



RESOLUTION NO. 111-21

**Public Health Order Return to Phase 2 in Response to the
Rise in COVID-19 Cases**

WHEREAS, the Lower Elwha Tribal Community, also known as the Lower Elwha Klallam Tribe ("the Tribe"), is a federally recognized, self-governing Indian tribe in accordance with the Treaty of Point-No-Point of January 26, 1855, its Constitution and By-laws, approved by the Secretary of the Interior on April 29, 1968, and the Indian Reorganization Act of June 18, 1934; and

WHEREAS, the Lower Elwha Klallam Tribal Business Committee of the Lower Elwha Community Council is the constitutionally and duly elected representative body of the Tribe, and is responsible for ensuring the health, safety, education, welfare, social and economic development, law and order, judicial services, and housing of its tribal citizens; and to preserve and protect the culture, treaty rights, natural resources, and otherwise promoting the welfare and interests of its tribal citizens; and

WHEREAS, under Article IV, Section 1 of the Tribe's Constitution, the Tribe has the authority to consult, negotiate, contract and conclude agreements with the federal, state and local governments, to manage the Tribe's fiscal resources and the use of its property, and to take any and all actions necessary to promote the welfare and interests of the Tribe's community and members; and

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death that is caused by a novel strain of the Coronavirus that can easily spread from person to person; and

WHEREAS, the United States Center for Disease Control (CDC) continues to identify the potential public health threat posed by COVID-19 as "high," but has also recognized the effectiveness of the vaccines and has offered new guidance for fully vaccinated people; and

WHEREAS, the COVID-19 disease has continued to spread throughout Washington State; and

WHEREAS, in Clallam County, as of June 24, 2021, there was a total of 1,448 confirmed positive cases of COVID-19 and 12 deaths and as of September 8, 2021, there was a total of 3,266 confirmed positive cases and 31 deaths; and

WHEREAS, Clallam County is categorized as a high risk of community transmission with 1,229 confirmed positive cases per 100,000 persons in the last 14 days, according to the criteria established by the Washington Department of Health risk assessment dashboard; and

WHEREAS, the Lower Elwha Tribal Community has had a total of 87 persons test positive for COVID-19 with 13 active and 74 recovered cases in the community; and

WHEREAS, the Lower Elwha Health Department has been vaccinating tribal members, their families and employees of the Tribe in accordance with the vaccination plan approved by Resolution No. 4-21; and

WHEREAS, through prior declarations and resolutions the Tribe has recognized the Public Health Emergency due to the lethal and contagious Coronavirus COVID-19 disease and imposed a Stay Home—Stay Healthy Order (Resolution No. 42-20) on March 25, 2020, for the Lower Elwha Klallam Tribe, its members and the Lower Elwha Reservation and trust lands within the jurisdiction of the Tribe; and

WHEREAS, the Business Committee finds that with vaccination efforts failing to result in herd immunity within the Lower Elwha Tribal Community the impending threat of the highly contagious Delta Variant of the lethal COVID-19 disease poses a serious threat to the community and desires to follow its established framework for reopening of Tribal Government offices and businesses by returning to Phase 2 of the attached Lower Elwha Klallam Tribe's COVID-19 Phased Reopening Plan (dated 09/07/21); and

WHEREAS, the Business Committee desires in response to the rapid spread of the Delta Variant to reinforce the importance of the mask wearing mandate for all tribal government and enterprise employees and members of the community aged five and older consistent with the terms of this Order; and

WHEREAS, the Business Committee desires to establish employee and participant compliance with the attached LEKT COVID-19 Illness Reporting, Screening, and Return Policy (dated 09/08/21) as a condition of employment for all tribal government employees and participation in government programs.

THEREFORE BE IT NOW RESOLVED THAT, the Business Committee hereby declares that a state of emergency continues to exist on the Lower Elwha Reservation and trust lands within the jurisdiction of the Tribe, and that in order to preserve and maintain the life, health, property and public peace of the Tribe and its members the Business Committee hereby rescinds the Resolution No. 100-21 "Public Health Order Remain at Reopening Phase 3.5 Re-Mask and Test in Response to Recent Rise in Cases" for the Lower Elwha Klallam Tribe, its members and the Lower Elwha Reservation and trust lands within the jurisdiction of the Tribe and hereby returns to Phase 2 of the attached Lower Elwha Klallam Tribe's COVID-19 Phased Reopening Plan (dated 09/07/21) (the "Tribal Reopening Plan"), within the limitations provided herein by prohibiting all persons and businesses subject to the jurisdiction of the Tribe from engaging in any activity that is not in conformance with those permitted under Phase 2 of the Tribal Reopening Plan, which prohibitions are effectively immediately and shall remain in effect until 11:59 PM on October 12, 2021, unless modified by further Order:

1. Members of the community may engage in outdoor exercise and recreation activities of all kinds that involve no more than 5 people, but only if appropriate social distancing practices are followed and masks are used by all persons involved in the activity.
2. Members of the community may engage in indoor exercise activities, of up to 5 members of a single household in the gymnasium or fitness room.
3. Members of the community may engage outdoor gatherings with no more than 5 people outside of your household per week, but only if appropriate social distancing practices are followed and masks are used by all persons when they are not eating or drinking. Such gatherings should take place outdoors as much as possible to limit the spread of COVID-19.

4. Members of the community may not engage in indoor gatherings with individuals from outside their households.
5. Members of the community with children in school and early learning classes, to the highest extent possible adhere to learning pods and limit intermixing between children outside of their learning pods.
6. All individuals employed by the Tribe or its enterprises will return to their workplaces in accordance with established policy in applicable employee handbooks, employment policies and the attached LEKT COVID-19 Illness Reporting, Screening, and Return Policy (dated 09/08/21, and amended thereafter by the Tribal Health Officer).
7. All individuals employed outside of the Tribe may report to their place of employment as required by their employer, another tribal government or the State of Washington.
8. Travel is restricted to limited non-essential travel within proximity of your home.

BE IT FURTHER RESOLVED THAT, the Business Committee hereby establishes the attached LEKT COVID-19 Illness Reporting, Screening, and Return Policy (dated 09/08/21, and amended thereafter by the Tribal Health Officer) as a condition of employment for tribal government employees, and condition of participation in tribal program, as applicable.

BE IT FURTHER RESOLVED THAT, the Business Committee moves its Tribal Government offices and businesses to Phase 2 of its Tribal Reopening Plan (attached) to help preserve and maintain life, health, property or the public peace until 11:59 PM on October 12, 2021.

BE IT FURTHER RESOLVED THAT, by order of the Business Committee the Elwha River Casino will remain open and maintain operations at 75% capacity in accordance with the safety requirements in the Elwha River Casino COVID-19 Preparedness Plan approved by the Business Committee in Resolution No. 126-20; masks are required for all staff and customers regardless of vaccination status while on the premises, until 11:59 PM on October 12, 2021.

BE IT FURTHER RESOLVED THAT, by order of the Business Committee the Lower Elwha Food and Fuel, Cedarbox Smokeshop, and Elwha Peaks will remain open and maintain operations subject to the following conditions: masks are required for all staff and customers (age 5 and older) regardless of vaccination status while on the premises, until 11:59 PM on October 12, 2021.

BE IT FURTHER RESOLVED THAT, to help preserve and maintain life, health, property or the public peace, until the population has received the vaccine, effective treatment or herd immunity, it is crucial to maintain some level of community interventions to suppress the spread of COVID-19 throughout all phases of reopening, therefore individuals should continue to engage in personal protective behaviors including:

1. practice physical distancing by staying a minimum of six feet away from other people (who do not live in your home or dwelling place);
2. wear protective paper (preferably) or cloth face coverings in public places;
3. stay home when you are sick;

4. avoid others who are sick to the greatest degree possible;
5. wash your hands frequently;
6. cover your coughs and sneezes;
7. avoid touching your eyes, nose and mouth with unwashed hands; and
8. clean and disinfect surfaces and objects regularly.

BE IT FURTHER RESOLVED THAT, in addition to other requirements detailed in any applicable reopening plan, all elected officials, executive officers, and employees of the Tribal Government and Tribal enterprises shall wear a protective paper (preferably) or cloth facial covering when on the job except: when working alone; when the job has no in-person interaction; or if fully vaccinated when it is possible to maintain physical distancing of 6 feet or more at your work station.

BE IT FURTHER RESOLVED THAT, each Tribal Government department or Tribal enterprise is required to provide protective paper facial coverings to all employees, unless the exposure of the employee dictates a higher level of protections.

BE IT FURTHER RESOLVED THAT, to prevent the spread of the highly contagious and lethal COVID-19 disease in the Tribal Community and to mitigate the risk of destabilizing the Tribe's Indian Child Welfare Program (ICW Program) and foster care system, the Business Committee hereby specifically waives and suspends the following until 11:59 PM on October 12, 2021, unless modified by further order:

1. Notwithstanding parenting plans and residential schedules issued by other jurisdictions, the visitation schedule established by the Lower Elwha Tribal Court will remain as ordered until modified by further order of the Lower Elwha Tribal Court.


BE IT FURTHER RESOLVED THAT, the Lower Elwha Tribal Court may resume in-person hearings in accordance with tribal court order that includes proper physical distancing and protective measures.

BE IT FINALLY RESOLVED THAT, the Business Committee hereby authorizes and directs the Chairwoman, and the Vice-Chair in her absence, and the Tribe's Executive Director to take any and all actions necessary to respond to the emergency presented by COVID-19, in coordination with the Incident Command Structure personnel, including the performance of contact tracing in coordination with Clallam County personnel, while safeguarding the protected health information of individuals in compliance with the Health Insurance Portability and Accountability Act ("HIPAA"), and further authorizes the Chief of Police to enforce violations of this Order.

CERTIFICATION

The foregoing resolution was presented at a duly called meeting of the Lower Elwha Klallam Business Committee held on the 8th day of September 2021, at which 5 members were present, constituting a quorum, and the Business Committee voted to adopt by a vote of 4 FOR, 0 AGAINST, and 0 ABSTENTIONS.


Frances G. Charles, Tribal Chairwoman


Council Member

Lower Elwha Klallam Tribe's COVID-19 Phased Re-Opening Plan

The Tribe has established the below COVID-19 phased approach to opening government offices and modifying physical distancing measures.

	Phase 1	Phase 1.5	Phase 2	Phase 3	Phase 3.5
High Risk Populations	Continue to stay home, stay healthy	Remain strong, resilient, and remote	Resume public interactions, with physical distancing and mask	Resume public interactions, with physical distancing and mask	Resume public interactions, with physical distancing. Fully vaccinated can remove masks, unvaccinated must wear masks.
Recreation	-Some outdoor recreation	-Outdoor recreation involving fewer than 5 people outside your household	-Outdoor recreation activities up to 5 people (with physical distancing and mask) -Indoor recreation, up to 5 members per household, by reservations in the gym and fitness room.	-Outdoor recreation activities up to 25 people (with physical distancing and mask) -Indoor recreation, no more than 15 participants in the gym (with physical distancing and mask). Up to 6 members per household in fitness room, reservations only.	-Outdoor recreation activities unlimited participants, fully vaccinated can remove masks, unvaccinated must wear masks. -Indoor recreation, no more than 40 participants, fully vaccinated can remove masks, unvaccinated must wear masks.
Gathering	-None	-Gather with no more than 5 people from outside your household per week	- Outdoor gatherings with no more than 5 people outside your household per week -Indoor gathering with no one from outside your household. -Adhere to student learning pods and to the highest extent possible, limit intermixing between children outside of their learning pods.	-Gatherings outdoor with no more than 25 people (with physical distancing and mask) -Gatherings indoor with no more than 10 people from outside your household per week (with physical distancing and mask) -Fully vaccinated individuals may: --visit outside of the workplace with other fully vaccinated individuals indoors without masks or physical distancing --visit outside of the workplace with unvaccinated people from a single household who are at low risk for severe COVID-19 disease indoors without masks or physical distancing	-Gatherings outdoor unlimited people, fully vaccinated can remove masks, unvaccinated must wear masks. -Gatherings indoor with no more than 40 people, fully vaccinated can remove masks, unvaccinated must wear masks.

Travel	Only essential travel	Limited non-essential travel within proximity of your home	Limited non-essential travel within proximity of your home	Continue non-essential travel within the State of Washington	Follow CDC's COVID-19 travel guidelines.
Government	-Essential services staff -Limited field workers	-Remain strong, resilient, and remote -Remote work to the highest extent possible -Field work	-Staff in shared workspaces, rotating schedule days in the office. - Offices closed to the public with virtual interactions for all matters that accommodate virtual platform.	-Staff in shared workspaces (physically distanced) - Offices open to public with personal protective and physical distancing measures in place	All staff return to the office, fully vaccinated can remove masks (LEHD staff, and staff that work with populations that are not yet eligible for COVID-19 vaccinations must continue to following masking protocol), unvaccinated must wear masks when closer than 6ft to others, and engaging with public. - Offices open to public, fully vaccinated can remove masks, unvaccinated must wear masks.

- An individual is considered fully vaccinated two weeks after receiving the second dose of a vaccine in a 2 dose series (Pfizer or Moderna), or 2 weeks after receiving the first dose in a single dose series (Johnson & Johnson).
- Group services with additional approved protocol.

LEKT COVID-19 Illness Reporting, Screening, and Return Policy

1. Purpose

The purpose of this policy is to prevent the spread of COVID-19 and protect the health of the Lower Elwha Tribal Community through the utilization of symptom reporting, symptom screening, routine testing, and return to work parameters.

For purposes of this policy, “employees” shall include full time, part time, and temporary employees employed by The Lower Elwha Klallam Tribe, “participants” include adults and youth that are actively participating in LEKT sponsored programs.

This policy will be updated as needed as the COVID-19 pandemic evolves and response and mitigation measures adjust.

2. COVID-19 Symptoms Reporting

Not including symptoms due to another medical condition such as allergies, COPD, asthma, etc., signs and symptoms of COVID-19 include but are not limited to:

- | | |
|------------------------------|---------------------|
| • Cough | • Muscle/Body Aches |
| • Shortness of Breath | • Sore Throat |
| • Fever | • Runny Nose |
| • Chills | • Congestion |
| • Fatigue | • Nausea |
| • Headache | • Vomiting |
| • New Loss of Taste or Smell | • Diarrhea |

- A. Employees and participants experiencing any one or more of the signs and symptoms of COVID-19 is not permitted to work or participate in programs until the COVID-19 Return to criteria are met (see section 4 below).
- B. Employees and participants who begin experiencing symptoms while at work or in a program should immediately put on a mask, notify their supervisor or program coordinator and go home and schedule a COVID test with their medical provider.

3. COVID-19 Staff and Participant Symptom Self-Screening and Mask Wearing

- A. All staff and participants will follow the COVID-19 symptom reporting steps in this policy and will not report to work or participate in programs if experiencing any COVID-19 symptoms.
- B. All Tribal employees and program participants (aged 5 and older, ages both 4&5 in mixed aged classrooms at the House of Learning classrooms) shall wear a cloth facial covering while in a Tribal facility and closer than 6ft to others. Washington State Mask for the Task guidance from the Washington State Department of Labor and Industries will be followed to ensure that the appropriate mask is worn for the work task carried out. Program participants over the age of 5 will wear face coverings.
- C. Employees and participants who are sick or that have symptoms of COVID-19 are required to stay home. If you have symptoms of COVID-19, contact your healthcare provider for testing.
- D. Employees and participants that are diagnosed with COVID-19 must report the diagnosis to their supervisor or program administrator and the Tribe's Executive Director and the Tribal Health Officer.

4. COVID-19 Staff High Risk Activity Daily Attestation

All staff will complete a daily COVID-19 high risk activity attestation form prior to or immediately upon arrival to their place of work. If COVID high risk activities are identified, follow section 5.C for required COVID-19 workplace testing.

5. Employee Routine COVID-19 Testing

- A. Staff that are not fully vaccinated against the COVID-19 virus are required to conduct routine every 14 calendar day COVID-19 testing through the Lower Elwha Health Department. Coordinate testing by calling 360-452-6252.
 - I. Unvaccinated staff whom are on unemployment at the passing of Tribal resolution 100-21 (August 5th, 2021), will be required to complete their first COVID test with a negative result prior to their return to work.
 - II. Unvaccinated staff who have recently recovered from COVID-19 in the prior 90 days are exempt from routine testing for 90 days following their positive COVID test.
 - III. Staff that were unable to receive 2 doses (Pfizer/Moderna) of the COVID-19 vaccine due to medical allergic reaction are exempts from the every 14 day COVID-19 testing. A provider's note must be provided to the Tribal Health officer

that states a medical allergic reaction and an exemption from the 2nd COVID-19 vaccine dose. If a providers note cannot be provided the staff must complete a COVID-19 test every 14 days.

- IV. New hires that are unvaccinated are required to complete their first COVID test a negative result prior to their start of work.

B. Staff that are fully vaccinated against COVID-19 may submit a copy of their vaccination card to the Tribal Health Officer to be exempt from routine COVID-19 testing.

C. COVID-19 testing is required for all staff, regardless of vaccination status, that engage in high risk activities including but not limited to:

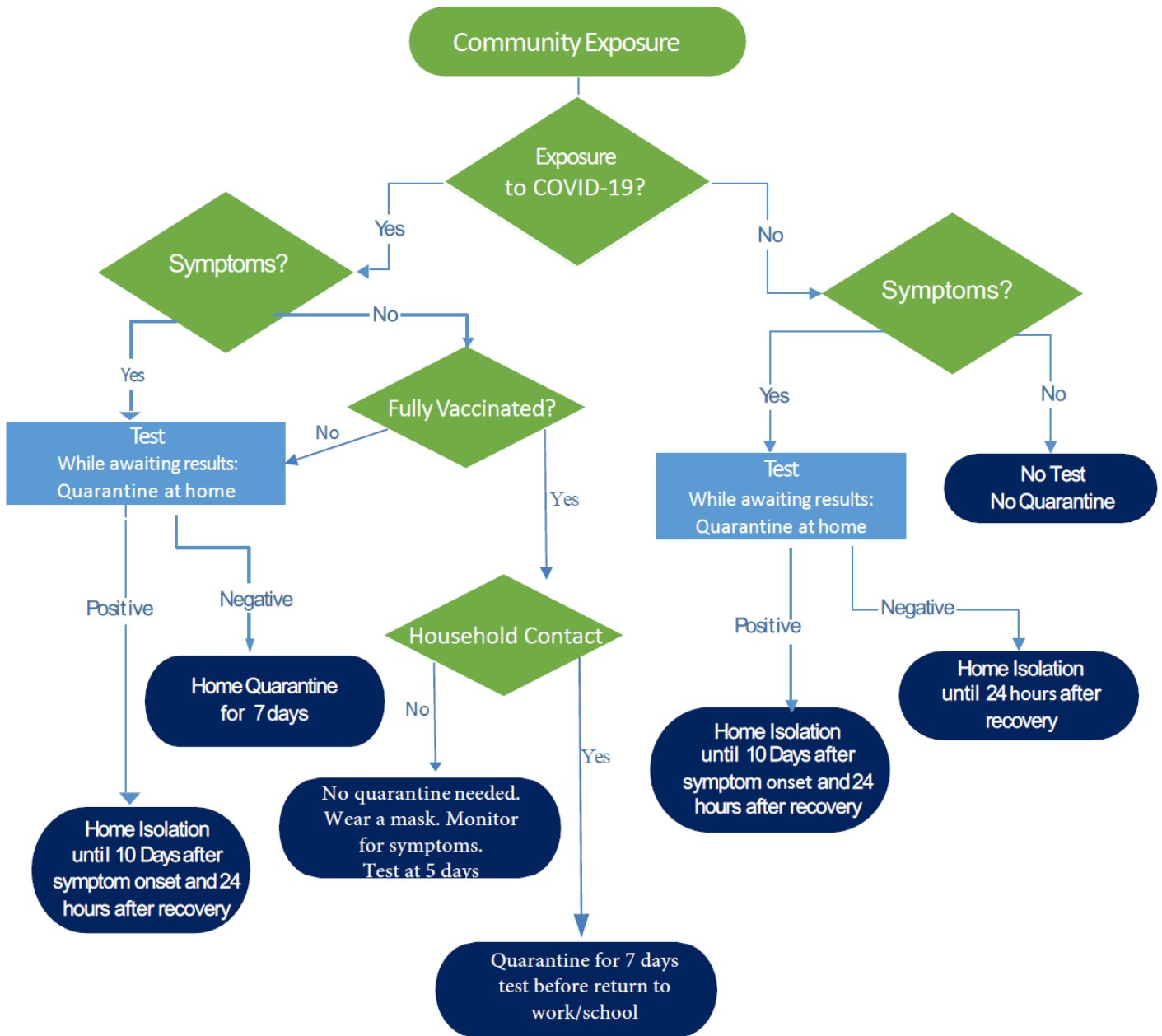
1. Attending indoor social gatherings; or
2. Attending outdoor gatherings with more than 5 people outside your household per week;
- or
3. Travel via commercial air, bus, or rail transportation where in close proximity to others.

All staff must complete a daily COVID-19 attestation form and submit the completed form to their department director or supervisor. Staff that engage in high risk activities are required to complete COVID-19 rapid testing at their place of work. The first COVID-19 test must be completed 3 days after engaging in the high risk activity or returning from travel, and additional COVID-19 tests must be completed at 5 after engaging in the high risk activity, or return from travel. The COVID-19 testing must be completed at the employee's place of work under supervision of a supervisor/manager/or director. Coordinate testing supplies with the Tribal Health Officer 360-452-8471 x7420. Testing intervals may be adjusted based on type of activity, travel , and time the staff has been away from the workplace.

6. Employee and Participant Return to Criteria after Exposure to COVID-19 or COVID Symptoms

Employees and participants that have been tested for COVID-19, have been identified as a close contact to someone who has tested positive, who have a household member who has been tested or has been identified as a close contact, who have tested positive, who are new hires, must identify which of the following sections apply and work with their Director/Manager to ensure the conditions to return are met.

Testing and Quarantine Guidance



A. **Employee or Participant** has COVID-19 symptoms and has not been identified as a close contact (closer than 6ft for 15+ mins) to someone who tested positive for COVID-19.

- I. Employee or participant shall not return until:
 - You complete quarantine while waiting for negative COVID-19 test results and until 24 hours after resolution of fever, and improvement in all other symptoms.
- II. Conditions of return include all of the following:
 - Face mask worn at all times while symptoms are present
 - Adhere to hand hygiene, respiratory hygiene, and cough etiquette
 - Self-monitor for symptoms and seek evaluation from medical provider if symptoms develop and schedule COVID test

B. **Household member** of an employee or participant has COVID-19 symptoms and is not identified as a close contact to someone who tested positive for COVID-19, and test results pending.

- I. Employee or participant shall not return until:
 - UNVACCINATED EMPLOYEE/PARTICIPANT
You must quarantine while you are awaiting for negative test results of household member who has COVID-19 symptoms.
 - VACCINATED EMPLOYEE/PARTICIPANT
No quarantine for employee is necessary, as long as they remain symptom free. They can work while the household member is waiting for the results of their COVID-19 test.
- II. Conditions of return include all of the following:
 - Face mask worn according to current Tribal resolution
 - Adhere to hand hygiene, respiratory hygiene, and cough etiquette
 - Self-monitor for symptoms and seek evaluation from medical provider if symptoms develop and schedule COVID test

C. **Employee/Participant or their household member** has no COVID-19 symptoms and is not identified as a close contact to someone who tested positive for COVID-19, have COVID-19 test results that are pending.

- I. Conditions of return include all of the following:
 - No COVID test was necessary and Employee can return while results are pending

- Face mask worn according to current Tribal resolution
- Adhere to hand hygiene, respiratory hygiene, and cough etiquette;
- Self-monitor for symptoms and seek evaluation from medical provider if symptoms develop and schedule COVID test

D. Employee or Participant does not have COVID 19 symptoms, and was identified as a close contact (closer than 6ft for 15+ mins) to someone who recently tested positive for COVID-19

- I. Employee or participant shall not return until
 - **UNVACCINATED EMPLOYEE/PARTICIPANT**
You must quarantine for 7 days from most recent contact with the COVID positive person. You must complete COVID-19 test at 5 days from recent exposure to positive person.
 - **VACCINATED EMPLOYEE/PARTICIPANT**
No quarantine for employee is necessary, as long as they remain symptom free. You must complete COVID-19 test between 5-7 days from recent exposure to positive person.

The COVID-19 positive person is a household member of employee/participant.

- **UNVACCINATED EMPLOYEE/PARTICIPANT**
You must quarantine away from the household member who is COVID positive. They must isolate away from all other people. If you cannot or are unable to quarantine away from the COVID positive household member, then you must quarantine for 7 days after the COVID positive person is recovered and released from quarantine, which is typically 20 days (10 days from COVID positive symptom onset, + 7 days after their recovery).
- **VACCINATED EMPLOYEE/PARTICIPANT**
You must quarantine for 7 days from symptom onset (or date of positive test for asymptomatic) of the household member who is COVID positive. You must complete a negative COVID-19 test on day 7 to be removed from quarantine.

- II. Conditions of return to work include all of the following:
 - If no symptoms develop, may return after quarantine is complete (varies based on vaccination status)
 - Face mask worn according to current Tribal resolution
 - Adhere to hand hygiene, respiratory hygiene, and cough etiquette
 - Self-monitor for symptoms and seek evaluation from medical provider if symptoms develop and schedule COVID test

- E. **Household member** of an employee or participant has no COVID-19 symptoms and they are identified as a close contact to someone who tested positive for COVID-19, and COVID-19 test results pending
- I. Employee or participant can return right away, only the unvaccinated household member who is a close contact needs to quarantine. If household member develops symptoms, the household and Employee quarantine until negative test results.

Consult the Tribal Health Officer if the household member is unable to quarantine way from other unvaccinated members of the household.

- II. Conditions of return include all of the following:
- Face mask worn according to current Tribal resolution
 - Adhere to hand hygiene, respiratory hygiene, and cough etiquette
 - Self-monitor for symptoms and seek evaluation from medical provider if symptoms develop and schedule COVID test

- F. **Household member** of employee or participant has COVID-19 symptoms and is identified as a close contact to someone who tested positive for COVID-19, and test results are pending

Close contacts will attempt to be verified from originating Health Department.

- I. Vaccinated or unvaccinated Employee or Participant shall not return until:
- Completion of quarantine while waiting for negative test results of household member.

Consult the Tribal Health Officer if the household member is unable to quarantine way from other members of the household.

- II. Conditions of return include all of the following:
- Adherence to departmental temperature and symptom screening at beginning of work shift
 - Face mask worn according to current Tribal resolution
 - Adhere to hand hygiene, respiratory hygiene, and cough etiquette
 - Self-monitor for symptoms and seek evaluation from medical provider if symptoms develop and schedule COVID test

G. Employee or Participant tested positive for COVID-19

- I. Employee or participant shall not return until:
 - At least 3 days (72 hours) have passed since resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath), and
 - At least 10 days have passed since symptoms first appeared, and
 - Employee or participant is not awaiting results of a pending COVID-19 test
- II. Conditions of return include all of the following:
 - Adherence to departmental temperature and symptom screening at beginning of work shift
 - Face mask worn according to current Tribal resolution
 - Adhere to hand hygiene, respiratory hygiene, and cough etiquette
 - Self-monitor for symptoms and seek evaluation from medical provider if symptoms develop and schedule COVID test