

IN THE SAN CARLOS APACHE TRIBAL COURT

ADMINISTRATIVE ORDER 2020-0.2

IN RE: Workforce Plan for the San Carlos Apache Tribal Court in Response to Resolution No. MR-20-033 (Declaring State of Emergency Over Incidence of COVID-19)

(EXHIBIT A)

The purpose of this Plan is to outline actions of the San Carlos Apache Tribal Court (the “Court”) relative workforce management in response to the adoption of Resolution No. MR-20-033 (Declaring State of Emergency Over Incidence of COVID-19) approved by the Council of the San Carlos Apache Tribe (the “Tribe”) on March 14, 2020. This Plan is designed to: (1) Reduce contact infections within the Courthouse environment; (2) Mitigate the effect of systemic operational failures resulting from the likely closure of Tribal and local institutions and business (*e.g.*, public schools); and (3) Maintain Court operations to the greatest extent possible given exigent circumstances and the responsibility placed upon the Court—as a governmental entity of the Tribe—to protect the health, warfare and safety of Court personnel, other employees of the Tribe and San Carlos Apache Community members.

This Plan reflects reasonable and responsible action in response to the declared state of emergency. Further, this Plan contemplates the temporary Court policies and protocols in effect pursuant to Administrative Order 2020-0.1. This Plan shall stay in effect until the termination of the declared state of emergency or until otherwise directed by the Tribe.

Therefore, it is ORDERED AND ADJUDGED that the following action steps be implemented by the Court pursuant to Resolution No. MR-20-033:

1. Delegations of Assignment. The following Court personnel shall assign a designee to assume the designator’s work-related responsibilities and duties in the event the designator is no longer able to perform such duties and responsibilities:
 - Chief Judge
 - Court Administrator (payroll and finance/budget responsibilities)
 - Clerk of the Court
 - Chief Probation Officer
 - Bailiff

The Chief Judge shall document designee assignments and maintain a record of designee assignments. The Chief Judge shall further provide a copy of designee assignment and contact information to the: (1) Associate Judges; (2) Court Administrator; and (3) Court Solicitor.

In the event an assigned designee must assume the work-related duties and responsibilities of the designator, the assigned designee assuming the designator’s role shall assign a designee to assume designated work-related responsibilities and duties. The Chief Judge, or assigned designee, shall document the modification of designee assignments and maintain a record of modified designee

assignments. The Chief Judge, or assigned designee, shall further provide a copy of modified designee assignments and contact information to the (1) Associate Judges; (2) Court Administrator; or (3) Court Solicitor.

2. Development of Work Schedule. The Chief Judge, in collaboration with Court managers and personnel, shall develop a work schedule to remain in effect for the duration of the declared state of emergency or until otherwise directed by the Tribe. At the Chief Judge's discretion, the Chief Judge shall:

- Direct necessary personnel to report to the Courthouse to complete essential work-related responsibilities and duties;
- Assign personnel to report to the Courthouse on a rotating schedule requiring Court personnel to work at the Courthouse on assigned days or weeks to complete essential work-related responsibilities and duties and be placed on paid administrative leave on assigned days or weeks; or
- Direct personnel to work from home (telecommute), if feasible.

The Chief Judge reserves the right to direct Court personnel who are assigned to work from home or are assigned on paid administrative leave to report to the Courthouse to complete essential work-related responsibilities and duties, as deemed by the Chief Judge.

All work from home assignments shall be documented in memorandum form pursuant to § 500 (Hiring and Staffing Practices), and §513 (Telework) of the *San Carlos Apache Tribe Human Resources Department Policies and Procedures Manual*. The memorandum must be signed by both the employee and the Chief Judge. The Chief Judge, or designee, shall maintain a copy of the memorandum in the assigned employee's file.

The Chief Judge shall make the following considerations when determining the modified work schedule pursuant to Resolution No. MR-20-033:

- Operational needs of the Court consistent with Administrative Order 2020-0.1;
- Limitations of the Court to fully disinfect and sanitize Courthouse facilities on a regular basis (specifically lobby and Courtroom areas);
- Minimizing the number of Court personnel present at the Courthouse to limit contact exposures; and
- Effects of system operational failures (e.g., school closures) on Court personnel and larger San Carlos Apache community (e.g., unsupported child day-care needs, care of sick family members, etc.).

The Chief Judge shall attach a copy of the initial work schedule to this Plan as an addendum ("Addendum A—Court Work Schedule") and submit it to the Council pursuant to Resolution No. MR-20-033. In the event it becomes necessary to revise the initial work schedule, the Chief Judge, or assigned designee, shall forward a copy of the revised work schedule to the Council pursuant to Resolution No. MR-20-033.

3. Protective Measures. The Court shall implement the following measures to limit contact exposures and infections to the greatest extent possible.

- Open work spaces (non-office space) shall be reconfigured, if necessary, to provide at least nine (9) feet of distance between employees.

- Any employee (e.g., desk clerk and bailiff) in direct contact with members of the public, including parties to a legal proceeding and counsel, or materials (e.g., documents, writing instrument, etc.) handled by members of the public shall wear gloves when engaged in direct contact with members of the public and materials handled by members of the public.
- All writing implements (e.g., pens) utilized by members of the public shall be disinfected hourly, if disinfectant is available, or discarded and replaced at the end of each business day. Clipboards utilized by members of the shall be disinfected hourly, if disinfectant is available. If disinfectant is not available, no clipboards shall be supplied by the Court to members of the public.
- Any employee reporting for work at the Courthouse exhibiting symptoms associated with COVID-19 infection or complaining of symptoms associated with COVID-19 infection shall be dismissed from work immediately.
- Members of the public attending legal proceedings are encouraged to practice “social distancing” (maintaining a minimum of six (6) feet between individuals) while at the Courthouse. The Court reserves the right to remove any individual from the Courthouse exhibiting symptoms of COVID-19 infection for purposes of protecting public health, welfare and safety.
- In the event a member of the public or Court employee is confirmed to have contracted the virus resulting in COVID-19 infection, the Court may, at the Chief Judge’s discretion: (1) Declare a Court State of Emergency; (2) Request assistance from the Tribe to disinfect and sanitize Court facilities; and (3) Close the Court and suspend Court operations until disinfection and sanitization procedures are completed.

Karla M. Comanche

Hon. Karla Comanche
 Chief Judge
 San Carlos Apache Tribal Court

Original to:
 Court Clerk, San Carlos Apache Tribal Court

Copies to:
 San Carlos Apache Tribe Department of Justice (DOJ—Civil Division)
 San Carlos Apache Tribe Department of Justice (DOJ—Criminal Division)
 San Carlos Apache Tribe Office of Public Defender (Public Defender)
 San Carlos Apache Police Department (SCAPD)
 San Carlos Apache Tribal Bar Association (SCATBA)
 San Carlos Apache Tribal Social Services
 Published Source (if directed by Chief Judge)