



OFFICE OF THE TRIBAL CHIEF CYRUS BEN
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MEMORANDUM

TO: Department Directors
Program Directors
Tribal Employees

FROM: Tribal Chief Cyrus Ben

DATE: July 30, 2020

RE: **PHASE I FOR RE-OPENING OF TRIBAL GOVERNMENT OFFICES**

After a review of a number of factors, including the decreased rate of new incidences of COVID-19 on the reservation, the decision has been made to initiate the Phase I Tribal Government Re-opening Plan in accordance with the Return to Work Protocols. In doing so, we must strictly adhere to those safety guidelines and continuously practice all outlined preventative measures. This memo applies to all Government Services Employees, with some exceptions regarding Choctaw Tribal Schools' employees, and those exceptions are noted below.

As previous memos have indicated, non-critical employees who were on Administrative Leave were being paid to stay at home to prevent the spread of the virus. This Administrative Leave has been in effect since March 19, 2020 which is over four (4) months. This Administrative Leave will cease beginning Monday, August 3, 2020.

Beginning Monday, August 3, 2020, employees who have been working since the partial government shut-down will continue to work at their worksite and will work their entire normal work schedule, unless on approved leave or approved telework status. Unless otherwise approved in writing by the Director of Administration, for employees who have not worked regularly since March 19, 2020, there will be a staggered work schedule which will be determined by the supervisor. The staggered work schedule will require non-critical employees to work or be on approved leave for 40 hours during a bi-weekly pay period, but the employee will be paid for 80 hours. If the employee does not return to work and any of the following types of leave are utilized, the employee must be on leave for the entire 80 hours of the bi-weekly pay period. The staggered work schedules set by the supervisor are not subject to modification due to social distancing requirements.

There are leave options available for persons who do not wish to return to work on August 3,

2020. Those leave options are as follows:

- A. ELDER EMPLOYEE COVID LEAVE:** Any employee who is over 57 years of age will be granted, upon completion of the Elder Employee Leave Request Form, additional Administrative Leave. ELDER EMPLOYEE COVID LEAVE will be paid at 70% of the employee's regular rate of pay, and the employee will not accrue annual, sick or personal leave during this time. ELDER EMPLOYEE COVID LEAVE can be granted in no less than two-week increments through September 6, 2020. Employees requesting this leave should have the completed form submitted to their supervisor as soon as possible, but in no event later than the end of the current pay period. This leave applies to Choctaw Tribal Schools' employees.
- B. HIGH RISK EMPLOYEE COVID LEAVE:** Any employee who believes they are HIGH RISK of contracting COVID-19 due to a medical condition and would like additional leave through September 6, 2020, should complete the HIGH RISK Employee Leave Request Form, for additional Administrative Leave in increments of not less than two weeks through September 6, 2020. HIGH RISK Employee Leave will be paid at 70% of the employee's regular rate of pay, and the employee will not accrue annual or sick leave during this time. Employees requesting this leave should have the completed form along with a Healthcare Provider's certification submitted to their supervisor as soon as possible, but in no event later than the end of the current pay period. This leave does not apply to Choctaw Tribal Schools' employees.
- C. MBCI CHILD CARE LEAVE AFTER USAGE OF EPSL/CHILD CARE:** Any employee who meets the requirements of EPSL Childcare leave and has exhausted EPSL, may be granted MBCI CHILD CARE leave in two week increments through September 6, 2020. Although EPSL/CHILD CARE leave can be taken intermittently, MBCI CHILDCARE LEAVE can only be taken in two week increments. To use such leave, an employee must complete the Emergency Paid Sick Leave (Coronavirus) Request Form. MBCI CHILDCARE Leave will be paid at 70% of the employee's regular rate of pay, and the employee will not accrue annual or sick leave during this time. Employees requesting this leave should have the completed form submitted to their supervisor as soon as possible, but in no event later than the end of the pay period. This leave does not apply to Choctaw Tribal Schools' employees.
- D. EMERGENCY PAID SICK LEAVE ("EPSL"):** Any full-time employee will be granted, upon written request, 80 hours (10 working days) of EPSL if one of the following conditions are met:

 - 1. The employee is subject to a Federal, State or local isolation or quarantine order related to COVID-19 (will receive 100% of pay and must take the 80 hours in one block);

2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 (will receive 100% of pay and must take the 80 hours in one block);
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis (will receive 100% of pay and must take the 80 hours in one block);
4. The employee is caring for an individual who is subject to a Federal, State or local isolation or quarantine order related to COVID-19 (will receive 100% of pay and may take the 80 hours intermittently);
5. The employee is caring for a child if the child's school or place of care is physically closed, or the employee's childcare provider is unavailable (will receive 100% of pay and may take the 80 hours intermittently);
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor (will receive 100% of pay and may take the 80 hours intermittently).

This 80 hours of leave is one time leave and is not available for each of the factors listed above. If any of the above conditions are met, EPSL must be taken before any other type of leave is taken. This leave applies to Choctaw Tribal Schools' employees.

- E. ANNUAL LEAVE:** Employees may be granted Annual Leave in accordance with the requirements outlined in the MBCI *Administrative Personnel Policy and Procedures*, with the advance approval of the supervisor. This leave applies to Choctaw Tribal Schools' employees.
- F. SICK LEAVE:** Employees may be granted Sick Leave in accordance with the requirements outlined in the MBCI *Administrative Personnel Policy and Procedures*. This leave applies to Choctaw Tribal Schools' employees.
- G. PERSONAL LEAVE:** Educational Contract employees may be granted Personal Leave in accordance with the requirements outlined in the MBCI *Administrative Personnel Policy and Procedures* and the *Choctaw Tribal School Employee Handbook*. This leave applies to Choctaw Tribal Schools' employees.
- H. VOLUNTARY LEAVE TRANSFER PROGRAM (DONATED LEAVE):** Employees may be granted Donated Leave in accordance with the requirements outlined in the MBCI *Administrative Personnel Policy and Procedures*. This leave applies to Choctaw Tribal

Schools' employees.

- I. **LEAVE ADVANCE:** Employees may be granted Leave Advance in accordance with the MBCI policy on leave advance. This leave applies to Choctaw Tribal Schools' employees.

- J. **LEAVE WITHOUT PAY:** With concurrence from the supervisor, employees may be granted Leave without Pay for not more than thirty (30) working days, unless the employee is also currently on approved Family Medical Leave Act leave. This leave applies to Choctaw Tribal Schools' employees.

- K. **EXTENDED LEAVES OF ABSENCE:** Employees may be granted an Extended Leave of Absence for up to six months with approval of the Supervisor and the Tribal Chief in accordance with the requirements outlined in the MBCI *Administrative Personnel Policy and Procedures*. This leave applies to Choctaw Tribal Schools' employees.

Supervisors are required to notify the Human Resources/Leave Benefits Coordinator in writing (fmlla@choctaw.org) of any employee who is absent for three (3) or more work days to determine if Family Medical Leave Act Leave is required.

As a reminder, the Tribal Council amended the *Administrative Personnel Policy and Procedures* to allow for discipline for employees who come to work after having been knowingly exposed to or diagnosed with a communicable or infectious disease. If you test for COVID-19 and are advised by a healthcare professional to quarantine or you are subject to quarantine or isolation orders, you will be eligible for EPSL and you should not come to work until released by the healthcare professional.

Regarding hazard pay, beginning August 3, 2020, hazard pay will only be paid to those persons who are determined to be in front-line, high risk jobs in accordance with federal guidelines.

Remember that the facial covering mandate is in effect in all government offices. Finally, please arrive early for your shift since it does take some time to properly check all persons in through the Health Screening process. All offices should be maintaining documentation of employee screenings, including temperature checks.

The Tribal Government functions have been severely impacted during the last few months due to COVID-19, and I am pleased that we will be able to expand the workforce to provide all governmental services to members of the Tribe. Thank you for your cooperation as we work together for the benefit of the Tribe.

Please continue to monitor all tribal communications for further information on your shift, and contact your supervisor if you do not hear from him or her before close of business on Friday afternoon. Thank you.

A handwritten signature in black ink, appearing to read 'Cyrus Ben', written over a horizontal line.

Tribal Chief Cyrus Ben

c: Richard Sockey, Tribal Council Coordinator