I. Generally

A. From time to time, the Tribal Council may declare a State of Emergency. When a State of Emergency is declared, the Tribal Council may enact temporary Personnel Policies and Procedures that may supplement and/or supersede existing Personnel Policies and Procedures.

B. If in conflict with existing Personnel Policies and Procedures, the temporary Personnel Policies and Procedures that accommodate operations during the State of Emergency will supersede all other Personnel Policies and Procedures during the term of the State of Emergency and longer if so intended by the Tribal Council.

II. Administrative Leave

A. Administrative leave may be granted by the Tribal Chair in the event of a State of Emergency.

B. The administrative leave granted may not exceed forty (40) hours or five (5) business days without further action of the Tribal Council.

C. The administrative leave granted cannot generate overtime or hours in excess of forty (40) hours in one work week.

III. Essential Personnel

A. The Tribal Chair and Executive Team shall designate who will be essential personnel during the State of Emergency.

IV. Teleworking

A. During a State of Emergency, it may be necessary to approve teleworking.
B. Teleworking during a State of Emergency shall be approved by the Chain of Command.

V. Hazard Pay and Incentives

A. During a State of Emergency, the Tribal Council may authorize hazard pay for certain essential Employees.

B. During a State of Emergency, the Tribal Council may authorize incentive payments for certain essential Employees.

VI. Transfers

A. During a State of Emergency, it may be necessary for efficient operations to repurpose Employees and temporarily transfer the Employees to other job positions.

B. During a State of Emergency, the temporary transfer may last up to one (1) year or until the end of the State of Emergency, whichever is longer.
I. Generally

A. Due to the extended closure of Tribal Government offices in response to the COVID-19 pandemic in 2020, many of the Tribal Government Employees were given administrative leave because Tribal Government operations were closed during the pandemic. This leave began on March 16, 2020. Tribal Government operations will return in phases; therefore, some Employees may continue to be on administrative leave after June 1, 2020.

B. Beginning June 1, 2020, all Employees during work hours will either be working (either on campus or remotely) or on continued administrative leave. After June 1, 2020, all Employees should still take sick, annual, or personal leave for any events or circumstances for which they would have normally taken sick, annual, or personal leave.

C. Tribal Council intended for individuals to have leave for COVID-19 events.

D. This Section will continue in effect until December 31, 2020.

E. Revisions to this Section will be effective as of March 16, 2020.

II. Leave

A. Beginning June 1, 2020, if an Employee has a COVID-19 related event, the Tribal Council has authorized temporary paid time off in the form of COVID-19 Administrative Leave for Tribal Government Employees in the amount of ten (10) business days or eighty (80) hours per employee.

B. COVID-19 related events include, but are not limited to, being infected or exposed to the virus, caring for an infected or exposed family member, caring for children due to the closure of schools and child care facilities, and being unable to work due to related business closures.
C. If an Employee has used his/her ten (10) business days or eighty (80) hours, the Employee may be granted an additional ten (10) business days or eighty (80) hours for a subsequent infection or exposure relative to the Employee or because the Employee has to care for an infected or exposed family member. The infection or exposure must occur in the workplace or must be based on the fact that someone in the Employee’s household has been infected and that those within the household have an ongoing exposure.

D. In no event shall the Employee be granted more than thirty (30) days or two hundred forty (240) hours of COVID-19 Administrative Leave.
**I. Generally**

A. The COVID-19 emergency is an unprecedented event, and the Tribe appreciates the efforts of Employees helping us navigate through the difficult and stressful times. In an effort to recognize the contributions of essential Employees who are required to work on campus, hazard pay may be available for qualified Employees on the effective dates authorized by Tribal Council.

B. This policy is effective April 5, 2020, and the Tribe retains the sole discretion in determining when the hazard pay shall be discontinued. The hazard pay may be discontinued with or without advanced notice.

**II. Hazard Pay Eligibility**

A. Employees who are deemed essential and are required to work on campus during the closure of Tribal Government offices due to the COVID-19 crisis may be eligible to receive hazard pay.

B. Employees who are not deemed essential or who are not required to work on campus during the closure of Tribal Government offices may not become eligible by presenting himself/herself on campus without the authorization of his/her supervisor.

C. Employees must remain an employee in good standing on the payment date.

D. The Tribe retains sole discretion in identifying the Employees eligible for hazard pay.

**III. Hazard Compensation**

A. Employees deemed eligible by the Tribe for hazard pay will be compensated as follows:
1. Employees who work in and report to the Tribal Police Department may receive $75.00 per day, but hazard pay shall not exceed $250.00 per week or $500.00 per pay period; and

2. Full and part-time Employees of all other departments may receive $50.00 per day if any portion of the work day is required to be spent on campus, but hazard pay shall not exceed $250.00 per week or $500.00 per pay period.

B. Tribal Government will deduct from each Employee’s paycheck those amounts required by federal, state, Tribal, and local laws, plus those amounts authorized by the Employee for fringe benefits that may be established by the Tribal Council.

C. This is intended as extra hazard compensation in addition to the Employee’s fixed, base wage/salary, and this is no way alters the employee’s fixed, based wage/salary.

D. The Tribe retains sole discretion in determining the calculation of hazard pay.

IV. Administration

A. Work hours on campus will be captured through a log submitted to payroll through the Executive Employees and Division Directors.

B. While Employees will be paid for all hours worked in accordance with applicable federal and state laws, Employees are not authorized to work any overtime hours without the express permission of their supervisor.

C. Employees must continue to take rest and meal breaks in accordance with applicable law and existing Tribal policies.

D. The Tribe retains sole discretion in administering and interpreting the hazard pay provisions.

E. Nothing in this Policy is intended to or will alter the at-will nature of the employment relationship. The Employee or the Tribe may terminate employment at any time, with or without cause, and with or without notice.
I. Generally

A. During the State of Emergency declared as a result of the COVID-19 pandemic, Tribal Government offices were closed and all non-essential Employees were asked to remain at home. Some Employees were on paid leave and some were working remotely from home for more than thirty (30) calendar days. In an effort to stop the spread of the virus, certain steps must be taken prior to Employees physically returning to work on campus.

B. Prior to physically returning to work on campus, Employees must complete each of the following:

1. A temperature check; and
2. Training.

An employee questionnaire will also be given to Employees, but its completion will not be required; however, refusal will result in other conditions in order to enter the workplace.

II. Employee Questionnaire

A. All Employees will be asked to complete an Employee Questionnaire prior to returning to work on campus. If the Employee does not have the technology and equipment to complete the Employee Questionnaire, the Employee may have the option of completing the Employee Questionnaire with his/her Division Director or with a Human Resources representative.

B. The Employee Questionnaire does not have to be completed, but if the Employee declines to respond to the Questionnaire, Human Resources will need to determine if the Employee is asymptomatic.¹

¹ A current CDC list of symptoms is labeled 9-A in an appendix to this Chapter 9.
1. If asymptomatic, the Employee will be required to do the following for the next fourteen (14) calendar days:

   i. The Employee will have a temperature check every morning, which will include an assessment of symptoms. If the Employee has fever or any symptoms during the check-in procedure, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. **The Employee is not to enter any building on campus.** Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

   ii. The Employee must wear a KN-95 mask at all times. A new mask will be required each day. Human Resources will ensure that the Employee has the supply of masks necessary to work. Human Resources will ensure that the Division Director and supervisor are aware of this requirement.

   iii. The Employee must comply with social distancing rules.

   iv. The Employee will have a temperature check every afternoon, which will include an assessment of symptoms. If the Employee has a fever or any symptoms, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. **The Employee is not to enter any building on campus.** Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

C. Employee Questionnaires will be returned to the Human Resources Department. The Employee Questionnaire will be maintained separately from the Employee’s personnel file as with other medical documentation.

D. An Employee will be asked to complete a new Employee Questionnaire if the Employee is not physically on campus for thirty (30) consecutive calendar days.

E. If the Employee has received a positive COVID-19 test, then the procedure for returning to work following a positive test shall be followed (See Section 9.7).

F. If the Employee has been in close contact with a positive COVID-19 individual, then the procedure for returning to work following close contact with a positive COVID-19 individual shall be followed (See Section 9.8).
G. If the Employee is experiencing symptoms of COVID-19, then the procedure for returning to work for symptomatic employees shall be followed (See Section 9.9).

H. If the Employee contacts Human Resources regarding an accommodation, then Human Resources, in coordination with the Legal Department, shall work with the Employee and the Executive Employee and/or Division Director to facilitate an accommodation.

III. Temperature checks

A. All Employees must comply with the Temperature Check Policy prior to returning to work on campus. (See Section 9.6)

IV. Training

A. All Employees must complete COVID-19 training prior to returning to work on campus.

B. Employee must sign acknowledgment form and return it to the Human Resources Department.
I. Generally

A. Certain steps must be taken to prevent the spread of COVID-19 within the workplace.

B. This policy shall remain in effect until December 31, 2020 or until discontinued by resolution of the Tribal Council.

II. Social Distancing

A. All Employees are expected to social distance in the workplace. Social distancing, also called “physical distancing,” means keeping space between yourself and other people outside of your home.

To practice social or physical distancing:

1. Stay at least 6 feet (about 2 arms’ length) from other people.
2. Do not gather in groups.
3. Stay out of crowded places and avoid mass gatherings.

B. Employees are expected to comply with directional designations in order to avoid close proximity of co-workers.

C. Only one Employee at a time should be utilizing common areas, like break rooms.

D. When possible, Employees should use separate doors to enter and exit the common areas to avoid close proximity with other Employees.

E. No more than two individuals should use the elevator at one time.

F. No more than two individuals should ride in a vehicle together.
III. Face Coverings

A. Employees must wear a face covering (i.e., a mask) at all times on campus, unless an employee is in his/her office alone with the door closed or in a vehicle alone. This includes times when the Employee is performing duties outside or riding in a vehicle.

B. If the Employee has a job that is performed outside and alone, the Employee may receive a waiver from the requirement. The waiver requires approval of the Chief of Staff.

C. Once the face covering is no longer required, Employees shall properly remove the face covering.

1. Do not remove your face covering with soiled hands or soiled gloves.

2. Make sure you hand wash or hand sanitize prior to each face covering removal.

3. Avoid touching the front of your face covering. Remove from side to side.

4. Make sure you hand wash or hand sanitize after the face covering is removed and stored.

5. Avoid touching eyes, mouth and nose with unwashed hands.

C. Employees will be issued face coverings.

1. If cloth face coverings are issued, the Employee should keep them clean and laundered as directed.

2. If cloth face coverings are not issued, the Employee may use a disposable surgical mask. If issued, the Employee should store and use as directed. Face coverings that become visibly soiled or torn should be replaced. Employees should let his/her supervisor know if an additional face covering is needed.

D. Employees should store used face coverings in a brown paper lunch bag, which will be provided to you. The Employee should label the brown paper bag with his/her name.
1. Face coverings should be taken home in the brown paper bag and laundered. The clean face coverings should be placed in a different brown paper bag. Both bags shall be appropriately labeled so that they are distinguishable. The Employee is responsible for bringing the face coverings back to work.

2. For face coverings that are disposable, this mask should be placed in an appropriately labeled paper bag after use and not reused until the third day after its last use. A new face covering should be used on the second and third days. After the use, the face covering shall be placed in an appropriately labeled paper bag and not reused until the third day after its last use. Bags should be labeled so they are distinguishable. These face coverings will remain in the brown paper bag and not taken home.

E. Employees are not to share face coverings.

F. Certain Employees may be required to wear enhanced face coverings at all times in the workplace. Those Employees should follow the instructions of Human Resources relative to this.

G. Employees in certain Departments may have more stringent rules about wearing face coverings because of his/her job duties and requirements. Departmental rules in those situations should be followed.

IV. Good Hygiene

A. Employees are expected to wash his/her hands often. Particularly, Employees should wash his/her hands with soap and water for at least 20 seconds after the Employee has been in a public place or after blowing his/her nose, coughing, or sneezing. Additional key times to clean hands include: after using the restroom, before eating or preparing food, and before and after providing routine care for another person who needs assistance.

B. If soap and water are not readily available, the Employee should use a hand sanitizer that contains at least 60% alcohol. The Employee should cover all surfaces of his/her hands and rub them together until they feel dry.

C. The Employee should avoid touching your eyes, nose, and mouth with unwashed hands.

D. The Employee should cough into his/her elbow.
E. If sick the Employee, should not come to work.

V. **Clean and Disinfect**

A. The Employee should self-clean his/her work area before break, lunch, and at the end of the workday.

B. The Employee should minimize direct touching of objects, equipment and surfaces in common areas, such as vending machines, coolers, refrigerators and other commonly shared breakroom items.

C. If equipment in a common area or a breakroom item is touched, the Employee must immediately wash hands and/or use hand sanitizing procedure.

D. Prior to exiting the breakroom, the Employee must properly disinfect all items that were used with the disinfectant provided.

VI. **Preventing COVID-19 While Away From Work**

A. Employee actions off the clock have a direct impact on Employee safety, and the safety of other Employees, Tribal Members, and clients.

B. Employees are asked that to take personal hygiene and social distancing practices seriously at all times.


VII. **Consequences for Failure to Comply with Work Safety Measures**

A. The supervisor shall follow the disciplinary process outlined in Section 7.3 of these Policies.

B. In addition to the disciplinary process, if the Employee fails to wear a face covering as instructed, the supervisor may mandate that the Employee wear a KN-95 mask or may suspend the Employee for up to three days for the first violation and up to five days for any subsequent violation. The suspension may be with pay if the
Employee has leave; however, the Employee may not use his/her COVID-19 Administrative Leave.
I. Generally

A. In an effort to stop the spread of COVID-19, certain steps must be taken prior to Employees physically reporting to work on campus.

B. This Policy shall remain in effect until December 31, 2020 or until discontinued by resolution of the Tribal Council.

II. Screening and Immediate Steps

A. All Employees are required to submit to a temperature check prior to starting work. This shall be the first activity the employee does, and the employee shall not go to his/her workstation prior to having his/her temperature checked.

B. All Employees will be screened at designated locations.

C. Because temperatures may be affected by environmental conditions, the Employee in charge of taking the temperature shall retake the temperature if it is over 100 degrees Fahrenheit and take the average of the two temperature checks. The Employee in charge of taking the temperature needs to wait three minutes before the second check.

D. If the Employee has a temperature of 100 or above, the Employee should be directed to the Health Department (or for after hours, to the Fire Department) where the Employee’s temperature will be verified by a medical grade thermometer. If the temperature is over 100 degrees Fahrenheit, then the Employee will be instructed to call his/her supervisor and let the supervisor know that he/she must contact Human Resources. Then the Employee must call Human Resources regarding the procedure for returning to work. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. The Employee is not to enter any building on campus.
E. Any Employee having a temperature of 100 degrees Fahrenheit or above shall not be permitted to work until he/she is told by Human Resources that he/she can return to work.

F. While absent from work, the Employee may use the COVID-19 Administrative Leave if still available and if testing is not refused. If it is not available or if testing is refused, personal, sick, or annual leave may be used if available. If none is available, then it will be approved unpaid leave.

III. Options for Employee to Begin Return to Work Process

A. When the Employee contacts Human Resources, Human Resources will confirm and notate when the Employee first experienced symptoms.

B. Human Resources will instruct the Employee to remain home and be tested for COVID-19. Human Resources will ask that the Employee test on the fifth (5th) day following exposure and will ask the Employee to retest two (2) days later. If the Employee does not know when the exposure occurred, the Employee will be tested the next day and retested three (3) days later. Human Resources will give the Employee the following testing options:

1. The Employee will be asked to be tested for COVID-19 at the Poarch Band of Creek Indians Health Department. If the Employee desires to be tested, Human Resources will provide the Employee the contact information for scheduling that test.

2. The Employee may seek medical treatment from his or her primary care physician and may be tested by physician.

C. The Employee will be instructed to follow up with Human Resources regarding his/her test results.

D. If the Employee decides to follow up with his/her own primary care physician, but the primary care physician refuses to test the Employee or if the Employee refuses to test:

1. The Employee must provide a medical excuse after the third consecutive workday after the day the Employee presented with a fever.

   a. Failure to provide the medical excuse shall result in immediate termination.
b. If the medical excuse provides further explanation of the fever, then Human Resources will consult with medical experts. If the medical experts agree, the Employee may be allowed to return before the tenth (10th) calendar day.

E. If testing is refused, the following provisions will apply:

1. If testing is refused, COVID-19 Administrative Leave shall not be used for the absences.

2. Telework is not an option.

3. Human Resources will follow up with the Employee on the tenth (10th) calendar day following the initial positive fever check.

   a. Human Resources will ask the Employee if he/she still has a fever, and if no fever, Human Resources will confirm that the Employee is not taking any fever reducing medications. If no fever reducing medications have been used, Human Resources will confirm that the Employee is not experiencing any respiratory systems.

   b. If the responses to the questions above are not all negative, then Human Resources shall follow back up with the Employee every three (3) business days until all the responses to the questions are negative. If the Employee believes that he/she can respond negatively to all three questions prior to the next follow up by Human Resources, the Employee may contact Human Resources.

   c. If all of the responses to questions above are negative, then the Employee shall be told to present himself/herself to the Fire Department/Health Department for the next three (3) consecutive business days for a temperature check. If the first temperature check is on a Friday, then the Employee will present on Friday and Monday only. The procedure for the temperature check shall be fully explained to the Employee. If all temperature checks are within normal range, Human Resources will inform the Employee that he/she may return to work.
IV. Results of COVID-19 Testing

A. If the Employee tests positive initially or on a retest, the procedure for returning to work after a positive test shall be followed.

B. If the Employee tests negative on both tests,

Human Resources shall follow up with the Employee on the tenth (10th) calendar day following the initial positive fever check.

1. Human Resources will ask the Employee if he/she has had a fever in the last three (3) days, and if no fever, Human Resources will confirm that the Employee did not take any fever reducing medications for the last three (3) days. If no fever reducing medications have been used, Human Resources will confirm that the Employee is not experiencing any respiratory systems.

2. If the responses to the questions above are not all negative, then Human Resources shall follow up with the Employee every three (3) business days until all the responses to the questions are negative. If the Employee believes that he/she can respond negatively to all three questions prior to the next follow up by Human Resources, the Employee may contact Human Resources.

3. If all of the responses to questions above are negative, then the Employee may return to work.

V. Communication with Supervisor

A. Once Human Resources discusses the return to work procedure with the Employee, Human Resources will let the supervisor know that the Employee will not be returning to work.

B. Human Resources will instruct the supervisor to initiate the protocol for cleaning for the Employee’s workspace. Human Resources shall remind the supervisor that it is the Tribe’s policy to decontaminate an area after someone in the area has symptoms, but that does not mean that an Employee has a positive COVID-19 test. The supervisor shall be reminded to not use the name of the Employee or disclose any identifying information. That Employee’s confidentiality shall be protected.
C. Human Resources will generally keep the supervisor informed as to the Employee’s expected return.

D. The Employee will be instructed that if he/she wants to telework during his/her absence that he/she should contact his/her supervisor and obtain the necessary approvals.

VI. Responsibility of Employee in Charge of Temperature Checks

A. Employees who are charged with checking the temperature of other Employees are expected to be honest in the performance of his/her duties.

B. Dishonesty is a reason for immediate termination.
I. Generally

A. In an effort to stop the spread of COVID-19, certain steps must be taken to limit positive and exposed individuals from the workplace.

B. For the purposes of this Chapter and this Section, “Close Contact” is defined as being within approximately 6 feet of a person with COVID-19 for a prolonged period of time (such as while caring for, living with, or sharing a healthcare waiting area or room—for a period of approximately 10 minutes or longer), or having direct contact with infectious secretions of a person with COVID-19 (such as being coughed on).

C. This policy shall remain in effect until December 31, 2020 or until discontinued by resolution of the Tribal Council.

II. Initial Human Resources Inquiries

A. Following a report from an Employee that he/she has tested positive for COVID-19, Human Resources shall try to identify who the Employee has been in contact with at work and where the Employee has been on campus.

B. Human Resources shall determine whether the Employee is symptomatic and whether the Employee has been in the workplace 48 hours prior to becoming symptomatic.

1. If the Employee has been in the workplace 48 hours prior to becoming symptomatic, determine if the Employee was in “Close Contact” with other Employees. Please refer to the return to work procedures for those Exposed to COVID-19 for the factors to weigh (See Section 9.8).

2. If the Employee has been in the workplace 48 hours prior to becoming symptomatic, determine where the Employee was on campus within those 48 hours.
3. The Employee should also be asked by Human Resources if he/she has been to any other Tribal business or entity within the last 48 hours.

C. If asymptomatic, Human Resources shall evaluate the Employee’s contacts for the last ten (10) calendar days or from the date of a known exposure, whichever is longer.

1. Determine if the Employee was in “Close Contact” with other Employees. Please refer to the return to work procedures for those Exposed to COVID-19 for the factors to weigh (See Section 9.8).

2. Determine where the Employee was on campus.

3. The Employee should also be asked by Human Resources if he/she has been to any other Tribal business or entity.

III. Return to Work Procedure

A. The Employee shall be told to stay home until Human Resources informs the Employee that he/she can return.

B. While absent from work, the Employee may use the COVID-19 Administrative Leave if still available. If it is not available, personal, sick, or annual leave may be used if available. If not available, it will be approved unpaid leave.

C. If the Employee is asymptomatic or if symptoms are mild, the Employee may contact his/her supervisor and inquire as to whether telework would be an option during the time that he/she may not physically be on campus. Telework would need to be approved.

D. If the Employee is asymptomatic, Human Resources will follow up with the Employee ten (10) calendar days after the Employee received the positive test result to schedule a COVID-19 test. The test will be done on the fourteenth (14th) calendar day after the Employee received the positive test. Human Resources will give the Employee the following testing options:

1. The Employee may be tested for COVID-19 at the Poarch Band of Creek Indians Health Department. If the Employee desires to be tested, Human
Resources will provide the Employee the contact information for scheduling that test.

2. The Employee may seek medical treatment from his or her primary care physician and may be tested by physician.

E. If the Employee is symptomatic, Human Resources will follow up with the Employee ten (10) calendar days after his/her positive test.

1. Human Resources will ask the Employee if he/she has had a fever over the last three (3) days, and if no fever, Human Resources will confirm that the Employee did not take any fever reducing medications for the last three (3) days. If no fever reducing medications have been used, Human Resources will confirm that the Employee’s respiratory and other symptoms are improving.

2. If the Employee still has a fever or if the Employee has taken fever reducing medications or if the Employee’s symptoms are not improving, then Human Resources shall follow back up with the Employee every three (3) business days until all the responses to the questions are negative. If the Employee believes that he/she can respond negatively to all three questions prior to the next follow up by Human Resources, the Employee may contact Human Resources.

3. If all of the responses to questions above are negative, then Human Resources will schedule a COVID-19 test. The test will not be done before the fourteenth (14th) day following the positive result. Human Resources will give the Employee the following testing options:

   a. The Employee may be tested for COVID-19 at the Poarch Band of Creek Indians Health Department. If the Employee desires to be tested, Human Resources will provide the Employee the contact information for scheduling that test.

   b. The Employee may seek medical treatment from his or her primary care physician and may be tested by physician.

F. Results of Retest

1. If the results of the retest are negative, then the Employee may return to work.
2. If the results of the retest are positive, then the Employee may return to work with the following restrictions for the next fourteen (14) calendar days:

   a. The Employee will have a temperature check every morning, which will include an assessment of symptoms. If the Employee has fever or any symptoms during the check-in procedure, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. **The Employee is not to enter any building on campus.** Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

   b. The Employee must wear a KN-95 mask at all times. A new mask will be required each day. Human Resources will ensure that the Employee has the supply of masks necessary to work. Human Resources will ensure that the Division Director and supervisor are aware of this requirement.

   c. The Employee must comply with social distancing rules.

   d. The Employee will have a temperature check every afternoon, which will include an assessment of symptoms. If the Employee has a fever or any symptoms, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. **The Employee is not to enter any building on campus.** Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

G. Because the COVID-19 pandemic requires Human Resources to be fluid and to adapt to the latest guidance from the Centers for Disease Control and to the recommendations of the Tribal Public Health Officer, Human Resources may, at times, deviate from the procedure outlined above. Specifically, Human Resources may require two (2) negative tests or may alter the number of days that pass before scheduling the retest. However, in no event shall Human Resources allow an Employee who has tested positive for COVID-19 to return to work fourteen (14) calendar days from his/her initial positive test.

IV. Notify other Employees and Entities

A. If the infected Employee has been in Close Contact with any Employees as determined in Section II, Human Resources shall also notify the Employees who
may have come in Close Contact with the infected Employee. Human Resources will not use COVID-19 positive Employee’s name or other identifying information and will follow the return to work procedures for those Exposed to COVID-19 (See Section 9.8).

B. Human Resources will notify any other Tribal Entities where the COVID-19 positive Employee has been. Human Resources will not use COVID-19 positive Employee’s name or other identifying information.

V. **Human Resources Communication with Supervisor**

A. If Human Resources has not already been in contact with the supervisor about the Employee’s absence, Human Resources will let the supervisor know that the Employee will not be returning to work.

B. Human Resources will generally keep the supervisor informed as to the Employee’s expected return.

VI. **Initiate Cleaning**

A. Human Resources will contact the Facilities Department to decontaminate all exposed areas. If the Employee has been in the workplace 48 hours prior to becoming symptomatic, those locations shall take priority.

B. If certain areas need to be vacated, Human Resources shall contact the Division Director or Executive Employee who shall coordinate.

C. Human Resources shall remind the Division Director that it is the Tribe’s policy to decontaminate a potentially exposed areas after someone has a positive COVID-19 test. Human Resources shall not use the name of the Employee who has the tested positive or disclosing any identifying information. The Employee’s confidentiality shall be protected.
I. Generally

A. In an effort to stop the spread of COVID-19, certain steps must be taken to limit positive and exposed individuals from the workplace.

B. For the purposes of this Chapter and this Section, “Close Contact” is defined as being within approximately 6 feet of a person with COVID-19 for a prolonged period of time (such as while caring for, living with, or sharing a healthcare waiting area or room—for a period of approximately 10 minutes or longer), or having direct contact with infectious secretions of a person with COVID-19 (such as being coughed on).

C. For the purposes of this Chapter and this Section, “Critical Infrastructure Employees” for the Tribe shall mean police officers, firefighters, dispatchers, custodians, maintenance staff, payroll staff, and Employees of the following Departments: Tribal Emergency Management, Utilities Authority, Perdido River Farms, IT, Health Department, and Assisted Living Facility.

D. This Policy shall remain in effect until December 31, 2020 or until discontinued by resolution of the Tribal Council.

II. Close Contact Inquiry

A. If an Employee has been exposed to an individual who has tested positive for COVID-19 within the past fourteen (14) calendar days, the Employee shall report this to Human Resources. The Employee should call (251) 368-9136 x 2261 or (251) 253-5957.

1. This includes situations where the Employee has a member of the household who has tested positive for COVID-19 or the Employee is caring for an individual who has tested positive for COVID-19.
B. If a supervisor or another Employee learns that an Employee has been exposed to an individual who has tested positive for COVID-19 within the past fourteen (14) calendar days, the supervisor or other Employee shall report this to Human Resources. Human Resources shall contact the Employee and inquire.

C. Human Resources should determine if the contact was Close Contact and if the Close Contact was within 48 hours of an individual becoming symptomatic. If the contact was with an asymptomatic individual, Human Resources should determine if the contact was Close Contact within ten (10) calendar days.

1. The level of duration and contact amounts to Close Contact.

2. In order to determine Close Contact, weigh factors recommended by the CDC to determine if there is a Close Contact for a prolonged duration, such as:

   a. How long was the contact? If the contact was greater than 10-30 minutes at less than 6 feet, then the determination is positive for Close Contact.

   b. Was personal protective equipment (e.g. masks) used?

   c. What was the level of ventilation (i.e., confined quarters, inside versus outside, in the vehicle together)?

   d. What was the proximity to the infected person?

   e. Did the infected person have symptoms at that time?

   f. Did touching occur?

   g. Did direct contact occur with the infectious secretions (e.g., being coughed on)?

   h. Did the Employee serve as a care provider to the infected person?

   i. Is the positive individual a member of the Employee’s household or an intimate partner of Employee?
D. If the Employee is unable to provide information to Human Resources regarding the closeness of the contact or the timeframe, Human Resources will proceed as if the contact was Close Contact and in the required timeframe.

III. No Close Contact

A. If the Employee was not in Close Contact and not exposed to the positive individual within 48 hours of the individual becoming symptomatic or within ten (10) calendar days if the individual is asymptomatic, then the Employee may remain in the workplace and should monitor himself/herself for symptoms.

B. If symptoms arise, the Employee should contact his/her supervisor and/or Human Resources. At that point, refer to the procedure on what to do if the Employee reports symptoms (See Section 9.9).

IV. Close Contact Determined

A. Close Contact but not an Ongoing Exposure

1. This subsection is limited to Employees who have been exposed but who do not live with or care for the positive individual.

2. If the Employee was in Close Contact and exposed, the Employee will be asked to be tested for COVID-19 at the Poarch Band of Creek Indians Health Department.

   a. If the Employee is certain of the date of exposure, the test shall be on the 5th day following the exposure. If the Employee is negative, the Employee shall be retested 3 days after the initial result.

   b. If the Employee is not certain of the date of exposure, then the Employee will be tested as soon as possible and shall take a second test five (5) days after the first test. If the Employee desires to be tested, Human Resources will provide the Employee the contact information for scheduling that test.

3. If the Employee develops symptoms prior to the scheduled date, the Employee shall let Human Resources know and a test may be scheduled earlier than originally planned.

4. If the test is refused, then the following shall apply:
a. The Employee will be required to self-quarantine\(^1\) for fourteen (14) calendar days.

b. While absent from work, the Employee shall not use the COVID-19 Administrative Leave if still available.

c. Telework is not available.

d. If asymptomatic, the Employee may return on the fifteenth (15\(^{th}\)) calendar day and will be required to do the following for the next seven (7) calendar days:

i. The Employee will have a temperature check every morning, which will include an assessment of symptoms. If the Employee has fever or any symptoms during the check-in procedure, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. **The Employee is not to enter any building on campus.** Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

ii. The Employee must wear a KN-95 mask at all times. A new mask will be required each day. Human Resources will ensure that the Employee has the supply of masks necessary to work. Human Resources will ensure that the Division Director and supervisor are aware of this requirement.

iii. The Employee must comply with social distancing rules.

iv. The Employee will have a temperature check every afternoon, which will include an assessment of symptoms. If the Employee has a fever or any symptoms, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957.

---

\(^1\) According to the CDC, Quarantine is used to keep someone who might have been exposed to COVID-19 away from others. Someone in self-quarantine stays separated from others, and they limit movement outside of their home or current place. A person may have been exposed to the virus without knowing it (for example, when traveling or out in the community), or they could have the virus without feeling symptoms. Quarantine helps limit further spread of COVID-19.
The Employee is not to enter any building on campus. Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

5. If the test is positive, then the procedures for positive COVID-19 tests shall apply (Section 9.7).

6. If the test is negative and the Employee has no symptoms and has not experienced symptoms, the Employee may return and will be required to do the following for the next nine (9) calendar days:
   a. The Employee will have a temperature check every morning, which will include an assessment of symptoms. If the Employee has fever or any symptoms during the check-in procedure, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. The Employee is not to enter any building on campus. Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).
   b. The Employee must wear a KN-95 mask at all times. A new mask will be required each day. Human Resources will ensure that the Employee has the supply of masks necessary to work. Human Resources will ensure that the Division Director and supervisor are aware of this requirement.
   c. The Employee must comply with social distancing rules.
   d. The Employee will have a temperature check every afternoon, which will include an assessment of symptoms. If the Employee has a fever or any symptoms, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. The Employee is not to enter any building on campus. Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

7. If the test is negative and the Employee has experienced symptoms, then Human Resources will follow up with the Employee on the tenth (10th) day following the onset of symptoms.
a. Human Resources will ask the Employee if he/she has had a fever over the last three (3) days, and if no fever, Human Resources will confirm that the Employee did not take any fever reducing medications for the last three (3) days. If no fever reducing medications have been used, Human Resources will confirm that the Employee’s respiratory and other symptoms are improving.

b. If the Employee still has a fever or if the Employee has taken fever reducing medications or if the Employee’s symptoms are not improving, then Human Resources shall follow back up with the Employee every three (3) business days until all the responses to the questions are negative. If the Employee believes that he/she can respond negatively to all three questions prior to the next follow up by Human Resources, the Employee may contact Human Resources.

c. Once all of the responses to questions above are negative, then the Employee may return to work.

B. Ongoing Exposure

1. This subsection is limited to Employees who have been exposed to COVID-19 and who live with or care for the positive individual.

2. Human Resources shall determine the following: (a) what is date of the initial positive COVID-19 test, (b) whether the individual who is positive is symptomatic, and, (c) if symptomatic, what is the date that symptoms began?

3. The Employee will be asked to be tested for COVID-19 at the Poarch Band of Creek Indians Health Department.

a. If the positive individual is symptomatic, Human Resources will follow up on the tenth (10th) day after symptoms began.

i. If the positive individual has been fever free for three (3) days and has not used fever reducing medications and if the positive individual’s respiratory symptoms are improving, then Human Resources will schedule an appointment five (5) calendar days from the call. If the Employee’s test is negative, then a retest will be scheduled for three (3) calendar days after the first test.
ii. If the positive individual has not been fever free for three (3) days and/or has used fever reducing medications and/or does not have improving respiratory symptoms, then Human Resources will check with the Employee every three (3) business days until the criteria in subsection (i) above are met. At that point a test will be scheduled five (5) calendar days from the call. If the Employee’s test is negative, then a retest will be scheduled for three (3) calendar days after the first test.

b. If the positive individual is asymptomatic, Human Resources will follow up on the tenth (10th) day following the initial positive test. If the individual has remained asymptomatic, then Human Resources will schedule a test for the Employee five (5) calendar days from the call. If the Employee’s test is negative, then a retest will be scheduled for three (3) calendar days after the first test.

4. If the Employee develops symptoms prior to the scheduled date, the Employee shall let Human Resources know and a test may be scheduled earlier than originally planned. If symptoms develop, a retest may be required.

5. If the test is refused, then the following shall apply:
   a. The Employee will be required to self-quarantine\(^2\) for twenty-four (24) calendar days from the positive result of the individual whom the Employee lives with or cares for.
   
   b. While absent from work, the Employee shall not use the COVID-19 Administrative Leave if still available.
   
   c. Telework is not available.
   
   d. If asymptomatic, the Employee may return on the twenty-fifth (25th) calendar day following the initial positive test and will be required to do the following for the next seven (7) calendar days:

\(^2\) According to the CDC, *Quarantine* is used to keep someone who might have been exposed to COVID-19 away from others. Someone in self-quarantine stays separated from others, and they limit movement outside of their home or current place. A person may have been exposed to the virus without knowing it (for example, when traveling or out in the community), or they could have the virus without feeling symptoms. Quarantine helps limit further spread of COVID-19.
i. The Employee will have a temperature check every morning, which will include an assessment of symptoms. If the Employee has fever or any symptoms during the check-in procedure, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. **The Employee is not to enter any building on campus.** Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

ii. The Employee must wear a KN-95 mask at all times. A new mask will be required each day. Human Resources will ensure that the Employee has the supply of masks necessary to work. Human Resources will ensure that the Division Director and supervisor are aware of this requirement.

iii. The Employee must comply with social distancing rules.

iv. The Employee will have a temperature check every afternoon, which will include an assessment of symptoms. If the Employee has a fever or any symptoms, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. **The Employee is not to enter any building on campus.** Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

6. If a test or a retest is positive, then the procedures for positive COVID-19 tests shall apply (Section 9.7).

7. If the test and retest are negative, the Employee may return and will be required to do the following for the next six (6) calendar days:

   a. The Employee will have a temperature check every morning, which will include an assessment of symptoms. If the Employee has fever or any symptoms during the check-in procedure, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. **The Employee is not to enter any building on campus.** Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).
b. The Employee must wear a KN-95 mask at all times. A new mask will be required each day. Human Resources will ensure that the Employee has the supply of masks necessary to work. Human Resources will ensure that the Division Director and supervisor are aware of this requirement.

c. The Employee must comply with social distancing rules.

d. The Employee will have a temperature check every afternoon, which will include an assessment of symptoms. If the Employee has a fever or any symptoms, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. The Employee is not to enter any building on campus. Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).

C. While absent from work, the Employee may use the COVID-19 Administrative Leave if still available. If it is not available, personal, sick, or annual leave may be used if available. If leave is not available, it is approved unpaid leave.

D. The Employee may contact his/her supervisor and inquire as to whether telework would be an option during the time that he/she may not physically be on campus. Telework would need to be approved.

E. Because the COVID-19 pandemic requires Human Resources to be fluid and to adapt to the latest guidance from the Centers for Disease Control and to the recommendations of the Tribal Public Health Officer, Human Resources may, at times, deviate from the procedure outlined above. Specifically, Human Resources may alter the number of days that pass before scheduling the retest and may also not require a retest if a test was recently taken because of symptoms or another exposure.

F. Critical Infrastructure Employee

1. If multiple Critical Infrastructure Employees are waiting on the two negative COVID-19 tests and the required quarantine while waiting would cause staffing problems or other hardships for those Departments, the Department Director may discuss with the appropriate Executive Employee, and the Executive Employee may allow the Department Director to require the Critical Infrastructure Employees to report to work if the
Critical Infrastructure Employees were negative on the first COVID-19 test and are asymptomatic. Human Resources shall determine if the Employee is asymptomatic.

2. If reporting to work, the Critical Infrastructure Employee will be required to do the following for fourteen (14) calendar days following the first negative test:

   a. The Employee will have a temperature check every morning, which will include an assessment of symptoms. If the Employee has fever or any symptoms, the Employee shall call Human Resources immediately at (251) 368-9136 x 2261 or 251-253-5957, and Human Resources shall follow the procedure for fevers (Section 9.6) or for symptomatic Employees (Section 9.9).

   b. The Employee must wear a KN-95 mask at all times. A new mask will be required each day. Human Resources will ensure that the Employee has the supply of masks necessary to work. Human Resources will ensure that the Division Director and supervisor are aware of this requirement.

   c. The Employee must comply with social distancing rules.

   d. The Employee will have a temperature check every afternoon, which will include an assessment of symptoms. If the Employee has fever or any symptoms, the Employee shall call Human Resources immediately at (251) 368-9136 x 2261 or 251-253-5957, and Human Resources shall follow the procedure for fevers (Section 9.6) or for symptomatic Employees (Section 9.9).

V. Communication and Cleaning

   A. Human Resources will generally keep the supervisor informed about the Employee’s expected return to work.

   B. Human Resources will contact the Facilities Department to decontaminate all exposed areas.

   C. If certain areas need to be vacated, Human Resources shall contact the Division Director or Executive Employee who shall coordinate.
D. Human Resources shall remind the Division Director that it is the Tribe’s policy to decontaminate a potentially exposed areas after someone has a positive COVID-19 test. Human Resources shall not use the name of the Employee who has the tested positive or disclosing any identifying information. The Employee’s confidentiality shall be protected.
I. Generally

A. In an effort to stop the spread of COVID-19, certain steps must be taken to limit positive and exposed individuals from the workplace.

B. According to the CDC, the symptoms of COVID-19 are set forth in 9-A of the Appendix to this Chapter.

C. This policy shall remain in effect until December 31, 2020 or until discontinued by resolution of the Tribal Council.

II. Symptom Inquiry

A. If an Employee reports any symptoms at temperature check-in, the Employee shall be told to not enter the workplace and to contact Human Resources for further instruction. The Employee should also tell his/her supervisor that he/she has been asked to contact Human Resources. The Employee must call Human Resources regarding the procedure for returning to work. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. The Employee is not to enter any building on campus.

B. If an Employee reports symptoms to his/her supervisor or if the supervisor or other Employee report observing another Employee with symptoms, the supervisor or Employee shall report this to Human Resources. Human Resources shall contact the potentially symptomatic Employee.

C. Human Resources shall list the current symptoms of COVID-19 and shall ask the Employee if he/she is experiencing one or more of the symptoms.

D. If symptoms are not confirmed, the Employee returns to work.

E. If symptoms are confirmed, then Human Resources will give the Employee options for returning to work.
III. Options for Employee to Begin Return to Work Process

A. When symptoms are confirmed, Human Resources will notate when the Employee first experienced symptoms.

B. Human Resources will instruct the Employee to remain home and be tested for COVID-19. Human Resources will ask that the Employee test on the fifth (5th) day following exposure and will ask the Employee to retest two (2) days later. If the Employee does not know when the exposure occurred, the Employee will be tested the next day and retested three (3) days later. Human Resources will give the Employee the following testing options:

1. The Employee will be asked to be tested for COVID-19 at the Poarch Band of Creek Indians Health Department. If the Employee desires to be tested, Human Resources will provide the Employee the contact information for scheduling that test.

2. The Employee may seek medical treatment from his or her primary care physician and may be tested by physician.

C. The Employee will be instructed to follow up with Human Resources regarding his/her test results.

D. If the Employee decides to follow up with his/her own primary care physician, but the primary care physician refuses to test the Employee or if the Employee refuses to test:

1. The Employee must provide a medical excuse after the third consecutive workday after the day the Employee presented with symptoms.

   a. Failure to provide the medical excuse shall result in immediate termination.

   b. If the medical excuse provides further explanation of the fever, then Human Resources will consult with medical experts. If the medical experts agree, the Employee may be allowed to return before the tenth (10th) calendar day.

E. If testing is refused, the following provisions will apply:
1. If testing is refused, COVID-19 Administrative Leave shall not be used for the absences.

2. Telework is not an option.

3. Human Resources will follow up with the Employee on the tenth (10th) calendar day following the report of symptoms.

   a. Human Resources will ask the Employee if he/she still has symptoms. If symptoms still exist, Human Resources will confirm that symptoms are improving. Human Resources will specifically ask if the Employee has been fever free for the last three (3) days, and if no fever, Human Resources will confirm that the Employee did not take any fever reducing medications for the last three days.

   b. If symptoms are not improving or if the Employee has fever or is taking fever reducing medication, then Human Resources shall follow back up with the Employee every three (3) business days until all the responses to the questions are negative. If the Employee believes that he/she can respond negatively to all three questions prior to the next follow up by Human Resources, the Employee may contact Human Resources.

   c. If all of the responses to questions above are negative, then the Employee shall be told to present himself/herself to the Fire Department/Health Department for the next three (3) consecutive business days for a temperature check. If the first temperature check is on a Friday, then the Employee will present on Friday and Monday only. The procedure for the temperature check shall be fully explained to the Employee. If all temperature checks are within normal range, Human Resources will inform the Employee that he/she may return to work.

F. While absent from work, the Employee may use the COVID-19 Administrative Leave if still available and if testing is not refused. If it is not available or if testing is refused, personal, sick, or annual leave may be used if available. If leave is unavailable, then it will be approved unpaid leave.
IV. Results of COVID-19 Testing

A. If the Employee tests positive initially or on a retest, the procedure for returning to work after a positive test shall be followed (see Section 9.7).

B. If the Employee tests negative on both tests Human Resources shall follow up with the Employee on the tenth (10th) calendar day following the onset of symptoms:

1. Human Resources will ask the Employee if he/she has a fever in the last three (3) calendar days, and if no fever, Human Resources will confirm that the Employee has not taken any fever reducing medications for the last three (3) days. If no fever reducing medications have been used, Human Resources will confirm that the Employee is not experiencing any respiratory systems.

2. If the responses to the questions above are not all negative, then Human Resources shall follow back up with the Employee every three (3) business days until all the responses to the questions are negative. If the Employee believes that he/she can respond negatively to all three questions prior to the next follow up by Human Resources, the Employee may contact Human Resources.

3. Once all of the responses to questions above are negative, then the Employee may return to work.

V. Communication with Supervisor

A. Once Human Resources discusses the return to work procedure with the Employee, Human Resources will let the supervisor know that the Employee will not be returning to work.

B. Human Resources will generally keep the supervisor informed as to the Employee’s expected return.

C. The Employee will be instructed that if he/she wants to telework during his/her absence that he/she should contact his/her supervisor and obtain the necessary approvals.
I. Generally

A. In an effort to stop the spread of COVID-19, certain steps must be taken in order to keep the workplace safe.

B. It is the Tribe’s policy to decontaminate an area after someone in the workplace has a fever or after someone in the workplace tests positive.

C. This policy shall remain in effect until December 31, 2020 or until discontinued by resolution of the Tribal Council.

II. Procedure

A. If a supervisor or a Division Director is contacted by Human Resources and told to initiate the cleaning protocol, the supervisor or Division Director will contact the Facilities Department.

B. Human Resources may also initiate the cleaning protocol in certain circumstances.

C. The Facilities Department will give Human Resources, the Division Director, or the supervisor an estimate time of completion for cleaning in order to determine if the Employees may stay in the workplace that day. The Facilities Department will clean the areas before the next business day.

D. The supervisor or Division Director shall have all Employees immediately leave the area and based on the estimated time of completion for cleaning, the supervisor or Division Director will determine when the Employees will report back to their workstation that day.

E. Employees may be allowed to telework, and if so, the Employee would need to remove the necessary equipment and documents from his/her workstation. The items removed should be sanitized prior to removal and prior to returning the items to the workstation.
F. If unable to telework, the Employee will be given administrative leave for any time away from his/her workstation while the workstation is being cleaned.
PERSONNEL POLICIES AND PROCEDURES

CHAPTER 9 – STATE OF EMERGENCY

9.11 COVID-19 Travel Policy

Effective Date: May 20, 2020

I. Generally

A. In an effort to stop the spread of COVID-19, certain steps must be taken in order to keep the workplace safe.

B. This Policy shall remain in effect until December 31, 2020 or until discontinued by resolution of the Tribal Council.

II. Travel Suspended

A. All nonessential travel for Employees is suspended until further notice. This includes both air travel and trips by automobile.

B. If an Employee’s travel is essential, the Employee should have that travel approved by his/her Chain of Command.

III. Notification of Travel

A. If an Employee travels (1) internationally, (2) by cruise ship, or (3) by air (domestically or internationally), the Employee is asked to notify his/her supervisor prior to the travel, and the supervisor shall notify Human Resources.

B. Human Resources will contact the Employee and inform him/her that as long as the Employee is asymptomatic upon returning from travel, then the Employee may return to work, but will be required to do the following for the next fourteen (14) calendar days:

1. The Employee will have a temperature check every morning, which will include an assessment of symptoms. If the Employee has fever or any symptoms during the check-in procedure, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. The Employee is not to enter any building on campus. Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).
2. The Employee must wear a KN-95 mask at all times. A new mask will be required each day. Human Resources will ensure that the Employee has the supply of masks necessary to work. Human Resources will ensure that the Division Director and supervisor are aware of this requirement.

3. The Employee must comply with social distancing rules.

4. The Employee will have a temperature check every afternoon, which will include an assessment of symptoms. If the Employee has a fever or any symptoms, he/she shall immediately call Human Resources to report the same. The Employee is to call (251) 368-9136 x 2261 or 251-253-5957. The Employee is not to enter any building on campus. Human Resources shall follow the procedure for Employees with fever (Section 9.6) or symptomatic Employees (Section 9.9).
I. Generally

A. In an effort to stop the spread of COVID-19, schools and childcare facilities have closed or reduced the number of children in the facility. As a result, Employees may not have available childcare.

B. If a child or a close family member is infected with COVID-19, it is recognized that the Employee may be required to help care for the sick family member.

C. Division Directors and supervisors should be flexible to the extent possible to provide Employees the ability to care of a sick family member or children due to school and childcare closures. Alternate work hours and teleworking should be considered.

D. Human Resources may assist, if necessary, in helping to facilitate a flexible work arrangement.

E. This policy shall remain in effect until December 31, 2020 or until discontinued by resolution of the Tribal Council.

II. Eligibility

A. If a flexible work arrangement cannot be achieved, the Employee may be eligible for COVID-19 family leave if:

1. The Employee has been on the payroll for 30 calendar days prior to the leave;

2. One of the two situations apply:

   i. Employee’s child’s school or childcare provider is closed, or the childcare provider has reduced the number of children in the facility or is unavailable due to COVID-19; or
ii. Employee is caring for Immediate Family who has been ordered or advised to self-quarantine or who has been diagnosed with COVID-19.

B. Even if otherwise eligible, the following individuals are not eligible for COVID-19 family leave:

1. Unless extraordinary circumstances exist, first responders, including, police officers, firefighters, and dispatchers, are not eligible.

2. Unless extraordinary circumstances exist, Employees whose child is fourteen (14) years of age or older are not eligible if the Employee needs the leave because a child’s school or childcare provider is closed, or the childcare provider has reduced the number of children in the facility or is unavailable due to COVID-19. Extraordinary circumstance shall be submitted to Human Resources for eligibility approval.

3. If two or more Employees are in the same household, only one Employee at a time is eligible for the leave.

4. If two or more Employees have the same children or Immediate Family in common, only one Employee at a time is eligible for the leave.

C. Proof of eligibility may be required by Human Resources.

III. COVID-19 Family Leave

A. The Employee will be granted COVID-19 family leave. The leave will be up to 12 weeks total. The 12 weeks do not have to be consecutive; however, an exempt Employee may only use the leave in one week increments.

B. The Employee may use any remaining COVID-19 Administrative Leave or his/her personal, sick, or annual leave during this time. Once leave is exhausted, the leave will be approved unpaid leave.

C. The Employee may or may not be reinstated to his/her same or equivalent position with equivalent pay, benefits, or other terms and conditions of employment.
IV. Return to Work

A. If the Employee has been caring for a family member who has been ordered or advised to self-quarantine or who has been diagnosed with COVID-19, Human Resources shall follow the appropriate return to work measures for Employee’s exposed to COVID-19 (See Section 9.8).
I. Generally

A. Due to the extended closure of Tribal Government offices in response to the COVID-19 pandemic in 2020, this Section will be effective until December 31, 2021.

B. This Section supplements the Policies set forth in Chapter 4 and, to the extent this Section is inconsistent with the provisions of Chapter 4 or elsewhere in these Policies, this Section shall supersede any existing Policies and apply during the term indicated.

II. Leave for Non-Exempt Employees

A. Leave Accruals

1. Any Employee who has 480 hours or more than 480 hours in sick leave shall not accrue additional sick leave until after December 31, 2020. Once the Employee’s sick leave balance fall below 480 hours, the Employee shall accrue sick leave in accordance with the approved Policies until the Employee’s sick leave balance reaches 480 hours.

B. Carryover of Leave

1. Annual leave that was required to be used by June of 2020 may be used through December 31, 2021. After December 31, 2021, the leave will be forfeited.

2. For annual leave earned in 2020, there will be no limit on the number of annual leave hours that may be carried over to 2021. This leave must be used by December 31, 2021, and will be forfeited after than day.
C. Scheduling Annual or Sick Leave

1. Due to extended office closures as a result of the COVID-19 pandemic in 2020, beginning May 4, 2020 and lasting through December 31, 2020, Employee leave may be restricted.

2. All Employees will continue to be required to submit requests for annual leave through their Chain of Command up to the Department director for prior approval.

3. The efficient operation of the Department will be the first consideration. Department directors may, in their discretion, deny an Employee’s leave request for a particular day or time frame.

III. Leave for Exempt Employees

A. Carryover of Leave

Any personal leave earned and unused in 2020 shall be carried over and available to use until December 31, 2021. After December 31, 2021, any unused leave from 2020 or 2021 will be placed in a “FMLA Bank”, purchased by the Employer in accordance with the existing policy, or forfeited.

B. Scheduling Personal Leave

1. Due to extended office closures as a result of the COVID-19 pandemic in 2020, beginning May 4, 2020 and lasting through December 31, 2020, Employee leave may be restricted.

2. All Employees will continue to be required to submit requests for annual leave through their Chain of Command up to the Department director for prior approval.

3. The efficient operation of the Department will be the first consideration. Department directors may, in their discretion, deny an Employee’s leave request for a particular day or time frame.

C. FMLA Bank
1. Any personal leave that has been banked prior to 2020 may be used even if the event is not a FMLA Qualifying Event and even though FMLA paperwork has not been completed.

2. The use of leave from the FMLA bank shall be a last resort. The Employee must exhaust all other leave prior to using the leave in his/her FMLA bank.