

# *Pyramid Lake Paiute Tribal Council*

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**RESOLUTION NO.: PL 115-20**

## **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 10.8a Sick Leave (Amended); 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 10.8a Sick Leave (Amended) policy) and recommends approval of amendment 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.

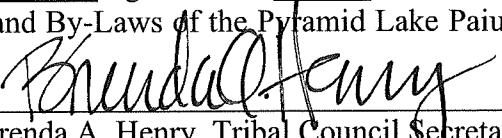
**WHEREAS**, all employers need to consider how best to decrease the spread of acute respiratory illness and lower the impact of COVID-19 in their workplace in the event of an outbreak. The Tribal Administration hereby incorporates provisions to address the current status of sick leave during exposure periods; 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 10.8A SICK LEAVE (PANDEMIC)**

**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 **nine (9)** constituting a quorum were present at a meeting duly held on the **20<sup>th</sup>** day of **November 2020**, was adopted by the affirmative vote of **seven (7)** for and **zero (0)** against and **one (1)** abstentions pursuant to the authority contained in the Constitution and By-Laws of the Pyramid Lake Paiute Tribe.

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

## SECTION 10. ATTENDANCE AND LEAVE COVID-19

### **10-8a. SICK LEAVE – COVID-19 ADDENDUM**

- A. **Risk Prevention.** Employee risk of exposure to respiratory viruses like coronavirus may increase in crowded settings, particularly closed-in settings with little air circulation. This may include settings such as conferences, public events (like concerts and sporting events), religious gatherings, public spaces (like movie theatres and shopping malls), and public transportation (like buses, metro, trains).
1. If an employee has close contact with someone with COVID-19 during travel, the Tribe may ask the employee to stay home to self-monitor and avoid contact with others for 2 up to 14 days after travel. If an employee becomes ill or exhibits symptoms of COVID-19, the employee understands they may be unable to go to work or school until they have been determined noninfectious. Employees will be asked to avoid contact with others (including being in public places) during this period of infectiousness.
- B. **Attendance and Punctuality Requirements.** It is the policy of the Tribe to require employees to report for work punctually and to work all scheduled hours and any required overtime. This policy has been modified to meet the needs of the tribe while ensuring the maximum protection of health and safety of our Employees. The following is an adjusted policy should the tribe be directly impacted by the COVID-19:
1. Supervisors will notify employees of any adjusted schedules to ensure minimal exposure to employees however ensuring essential functions of the business/organization continue. Supervisors will record all absences, tardiness or early departures.
  2. Employees must notify their Supervisor, of possible exposure or if symptoms appear that would constitute a precautionary measure for employee to stay home to ensure illness is contained.
  3. Employees are required to notify their supervisor of their status by directly contacting the supervisor by cell phone or contact number.
  4. Leave Usage: Employees are to be compensated during authorized absences in accordance with leave provisions.
  5. Determination of alternative compensation: Tribes who have determined Administrative pay may require employees to complete duties at home (See Section 16. Telecommuting Policy).
  6. Supervisors will maintain contact with employees as to the current situation with the Tribe.
- C. **Well/Non-Sick Employees:** Employees who are well/non-sick are expected to report to work as scheduled, even if they have been in contact with or caring for someone who is ill with a common respiratory illness (in such cases, the Tribal HR Department recommends the employee take typical preventative measures as caregivers).

Well/Non-Sick employees are expected to report to work as scheduled, unless they have been:

1. In contact or have been caring for someone with a confirmed case of COVID-19, in which case they are required to self-isolate.
2. In a CDC Level 3 area of concern; or
3. Instructed to refrain from attending work by public health officials.

**D. Sick Employees:** Employees who have symptoms of respiratory illness must stay home and not come to work until they are free of fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants). A fever is defined as a temperature of 100.4 degrees Fahrenheit or 38 degrees Celsius taken by an oral thermometer.

Employees should contact the health clinic if they develop possible symptoms. If any employee presents themselves at work with symptoms of respiratory illness or a fever, the Tribe by and through Human Resources, at their discretion, may request that the employee leave work and seek medical attention. Employees may be required to provide a physician's note indicating that they have been released to return to full duty and no longer contagious.

**Notice:** Employees shall, as soon as practicable, give notice to their supervisor that they are sick and unable to report to work, consistent with Section 10, of the Tribe's attendance and leave policies.

#### **10-19. FAMILY AND MEDICAL LEAVE – COVID-19**

An employee is eligible for Coronavirus-FMLA leave if the employee has been employed for at least 30 calendar days by Tribe from which the employee is requesting leave.

- A. Eligibility. Eligible employees may take up to 12 weeks of coronavirus-FMLA leave for these reasons:
1. Employee:
    - a. the employee's physical presence at the job would jeopardize the health of others because the employee has been exposed to or has symptoms of coronavirus;
    - b. the employee is unable to perform the function of the employee's position and to comply with recommendations by the CDC
  2. Family Member:
    - a. to care for a family member who cannot be in public because a public official or health care provider has determined that the family member's presence in public would jeopardize the health of others because the family member has been exposed to or has symptoms of coronavirus;
    - b. to care for a son or daughter under 18 years of age if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to the current public health emergency.

- B. Provisions of Leave.
  - 1. Leave cannot be used intermittently;
  - 2. If employee foresees the need for leave, the employee shall provide the employer with such notice as practicable;
  - 3. Leave may run concurrent to traditional FMLA leave and is not in addition to the 12 weeks provided under Traditional FMLA.

### **10-20. EMERGENCY PAID SICK LEAVE**

Emergency Paid Sick Leave provides paid sick time in addition to current sick leave balances earned by all regular part-time and full-time employees. This shall be in effect during the period of Covid-19 Pandemic period.

- A. Eligibility for Emergency Paid Sick Leave.

**Employee. An eligible employees shall:**

- 1. Obtain a certificate of testing, medical diagnosis/care if the employee is experiencing the symptoms of coronavirus;
  - a. Comply with a recommendation or order by a public official having jurisdiction or a health care provider on the basis that the employee's physical presence at the job would jeopardize the health of others because the employee has been exposed to or has symptoms of coronavirus;

**Care or assistance for a family member of the employee. An eligible employees shall:**

- 1. Obtain a certificate of testing, medical diagnosis/care if the employee's family member is experiencing the symptoms of coronavirus for a family member:
  - a. who is self-isolating because such family member has been diagnosed with coronavirus or is experiencing symptoms of coronavirus and needs to obtain medical diagnosis, or
  - b. because a public official or health care provider has determined that the family member's presence in public would jeopardize the health of others because of the family member's exposure to coronavirus or having symptoms of coronavirus

To care for a child of such employee if the school or place of care has been closed, or the child care provider of such child is unavailable, due to the coronavirus.

- B. Paid Sick Time

- 1. The Tribe provides paid sick time for all benefit-eligible employees. Employees may use paid sick time for self-isolation or quarantine, even if they are not sick, *when it is required or recommended by public health authorities/guidelines or by health care providers.*
- 2. Paid Family and Dependent Care Time: Employees with dependent children, partners, household members, or elders who are ill are urged to use paid family leave, paid sick; and Emergency Sick leave if needed to

provide care. Employees may also use family sick, paid sick; and Emergency Sick leave if needed to provide care in order to care for immediate family and household members, who are not ill, but need care due to any COVID-19 related closures.

- C. Calculation of Leave.
  - 1. Full-time employees are entitled to 80 hours;
  - 2. Part-time employees are entitled to the average number of hours worked over a 2-week period;
  - 3. Employees compensation for leave will be at their regular rate of pay.
  
- D. Return to Work:
  - 1. If an employee has been confirmed to have COVID-19, the Tribe will require written medical clearance for the employee to return to work and that the employee is no longer contagious. This must be submitted to the Supervisor who will forward to HR for clearance to return.
  
- E. Multiple Exposure
  - 1. Employee Testing Positive
    - a. Initial leave would be credited to emergency sick leave up to 80 hours;
    - b. Further positives will be credited to employee's accrued sick and if needed annual leave balance; if employee out of leave, the employee will utilize LWOP (leave without pay.)
  - 2. Employee Family Testing Positive
    - a. Employee will utilize their accrued sick, annual and if needed LWOP.
  - 3. Employee Exposure
    - a. Initial would credit employees sick and annual leave and if needed, LWOP up to 30 days.
  - 4. Employee Family Exposure
    - a. Initial would credit employees sick and annual leave and if needed, LWOP up to 30 days.
  
- F. Other Consideration:
  - 1. Employees who have repeated exposures that inhibit or endanger services and/or their client will be addressed based upon Section 8, Employee Conduct and Discipline.
    - a. ESL will not carry over from year to year and is not paid out upon separation of an employee from employment for any reason.