of the Tribe in accordance with its Constitution and By-laws, approved by the Secretary of the Interior on April 29, 1968. The Business Committee is responsible for ensuring the health, safety, education, welfare, social and economic development, law and order, judicial services, and housing of its Tribal members; and to preserve and protect the culture, treaty rights, natural resources, and otherwise promoting the welfare and interests of its Tribal citizens.

The Tribe, as a sovereign, is not subject to and does not follow Washington State law. When on Tribal land, volunteers are subject to the jurisdiction of the Tribe and applicable federal laws.

Nothing in this Policy waives the sovereign immunity of the Tribe, any employee, agent, attorney, or Business Committee member from suit or the imposition of any judgment. Provided that, to the extent any separate Tribal law waives the sovereign immunity of the Tribe or any of its employees, agents, or attorneys, nothing in this Policy modifies or limits that waiver.

## CATEGORIES OF VOLUNTEERS (REQUIREMENTS)

Whether you volunteer once or regularly for many years, we appreciate your time and assistance! The following guidelines describe what we require and expect of volunteers based on the type of volunteer position they fill. These guidelines apply to volunteers who volunteer under the supervision of Tribal employees, whether on or off the Tribe’s reservation.

Some but not all volunteers are required to submit to a background check and/or drug and alcohol screening before commencing their volunteer service. A volunteer will not be authorized to use heavy equipment or drive a Tribal vehicle if their drug screen is positive, and they may be denied future opportunities to volunteer. The Tribe does not test volunteers for use of legal recreational or medicinal marijuana products in its standard drug and alcohol screening.

### I. Short-Term, Low-Risk Volunteers and Visitors

Short-Term, low-risk volunteers or visitors are individuals who participate in one-time or short-term (less than one week) low-risk activities on Tribal land or under the supervision

of Tribal employees. Low-risk volunteers are not required to complete the Volunteer Agreement and Release of Liability attached to this Policy or any other paperwork, and are not required to submit to a drug test.

The volunteer/visitor may ride in a Tribal vehicle, but may not operate a Tribal vehicle.

## **II. Limited-Contact Citizen Science and Field Work Volunteers**

Limited-contact citizen science and field work volunteers are individuals who engage in citizen science and field work activities that are either one-time or short-term (less than one week), or are conducted long-term but without direct Tribal staff supervision and therefore require limited contact with Tribal employees. These volunteers must complete the Volunteer Agreement and Release of Liability attached to this Policy, but are not required to submit to a drug test.

The volunteer may ride in a Tribal vehicle or drive their own vehicle to a field site, but may not operate a Tribal vehicle or operate any heavy equipment while volunteering.

## **III. Recurrent Volunteers**

Recurrent volunteers are individuals with regular, long-term volunteer assignments (for longer than one week), where the volunteer has regular contact with Tribal employees. Employees who supervise recurrent volunteers must coordinate with Human Resources to:

- Complete a Personnel Action Form (PAF) for the volunteer and indicate on the form that the person is a volunteer.
- Notify the Tribe's insurance company of the new volunteer, and describe the activities in which the volunteer will participate.
- Require a drug test of the volunteer.

The volunteer may be authorized to drive a tribally-owned/leased vehicle in accordance with the Tribe's Motor Vehicle Operation Policy.

## **IV. Tribally-Led Interns**

Tribally-led interns are individuals who receive on-the-job training and experience through a volunteer position with the Tribe. Employees who supervise Tribally-led interns must coordinate with Human Resources to:

- Complete a PAF for the intern and indicate on the form that the person is an intern.
- Notify the Tribe's insurance company of the new intern, and describe the activities in which the intern will participate.
- Require a drug test of the intern.
- Prepare a written justification for the internship, ensuring that the intern is benefitting from the internship through learning, training, and/or on-the-job experience, and that the benefit is greater to the intern than it is to the Tribe.
- Interns may be paid for expenses incurred (such as food, housing, or travel), on a case-by-case basis. Interns cannot be compensated for time worked.

The intern may be authorized to drive a tribally-owned/leased vehicle in accordance with the Tribe's Motor Vehicle Operation Policy.

#### **V. Formal Internships through an Outside Entity**

Formal internship programs managed by outside entities (such as AmeriCorps) must be covered by an official written agreement with that outside entity. Employees supervising such an intern must also follow these procedures in coordination with Human Resources:

- Complete a PAF for the intern and indicate on the form that the person is an intern.
- Require a drug test of the intern.

The intern may be authorized to drive a tribally-owned/leased vehicle in accordance with the Tribe's Motor Vehicle Operation Policy.

#### **VI. Volunteers in Contact with Children and Elders; Background Check Required**

The Tribe is required to adhere to the minimum requirements of the Indian Child Protection and Family Violence Prevention Act of 1990. Therefore, the Tribe requires that all categories of volunteers with duties and responsibilities that allow or require regular contact with or control over children submit to a background investigation. According to this law, "regular contact with or control over an Indian child means responsibility for an Indian child(ren) within the scope of the individual's duties and responsibilities or contact with an Indian child(ren) on a recurring and foreseeable basis."

Therefore, volunteers with duties and responsibilities that allow or require regular contact with or control over children are subject to the following investigation requirements:

- Whether the candidate has ever been arrested for or charged with:
  - A crime involving a child, or found guilty of or entered a plea of nolo contendere or guilty to any offense under federal, state, or tribal law involving crimes of violence;
  - An offense involving a child;
  - A sex offense, including sexual assault, molestation, exploitation, contact, or prostitution;
  - A drug felony; or
  - Crimes against persons.
- A description of the disposition of any arrest or charge;
- Acknowledgement that the candidate has signed the application under penalty of perjury;
- The signature of the individual confirming they were notified of the Tribe's obligation to require a background check as a condition of employment;
- Criminal records from tribal and state law enforcement and courts;
- Military service and discharge;

- Driver's license and driving record for persons whose duties require a commercial driver's license or include transporting children;
- Interviews of past employers and supervisors for at least five years of employment;
- Interviews of at least three references;
- Verification of residence and level of education/training; and
- A National Criminal History Check from the Federal Bureau of Investigations.

The Tribe is required by the Indian Child Protection and Family Violence Prevention Act to deny employment or dismiss a volunteer in positions with duties and responsibilities that allow or require regular contact with or control over children when the volunteer has been found guilty of or entered a plea of guilty or nolo contendere to any federal, state, or tribal offense involving a crime of violence, sexual assault, sexual molestation, child exploitation, sexual contact, prostitution, or crimes against persons.

The investigation requirements of this section apply to all volunteers with duties and responsibilities that allow or require the volunteer to have regular contact with or control over children. This includes, but is not limited to, volunteers working in the following departments: Lower Elwha Health Department, Education, Children's House of Learning, Facilities Management, Klallam Counseling Services, Law Enforcement, Culture and Language Department, and Social Services. All volunteers with regular contact or control over children must also be subject to periodic reinvestigation every five years. The reinvestigation will occur for each succeeding five-year period during the tenure of a volunteer who is in a position with duties and responsibilities that allow or require them to have regular contact with or control over children. A National Criminal History Check from the Federal Bureau of Investigations meets the requirements of the reinvestigation.

### **USE OF TRIBAL VEHICLES**

Recurrent volunteers and interns may become authorized to drive Tribal vehicles. The Tribe's vehicles are for official use and may only be driven with authorization. To become authorized a volunteer must possess a valid driver's license of the appropriate class, be insurable, and be cleared through strict compliance with the Lower Elwha Klallam Tribe's Motor Vehicle Operation Policy. A copy of this Policy will be made available to volunteers who are authorized to operate Tribal vehicles.

### **HEALTH AND SAFETY**

The health and safety of everyone who works with and for the Tribe is the Tribe's highest priority. The Tribe strongly encourages volunteers to communicate with their staff contact regarding any safety issues that arise during their volunteer assignment.

#### **I. Emergency Procedures**

The Tribe has developed emergency procedures to enable employees and volunteers to respond quickly and appropriately to an emergency situation. Please note that this is only a brief summary; the Tribe advises volunteers to speak with their staff contact about safety protocols that apply to their specific volunteer assignment.

For non-emergencies, call dispatch to immediately report any neglect or abuse observed in children, elders, or vulnerable adults to their supervisor or another Tribal employee. However, a volunteer should not subject themselves to harm and should not intercede or investigate a commotion or disturbance. In instances where a volunteer suspects that an act of violence is occurring or may imminently occur, they should call 911.

Any volunteer determined to be responsible for threats or acts of violence will have their volunteer position terminated and will no longer be eligible to volunteer for the Tribe.

## **ETHICS AND STANDARDS OF CONDUCT**

Volunteers are required to adhere to the same standards of ethical conduct as employees while acting as volunteers for the Tribe. The following is excerpted from Chapter 4 of the Employee Handbook, which describes the ethical standards to which all employees, contractors, and volunteers of the Tribe are held. To clarify that these provisions apply to both employees and volunteers, the appropriate version of the phrase “[and volunteers]” has been added after “employees” throughout this section, although this phrase does not appear in the Employee Handbook.

The entire text of Chapter 4 of the Employee Handbook is not duplicated here, as some situations are unlikely to arise or apply to volunteers. However, volunteers should be aware that there are additional provisions in the Employee Handbook that may apply in certain circumstances. It is the responsibility of the volunteer’s staff contact to identify and address these situations.

### **I. Ethics and Conduct**

Employees [and volunteers] build the reputation of the Tribe upon the principles of fair dealing and ethical conduct. Therefore, the Tribe expects all employees [and volunteers] to conduct business in accordance with the letter, spirit, and intent of all relevant laws and regulations. Employees [and volunteers] must meet the highest standards of integrity and refrain from any illegal, dishonest, or unethical conduct.

All Tribal employees, contractors, and volunteers are responsible for complying with the provisions of this Chapter. Disregarding or failing to comply with the Tribe’s standard of ethics and conduct, as expressed in this Chapter, may lead to disciplinary action, including termination of employment. Employees [and volunteers] are encouraged to discuss openly with a supervisor any questionable or difficult situations in order to determine the proper course of action.

### **II. Confidential Information**

Employees [and volunteers] may have access to information that must be kept confidential. This confidential information may involve: Tribal government operations; intergovernmental relations and affairs with federal, state, tribal, and local governments; treaty rights; natural resources; cultural resources; Tribal property interests; business transactions; the Tribe’s members; non-Tribal members; employees [and volunteers] of the Tribal government; employees of the Tribe’s businesses; and customers of any of the Tribe’s business enterprises.

The correct procedure for responding to a request for confidential information depends upon the type of information. In most cases, information concerning a person requires a

signed written release from that person before any information can be divulged. Employees [and volunteers] should consult a supervisor if they are unsure about what information must be kept confidential or the correct procedure for safeguarding or releasing confidential information. An employee [or volunteer] who causes the unauthorized release of confidential information of any kind will be subject to disciplinary action, up to and including termination of [a volunteer position].

### **III. Staff and Volunteer/Tribal Member Relations**

Employees are here to provide services for guests and members of the Tribe. It is vital to maintain respectful and cordial relations with guests and Tribal members. Employees [or volunteers] who receive a complaint from a guest or Tribal member should notify their supervisor immediately. While most complaints can be handled by a supervisor, some complaints or concerns may need to be referred by the supervisor to a higher level of authority for resolution.

Tribal members cannot assign tasks to employees [or volunteers] by virtue of their membership in the Tribe alone. Employee [or volunteer] work assignments can only be made through official channels within the Tribal government. An employee's [or volunteer's] supervisor can answer any questions about work assignments.

### **IV. Sexual and Other Unlawful Harassment**

The Tribe is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive. Actions, words, jokes and/or comments based on an individual's race, age, sex, gender, color, national origin, religion, creed, political affiliation, marital status, familial status, sexual orientation, gender identity, physical appearance, status as a domestic violence victim, veteran status, genetic information, disability, or other personal characteristics will not be tolerated.

Sexual harassment includes unwanted sexual advances, requests for sexual acts, and other visual, verbal, or physical conduct of a sexual or romantic nature. This definition includes many forms of offensive behavior and includes harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances, including unwelcome flirtations, sexual or romantic propositions, pressure or requests for sexual activities, or unnecessary touching of an individual.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, and/or displaying of sexually suggestive objects, pictures, cartoons, or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.



- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances, either verbal or physical, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; and/or (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Each member of Tribe's management team is responsible for creating an atmosphere free of discrimination and harassment. Further, all employees [and volunteers] are responsible for respecting the rights of their coworkers. It is the responsibility of each employee [and volunteer] to report incidents of harassment, sexual or otherwise. Employees [and volunteers] who experience or witness sexual harassment or other unlawful harassment in the workplace must report the incident immediately to their supervisor. If their supervisor is unavailable or it would be inappropriate to report the incident to that person, employees [and volunteers] should report the incident any other member of the Tribe's management or Human Resources teams. The Tribe prohibits any form of retaliation against an employee [or volunteer] who reports an alleged incident of harassment under this policy.

## **V. Respect and Dignity**

The Tribe is committed to maintaining a workplace where all employees [and volunteers] are treated with respect and dignity, regardless of their status or position. Each employee [and volunteer] is expected to abide by these values and standards of interpersonal behavior, communication, and professionalism.

All employees [and volunteers] across the organization are responsible for maintaining a respectful workplace. Everyone will be given the opportunity to identify the terms they prefer upon hire. This includes but is not limited to terms around race and gender. The Tribe expects all employees [and volunteers] to respectfully use their fellow employees' [and volunteers'] preferred terms.

This organization has a zero-tolerance policy against bullying in the workplace, which includes the following:

- Aggressive, threatening, profane, or abusive language that is intended or perceived by others to be demeaning, berating, rude, hostile, or threatening.
- Using racial, ethnic, or other epithets or slurs, or otherwise subjecting an individual to racial, gender, sexual orientation, cultural, or other bias based on their personal characteristics.
- Using bullying language, such as verbal humiliation, sneering, or ridicule.
- Making threats of violence, retribution, litigation, or financial harm.

- Refusal to refer to an individual by their chosen terms around race and gender, including personal pronouns.
- Subjecting an individual to unreasonable scrutiny or unreasonable demands.
- Undermining another person's authority or spreading malicious rumors.
- Openly displaying or circulating electronic or printed images, materials, or messages that are abusive, profane, threatening, defamatory, or offensive.
- Intentional retaliation.

Bullying in the workplace will not be tolerated and may lead to discipline, up to and including termination of [a volunteer position].