

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
GLOBAL CORONAVIRUS PANDEMIC EMERGENCY
COVID-19 EMERGENCY LEAVE POLICY

APRIL 1, 2020

SECTION 1. INTRODUCTION

1.1. The Fond du Lac Band of Lake Superior Chippewa continues to respond to the developing situation with the COVID-19 pandemic. The Band's priority is to continue its critical and essential governmental functions while protecting employees' and the community's health and safety in light of the dangers presented by the global pandemic.

1.2. This policy is enacted due to the unexpected and extraordinary circumstances caused by the COVID-19 pandemic which caused a public health emergency.

SECTION 2. PURPOSE AND SCOPE

2.1. This COVID-19 Emergency Leave Policy is intended to ensure the operation of the Band's critical government functions while maintaining the health and safety of its employees. It applies to all Band departments.

SECTION 3. NO WAIVER OF SOVEREIGN IMMUNITY

3.1. The Band's adoption of this COVID-19 Emergency Policy is in no way intended to waive or reduce Band's status as a sovereign governmental entity, immune from suit, claims, execution, judgment, or other liability, or the immunity of Reservation Business Committee members or other Band officials, agents and employees.

SECTION 4. DEFINITIONS

4.1. "Emergency Responders" means an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of COVID-19 patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes, but is not limited to, law enforcement, wildfire, and emergency medical employees.

4.2. "Essential" means that the employee's duties are critical to the continuation of tribal government operations and services, and the employee must be onsite at the workplace in order to carry out the employee's duties.

4.3. "Health Care Provider" means anyone employed at any doctor's office, hospital, health care center, clinic, health department, assisted living facility, home health care provider, laboratory, pharmacy, or similar facility, and any contractor of those facilities.

SECTION 5. MANDATORY PERFORMANCE OF DUTIES VIA TELEWORK FOR MOST EMPLOYEES

5.1. In the Fond du Lac Band of Lake Superior Chippewa COVID-19 Emergency Telework and Workplace Safety Policy, the Band has determined that Band employees not performing or supporting essential functions requiring onsite work as determined by the Division Director/Enterprise Manager should telework, if possible.

5.2 If a telework-eligible employee is unable to telework during some or all of their regular work hours when determined appropriate in light of the extraordinary circumstances presented by the pandemic, the Division Director/Enterprise Manager may grant the employee paid administrative leave.

SECTION 6. EMERGENCY PAID SICK LEAVE

6.1. Beginning on April 6, 2020, employees unable to work (including telework) due to a need for leave for the reasons described below are entitled to 80 hours (or a pro rata amount for part-time employees) of paid leave:

- (1) The employee is subject to a federal, state, tribal, or local quarantine or isolation order related to COVID-19.
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (4) The employee is caring for an individual who is subject to a local quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child-care provider of such son or daughter is unavailable, due to COVID-19 precautions.
- (6) The employee is experiencing any other substantially similar condition consistent with federal COVID-19 guidelines.

6.2. For leave granted pursuant to Section 6.1(1)-(3) above, the employee shall be entitled to the employee's normal rate of compensation unless it is less than the federal minimum wage, in which case the federal minimum wage rate applies, provided that the compensation shall not exceed \$511 per day and \$5,110 total. For leave granted pursuant to Section 6.1(4)-(6) above, the employee is entitled to 2/3 of the employee's rate or the federal minimum wage rate if it is greater than the normal rate, and in no event greater than \$200 per day and \$2,000 total.

6.3. An employee is not required to use or exhaust other paid leave before using leave described in Section 6.1.

6.4. Health Care Providers and Emergency Responders may be denied leave for reasons described in Section 6.1(4)-(6) in light of operational needs at the discretion of the Division Director/Enterprise Manager, in consultation with the Human Resources Director.

SECTION 7. LIMITATIONS OF POLICY

7.1. This Policy does not otherwise affect an employee's ability to use leave in accordance with the Band's Employment Handbook, except that leave taken under this policy will count as FDL-FML leave under the Band's Fond du Lac Family Medical Leave Policy.

SECTION 8. EXPIRATION DATE

8.1. This COVID-19 Emergency Leave Policy is effective immediately. It will remain in effect until it is amended, superseded, or revoked.

8.2 This policy is subject to revision as circumstances change.

Approved by motion of the Reservation Business Committee on April 1, 2020; amended by motion of the Reservation Business Committee on April 8, 2020.