



# MESCALERO Apache TRIBE

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## MESCALERO APACHE TRIBE MESCALERO, NEW MEXICO

### EXECUTIVE ORDER 21-07

**KNOW ALL PERSONS BY THESE PRESENTS** that pursuant to the power vested in me by the Revised Constitution of the Mescalero Apache Tribe and the Mescalero Apache Tribal Code, having declared a state of emergency on the Mescalero Apache Reservation at the request of the Mescalero Apache Tribal Council and in order to slow the spread of the coronavirus (COVID-19), do **HEREBY PROCLAIM** that the following COVID-19 safety provisions are made and implemented effective immediately and shall remain in effect until further notice:

#### **A. DETERMINATION OF VACCINATION STATUS**

An individual is considered fully vaccinated: two (2) weeks after their second dose in a 2-dose series, such as Pfizer or Moderna vaccines, or two (2) weeks after a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine. If an individual is not fully vaccinated, as defined herein, then he or she is considered unvaccinated.

#### **B. FACE MASKS REQUIRED FOR EMPLOYEES & UNVACCINATED INDIVIDUALS**

Face Masks shall be worn by:

1. All employees, agents, assigns, representatives, and contractors/subcontractors, collectively referred to herein as "employees," of the Tribal Government, sub-entities of the Tribe, and business enterprises owned by the Tribe, collectively referred to herein as "entities,"

during working hours or while performing duties or providing services indoors, regardless of vaccination status and except as listed herein.

2. All unvaccinated clients, customers, patrons, guests, visitors, and any other person who is not an employee of a Tribal entity entering and physically present indoors in a public place or inside any Tribal entity shall be required to wear a Face Mask while physically on the premises.

**C. WHEN FACEMASKS ARE NOT REQUIRED**

1. A Face Mask is not required where an employee is alone and in a space not regularly visited by the public, like a personal office, but that employee must put on a Face Mask when coworkers are nearby, when being visited by a client/customer/etc., and anywhere members of the public or other coworkers are regularly present.

2. Entities shall not require a child aged two years or less to wear a Face Mask due to the risk of suffocation. Parents and caregivers must supervise use of Face Masks by children to avoid misuse.

3. This Executive Order does not require any person to wear a Face Mask while driving alone, or exclusively with other members of the same family or household, in a motor vehicle.

4. A Face Mask is not required if an individual can show either: (1) a medical professional has advised that wearing a Face Mask may pose a health-related risk; or (2) wearing a Face Mask would create a risk to the person related to their work as determined by workplace safety guidelines.

5. A Face Mask should also not be used by anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove the Face Mask without assistance.

**D. NOTICE OF REQUIRMENT & REMOVAL FOR NON-COMPLIANCE**


1. All entities must take reasonable measures, such as posting signs, to remind unvaccinated individuals of the requirement that they wear a Face Mask while inside of or waiting in line to enter the premises.

2. In addition, all entities must take reasonable steps to prohibit any unvaccinated individual who is not wearing a Face Mask from entering, must not serve that person if those efforts are unsuccessful, and must seek to remove that person.


**BE IT FURTHER DECLARED** that all other provisions COVID-19 safety provisions enacted through Executive Order and not inconsistent with this Executive Order, remain in full force and effect until further notice.

**BE IT FINALLY DECLARED** that any person who shall violate any of the above restrictions may be subject to: criminal penalty, pursuant to Section 10-16-10 (D) of the Tribal Code; disciplinary actions in the case of employees of the Mescalero Apache Tribe, sub-entities of the Tribe, or any Tribal business enterprise; or removal from the Reservation in the case of non-Tribal Members.

**DONE** at the Administrative Offices of the Mescalero Apache Tribe, Mescalero, New Mexico this 24<sup>th</sup> Day of November, 2021 at 10:30 A.M.

  
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Gabe Aguilar, President  
Mescalero Apache Tribe

ATTEST:

  
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Ardena Orosco, Secretary  
Mescalero Apache Tribe