

Pyramid Lake Paiute Tribal Council

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RESOLUTION NO.: PL 008-21

RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

WHEREAS, the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act and is federally recognized by the United States Government through the Secretary of the Interior for the Administration of programs and services for the residents of the Reservation; and

WHEREAS, the Pyramid Lake Paiute Tribal Council is the duly elected governing body of the Pyramid Lake Paiute Tribe, charged with the responsibility of establishing policy and taking action to provide administration guidelines; and

WHEREAS, the Pyramid Lake Tribal Human Resources department acknowledges the importance of protecting employees from possible exposure to the highly contagious COVID-19 coronavirus may result in modification to existing policies & processes and has submitted Section CVD-2021. Covid-19 Vaccination; and

WHEREAS, the Pyramid Lake Paiute Tribal Council established a Tribal Personnel Committee to review the Personnel Policies and Procedures Manual, recommending revisions by resolution determined necessary for the proper management and administration of the Personnel System; and

WHEREAS, the Personnel Committee has reviewed proposed addition of Section CVD-2021. Covid-19 Vaccination and recommends approval of addition during the COVID-19 Pandemic period; and

WHEREAS, the Executive Team in conjunction with Tribal Chairman have reviewed the proposed addition to the Personnel Policies and Procedures Manual and recommends approval of the same.

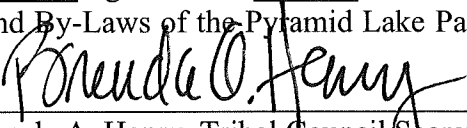
WHEREAS, all employers need to consider how best to decrease the spread of acute respiratory illness and lower the impact of COVID-19 in their workplace in the event of an outbreak. The Tribal Administration hereby incorporates provisions to address the Covid-19 Vaccine during pandemic period; and

NOW, THEREFORE BE IT RESOLVED, that the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, hereby accepts the recommendation of the Personnel Committee and approves the attached temporary revision to the Tribal Personnel Policies and Procedures Manual:

SECTION CVD-2021. COVID-19 VACCINATION

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, the governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom **ten (10)** constituting a quorum were present at a meeting duly held on the **15th** day of **January 2021**, was adopted by the affirmative vote of **nine (9)** for and **zero (0)** against and **zero (0)** abstentions pursuant to the authority contained in the Constitution and By-Laws of the Pyramid Lake Paiute Tribe.



Brenda A. Henry, Tribal Council Secretary
Pyramid Lake Paiute Tribal Council

SECTION CVD. COVID VACCINATION POLICY

SECTION CVD-2021. COVID-19 VACCINATION

In the absence of state or local law to the contrary, the Pyramid Lake Tribe may require employees to get vaccinated; and the EEOC has recognized COVID-19 meets the higher threshold “direct threat standard,” which allows employers to conduct more extensive medical inquiries and controls than normal. The Tribe in regard to COVID-19 supports a finding that “a significant risk of substantial harm would be posed to having some with COVID-19, or symptoms of it, present in the workplace at the current time.”

However, the Tribe acknowledges the Equal Employment Opportunity Commission (EEOC) has emphasized that an employee may be exempt from a mandatory vaccine if the employee has a disability covered by the Americans with Disabilities Act (ADA) that prevents them from taking the vaccine. An exemption would be considered a reasonable accommodation under the ADA unless there is undue hardship, which the ADA defines as significant difficulty or expense for the employer.

Additionally, an employee may be excused from the vaccine mandate under the religious accommodation provision of Title VII of the Civil Rights Act of 1964. An employee may be exempted if taking the shot would violate his or her sincerely held religious beliefs, practices, or observances. The Tribe acknowledges an employer must provide a reasonable accommodation unless it would pose an undue hardship.

If an exemption under either of these laws is requested by an employee, employers should engage in an interactive dialogue with the employee to determine whether a reasonable accommodation would enable the employee to continue to perform their essential job functions without compromising the safety of other employees, patients or customers.

1. Potential accommodations could include (but are not limited to) additional personal protective equipment (PPE), moving the employee’s work station, a temporary reassignment, teleworking, or a leave of absence.

Similarly, though the Occupational Safety and Health Administration (“OSHA”) has not mandated employee vaccinations, Section 5(a)(1) of the Occupational Safety and Health Act imposes a general duty on employers to provide a safe and healthy workplace and protect employees against workplace hazards that could cause an accident or illness that would most likely result in death or serious physical harm. Thus, employees may contend that employers who do not require vaccinations are putting their workforce at risk in violation of Section 5(a)(1). On the other hand, OSHA may protect employees who refuse to be vaccinated where an employee reasonably believes and can demonstrate that, as a result of receiving the vaccine, the employee could have side effects or suffer consequences that lead to serious injury or death.