

Pyramid Lake Paiute Tribe

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RESOLUTION NO.: PL 106-21

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 (25 U.S.C. § 476), the Constitution and By-Laws of the Pyramid Lake Paiute Tribe of Nevada, adopted in 1936 and as amended, and is federally recognized by the United States Government through the Secretary of the Interior; and
- WHEREAS**, the members of the Pyramid Lake Paiute Tribe established the Constitution and By-laws to promote the welfare of the Tribe's members and descendants; and
- WHEREAS**, pursuant to the Pyramid Lake Paiute Tribe Constitution, as amended, Article I acknowledges the Tribe's jurisdiction over the Pyramid Lake Paiute Reservation and other tribal lands; and
- WHEREAS**, pursuant to the Constitution, Art. VI, Sec.1(j), the Tribal Council has the authority to "promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the reservation . . . "; and
- WHEREAS**, pursuant to the Pyramid Lake Paiute Tribe Constitution, Art. VI., Sec. 1(m) the Tribal Council has the authority to "adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation"; and
- WHEREAS**, on December 19, 2019, a novel coronavirus now known as COVID-19 was first detected in China and has now spread globally; and
- WHEREAS**, on March 12, 2020, Governor Steve Sisolak by Executive Order issued a Declaration of Emergency for the State of Nevada; and
- WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency regarding the COVID-19 virus pursuant to Sec. 501(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and
- WHEREAS**, on March 16, 2020, Chairman Anthony Sampson, pursuant to Tribal Council Resolution No. PL 37-16, declared a tribal emergency concerning the COVID-19 pandemic; and
- WHEREAS**, on March 17, 2020, the Tribal Council passed Resolution No. C03-66-20 which declared a tribal emergency concerning the COVID-19 pandemic; and

- WHEREAS**, due to the continuing COVID-19 public health emergency, the Pyramid Lake Paiute Tribal Council recognizes the importance of protecting its tribal members and tribal employees from possible exposure to the highly contagious COVID-19 virus, and its variants; and
- WHEREAS**, on August 6, 2021, the Tribal Council adopted Resolution No. PL 100-21 to approve the Pyramid Lake Paiute Tribe Mandatory Vaccination Policy; and
- WHEREAS**, the Tribal Council, upon further review, has identified additional information and clarifications necessary to implement and enforce the Mandatory Vaccination Policy; and
- WHEREAS**, the Tribal Council finds it in the best interest of the Tribe and its members to require that all tribal employees are fully vaccinated against the COVID-19 no later than September 30, 2021, unless the tribal employee is eligible for a permitted exception to this mandatory requirement.


NOW THEREFORE BE IT RESOLVED that, in order to protect the public health and welfare of the Pyramid Lake Paiute Tribe members and employees, the Pyramid Lake Paiute Tribal Council requires that all tribal employees must be fully vaccinated against the COVID-19 virus no later than September 30, 2021 and that all applicants for employment with the Tribe and its enterprises must be fully vaccinated against COVID-19 as a condition of employment, unless the employee or applicant is eligible for and receives an exemption from this requirement; and

BE IT FURTHER RESOLVED, that, in order to protect the public health and welfare of the Pyramid Lake Paiute Tribe members and employees, the Pyramid Lake Paiute Tribal Council hereby approves the Amended Mandatory COVID-19 Vaccination Policy, which is attached and incorporated by reference and

BE IT FINALLY RESOLVED, that the Pyramid Lake Paiute Tribal Council authorizes the Chairperson to take any necessary and proper action to carry out the intent of this Resolution.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom nine (9) constituting a quorum were present at a meeting duly held on the 20th day of August, 2021, was adopted by the affirmative vote of eight (8) FOR and zero (0) AGAINST, with 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

PYRAMID LAKE PAIUTE TRIBE
MANDATORY VACCINATION POLICY
(as Amended)

CVD. A. PURPOSE

In accordance with the Pyramid Lake Paiute Tribe's duty to provide and maintain a workplace that is free of known hazards, the Tribe adopts this policy to safeguard the health of its tribal members, tribal employees and their families; our customers and visitors; and the community at large, from the continuing spread of the COVID-19 virus that may be reduced by vaccinations. This policy will comply with all applicable laws and is based on guidance from the Centers for Disease Control and Prevention and local health authorities, as applicable.

CVD. B. MANDATORY COVID-19 VACCINATION REQUIREMENT

All employees are required to be fully vaccinated against the COVID-19 virus no later than September 30, 2021, unless they qualify for an exemption from this requirement.

- A. A tribal employee is considered fully vaccinated against COVID-19:
- B. 2 weeks after their second dose in a 2-dose series of an approved 2-dose vaccine, namely the Pfizer or Moderna vaccines, or
- C. 2 weeks after an approved single-dose vaccine, namely the Johnson & Johnson's Janssen vaccine.
- D. Employees not in compliance with this policy will be placed on unpaid leave until they are determined to be in compliance with this Policy by the Executive Team in conjunction with Human Resources.

CVD. C. AUTHORIZED EXEMPTIONS

A tribal employee may be eligible for an exemption from this Policy for medical reasons or a sincerely held religious belief. A medical exemption may be allowed when an individual has a medical condition that prevents them from receiving a vaccine. A medical exemption may be required when an individual has an allergy to the vaccine or a specific medical condition that precludes a vaccination. A sincerely held religious belief is one that is protected from religious discrimination under Title VII of the Civil Rights Act of 1964. They do not include social, political, economic philosophies, or personal preferences or beliefs, which are not religious beliefs protected under Title VII.

To assist any employee who has a qualifying medical condition that contraindicates the vaccination, or who objects to being vaccinated on the basis of sincerely held religious beliefs and practices, the Human Resources department will engage in an interactive process to determine if a reasonable exemption can be provided so long as it does not create an undue hardship for the Tribe and/or does not pose a direct threat to the health or safety of others in the workplace and/or to the employee. To request an exemption for one of the above reasons and avoid the vaccination requirement described above, an employee must notify Human Resources in writing and submit the request form (using the form approved by the Tribe and provided as an attachment to this policy) **NOT LATER THAN SEPTEMBER 1, 2021**. Once the Human Resources Manager is aware of a timely request for an exemption, the Human Resources Manager will engage in an

interactive process to make an exemption determination. All exemptions must be approved by the Human Resource Manager and confirmed by the Executive Team.

CVD. D. PROCESS OF VERIFICATION/ STATUS

Unless granted an exemption, before the stated deadlines to be fully vaccinated have expired, employees will be required to provide proof of vaccination, using the Proof of Vaccination Form.

Any employee who submits a false or fraudulent document or attestation in an attempt to show proof of vaccination as required under this policy may/will be terminated from employment.

Pyramid Lake Paiute Tribe will provide either onsite access to the vaccines or a list of locations to assist employees in receiving the vaccine on their own.

All employees will be paid for time taken to receive vaccinations. For offsite vaccinations, employees are to work with their supervisors to schedule appropriate time to comply with this policy.

CVD. E. UNVACCINATED STATUS

In order to ensure unvaccinated employees do not pose a direct threat to the health and safety of others in the workplace, or to the public, the Tribe may establish other requirements for employees who do not satisfy the Vaccination Requirement, or are exempt from the Vaccination Requirement, including but not limited to mandatory testing on a weekly or more frequent basis, enhanced mask wearing requirements, restrictions on eligibility for certain assignments, travel restrictions, and other requirements.

CVD. F. APPLICANTS FOR EMPLOYMENT ELIGIBILITY

All applicants for employment are required to provide proof of vaccination in the form of the official vaccination card, or receive an exemption from vaccination as allowed above. Verification will be discreet and consist of determination of eligibility only. All requirements will be applied across the board during recruitment of positions with the Tribal Organization and be the sole responsibility of the Human Resources Department.

2021 PLPT MANDATORY VACCINATION POLICY
MEDICAL AND RELIGIOUS BELIEF EXEMPTION REQUEST

(Instructions for Completing This Form)

The Pyramid Lake Paiute Tribe will provide an exemption from the Mandatory COVID-19 Vaccination Policy for an applicant or employee's medical condition or sincerely held religious belief, unless doing so would create an undue hardship for the Tribe.

If you believe you qualify for an exemption, you should request an exemption from the Human Resources Department. You may make your request by completing this Request for an Exemption Once you have completed the form, sign and submit the form to Human Resources.

After receiving this form, Human Resources will contact you to discuss your exemption request and, if necessary, request additional information to assess your request. It is important for you and the Tribe to engage in this interactive process together, so please be sure to respond promptly to any communications you receive from Human Resources relating to this request.

If you have any questions about this form or the status of any exemption request, or if you need assistance with filling out this form or making a request, please contact Human Resources at [email], (775) 574-1000, ext. 1132 or 1120

The information collected will be treated as confidential. It will not be placed in personnel files but will be separately maintained by HR and kept in a separate confidential file.

**Pyramid Lake Paiute Tribe
EXEMPTION REQUEST
OF VACCINATION**

First Name:	Last Name:
Department:	Phone Number:
Employee Email:	Supervisor Name:
Description of Exemption Request	
<input type="checkbox"/> Medical Exemption	<input type="checkbox"/> Religious Exemption
Reason for Exemption:	
<u>EMPLOYEE ATTESTATION</u>	
(Check below as applicable)	
<p>_____ My religious beliefs and practices, which result in this request for a religious accommodation, are sincerely held. I understand that the accommodation requested above may not be granted but that the Tribe will attempt to provide a reasonable accommodation that does not create an undue hardship on the Tribe. I understand that the Tribe may need to obtain supporting documentation regarding my religious practice and beliefs to further evaluate my request for a religious accommodation.</p>	
<p>_____ My medical doctor has determined that I have a medical condition that is a contraindication to the COVID-19 vaccination, or I have other medical conditions that prevent me from getting a COVID-19 vaccination.</p>	
<i>Employee Signature</i>	<i>Title</i>
	<i>Date</i>

<i>For use by Human Resources only.</i>		
<i>Date received into Human Resources:</i> _____		
<i>Employee approved exemption:</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other: _____		
<i>Human Resources Signature</i>	<i>Title</i>	<i>Date</i>