

ADOPTING THE COVID-19 ADDENDUM TO THE SPOKANE TRIBE EMPLOYEE POLICY MANUAL

WHEREAS, the Spokane Tribal Business Council (“Council”) is the duly constituted governing body of the Spokane Tribe of Indians (“Tribe”) by authority of the Constitution of the Spokane Tribe (“Constitution”); and

WHEREAS, the Constitution grants the Council such other powers and authority necessary fulfill its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe; and

WHEREAS, under the Constitution, the Council is charged with the duty of protecting the general welfare of the Tribe and all Reservation residents; and

WHEREAS, on March 16, 2020, via Resolution 2020-154, Council declared a State of Emergency due to the 2019 novel coronavirus (“COVID-19”) pandemic and said State of Emergency continues to remain in effect; and

WHEREAS, the Delta variant of COVID-19 is currently spreading across the nation and the local region, driving significant increases in COVID-19 infections as well as COVID-19 related hospitalizations and deaths; and

WHEREAS, Governor Inslee has recently announced changes to the State of Washington’s COVID-19 safety guidelines, including his September 10, 2021 announcement requiring Face Masks at outdoor events with 500 or more attendees; and

WHEREAS, as a sovereign, the Tribe is not required to follow Governor Inslee’s Executive Orders related to COVID-19 safety guidelines for the State of Washington, however, the Tribe does recognize that the State of Washington has access to more medical and health experts and resources than the Tribe does; and

WHEREAS, the Tribe is carefully monitoring the COVID-19 situation on the Reservation and in surrounding counties, as well as updated safety information from the State Department of Health; and

WHEREAS, COVID-19 continues to spread across the Reservation, region, State, United States, and globe, and remains a threat to our community, especially our elders and community members who have underlying health conditions; and

WHEREAS, until there is widespread vaccination, effective treatment, and/or herd immunity, it is crucial to maintain community interventions to suppress the spread of COVID-19 through all phases of recovery and for the foreseeable future; and

WHEREAS, Council understands that any COVID-19 safety guidelines are subject to modification based on changing information and data, especially if COVID-19 begins to spread at an increased rate for any reason, including increases related to COVID-19 variants/mutations, to protect the general welfare of the Tribe and all Reservation residents; and

WHEREAS, the Tribe has retained a health care expert to make recommendations to safeguard tribal members, tribal employees and the Reservation community from COVID 19, which are consistent with the Washington State Department of Health guidelines; and

WHEREAS, on September 17, 2021, via Resolution 2021-487, the Tribe adopted a COVID-19 Testing Policy, on August, 6, 2021 via a Directive from the Office of the Executive Director the Tribe adopted the Mask Policy; and

WHEREAS, in order to clarify and condense the COVID-19 Policies into one document, include additional COVID19 related policies, such as travel and quarantine orders, and to provide clear guidance and policy to Directors, Managers, and all employees who are subject to the EPM; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, Council hereby adopts the COVID19 Addendum, (“COVID 19 Addendum” or “Addendum”) to the Tribe’s Employee Policy Manual which sets forth clear policy regarding Quarantine, Testing and Face Masking policy, and includes disciplinary policy and procedure for violations of the Addendum.

**COVID 19
QUARANTINE, FACE MASKING, TESTING AND TRAVEL ADDENDUM
TO THE SPOKANE TRIBE OF INDIANS
EMPLOYEE POLICY MANUAL**

1. DEFINITIONS

- A. “Clinic” means the David C. Wyncoop Memorial Clinic
- B. “DOH” means the Washington State Department of Health
- C. "Employee" means all employees subject to the Spokane Tribe of Indians Employee Policy Manual
- D. “Face Mask” means a mask or face covering which covers both the nose and mouth
 - i. Face Masks may be any of the following, provided that it fits well, is made of appropriate fabric as per Department of Health guidelines, and covers both the nose and mouth;
 - a. A sewn mask with ties or straps that goes around the head or behind the ears;
 - b. Several layers of fabric tied around a person’s head;
 - c. Made from a variety of materials like cotton, fleece, or linen;
 - d. Factory made or home-made;
- E. "Fully Vaccinated" means a person who is two (2) weeks past receiving the second dose in a two-dose series (such as the Moderna or Pfizer vaccines) _ or a single does vaccine (such as the Johnson and Jonson vaccine). Employees who have only received one (1) does in a two does series are not considered Fully Vaccinated.
- F. “Isolation” means when you have been infected with the COVID-19 virus, even if you don’t have symptoms.

- G. “Proof of Vaccination” Means valid written proof of the Employee’s COVID-19 vaccination from the vaccine administrator, the applicable Department of Health, or a CDC-issued vaccination card, including place, date(s), and name.
- H. “Tribal Governmental Facilities” means any building or facility subject to the authority or control of the Tribe’s Executive Director, or their designee.
- I. “Tribe” means the Spokane Tribe of Indians.
- J. “Unvaccinated Employee” means an Employee who is not Fully Vaccinated.
- K. “Quarantine Order” means an order separating and/or restricting the movement of people who are either sick with a communicable disease, or who were exposed to a contagious disease to see if they become sick. For purposes of this Resolution, “Quarantine Order” includes isolation and quarantine recommendations from any health care facility, such as the David C. Wynecoop Memorial Clinic, and other authorized entities.
- L. “Social Distancing” means maintaining a distance of at least six (6) feet from others.

2. TESTING POLICY

- A. All Fully Vaccinated Employees are required to provide valid Proof of Vaccination, Employees who fail to provide valid Proof of Vaccination shall be subject to the requirements below.
- B. All Unvaccinated Employees are required to receive COVID-19 Testing one (1) time weekly.
 - i. Employee testing schedules shall be approved by the Employee’s direct supervisor.
 - ii. Any deviations from the testing schedule must be approved by the Executive Director, or their designee.
 - iii. All information related to an Employee’s vaccination status and testing results shall be treated as confidential.
- C. Accurate and reliable and nasal testing, either antigen or molecular, may be employed for any testing required by this Testing Policy.
 - i. There must be a minimum of forty-eight (48) hours between an Unvaccinated Employee’s COVID-19 tests.
 - ii. Employees may utilize testing resources provided or secured by the Tribe, or seek testing from a health care provider of the Employee’s choice and the Employee’s cost.
- D. Employees may return to the workplace, rather than wait for a negative result, provided by the Tribe or seek testing from a healthcare provider of their own choice.
- E. All Employees who test positive shall be immediately excluded from their workplace and all Tribal Governmental Facilities, and shall remain in quarantine or isolation for as long as recommended by a health care provider.

- i. Such employees shall not return to work until they are released from Quarantine/Isolation.
- ii. For public health and safety reasons, Employees who test positive for COVID-19 must immediately notify the Human Resource Department and cooperate for contact tracing purposes.
- iii. If Unvaccinated Employees have exhausted their COVID-19 Sick Leave, they may not be entitled to additional COVID-19 Sick Leave to accommodate time spent in Quarantine/Isolation.

F. Discipline.

- i. Failure to comply with or enforce this Testing Policy may result in discipline, up to and including termination of employment.
- ii. Employees who violate this Testing Policy shall be subject to disciplinary action as follows:
 - a. First violations shall result in an immediate one (1) day suspension without pay.
 - b. Second violations shall result in the immediate termination of the Employee.

G. Exceptions.

- i. The Executive Director, or their designee, is authorized to approve limited exceptions to this Testing Policy on a case-by-case basis and only for good cause, such as: scheduled PTO, irregular Employee schedules, or unforeseen emergencies which prevent an Employee from testing on their scheduled day.

I. Miscellaneous.

- i. Nothing in this Testing Policy shall be interpreted or construed as a waiver of the Tribe's sovereign immunity.

3. FACE MASKS

A. The Washington State Secretary of Health recommends that everyone five years of age and older wear a mask in public indoor settings and at large, outdoor events with 500 or more attendees, including sporting events, fairs, parades, and concerts, regardless of vaccination status. As such the Tribe hereby adopts the Department of Health's recommendation and requires that all Employees, regardless of their vaccination status, to wear a mask in all indoor Tribal Governmental Facilities and at large, outdoor events with 500 or more attendees. Should the Washington Department of Health change this recommendation by either increasing or decreasing the number of attendees or by eliminating their recommendation, this Face Mask policy shall automatically change to be consistent with the Washington Dept of Health recommendations without further need to amend this Addendum.

B Employees may only remove their Face Masks under the following circumstances:

- i. While working alone in an area that is not accessible to the public;
- ii. If an employee is working alone and isolated from interactions with others and have little or no expectation of in-person interruptions;

- iii. a sole occupant in an office with a closed door;
- iv. a sole driver in an isolated enclosed cab;
- v. When eating or drinking, provided that a distance of at least six (6) feet is maintained; or
- vi. Other circumstances as expressly authorized by the Office of the Executive Director or designee.

C. The following employees are exempt from the requirement to wear a Face Mask:

- ii. Persons with a medical condition, mental health condition, or disability that prevents wearing a Face Mask. This includes, but is not limited to, persons with a medical condition for whom wearing a Face Mask could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a Face Mask without assistance. Providing proper documentation from a health care provider for medical exemption request is required. All exemptions must be approved in writing by the Executive Director or designee.
- iii. Other exceptions as expressly authorized by this Resolution or other Emergency COVID-19 Resolution.

D. Face shields are generally not an acceptable substitute for Face Masks, but may be used in conjunction with a Face Mask.

E. Discipline: Tribal Governmental Employees who violate the Face Mask requirement shall be subject to disciplinary action as follows:

- i. First Offense: Written Reprimand.
- ii. Second Offense: One (1) Day Suspension without pay.
- iii. Third Offense: Five (5) Day Suspension without pay.
- iv. Fourth Offense: Immediate termination of employment.

4. QUARANTINE:

A. For the safety of others, all employees who are subject to a Quarantine Order must remain quarantined and separated from others for a period of time as recommended by a medical professional.

- i. Employees subject to a Quarantine Order may leave their home or residence, despite a Quarantine Order, only in the event they are separated from others and there is no risk of infecting others, to seek medical care and in reasonable emergency situations.

B. Employees subject to a Quarantine Order who need assistance, such as for food and cleaning supplies, are encouraged to contact the Tribe's COVID-19 Case Manager, at (509) 458-6525.

C. Discipline: Employees who violate a Quarantine Order shall be subject to disciplinary action as set forth below:

- i. First Offense: five-day suspension without pay.
- ii. Second Offense: immediate termination of employment.

5. EMPLOYEES - TRAVEL

- A. Vaccinated Employees may engage in the following activities:
 - i. Travel domestically without a pre-travel or post-travel test, and without having to Quarantine.

- B. Vaccinated Employees must still:
 - i. Wear a Face Mask and Social Distance;
 - ii. Get tested if experiencing COVID-19 symptoms;
 - iii. Follow applicable CDC and health department travel recommendations when travelling outside the Reservation;

- C. Unvaccinated Employees:
 - i. If eligible, get Fully Vaccinated for COVID-19
 - ii. Unvaccinated Employees are prohibited from traveling for work or training purposes, subject to limited exceptions as approved by the Office of the Executive Director.

- D. Discipline: Unvaccinated employees who violate the Travel Order shall be subject to disciplinary action as set forth below:
 - i. First Offense: five-day suspension without pay.
 - ii. Second Offense: immediate termination of employment.

BE IT FURTHER RESOLVED, Council hereby approves this COVID 19 Addendum to the Tribe’s Employee Policy Manual.

BE IT FURTHER RESOLVED, that the State of Emergency declared in Resolution 2020-166 continues to exist and shall remain in effect until further Resolution of the Council.

BE IT FINALLY RESOLVED, this Resolution adopting the COVID19 Addendum to the Tribe’s Employee Policy Manual supersedes and supplants any prior existing COVID 19 resolutions related to the Tribe’s Employee Policy Manual directives, policies or amendments and shall remain in effect until rescinded or otherwise changed by the Council.

Certification

The foregoing was duly enacted by the Spokane Tribal Business Council on the 11th day of October, 2021, by the vote of 4 for, 1 against, 0 abstain, and 0 absent under authority contained in Article VIII of the Constitution of the Spokane Indians ratified by the Spokane Tribe on November 22, 1980.


Chairwoman Carol Evans
Spokane Tribal Business Council

	Yes	No	Abstain	Absent
CE	X			
GA	X			
MT	X			
GF	X			
DK		X		