

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0273-20

**DATE:** October 30, 2020

**TITLE OF RESOLUTION:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; DIRECTING NAVAJO NATION DEPARTMENT OF HEALTH TO DEVELOP UNIFORM RULES, REGULATIONS AND PROCEDURES FOR THE SAFE RETURN OF ALL EMPLOYEES OF THE NAVAJO NATION, ITS DEPARTMENTS, PROGRAMS AND ENTERPRISES TO THEIR RESPECTIVE WORKSITES AMID COVID-19

**PURPOSE:** This resolution, if adopted, would direct Navajo Nation Department of Health to develop uniform rules, regulations and procedures for the safe return of all employees of the Navajo Nation, its departments, programs and enterprises to their respective worksites amid COVID-19.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: SNOTAH  
Website Posting Time/Date: 4:26pm 11-2-20  
Posting End Date: 11-07-20  
Eligible for Action: 11-08-20

PROPOSED STANDING COMMITTEE RESOLUTION  
24th NAVAJO NATION COUNCIL -- Second Year, 2020  
INTRODUCED BY

  
(Prime Sponsor)

TRACKING NO. 0273-20

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; DIRECTING  
NAVAJO NATION DEPARTMENT OF HEALTH TO DEVELOP UNIFORM RULES,  
REGULATIONS AND PROCEDURES FOR THE SAFE RETURN OF ALL EMPLOYEES  
OF THE NAVAJO NATION, ITS DEPARTMENTS, PROGRAMS AND ENTERPRISES  
TO THEIR RESPECTIVE WORKSITES AMID COVID-19

**BE IT ENACTED:**

**SECTION ONE. AUTHORITY**

The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). A purpose of the committee is to “promulgate regulations, promote accountability to policies, and provide legislative oversight on matters involving health, social services, education, general government services and human services,” including employment policies of the Navajo Nation. 2 N.N.C. § 400(C)(1) and (3). The committee serves as oversight committee for the Navajo Nation Department of Health. 2 N.N.C. § 401(C)(1).

**SECTION TWO. FINDINGS**

1. Upon issuance of a Declaration of Emergency issued March 13, 2020, the Navajo Nation Department of Health has issued a number of public health orders addressing COVID-19. These orders have included curfew and lockdown orders for residents of the Navajo Nation. *See, www.navajo-nsn.gov.*
2. The Navajo Nation public health orders included the closure of government offices, and only essential employees were permitted to report to their worksites. *See, e.g., Executive Order 005-20, June 3, 2020.*
3. On June 5, 2020, the Ft. Defiance Chapter passed a resolution entitled “Supporting and Requesting the Navajo Division of Health, Indian Health Services and the Health, Education and Human Services Committee of the Navajo Nation Council to Develop and Implement the Navajo Nation Employees Returning to Work Safety Environment Protocol and Contingency Plan for All Navajo Nation Departments, Programs and Enterprises.” See resolution FDC-2020-06-05-03, attached as **Exhibit A**. On June 9 and 10, 2020, the Red Lake and Crystal chapters both passed similar resolutions seeking the same help and guidance for returning to work. See RLC-06-20-11 and CRY-06-2020-025, attached as **Exhibits B** and **Exhibit C** respectively.
4. The Navajo Nation Executive Branch has issued a reopening plan, setting forth August 17, 2020 as the “reopening date.” See attached **Exhibit D**. This plan provides that it is “intended to guide the reopening of private and public sector activity on the Navajo Nation in safe and organized manner in the age of COVID-19.” The same plan provides “COVID-19 Worksite Safety Guidelines” for the Navajo Nation Executive Branch.
5. It is in the best interests of the Navajo Nation that uniform rules, regulations and procedures be developed for the safe return of employees of the Navajo Nation, its departments, programs and enterprises amid COVID-19.

### **SECTION THREE. DIRECTIVE**

1. The Health, Education and Human Services Committee hereby directs that the Navajo Nation Department of Health to develop uniform rules, regulations and procedures addressing COVID-19 and the safe return of all employees of the Navajo Nation, its departments, programs and enterprises to their respective worksites amid COVID-19.

1 2. The Department of Health shall present to the Health, Education and Human Services  
2 Committee the uniform rules, regulations and procedures directed herein no later than 30  
3 days from the date of this directive.  
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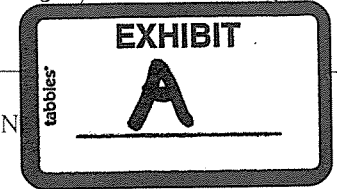


THE NAVAJO NATION  
FORT DEFIANCE CHAPTER  
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Daniel Yazza, *President*  
Aaron Sam, *Vice-President*  
Brenda Wauneka, *Secretary/Treasurer*  
Herman Billie, *Grazing Official*  
Wilson Stewart Jr., *Council Delegate*

JONATHAN NEZ  
Navajo Nation President

RESOLUTION OF THE FORT DEFIANCE CHAPTER  
NAVAJO NATION



FDC-2020-06-05-03

**SUPPORTING AND REQUESTING THE NAVAJO DIVISION OF HEALTH, INDIAN HEALTH SERVICES AND THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL TO DEVELOP AND IMPLEMENT THE NAVAJO NATION EMPLOYEES, RETURNING TO WORK SAFETY ENVIRONMENT PROTOCOL AND CONTINGENCY PLAN FOR ALL NAVAJO NATION DEPARTMENTS, PROGRAMS AND ENTERPRISES.**

**WHEREAS:**

1. Pursuant to 26 N.N.C. section 3 (A), the Fort Defiance Chapter is a duly recognized chapter of the Navajo Nation Government, as listed at II N.N.C., part 1, section 10; and
2. The Navajo Nation President issued an executive order #001-20, declaring a state of emergency due to COVID-19 on March 18, 2020; and
3. As of March 23, 2020 majority of the Navajo Nation work force was put on administrative leave and many temporary workers at the local level was laid off due to COVID-19; and
4. The Navajo Nation currently does not have a contingency plan for the Navajo Nation employees and enterprises to return to work safety environment protocol; and
5. Based on the data collected and presented by the Navajo Area Indian Health Services updated surge plans on May 23, 2020, the data indicates that the Navajo Nation has reach its COVID-19 surge peak for HIS hospitalizations, including ICU admission and ventilations occurred from April 21 to April 26, 2020; and
6. In order for the Navajo Nation workforce to return to a safe working environment, the Navajo Division of Health, Indian Health Services, Navajo Department of Personnel and the Health, Education and Human Services Committee of the Navajo Nation Council needs to develop a contingency plan.

**NOW, THEREFORE BE IT RESOLVED:**

1. The Fort Defiance Chapter hereby supports and requests the Navajo Division of Health, Indian Health Services and the Health, Education and Human Services Committee of the Navajo Nation Council to develop and implement the Navajo Nation Employees, returning to work safety environment protocol and contingency plan for all Navajo Nation Departments, Program and Enterprises.
2. The contingency plan must include the following procedures:
  - A. **Wear a mask protect those around you:** This can be a cloth mask and does not need to be a surgical or an N95 mask unless you are coming into contact with known positive community members, such as those who are quarantining at home.

- B. **Wash your hands and don't touch your face:** Washing with soap and water has been shown to be the best way to remove germs from your hands. Don't be concerned if you can't get alcohol based hand sanitizer.
- C. **Don't come back to work if you are sick or have a temperature:** Screening employees with a temperature check is an optional strategy. If an employer decides to provide temperature checks for employees the screeners must have an adequate supply of PPE (masks and gloves) for protection. Employees who are symptomatic shouldn't come to work to avoid spreading ANY illnesses to their co-workers. Not everyone who is sick has a temperature, so you may not be catching people who are sick if this is your main screening tool.
- D. **Consider staggering work schedule when possible:** Alternative schedules to limit the number of staff in working in buildings together many reduce the risk of exposure. Less people in a room at one time means less chance of lots of people getting sick.
- E. **COVID-19 testing on all NN employees before returning back to work:** Thus far testing has not proven to be 100% reliable and is becoming extremely difficult to do in our area. We've all heard of the issues with high incidence of false negatives on some machines and others of patients testing positive multiple times in a period well after the infection should've run its course. In our area, testing supplies are extremely low and are on back order till July. TMC and other health care facilities can't test employees at this time so that we can ration our tests for use on our symptomatic patients. If the Navajo Nation feels strongly that a negative test result should be a key indicator for ability to return to work, they may need to seek an outside entity to provide testing.
- F. **Other requirements as recommended by CDC and the NN Health Department:** CDC recommendations change so often based on what we learn from other areas of the world and from research done in those places that it is wise to consider your document fluid. Changes to the guidance will likely occur as we learn more.
3. The Navajo Nation Division of Health and Indian Health Services work closely with Navajo Department of Personnel and the various departments to develop and implement the contingency plans.

#### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Fort Defiance Chapter at a duly called meeting in Fort Defiance (Navajo Nation), Arizona at which a quorum was present and that same was passed by a vote of 7 in favor, 0 opposed and 1 abstained on this 5<sup>th</sup> day of June, 2020.

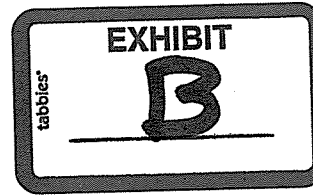
Motion by: Georgina Chrschilly

Seconded by: Wilson Stewart, Jr.

Daniel Yazza  
Daniel Yazza, President



## Red Lake Chapter



Arval T. McCabe  
PRESIDENT

Pauline J. Garnenez  
VICE PRESIDENT

Loberta Redhouse  
SECRETARY/TREASURER

Florina Howard  
GRAZING OFFICIAL

RLC-06-20-11

### RESOLUTION OF THE RED LAKE CHAPTER #18

**SUPPORTING AND REQUESTING THE NAVAJO DIVISION OF HEALTH, INDIAN HEALTH SERVICES AND THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL TO DEVELOP AND IMPLEMENT THE NAVAJO NATION EMPLOYEES, RETURNING TO WORK SAFETY ENVIRONMENT PROTOCOL AND CONTINGENCY PLAN FOR ALL NAVAJO NATION DEPARTMENTS, PROGRAMS AND ENTERPRISES.**

#### WHEREAS:

1. Pursuant to 26 N.N.C. section 3 (A), the Red Lake Chapter is a duly recognized chapter of the Navajo Nation Government, as listed at II N.N.C., part 1, section 10; and
2. The Navajo Nation President issued an executive order #001-20, declaring a state of emergency due to COVID-19 on March 18, 2020; and
3. As of March 23, 2020 majority of the Navajo Nation work force was put on administrative leave and many temporary workers at the local level was laid off due to COVID-19; and
4. The Navajo Nation currently does not have a contingency plan for the Navajo Nation employees and enterprises to return to work safety environment protocol; and
5. Based on the data collected and presented by the Navajo Area Indian Health Services updated surge plans on May 23, 2020, the data indicates that the Navajo Nation has reach its COVID-19 surge peak for HIS hospitalizations, including ICU admission and ventilations occurred from April 21 to April 26, 2020; and
6. In order for the Navajo Nation workforce to return to a safe working environment, the Navajo Division of Health, Indian Health Services, Navajo Department of Personnel and the Health, Education and Human Services Committee of the Navajo Nation Council needs to develop a contingency plan.

#### NOW, THEREFORE BE IT RESOLVED:

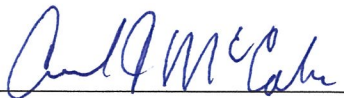
1. The Red Lake Chapter hereby supports and requests the Navajo Division of Health, Indian Health Services and the Health, Education and Human Services Committee of the Navajo Nation Council to develop and implement the Navajo Nation Employees, returning to work safety environment protocol and contingency plan for all Navajo Nation Departments, Program and Enterprises.
2. The contingency plan must include the following procedures:
  - A. **Wear a mask protect those around you:** This can be a cloth mask and does not need to be a surgical or an N95 mask unless you are coming into contact with known positive community members, such as those who are quarantining at home.



- B. **Wash your hands and don't touch your face:** Washing with soap and water has been shown to be the best way to remove germs from your hands. Don't be concerned if you can't get alcohol based hand sanitizer.
  - C. **Don't come back to work if you are sick or have a temperature:** Screening employees with a temperature check is an optional strategy. If an employer decides to provide temperature checks for employees the screeners must have an adequate supply of PPE (masks and gloves) for protection. Employees who are symptomatic shouldn't come to work to avoid spreading ANY illnesses to their co-workers. Not everyone who is sick has a temperature, so you may not be catching people who are sick if this is your main screening tool.
  - D. **Consider staggering work schedule when possible:** Alternative schedules to limit the number of staff in working in buildings together many reduce the risk of exposure. Less people in a room at one time means less chance of lots of people getting sick.
  - E. **COVID-19 testing on all NN employees before returning back to work:** Thus far testing has not proven to be 100% reliable and is becoming extremely difficult to do in our area. We've all heard of the issues with high incidence of false negatives on some machines and others of patients testing positive multiple times in a period well after the infection should've run its course. In our area, testing supplies are extremely low and are on back order till July. TMC and other health care facilities can't test employees at this time so that we can ration our tests for use on our symptomatic patients. If the Navajo Nation feels strongly that a negative test result should be a key indicator for ability to return to work, they may need to seek an outside entity to provide testing.
  - F. **Other requirements as recommended by CDC and the NN Health Department:** CDC recommendations change so often based on what we learn from other areas of the world and from research done in those places that it is wise to consider your document fluid. Changes to the guidance will likely occur as we learn more.
3. The Navajo Nation Division of Health and Indian Health Services work closely with Navajo Department of Personnel and the various departments to develop and implement the contingency plans.

### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Red Lake Chapter at a duly called meeting in Navajo, New Mexico (Navajo Nation), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 1 abstained on this 10th day of June, 2020.

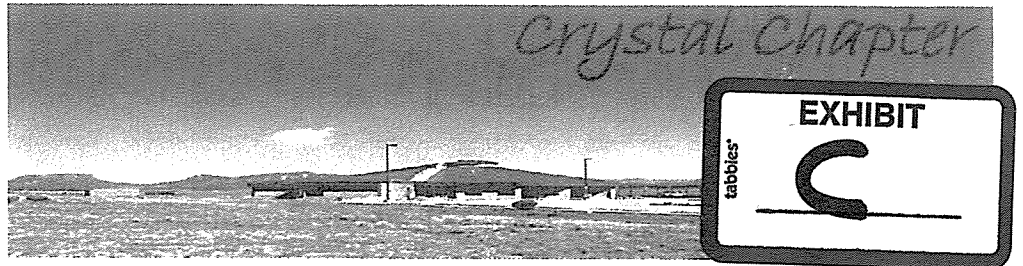
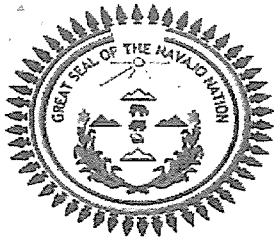


Arval McCabe, Chapter President

Motion by: Loberta Redhouse

Seconded by: Florina Howard





PO Box 775, Navajo, New Mexico 87328

(505)777-2800/2801 (505)777-2805

CRY 06-2020-025

### CRYSTAL CHAPTER RESOLUTION

**SUPPORTING AND REQUESTING THE NAVAJO DIVISION OF HEALTH, INDIAN HEALTH SERVICES AND THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL TO DEVELOP AND IMPLEMENT THE NAVAJO NATION EMPLOYEES, RETURNING TO WORK SAFETY ENVIRONMENTAL PROTOCOL AND CONTINGENCY PLAN FOR ALL NAVAJO NATION DEPARTMENTS, PROGRAMS AND ENTERPRISES**

**WHEREAS:**

1. Pursuant to 26 N.N.C. Section 3 (A), the Crystal Chapter is a duly recognized chapter of the Navajo Nation Government, as listed at II N.N.C., Part 1, Section 10; and
2. The Navajo Nation President issued an Executive Order #001-20, declaring a State of Emergency due to COVID-19 on March 18, 2020; and
3. As of March 23, 2020, majority of the Navajo Nation work force was put on administrative leave and many temporary workers at the local level was laid off due to COVID-19; and
4. The Navajo Nation currently does not have a contingency plan for the Navajo Nation employees and enterprises to return to work safety environment protocol; and
5. Based on the data collected and presented by the Navajo Area Indian Health Services updated surge plans on May 23, 2020, the data indicates the Navajo Nation has reached its COVID-19 surge peak for IHS hospitalizations, including ICU admission and ventilations occurred from April 21 to April 26, 2020; and
6. In order for the Navajo Nation workforce to return to a safe working environment, the Navajo Division of Health, Indian Health Services, Navajo Department of Personnel and the Health, Education and Human Services Committee of the Navajo Nation Council needs to develop a contingency plan.

**NOW THEREFORE BE IT RESOLVED:**

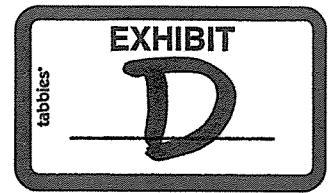
1. The Crystal Chapter hereby supports and requests the Navajo Division of Health, Indian Health Services and the Health, Education and Human Services Committee of the Navajo Nation Council to develop and implement the Navajo Nation Employees, returning to work safety environment protocol and contingency plan for all Navajo Nation Departments, Programs and Enterprises.
2. The contingency plan must include the following procedures:
  - A. **Wear a mask protect those around you:** This can be a cloth mask and does not need to be a surgical or an N95 mask unless you are coming into contact with known positive community members, such as those who are quarantining at home.

- B. **Wash our hands and don't touch your face:** Washing with soap and water has been shown to be the best way to remove germs from your hands. Don't be concerned if you can't get alcohol-based hand sanitizer.
  - C. **Don't come back to work if you are sick or have a temperature:** Screening employees with a temperature check is an optional strategy. If an employer decides to provide temperature checks for employees the screeners must have an adequate supply of PPE (masks and gloves) for protection. Employees who are symptomatic shouldn't come to work to avoid spreading ANY illness to their co-workers. Not everyone who is sick has a temperature, so you may not be catching people who are sick if this is your main screening tool.
  - D. **Consider staggering work schedule when possible.** Alternative schedules to limit the number of staff in working in buildings together may reduce the risk of exposure. Less people in a room at one time means less chance of lots of people getting sick.
  - E. **COVID-19 testing on all NN employees before returning back to work:** Thus far testing has not proven to be 100% reliable and is becoming extremely difficult to do in our areas. We've all heard of other issues with high incidence of false negatives on some machines and others of patients testing positive multiple times in a period well after the infection should've run its course. In our area, testing supplies are extremely low and are on back order until July. TMC and other health care facilities can't test employees at this time so that we can ration our tests for use on our symptomatic patients. If the Navajo Nation feels strongly that a negative test result should be a key indicator for ability to return to work, they may need to seek an outside entity to provide testing.
  - F. **Other requirements as recommended by CDC and the NN Health Department:** CDC recommendations change so often based on what we learn from other areas of the world and from research done in those places that it is wise to consider your document final. Changes to the guidance will likely occur as we learn more.
3. The Navajo Nation Division of Health and Indian Health Services work closely with Navajo Department of Personnel and the various departments to develop and implement the contingency plan.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Crystal Chapter at a duly called meeting in Crystal (Navajo Nation), New Mexico at which a quorum was present and that same was motioned by Betty Roanhorse and seconded by Virginia A. Benally and adopted with votes of 2 in favor and 0 opposed and 1 abstained on this 9<sup>th</sup> day of June 2020.

  
\_\_\_\_\_  
Patricia Slim, Chapter President



**PUBLIC HEALTH ORDER  
NAVAJO DEPARTMENT OF HEALTH  
NAVAJO OFFICE OF ENVIRONMENTAL HEALTH & PROTECTION PROGRAM**

**August 13, 2020**

**Public Health Emergency Order No. 2020-020**

**Public Health Emergency Order Implementing the Navajo Nation Reopening Plan and  
Declaring "Orange Status"**

- I. Paragraphs I – IX from Public Health Emergency Order No. 2020-004 are incorporated herein, addressing the various Navajo Nation (Nation) authorities related to the current COVID-19 Public Health Emergency as well as escalating incidents and community spread of COVID-19 on the Nation.
- II. In response to COVID-19, the Navajo Nation has imposed closure of non-essential business, ordered weekend curfews, and taken other measures to slow the spread of the virus and in the best interests of our People. As the Nation has been able to control spread of the virus through these measures, and as the Nation's hospitals have regained capacity to handle cases, the Nation will be transitioning back to greater business activity on a gradual basis. To this end, the Navajo Nation has drafted the Navajo Nation Reopening Plan ("Plan") attached hereto. The Plan, among other things, provides a color-coded "reopening status schedule," which will guide reopening of businesses in a safe manner. The Plan is adopted as part of this Order, and thus will be binding on all businesses on the Navajo Nation. Business leaders should therefore familiarize themselves with the Plan and understand how it will affect them.
- III. The intent of this order is to establish the "Navajo Nation Reopening Plan," to declare the Nation's "status" according thereto, and to guide businesses in proper compliance with the plan. All provisions of this Order are to be interpreted to effectuate this intent. Failure to comply with any provision of this Order constitutes an imminent threat and menace to public health.

**THEREFORE, NOTICE IS GIVEN** that pursuant the power and authority set forth in the NDOH enabling legislation (NNC Resolution No. CO-50-14) and in conjunction with the Navajo Nation Public Health State of Emergency Declaration (CEM Resolution No. 20-03-11):

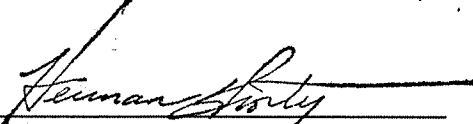
- A. The Navajo Nation Reopening Plan (attached hereto) is declared binding on all businesses on the Navajo Nation. The Plan may be amended in a future order.


- B. Per the Plan's "reopening status schedule," the Navajo Health Command and Operations Center ("NHCOC"), having evaluated the current state of the Navajo Nation per the gating criteria and public health considerations provided in the Plan, declares the Nation to be in Orange status. All businesses shall be bound to the conditions and requirements of Orange status. The NHCOC will announce any future status changes by Public Health Emergency Order.

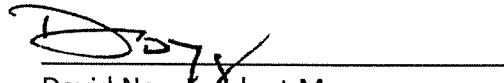
**NOTICE IS FURTHER GIVEN** that this Order shall not abrogate any disease-reporting requirements (consistent with HIPAA privacy standards).

**NOTICE IS FURTHER GIVEN** that this Order shall take effect Monday, August 17, 2020 at 5:00 A.M. MDT, and shall remain in effect until amended or rescinded by the Health Command Center.

**ADDITIONAL ADVISORIES AND ORDERS WILL FOLLOW AS CONDITIONS WARRANT. SO ORDERED THIS 13<sup>th</sup> DAY OF AUGUST, 2020.**

  
Herman Shorty, Program Supervisor III  
Navajo Office of Environmental Health &  
Protection Program  
Navajo Department of Health

  
Dr. Jik Jim, Executive Director  
Navajo Department of Health

  
David Nez, Incident Manager  
Dikos Ntsaaígíí – 19  
Health Command Center  
Navajo Department of Health

#### Definitions

**Orange status:** 25% of maximum occupancy allowed for most businesses. Dining or waiting establishments: allowed drive-thru only (food, banks, financial institutions). Barber shops/Hair Salons: Appointment only and allow time for cleaning between appointment. Marinas and parks: Adhere to strict compliance for places of businesses and appointment only. Not Allowed in Orange Phase: Youth Programs, Casinos and video poker, museums, flea markets, roadside markets, gyms, recreation facilities, movie theaters.



# NAVAJO NATION EXECUTIVE BRANCH

## COVID-19 Worksite Safety Guidelines

### INTRODUCTION

The Navajo Nation Executive Branch Worksite Safety Guidelines ("Guidelines") are intended to guide Navajo Nation Executive Branch Divisions in having employees return to Worksites safely during the COVID-19 pandemic. These Guidelines are not specific Re-occupancy procedures or guidelines, but should inform development of each Division's Re-occupancy procedures and guidelines. Divisions are to use discretion in deciding the extent to which they implement these Guidelines into their Re-occupancy procedures and guidelines, and may adopt measures in their procedures and guidelines that go beyond these Guidelines; however, Re-occupancy procedures and guidelines must always be in conformance with the Navajo Nation Personnel Policies Manual ("NNPPM"). These Guidelines shall be in effect for the duration of the COVID-19 pandemic, or until further notice of the Administration otherwise, and may be amended from time to time.

### These Guidelines:

1. Provide recommended measures for Divisions to implement in their Reoccupancy procedures and guidelines in order to reduce the chances of spreading COVID-19 and keep everyone at the worksite safe. These measures include, among other things—having a process for reporting and handling Cases, requiring employees to wear PPE, and implementing Alternative Work Schedules.
2. Provide a questionnaire and action items for Divisions to fulfill in order to be ready to implement their Re-occupancy procedures and guidelines before the expiration of administrative leave of nonessential employees
3. Provide recommended deadlines by which to complete Re-occupancy procedures and guidelines, and accompanying action items necessary to implement them, before the expiration of administrative leave for nonessential employees.

### At all times, Divisions shall act in accordance with the following priorities:

Protect ourselves and our co-workers.

By protecting ourselves and our coworkers, we will protect our family members and friends.

Protect clients, customers, and partners we work with.

Provide the best possible work under the circumstances.

*Divisions differ in many ways, and each Division's Re-occupancy procedures and guidelines will be dictated by the given Division's needs and circumstances. The safety of having employees' work at their normal worksites may vary over time and will depend on a number of factors—including public health considerations—that indicate how well COVID-19 on the Nation is managed. Divisions should take such changes into account and amend their procedures and guidelines as necessary.*

### Measures to Consider in Re-Occupancy Procedures and Guidelines

The following measures are recommended to be included in a Division's Re-occupancy procedures and guidelines in order to protect the health and safety of all individuals at worksites. These measures are designed to apply to all people at the worksite (e.g., Navajo Nation employees, Federal responders, elected officials, and volunteers).

1. Direct personnel to not come to, or to leave, the worksite if:



2. Sign-in/out of worksite facilities	▼
3. Temperature Screening and Checklists	▼
4. Personal Protective Equipment (PPE) Wear	▼
5. Social Distancing for Employees	▼
6. Hygiene, Infection Prevention, and Cleaning	▼
7. Custodial Services	▼
8. Alternative Work Schedules	▼
9. Special Duty Pay	▼
10. Communicate Workplace Guidance to Reduce COVID-19 spread	▼
11. Process for Case Investigation and Contact Tracing for Employees	▼
12. Leave from Work for COVID-19 Reasons	▼
13. Additional Guidance	▼

## Re-Occupancy Procedures and Guidelines Questionnaire

The following questionnaire is provided to 1) assist Divisions in implementing their Reoccupancy procedures and guidelines in a timely manner, and 2) assist the Administration in keeping track of implementation of Division Re-occupancy procedures and guidelines. Divisions should spend the coming weeks performing action items pertaining to the questionnaire (e.g. order PPE and other supplies, arrange any and all Alternative Work Schedules), and once they have completed the action items should fill out the questionnaire.

### Alternative Work Schedules:

What do your Re-occupancy procedures and guidelines provide with regard to Alternative Work Schedules in order to reduce the number of personnel at the worksite at one time, and what steps have you taken to effectuate your plans?

☐ yes

☐ no

Do your procedures and guidelines provide that employees may be able to telecommute?



- ☐ yes    ☐ no    Have you reviewed the Department of Personnel Management's Telecommuting Procedures?
- ☐ yes    ☐ no    Have your Department Managers yet determined which personnel will be eligible to telecommute?
- ☐ yes    ☐ no    Have you approved any Telecommute Agreements yet, and have you acquired the necessary signatures, as provided in the Department of Personnel Management's Telecommuting Procedures?
- ☐ yes    ☐ no    Have you submitted any completed Telecommute Agreements to the Department of Personnel Management yet?
- ☐ yes    ☐ no    Do your personnel who will be telecommuting have all the equipment they will need to perform their work duties while telecommuting?
- ☐ yes    ☐ no    Are there any technological or funding deficiencies preventing your Division from implementing telecommuting?
- ☐ yes    ☐ no    Do your procedures and guidelines provide for staggered work schedule(s)?
- ☐ yes    ☐ no    Would the staggered work schedule(s) result in any hourly-wage employees working fewer than normal work-hours?
- ☐ yes    ☐ no    Have you discussed the staggered work schedule(s) with affected personnel and have there been any objections?
- ☐ yes    ☐ no    Has the Department of Personnel Management approved any staggered work schedule(s) you have submitted?
- ☐ yes    ☐ no    Does the nature of the work any of your personnel are engaged in make staggering schedules infeasible?

**Personal Protective Equipment ("PPE"):** How do your Re-opening procedures and guidelines account for providing personnel with sufficient PPE, and what steps have you taken to obtain PPE to be ready for such personnel upon their return to the worksite?

- ☐ yes    ☐ no    Have you consulted with a medical professional to determine your Division's PPE needs?
- ☐ yes    ☐ no    Have you identified the kinds of PPE you may need to provide?
- ☐ yes    ☐ no    Have you ordered any PPE?
- ☐ yes    ☐ no    Have you obtained any PPE?

**Disinfectant Products:** How do your Re-opening procedures and guidelines account for disinfecting workspaces, and what steps have you taken to obtain disinfectant products to be ready for use upon return of personnel to the worksite?

- ☐ yes    ☐ no    Have you identified the kinds of disinfectant products you may need to provide?
- ☐ yes    ☐ no    Have you ordered any disinfectant products?
- ☐ yes    ☐ no    Have you obtained any disinfectant products?

**Print out Questionnaire** [Print](#)

Please provide answers to the following questions

1. Please attach a list of the positions in your department which are able, and which you intend to allow, to telecommute.
2. What percentage-reduction in personnel at the worksite do you anticipate from implementing telecommuting?
3. Please attach a copy of any written staggered work schedules you have developed.
4. What percentage-reduction in personnel at the worksite do you anticipate from implementing staggered work schedules?
5. What kinds of PPE do you need?
6. How much PPE do you need to have a sufficient supply:
  - How many face-masks?
  - How many gloves?
  - How many face shields?
  - How much of other kinds of PPE?
7. How much PPE do you have left to obtain in order to reach a sufficient supply?
8. What kinds of disinfectant products do you need?
9. How much of disinfectant products do you need to have a sufficient supply?
  - How many bottles of hand-sanitizer (please specify size of bottle, e.g. 8 oz, 12 oz)?
  - How many packages of disinfectant wipes (please specify number of wipes per package)?
  - How many hypochlorous acid production devices?
  - How many gallons of bleach?
  - How many paper towel roles or cloth wipes?





How many spray bottles?

Please list amount and type of any other disinfecting products needed.

Please explain any other cleaning and disinfecting products or services you lack (for example, washing machine and dryer, carpet cleaner)

10. How much disinfectant products do you have left to obtain in order to reach a sufficient supply?
11. What concerns about working on site have your personnel expressed? Please attach a separate sheet explaining any and all concerns that personnel have expressed.
12. Have any personnel refused to return to the worksite when you have directed them to? What reasons have they given for refusing to return?
13. Have any personnel stated that they might not return to work when administrative leave ends? What reasons have they given for their concern about returning?

[Print out Questionnaire Print](#)

## Resources:

[CDC Guidance for Businesses and Employers: Click Here](#)

[CDC Social Distancing: Click Here](#)

[OSHA Guidance for Preparing for COVID-19 in the Workplace: Click Here](#)

[Navajo Nation Personnel Policies Manual, on the Department of Personnel Management website: Click Here](#)

## COVID-19 Safety Presentation for Navajo Nation Employees



[Download Image](#)

Glossary



### USEFUL LINKS

[NDOH COVID-19](#)  
[OPVP](#)

### CONTACT US

[928-871-7014](#)  
[coronavirus.info@nndoh.org](mailto:coronavirus.info@nndoh.org)





**REOPENING DATE: AUGUST 17, 2020**

## NAVAJO NATION REOPENING STATUS



Red Code   Orange Code   Yellow Code   Green Code

High   Moderate-High   Moderate-Low   Low  
Restrictions   Restrictions   Restrictions   Restrictions

## This section only applies to non-governmental entities.

### INTRODUCTION

The Navajo Nation Reopening Plan ("Plan") is intended to guide the reopening of private and public sector activity on the Navajo Nation in a safe and organized manner in the age of COVID-19. This Plan shall be in effect for the duration of the COVID-19 pandemic.

### THE PLAN

- 1 Provides general guidelines for everyone to continually follow throughout the COVID-19 pandemic in order to reduce the chances of spreading of COVID-19.
- 2 Directs entities and organizations doing business in physical business spaces (i.e., "place of business") to implement policies and procedures meeting certain minimum requirements.
- 3 Provides a system for progressive reopening of business on the Nation based on

*The reopening status schedule is based on a color-coded system, each color representing a different level of reopening activity. The Nation's status will vary over time and will depend on a number of gating criteria and other public health considerations which indicate how well COVID-19 on the Nation is contained and how well the Nation is able to manage it. The decision about which status the Nation is in at any given time will be made by the Navajo Nation Health Command Operations Center ("NHCOC").*

### General Guidelines of COVID-19

#### Continual Best Practices to Prevent Spread of COVID-19

The general guidelines are for everyone living on or visiting the Navajo Nation for the duration of the COVID-19 pandemic.

- 1 Socially (physically) distance yourselves. Keep at least six-feet apart from others in public
- 2 Wear a face-mask as personal protective equipment ("PPE") when in public.
- 3 Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place. If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.
- 4 Avoid close contact with people who are sick.
- 5 To the extent possible, avoid touching frequently-touched surfaces in public places – e.g., gas pumps, ATMs, door handles, handrails, etc. Use a barrier such as a tissue or your sleeve to cover your hands or fingers if you must touch something.
- 6 Avoid touching your face, nose, eyes, and mouth.
- 7 Clean and disinfect your home and vehicles to remove germs: practice routine cleaning of frequently-touched surfaces--for example, tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks, steering wheels, door handles, gearshifts, and cell phones.
- 8 If you feel sick, stay home and do not go to work or school.
- 9 If you feel sick, contact your medical provider for advice.
- 10 Continue to follow the local health department, state, and Centers for Disease Control and Prevention ("CDC") guidelines.

### Policies and Procedures to Prevent Spread of COVID-19 at Places of Business

All entities and organizations having a place of business must develop COVID-19 policies and procedures. Such policies and procedures must:

- 1 Ensure physical distance between personnel, customers, and any member of the public at the place of business is maximized, and that keeping six-feet between persons is possible at all times.
- 2 Address requests of personnel who are members of a vulnerable population for special accommodations.

immediately in the event of a suspected or confirmed case of COVID-19 to consult about next steps. Places of business shall report suspected or confirmed cases to NHCOC by calling (928) 871-7014.

Additionally, businesses are encouraged to consider adopting the following measures in their policies and procedures to further reduce the chances of exposure to COVID-19:

**1. Implement engineering controls where they are appropriate**

Increase building ventilation

Install physical barriers to avoid exposure where appropriate--e.g., a plexiglass barrier at a cash register.

**1. Implement flexible work schedules and arrangements**

Stagger employee work schedules to reduce the number of employees at the workplace at one time

Hold meetings by telecommunications

Arrange for employees to telecommute where practicable

Delay bringing high-risk employees back to work; have such individuals telecommute, where practicable, or place them on leave

**1. Provide employees with flexible leave policies pertaining to COVID-19.**

## Monitoring and Reopening Status Schedule

The Navajo Nation shall be monitoring COVID-19 and will reopen in accordance with a colored-coded status schedule throughout the COVID-19 pandemic. The Nation's status will be determined by NHCOC. NHCOC will make its decision about reopening status based on specific "gating criteria" as well as general public health considerations. This reopening schedule will be binding on the public and private sectors.

### A. Gating Criteria and Other Considerations in Determining the Nation's Reopening Status

The decision to move between the phases will be dependent upon the rate of new COVID-19 cases, availability of testing, and hospital capacity. Before advancing to a less-restrictive status, NHCOC will determine whether or not certain "gating criteria" have been satisfied. The gating criteria are based on the "Guidelines for Opening up America Again", issued by the White House and CDC. They appear in the table below:

Gating Criteria for Reopening	Cases	Testing	Hospitals
	Decrease of COVID-19 cases	Positive tests are decreasing and testing is accessible	Capacity to treat all patients without crisis care

In addition to the gating criteria, NHCOC will also consider the following:

Rate of new cases by service unit.

General hospital capacities.

Testing availability at all health facilities.

Available contact tracing and case management resources.

### A. Status Schedule

The reopening status is indicated by a color-coded status schedule. Restrictions are eased gradually as status advances in the schedule, in the following order: red, orange, yellow and green. The Nation may move from a less restrictive to a more restrictive status if it becomes apparent to NHCOC that the Nation's COVID-19 cases are rising or becoming less manageable in any way.

Red Code    Orange Code    Yellow Code    Green Code

High            Moderate-High    Moderate-Low    Low  
Restrictions    Restrictions       Restrictions       Restrictions

#### COVID-19 REOPENING STATUS SCHEDULE

Status	Reopening Conditions
Red	Grocery stores: 10 persons or less in the store Gas stations: 5 persons or less in the store Laundry facilities: 10 persons or less and 2 people per household Dining or waiting establishments: allowed drive-thru only (food, banks, financial institutions) Adhere to compliance with the curfew <b>Not Allowed in Red Phase:</b> Youth Programs, Casinos and video poker, museums, barber shops, hair salons, nail salons, flea markets, roadside markets, marinas, parks, gyms, recreation facilities
Orange	25% of maximum occupancy allowed for most businesses Dining or waiting establishments: allowed drive-thru only (food, banks, financial institutions) Barber shops/Hair Salons: Appointment only and allow time for cleaning between appointments Marinas and parks: Adhere to strict compliance for places of businesses and appointment only <b>Not Allowed in Orange Phase:</b> Youth Programs, Casinos and video poker, museums, flea markets, roadside markets, gyms, recreation facilities, movie theaters.
Yellow	50% of maximum occupancy allowed for all businesses Marinas and parks: Adhere to strict compliance for places of businesses and appointment only <b>Not Allowed in Yellow Phase:</b> Casinos and video poker, museums
Green	75% of maximum occupancy allowed for all businesses

## Resources

1. NHCOC Occupational Health Guidance for COVID-19 U.S. Department of Labor Guidance on Preparing Workplaces for COVID-19: [Click Here](#)
2. CDC Guidance for Businesses and Workplaces: [Click here](#)

## Glossary

**COVID-19 (Coronavirus Disease 2019)** - a respiratory disease caused by the SARS-CoV-2 virus.

**Essential Service** - Healthcare Operation, Essential Governmental Functions, Essential Infrastructure (e.g., courts of law, medical providers for urgent care, public utilities, and critical school operations such as nutrition programs) (From Public Health Emergency Order No. 2020-002, March 19, 2020 and expanded through Public Health Emergency Order No. 2020-003, March 20, 2020 to include food cultivation (including farming and livestock), grocery stores, food banks, convenience stores, hardware stores and other establishments engaged in the retail sale of groceries and non-grocery products necessary to maintaining the safety, sanitation and essential operation of residences, among other things).

**Essential Worker** - Those employees identified by Essential Businesses deemed to be necessary to the continued operation of those Essential Businesses.

**Exposure** - an individual who has come into contact with a cause of, or possessing a characteristic that is a determinant of, a particular health problem [Quick Link](#)

**Flexible Work Schedule** - A departure from a normal work schedule. For purposes of COVID-19, a flexible work schedule is intended to reduce the number of employees at the workplace at one time. Therefore, the flexible work schedule might stagger employee work schedules.

**High-Risk Individual/Population** - Individuals of age 65 years or older and those with underlying health conditions: (see list of underlying conditions applicable to COVID-19 at: [https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html)).

**Personal Protective Equipment (commonly referred to as "PPE")** - equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses. PPE may include items such as gloves, gown, face-masks, safety glasses/face shield, and shoe covers, earplugs or muffs, hard hats, respirators, or coveralls, vests and full body suits.

**Place of Business** - A physical venue at which people conduct "business", which may include business for profit or non-profit, volunteer services, worship, and any other kind of activity bringing individuals in an enclosed space.

**Social or Physical Distancing** - also known as "physical distancing," means keeping space between oneself and other people outside of one's home. For purposes of COVID-19, social / physical distancing requires keeping at least six feet between oneself and others.

**Telecommuting** - a voluntary or mandated alternative work arrangement, for which an employee performs some or all assigned duties at home or another remote location.

## Public Health Emergency Order Implementing the Navajo Nation Reopening Plan and Declaring "Orange Status"



### USEFUL LINKS

NDOH COVID-19  
OPVP

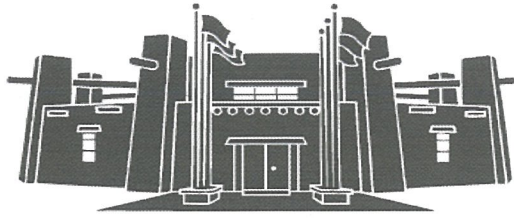
### CONTACT US



928-871-7014

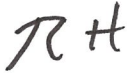


[coronavirus.info@nndoh.org](mailto:coronavirus.info@nndoh.org)



## MEMORANDUM

To : Hon. Wilson Stewart, Jr., Delegate  
Navajo Nation Council

From :   
\_\_\_\_\_  
Ron Haven, Attorney  
Office of Legislative Counsel

Date : October 30, 2020

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; DIRECTING NAVAJO NATION DEPARTMENT OF HEALTH TO DEVELOP UNIFORM RULES, REGULATIONS AND PROCEDURES FOR THE SAFE RETURN OF ALL EMPLOYEES OF THE NAVAJO NATION, ITS DEPARTMENTS, PROGRAMS AND ENTERPRISES TO THEIR RESPECTIVE WORKSITES AMID COVID-19

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

**OLC # 20-251-1**



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0273-20\_

SPONSOR: Wilson C. Stewart, Jr.

**TITLE: An Action Relating To Health, Education And Human Services; Directing Navajo Nation Department Of Health To Develop Uniform Rules, Regulations And Procedures For The Safe Return Of All Employees Of The Navajo Nation, It's Department's, Programs And Enterprises To Their Respective Worksites Amid COVID-19**

***Date posted: November 2, 2020 at 4:26PM***

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0273-20**

**SPONSOR: Honorable Wilson C. Stewart, Jr.**

**TITLE: An Action Relating to Health, Education and Human Services; Directing Navajo Nation Department of Health to Develop Uniform Rules, Regulations and Procedures for the safe return of all employees of the Navajo Nation, it's department's, programs and enterprises to their respective worksites Amid COVID-19**

**Posted: November 02, 2020 at 4:26 PM**

**5 DAY Comment Period Ended: November 07, 2020**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Comments/Recommendations</b>	<i>None</i>

  
**Legislative Tracking Secretary  
Office of Legislative Services**

11/09/20 7:13 AM

**Date/Time**