

**RESOLUTION**  
COLORADO RIVER TRIBAL COUNCIL

A Resolution to Approve an Employee COVID-19 Vaccination Policy

Be it resolved by the Tribal Council of the Colorado River Indian Tribes of the Colorado River Indian Reservation, in *special* meeting assembled on September 27, 2021

WHEREAS, the Colorado River Indian Tribes (hereinafter "CRIT" or "Tribes") is a federally recognized Indian Tribe, duly organized with a tribal governing body known as the Tribal Council according to the provisions contained in the Indian Reorganization Act of June 18, 1934; and

WHEREAS, Article VI, Section 1(i) of the Constitution of the Colorado River Indian Tribes authorizes the Tribal Council to determine all terms and conditions of employment of all persons employed by the tribes and Section 1(g) authorizes the Tribal Council to promulgate ordinances and resolutions to provide for the administration of the health, education and welfare of the tribes; and

WHEREAS, the World Health Organization declared a Public Health Emergency of International Concern on January 30, 2020; the United States Health and Human Services declared a Public Health Emergency related to the Coronavirus Disease 2019 (COVID-19) outbreak on January 31, 2020; the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020; and the United States declared a National Emergency on March 13, 2020; and CRIT also declared an emergency for the Reservation on March 13, 2020; and

WHEREAS, La Paz County and IHS continue to report vaccination rates of 40% and under; and

WHEREAS, low vaccination rates are contributing to the recent surge in COVID-19 cases, deaths of tribal members and employees, and continues to threaten the health

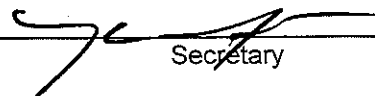
The foregoing resolution was on September 27, 2021 duly approved by a vote of 5 for, 2 against and 0 abstaining, by the Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Sections 1.i.&g., Article VI of the Constitution and By laws of the Tribes, ratified by the Tribes on March 1, 1975 and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934, (46 Stat. 984). This resolution is effective as of the date of its adoption.

**COLORADO RIVER TRIBAL COUNCIL**

By



Chairwoman



Secretary

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and safety of CRIT employees and tribal members and other community members served by CRIT Departments and Enterprises; and

WHEREAS, continued exposures of unvaccinated employees to COVID-19 requiring quarantine is impacting the delivery of critical and essential services provided by the Tribes to its membership and community; and

WHEREAS, at least 40% of current CRIT employees remain unvaccinated despite the vaccine being available under the U.S. Food and Drug Administration Emergency Use Approval for approximately nine months; and

WHEREAS, the Pfizer-BioNTech COVID-19 Vaccine (Comirnaty) has received full approval of the U.S. Food and Drug Administration at this time; and

WHEREAS, CRIT Tribal Council is mandating all employees be fully vaccinated against COVID-19 to mitigate further spread or severe illness.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Colorado River Indian Tribes to approve an Employee Vaccination Policy, a copy of which is attached and incorporated hereto; and

BE IT FURTHER RESOLVED all employees of CRIT, including the BlueWater Resort & Casino, shall be vaccinated against COVID-19 no later than November 30, 2021 unless they are approved for a religious or medical exemption; and

BE IT FURTHER AND FINALLY RESOLVED the Tribal Council Chairwoman and Secretary, or their designated representatives, are hereby authorized and directed to execute any and all documents necessary to implement this Resolution.

## **COLORADO RIVER INDIAN TRIBES Employee COVID-19 Vaccination Policy**

The Colorado River Indian Tribes (“CRIT” or “the Tribes”) continue to take every reasonable measure to protect their members and employees during the ongoing COVID-19 pandemic. Accordingly, the Tribes have developed the following comprehensive COVID-19 Policy which governs COVID-19 vaccination requirements and other guidance intended to help employees safely navigate through this pandemic. This Policy applies to all persons employed by the CRIT Government or any CRIT enterprise, including the BlueWater Resort & Casino (“BWRC”).

Effective immediately, to avoid the further spread of the virus, the Tribes are implementing the following steps:

### **Mandatory Vaccination**

- All employees must be fully vaccinated before appearing for work on-site no later than November 30, 2021. Proof of vaccination is required. In general, people are considered fully vaccinated:
  - 2 weeks after their second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or
  - 2 weeks after a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine.
- If you have been vaccinated, please send a photographed copy of both sides of your vaccination card, state immunization record, or medical immunization record to the Human Resources Department to the Attn of the Human Resources Director/Manager of CRIT or BWRC as applicable. The Human Resources Department/Manager will treat this information as a confidential medical record within HR and will maintain these records in a location separate from employee personnel files.
- Employees shall receive COVID-19 administrative leave for time off to be vaccinated and up to two days to recover from side effects of the vaccine without a medical certification. Any additional time off needed and requested by the employee shall be approved under the Tribes sick leave policy and the medical disability leave policy as applicable.
- Exemptions from the mandatory vaccination requirement will apply only for medical or religious reasons. If you believe that you are eligible for a medical or religious exemption, please contact the Human Resources Director/Manager of CRIT or BWRC as applicable. The Tribes do not intend to offer exemptions to the mandatory vaccination requirement for reasons other than the accommodation of either a disability or a sincerely held religious belief. All medical exemption requests must be written by a licensed medical care provider that has treated or examined the patient and must include specifics about the medical contraindication or diagnostic precaution that supports the request. These requests are subject to review and approval by the Tribes contracted physician.
- Exemptions requested because of a sincerely held religious belief, practice, or observance will be evaluated on a case by cases basis to ensure the request does not cause an undue hardship by compromising workplace safety or infringing on the rights of other employees, or if applicable, the clients served by the employee.

- Failure to be fully vaccinated or approved for a medical or religious exemption by November 30, 2021, except where an employee requests an extension due to a recent positive case of COVID-19, will result in termination of employment.

### **Testing Where Exemption is Permitted**

- Employees who are determined to have a legitimate medical or religious exemption shall be required to submit to weekly COVID-19 testing before appearing for work on-site. Employees have two options for testing.
  - 1) Employees of CRIT can contact Jacqueline Humeumptewa or other designee in the Accounting Department to be scheduled for testing weekly by Regional Center for Border Health, Inc. The cost of testing conducted at Regional Center for Border Health, Inc. shall be covered by the Tribes if not eligible for coverage by the employee's health plan. Those results will be provided and maintained in a restricted, confidential file at the Office of Attorney General.
  - 2) Employees of BWRC can contact the Human Resources Manager to be scheduled for testing weekly by Regional Center for Border Health, Inc. The cost of testing conducted at Regional Center for Border Health, Inc. shall be covered by BWRC if not eligible for coverage by the employee's health plan. The Human Resources Department will treat this information as a confidential medical record and will maintain these records in a location separate from employee personnel files.
  - 3) Employees can schedule and complete COVID testing through a medical provider of their choice and at their own cost, including but not limited to Indian Health Services or La Paz County Regional Hospital. Test results are to be submitted to Human Resources Department, Attn of the Director/Manager. Testing must be conducted no more than seven days apart and must be provided before appearing for work. The Human Resources Department will treat this information as a confidential medical record and will maintain these records in a location separate from employee personnel files.

### **Testing Results**

- Employees should continue to follow the CDC guidelines and the CRIT Policy Related to COVID-19 Exposure in the Workplace or BWRC COVID-19 Policy, as applicable, with respect to COVID-19 exposure and testing.
- If you receive a positive diagnosis of COVID-19 or are experiencing symptoms of COVID-19 you must advise your Department Head/Enterprise Manager as soon as possible and stay home from work. Please refer to the CRIT Policy Related to COVID-19 Exposure in the Workplace or BWRC COVID-19 Policy for further guidance on isolation requirements.
- If you believe that you are experiencing COVID-19 symptoms while at work:
  - Let your Department Head/Enterprise Manager know immediately. You will be sent home as soon as possible.
  - We will clean and disinfect any surface areas where you worked or touched in accordance with CDC cleaning guidelines. Our primary focus is on your wellbeing, however, and we will assist you in making arrangements to go home to quarantine, arrange testing and/or to seek the services of a health care provider as necessary.

### **Exposure or Potential Exposure**

If you do not exhibit symptoms, but have been exposed by a coworker or close contact<sup>1</sup> who is positive or shows COVID-19 symptoms and are waiting for test results inform your Department Head/Enterprise Manager if you have been or may have been exposed outside of the workplace. Please refer to the CRIT Policy Related to COVID-19 Exposure in the Workplace or BWRC COVID-19 Policy for further guidance on testing and quarantine requirements.

### **Other Requirements**

While on Tribal property, all employees must:

- Wash hands frequently and vigorously for at least 20 seconds, including when you arrive at work, before and after you leave for breaks, after using the bathroom, before and after you eat or drink or use tobacco products, and after you touch any surface that you suspect might be contaminated. If hand washing facilities are not available, use hand sanitizer that is comprised of at least 60% ethanol or 70% isopropanol.
- Maintain a distance of at least six feet from others at all times while at work except where the duties of the positive prevent such distance.
- Regardless of your vaccination status, wearing a mask is mandatory at all times while on Tribal Property, unless you have a medical condition, documented by your physician, that prevents you from wearing a mask. In such cases, we will work with you to attempt to determine a reasonable accommodation.
- Do not touch your eyes, nose, or mouth after you have touched surfaces in public areas of the workplace and have not yet been able to wash your hands.
- If using a cloth mask, make sure to store your cloth mask properly and wash it regularly to keep it clean. Consider having more than one mask on hand so that you can easily replace a dirty mask with a clean one. Make sure to remove your mask correctly and wash your hands after touching a used mask. Masks are a critically important tool for reducing the transmission of COVID-19 because recent studies indicate that the virus is often spread through droplets and aerosols in the air as a result of breathing, talking, coughing, or sneezing.

We are making every effort to comply with all applicable laws and to take necessary steps to protect the safety of our employees and members. We ask that each of you take your responsibilities under this Policy seriously and comply with these requirements. Failure to comply with this Policy may result in discipline up to and including termination in the most serious cases. However, it is our hope that will not become necessary and that we will all take steps to protect each other consistent with this Policy.

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<sup>1</sup> Close Contact may include family member, coworker, roommate, significant other, friend, neighbor, or someone who was within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period\* starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to test specimen collection) until the time the patient is isolated.