



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Adopting the Tribe’s COVID-19 Vaccination Policy and Mandating Vaccination of Tribal Employees as Provided for Therein)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation (“Constitution”) provides, at Article IV, Section 1(a) that the Tribal Council (“Council”) shall exercise the power “[t]o represent the tribe and act in all matters that concern the welfare of the Tribe, and to make decision not inconsistent with or contrary to this constitution”; and

WHEREAS, On December 11, 2020 the Food and Drug Administration (FDA) approved an Emergency Use Authorization (EUA) for Pfizer’s COVID-19 vaccine and on December 18, 2020 the FDA approved the EUA for Moderna’s COVID-19 vaccine. Subsequently on December 15, 2020 the Whiteriver Indian Health Service (IHS) received its first shipment of the Pfizer vaccine; and

WHEREAS, Current public health evidence is strongly weighted in support of these vaccines despite them currently being approved as “Emergency Use Authorization” and not “full-FDA approved”; and

WHEREAS, Given the circumstances of the current pandemic, the EOC recommends that the Tribe mandate that all Tribal Employees receive the COVID-19 vaccine, consistent with current Center for Disease Control and Prevention (CDC) guidance; and

WHEREAS, To reflect this mandate, the EOC also recommends the Tribe’s current Personnel Policy and Procedures COVID-19 Policy Addendum be further amended to incorporate the draft COVID-19 Vaccination Policy (attached and incorporated herein); and

WHEREAS, The Council has considered the EOC’s recommendations and finds that adopting the draft COVID-19 Vaccination Policy, and that mandating vaccination by Tribal employees as provided for in the Policy is in the best interests of the Tribe and its members.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves:

1. The COVID-19 Vaccination Policy, as attached, which is incorporated into the Tribe’s Personnel Policy and Procedure Manuel’s COVID-19 Policy Addendum;
2. The recommended mandate that all tribal employees receive the COVID-19 vaccine, as provided for in the COVID-19 Vaccination Policy, which does allow for certain exemptions.

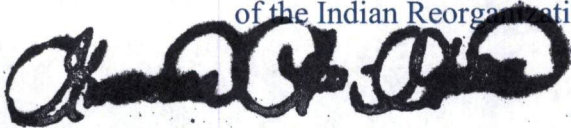
Resolution No. 01-2021-02

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

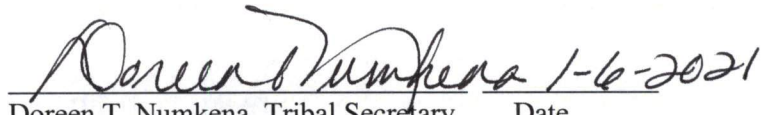
The foregoing resolution was on **JANUARY 6, 2020** duly adopted by a vote of **TEN** for, **ZERO** against, and **ONE** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



Gwendena Lee-Gatewood, Chairwoman

1/6/2021

Date



Doreen T. Numkena 1-6-2021

Doreen T. Numkena, Tribal Secretary

Date

The White Mountain Apache Tribe
COVID-19 Vaccination Policy

This section is an addendum to the COVID-19 Policy as adopted and incorporated pursuant to Tribal Resolution 09-2020-214.

History:

The World Health Organization declared a Public Health Emergency of International Concern regarding COVID-19 on January 30, 2020. The US Department of Health and Human Services declared a Public Health Emergency related to COVID-19 on January 31, 2020. The White Mountain Apache Tribe made an Emergency Declaration due to COVID-19 on March 12, 2020.

Since the COVID-19 strain is a member of the coronavirus disease family, prior research on SARS and MERS established knowledge about the structure and function of coronavirus which sped up the development process for a COVID-19 vaccine.

On October 7, 2020, the Tribal Council approved a resolution approving the Pfizer BioNTech Phase 2/3 Clinical Trial of the COVID-19 vaccine which allowed them to start recruiting for research participants in our community. By the end of their target date, they had recruited approximately 50 community members to participate in this research.

On December 11, 2020 the Food and Drug Administration (FDA) approved an Emergency Use Authorization (EUA) for Pfizer's COVID-19 vaccine and on December 18, 2020 the FDA approved the EUA for Moderna's COVID-19 vaccine. Subsequently on December 15, 2020 the Whiteriver Indian Health Service (IHS) received its first shipment of the Pfizer vaccine. The first ten doses were administered the same day with the Chairwoman receiving the first dosage, followed by Whiteriver IHS CEO, and EOC Incident Commander.

Purpose:

The purpose of this policy is to minimize the transmission of COVID-19 in our Tribal departments by providing workplace protection to employees which will prevent the continued transmission of COVID-19 to our community.

Policy:

All tribal employees, including enterprise employees, (tribal employees) are required to receive the COVID-19 vaccine from the Whiteriver HIS, another healthcare provider, Johns Hopkins Center for American Indian Health if currently enrolled in the Pfizer vaccine trial or sign a declination form which is attached to this policy. Access to the COVID-19 vaccine will be based on the IHS COVID-19 vaccine distribution guidelines.

Tribal employees who decline to receive the COVID-19 vaccine shall be respected and must continue to follow all precautionary measures as outlined in current policies. Tribal employees who decline a COVID-19 vaccine may request workplace accommodations as outlined in Personnel Policies and Procedures.

Procedures:

All tribal employees will be required to obtain the COVID-19 vaccine from Whiteriver HIS, another healthcare provider, or Johns Hopkins Center for American Indian Health if currently enrolled in the Pfizer vaccine trial. Tribal employees are required to receive both dosages of the COVID-19 vaccine in accordance to current FDA and CDC guidelines. As more COVID-19 vaccines are approved by the FDA, the amount of dosage requirements may change. Exemptions will be made based on medical, religious, or personal reasons. A supervisor can request for verification of an employee's vaccination.

Tribal employees are encouraged to follow the IHS' COVID-19 vaccine distribution plan. Tribal employees who schedule an appointment during working hours shall be eligible to use two hours of Administrative Leave for each dosage appointment and must fill out the appropriate leave slip. Tribal employees must inform their supervisor and receive approval to use Administrative Leave.

Tribal employees who receive both dosages of the COVID-19 vaccine must continue to practice all precautionary measures outlined in the Personnel Policies and Procedures while at work. These same precautionary measures should also be practiced during non-work times as well. Tribal employees are informed that receiving the dosages of the COVID-19 vaccine is not a pass to forego all current tribal resolutions passed in response to the COVID-19 pandemic.

White Mountain Apache Tribe
COVID-19 Vaccination Policy
Acknowledgement of Receipt

Please print your name and department and then sign and date the form to indicate you have received a copy of the COVID-19 Vaccination Policy as approved by Tribal Resolution 01-2021-02. You are responsible for reading and adhering to the policy.

| | |
|------------|-----------|
| _____ | _____ |
| Print Name | Signature |
| _____ | _____ |
| Department | Date |

Please keep the signed Acknowledgement of Receipt in each employees file with their respective department.

DECLINATION of COVID-19 Vaccine (If applicable)

I am aware of the White Mountain Apache Tribe's COVID-19 Vaccination Policy as approved by Tribal Resolution 01-2021-02 and have had a chance to have my questions answered about the COVID-19 vaccine or I have done my own research about the vaccine.

I understand the Tribe has required the vaccine for all Tribal employees. However, I am respectfully declining to receive the COVID-19 vaccine at this time. I understand I can change my mind and request to receive the vaccine in the future.

I am declining to receive the COVID-19 vaccine for the following reason(s):

Medical Religious Personal

| | |
|------------|-----------|
| _____ | _____ |
| Print Name | Signature |
| _____ | _____ |
| Department | Date |

Please keep the signed Declination of COVID-19 Vaccine in each employees file with their respective department.