

TITLE 10. HEALTH, SAFETY, AND WELFARE

Chapter 10.5

SUQUAMISH WORKERS' COMPENSATION

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10.5.1. Title. This chapter shall be known as the “Suquamish Workers’ Compensation Ordinance.” (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.2. Authorization. This chapter, establishing a tribal workers’ compensation program, is enacted pursuant to the Constitutional authority provided by Article III, Sections (f), (i), and (j) of the Suquamish Constitution and Bylaws. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.3. Findings. The Suquamish Tribal Council finds that:

(a) The Suquamish Tribe has the sovereign right and exclusive authority to govern economic activities on and within the exterior boundaries of the Port Madison Indian Reservation.

(b) The Washington State workers’ compensation program, administered by the State’s Department of Labor & Industries, in which the Suquamish Tribe voluntarily participated, has become too costly and further participation in the State’s program is not in the best interest of the Tribe, tribal entities, or the employees of the Tribe or tribal entities.

(c) The establishment of a tribal workers’ compensation program under which private insurance replaces the workers’ compensation insurance coverage offered by Washington, with the same employer protections and employee benefits provided in the State program, is in the best interest of the Tribe, tribal entities, and the employees of the Tribe and its entities.

(d) The exercise of tribal sovereign power through this chapter is necessary to protect the right of tribal self-government and to regulate its internal relations so as to protect its political and economic security. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.4. Interpretation. (a) This chapter shall be deemed an exercise of the sovereign power of the Suquamish Indian Tribe and all provisions of this chapter and all provisions of Washington State law incorporated hereby by reference as tribal law shall be liberally construed for the accomplishment of the statement of purpose.

(b) Any ambiguity in this chapter or in any rules or regulations hereafter promulgated pursuant to this chapter shall be resolved so as to be consistent with applicable tribal and federal law. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.5. Statement of Purpose. The purposes of this chapter are to:

(a) Govern and regulate the tribal workers' compensation program;

(b) Provide the same protection from liability to the employer and the same benefits to employees as are provided under the Washington State workers' compensation laws and administered by the Washington State Department of Labor & Industries; and

(c) Strengthen the existing economy of the Suquamish Indian Tribe and promote tribal economic development through the enhancement of employment conditions within the Port Madison Indian Reservation. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.6. Applicability. This chapter shall apply to the Tribe, every entity of the Tribe that is an employer, and to all employees of the Tribe and tribal entities. For purposes of this chapter, "every entity of the Tribe" includes every political subdivision, subordinate organization, agency, economic enterprise, commission, and authority organized under tribal law. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.7. Incorporation of State Law. Except as otherwise provided in this chapter, all of Title 51, except Chapters 51.14 and 51.60, Revised Code of Washington and any future amendments to Title 51 are hereby adopted as tribal law. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.8. Claims and Notices. The employer shall report accidents to and employees shall file claims with the insurer selected by the Tribe to provide workers' compensation insurance coverage. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.9. Initial Appeals. Any employee, beneficiary, employer, or other person or entity aggrieved by an initial decision of the insurer may appeal such decision pursuant to the internal appeal procedures established by the insurer. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.10. Appeals to Tribal Court. After an initial appeal pursuant to §10.5.9 has been decided, any employee, beneficiary, employer, or other person or entity aggrieved by the decision of the insurer may within sixty (60) days of receiving written notice of the decision bring an action in the Suquamish Tribal Court, pursuant to the Tribal Court's rules of civil procedure, appealing the decision. The Tribal Court may hear the matter de novo. The Tribal Court may grant only such relief as could be granted by the Washington Board of Industrial Insurance Appeals or the Washington State Superior Court in a workers' compensation appeal under Washington State law. A decision of the Suquamish Tribal Court may be appealed to the Tribal Court of Appeals pursuant to the Suquamish Tribal Code. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.11. Sovereign Immunity. Except as to claims that are wholly covered by workers' compensation insurance obtained by the Tribe, nothing in this chapter or in any State law incorporated herein by reference as tribal law shall in any way waive or diminish the sovereign immunity of the Suquamish Tribe. (Res. 97-110 (part), passed Oct. 20, 1997)

10.5.12. Effective Date. This chapter is hereby made and shall be deemed to be retroactively effective as of January 1, 1997. (Res. 97-110 (part), passed Oct. 20, 1997)