

STATE OF HAWAI‘I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation Related to the COVID-19 Delta Response, dated October 1, 2021 that suspends parts of Hawai‘i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA’s website at www.oha.org/livestream or listen by phone: (213) 338-8477

**Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
November 18, 2021**

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Leina‘ala Ahu Isa
Trustee Kaleihikina Akaka
Trustee Keli‘i Akina
Trustee Brendon Kalei‘āina Lee
Trustee John Waihe‘e, IV

BOT STAFF:

Colin Kippen, COS
Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Lehua Itokazu, Board Secretary

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Ka Pou Nui / COO
Raina Gushiken, CC
Everett Ohta, CC
Ramona Hinck, CFO
Daniel Santos, IT
Erin Nakama, IT
Robert Klein, Board Counsel

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, November 18, 2021, at 10:01 a.m. Board Secretary, please do a roll call.

| MEMBERS | | | Present | TIME ARRIVED |
|-------------|--------------------|---------|---------|---------------------------|
| TRUSTEE | LEINA‘ALA | AHU ISA | X | |
| TRUSTEE | DAN | AHUNA | | EXCUSED |
| TRUSTEE | KALEI | AKAKA | X | |
| TRUSTEE | KELI‘I | AKINA | X | |
| TRUSTEE | LUANA | ALAPA | | EXCUSED |
| TRUSTEE | BRENDON KALEI‘ĀINA | LEE | X | |
| TRUSTEE | KEOLA | LINDSEY | | EXCUSED |
| TRUSTEE | JOHN | WAIHE‘E | | Joins meeting at 10:05 am |
| CHAIRPERSON | CARMEN HULU | LINDSEY | X | |
| | | | 5 | 3 |

At the Call to Order, **five (5)** Trustees are PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Thank you. Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation related to COVID-19 Response dated October 1, 2021, that suspends parts of Hawai‘i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location. The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA’s website at www.oha.org/livestream

Do we have anyone signed up to offer public testimony or community concerns?

Board Secretary There is no one signed up.

Chair Hulu Lindsey Okay, I will go over some quick announcements. Please mute your mics when you are not speaking. We are recording today’s meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Joining the Trustees today is my staff Colin Kippen-COS, my Aides-Kanani Iaea and Amber Kalua, and our Board Secretary-Lehua Itokazu. With us today is Robert Klein, our Board Counsel. I will now call on our Pouhana to announce who is joining us from administration.

Sylvia Hussey, CEO Thank you Chair and good morning, Trustees, Chair, we have COO-Casey Brown, CFO-Ramona Hinck, Senior Legal Counsel-Raina Gushiken, Assistant Senior Legal Counsel-Everett Ohta, as well as our IT staff, Dan and Erin who will be supporting us this morning. Thank you.

New Business

Action Item BOT#21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration (2nd reading)

Chair Hulu Lindsey We will move on to item IV. new business, I will hand it over to Sylvia.

Sylvia Hussey, CEO Mahalo, I will have Raina on as well. This is the second reading for the vaccination policy passed by the Board. Raina, is there any comments that you would like to share?

Raina Gushiken, Senior Legal Counsel Good morning, Chair and Trustees, no additional comments following the first reading on November 4th of this action item, but I am available for questions if any of you have. Thank you.

Chair Hulu Lindsey Are there any questions from the Trustees? Hearing none, I will entertain a motion.

Trustee Akaka Madam Chair I move to

Approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in Attachment A and authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change without further board approval.

Trustee Ahu Isa Seconds the motion.

| | | | | | | |
|---|---|---|--------------|--------------------|----------------------|----------------|
| Trustee Akaka moves | | | | | | |
| Approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in Attachment A and authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change without further board approval. | | | | | | |
| Trustee Ahu Isa Seconds the motion. | | | | | | |
| | 1 | 2 | ‘AE (YES) | ‘A‘OL E (NO) | KANALUA (ABSTAIN) | EXCUSED |
| TRUSTEE LEI AHU ISA | | X | X | | | |
| TRUSTEE DAN AHUNA | | | | | | Excused |
| TRUSTEE KALEI AKAKA | X | | X | | | |
| TRUSTEE KELI‘I AKINA | | | X | | | |
| TRUSTEE LUANA ALAPA | | | | | | Excused |
| TRUSTEE BRENDON LEE | | | X | | | |
| TRUSTEE KEOLA LINDSEY | | | | | | Excused |
| TRUSTEE JOHN WAIHE‘E | | | X | | | |
| CHAIRPERSON HULU LINDSEY | | | X | | | |
| TOTAL VOTE COUNT | | | 6 | | | 3 |
| MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED | | | | | | |
| Motion passes with six (6) YES votes and one (3) EXCUSED vote. | | | | | | |

Chair Hulu Lindsey Thank you Trustees. Pou Hana, I will turn the time over to you for the OHA policy framework workshop. The reason this is on the agenda is there were some questions asked by some trustees and wanting more description, so I asked Sylvia to present it again. This way we can get a clear picture of what she is proposing. If there are any questions, you're free to ask Sylvia.

Sylvia Hussey, CEO Thank you Chair of trustees, we've been talking about policies since February and each conversation I hope is helpful to you to understand the underlying pinnings of our framework. The Board packet had policies and they asked the previous workshop, we talked about the framework, we talked about policy and cascading and retention and delegation of authority, and so the packet provided a seasonal analogy to policy work. Just different ways of looking at the concepts to help make sense of them. What was sent to you earlier this week that I will share here is a very short and clear ask of what we are trying to articulate in the framework as the board and the organization continues to implement the Board Governance framework.

Trustee Ahu Isa Chair, we have three Trustees missing from this meeting. I think if we're going to explain, they might have been the ones that were asking the questions. Can we wait to the next meeting?

Chair Hulu Lindsey No, I am not going to wait. They're welcome to review this portion of our meeting today. I announced it in advance, and they should be present. We will move forward.

Trustee Ahu Isa Because they're the newer ones.

Chair Hulu Lindsey I know and that is part of the reason we rescheduled it. We'll make sure they see this portion of the program. Before the meeting today, I did ask our Board Secretary if I could pass this presentation on to them and she said it was available. So, I will pass it on to them. Thank you.

Trustee Ahu Isa Okay, mahalo, I was just concerned about that.

Chair Hulu Lindsey Thank you for your concern.

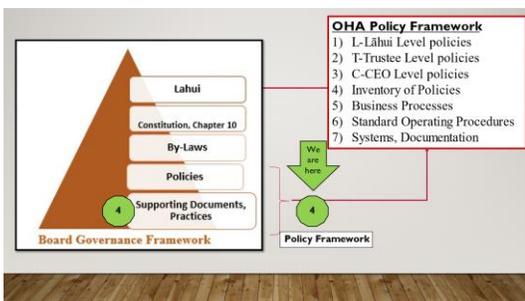
Sylvia Hussey, CEO Trustee Ahu Isa, in addition, administration is always available to walk through and answer questions. Over time, there has been a lot of information. We are more than willing to talk story.



This is important work for the Board and honestly, evidence for a very sophisticated organization that has a very intentful governance structure and a policy structure as one of the primary responsibilities of trustees, so we appreciate the intentional time to have a conversation and make deliberate decisions around the framework.

So, looking at the big picture, we're rooting it in the board governance framework and making our way down the triangle, if you will, and then we'll make the connections. Again, for context and framing, this presentation was sent to trustees and with guidance on how to run the animation because it helps to frame.

First, again the board in April 2019 approved the entire board governance framework; that entire triangle and the different elements of each of the framework. The Board about a month later, approved the L-Lāhui level policies to complement the board governance framework. The Constitution and Chapter 10 are seminal you know governance documents that are there, they are acknowledged as well, and so, the governance is not the adjustment part so the Board automatically moved to the By-laws work. The By-laws work took about a year. From the initial framework to the policies and then to move through, but in March 2020 the By-Laws were completed and approved by the Trustees. That's what is the current governing document for the trustees. Keep in mind that all of this work was done through the construct of a Permitted Interaction Group. There are pros and cons to that, but what administration has observed is that the Permitted Interaction Group process is a very structured process, a very intentional one and we feel that the Board has gotten into the groove and rhythm of permitted interaction work. So, the work products are a result of that process and also that the Board is, I hope, comfortable with that construct in doing board work. We're making our way down the board governance framework and here we are at the policies and supporting documents. The policy framework is about helping us. If you imagine that this is on the screen and you want to double click on the policies, what we want the user to experience is a framework. So, here we are moving into that next step. How do we operationalize? How do we visualize implementing the board governance framework? This piece is about the framework. The framework is comprised of three levels of policies, it is also comprised of an inventory of policies and then the cascading work of each policy has business processes associated with it. Each process has standard operating procedures associated with it. Then policies get also operationalize, procedures get codified in technical systems and technical systems have documentation, manuals, user manuals, and online manuals. There is a lot of details, but the basic policy structure is comprised of seven elements.



You can think of it as seven buckets or seven ways to organize our work and then what it also does is prioritizing our work. If we think about moving down the triangle and the policy framework, the Board has already established the L-level, Lāhui policies. What hasn't been established is how it cascades and informs top to bottom, the T-levels, C-levels, policy processes, etc. with a policy framework also comes policy guidelines, our policy needs guidelines to be developed consistently. These are the drafted and recommended guidelines for the Trustees to consider that accompanies the policy framework in order to help implement the framework. First and foremost, it is about retaining Trustee authority. Chapter 10 is very clear about what authorities are vested with Trustees. So, the assumption in policy work is that Trustees retain the authority unless they delegate it, so that is the assumption in all of the policy work. Therefore, the Trustees can choose whether they retain or delegate. I think that is an important piece of the framework that I would like the Trustees to know that administration's draft recommendation is to first and foremost make it very clear about Trustees authority. Second, is to align. Again, consistency and alignment to the Board governance framework. We want to ensure it cascades, that there's the appropriate level of accountability and granularity associated with that. We want to ensure that if we say such and such as accountable, that we actually achieve that accountability and that's where processes and other implementation pieces help us to achieve that

accountability. We want to make sure its detailed enough and we want to make sure we connect to process and procedure, and then we want to be sure we communicate our policy well and what does that policy look like in implementation. We often think about when we implement, we start with a sentence, it is the policy of the Office of Hawaiian Affairs to... and then we fill in. Really, what the ask is to

1. approve the framework – which is seven elements
2. and approve the policy guidelines.

This is what administration is recommending for the trustees to approve to continue to implement the Board Governance framework. We'll stop there. Are there any questions?

Trustee Lee A quick question Sylvia, about retaining trustee authority and trustee approvals. In regard to something like the strategic plan. Once the trustees have approved the strategic plan, does that mean administration is going to come back to the trustees with every effort that they have to implement that strategic plan for trustee approval? Or is it we've approved a strategic plan so administration will take that and move forward with what administration feels needs to be done to meet those requirements of the strategic plan or a trustee is going to be asked to approve every step of moving forward with a strategic plan?

Sylvia Hussey, CEO I would say it's the former rather than the latter that we will come back for implementation at the guardrails and post. So, for example, implementing the strategic plan involves the budgeting of grants or it involves the budgets for advocacy or the actual advocacy platforms. There are those implementation pieces that do come back to the board because it is an integral part of the implementation. So even if the implementation is delegated to administration to implement, there are other guardrails and guidelines that bring back budgetary impacts, legislative impacts, and other kinds of accountabilities that do come back to the board. Yes, we implement but there are other constructs that come back to the board. We had a discussion about fiscal policy, endowment, and cash management; that's a great place for us to talk about what does implementation look like and what authorities do the board retain and what do they delegate including what are the other controls that are in place that are just good controls that will mitigate to ensure that the authorities or the implementation is being done appropriately.

Trustee Lee Thank you for that Ka Pouhana. I would agree with all of that, those are big things. As part of those strategic plan, even without this type of policies, would be the normal course of our approval, right? We have to approve budgets, we have to approve budget changes and so on and so forth. More of what I'm talking about and I think you answered my question are the everyday, day to day things that departments are going to be doing that you're not going to be coming back to the trustees at all; we want to do this because it matches this part of the strategic plan, to do this community outreach program; you are talking about big pieces, budgetary movements and legislative packages. I was asking about the little bitty details, I just want to make sure that we're not going to be asked to basically micromanage you guys.

Sylvia Hussey, CEO Definitely not, my expectation is you hold me accountable for managing at that level and managing consistently which I further delegate to the leaders.

Trustee Lee Right, thank you Ka Pouhana.

Chair Hulu Lindsey Any other questions? If not, thank you Sylvia. For those not here, we will pass this presentation on to them.

Adjournment

Chair Hulu Lindsey There are no announcements so I will entertain a motion to adjourn.

Trustee Akaka Moves to adjourn the meeting.

Trustee Waihe'e Seconds the motion.

| Adjournment | | | | | | | |
|-------------------------|---------|---|---|--------------|---------------|----------------------|----------|
| TRUSTEE | | 1 | 2 | 'AE (YES) | A'OLE (NO) | KANALUA (ABSTAIN) | EXCUSED |
| LEINA'ALA | AHU ISA | | | X | | | |
| DAN | AHUNA | | | | | | Excused |
| KALEIHIKINA | AKAKA | X | | X | | | |
| KELI'I | AKINA | | | X | | | |
| LUANA | ALAPA | | | | | | Excused |
| BRENDON KALEI'ĀINA | LEE | | | X | | | |
| KEOLA | LINDSEY | | | | | | Excused |
| JOHN | WAIHE'E | | X | X | | | |
| CHAIR CARMEN HULU | LINDSEY | | | X | | | |
| TOTAL VOTE COUNT | | | | 6 | | | 3 |

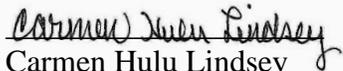
Chairperson Carmen Hulu Lindsey Adjourns the Board of Trustees meeting at 10:22 a.m.

Respectfully submitted,



Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on January 13, 2022.



Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

- 1. Excused Memo – Trustee Ahuna**
- 2. Excused Memo – Trustee K. Lindsey**
- 3. Excused Memo – Trustee Alapa**
- 4. Action Item BOT# 21-16**
- 5. PowerPoint – Policy Framework within the Board Governance Framework**



BOARD OF TRUSTEES
 Carmen. Hulu Lindsey, *Chairperson*
 Leina'ala Ahu Isa, *Vice Chairperson*
 Dan Ahuna, Trustee Kaua'i & Ni'ihau
 Kalei Akaka, Trustee O'ahu
 Keli'i Akina, Trustee At-Large
 Luana Alapa, Trustee Moloka'i & Lāna'i
 Brendon Kalei'āina Lee, Trustee At-Large
 Keola Lindsey, Trustee Hawai'i Island
 John Waihe'e IV, Trustee At-Large

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS

MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, November 18, 2021

TIME: 10:00 am

PLACE: Virtual Meeting

Viewable at www.oha.org/livestream OR

Listen by phone: (213) 338-8477, Webinar ID: 867 4868 2340

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation Related to the COVID-19 Delta Response, dated October 1, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location. The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477, Webinar ID: 867 4868 2340

AGENDA

- I. Call to Order**
- II. Public Testimony** on Items Listed on the Agenda* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- III. Community Concerns and Celebrations***(Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- IV. New Business**
 - A. Action Item BOT#21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration (2nd reading)
 - B. Workshop: OHA Policy Framework
- V. Announcements**
- VI. Adjournment**

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number 594-1772 or by email rainag@oha.org no later than three (3) business days prior to the date of the meeting.

Meeting Materials will be available to the public on Monday, November 15, 2021 and posted to OHA's website at:

www.oha.org/bot In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone and Webinar ID provided at the beginning of this agenda.

†Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

* **Public Testimony on Items Listed on the Agenda must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda.** Hawai'i Revised Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

Testimony can be provided to the OHA Board of Trustees either as: (1) **written testimony** emailed at least 24 hours prior to the scheduled meeting, or (2) live, **oral testimony online** during the virtual meeting.

(1) Persons wishing to provide **written testimony** on items listed on the agenda should submit testimony via **email** to BOTmeetings@oha.org at least **24 hours prior** to the scheduled meeting. Any testimony received after this deadline will be late testimony and will be distributed to the Board members after the scheduled meeting. **Due to COVID- 19, please do not fax, mail, or hand-deliver written testimony**

(2) Persons wishing to provide **oral testimony online** during the virtual meeting must first register at:

PHONE (808) 594-1888

FAX (808) 594-1868



BOARD OF TRUSTEES

Carmen. Hulu Lindsey, *Chairperson*

Leina'ala Ahu Isa, *Vice Chairperson*

Dan Ahuna, Trustee Kaua'i & Ni'ihau

Kalei Akaka, Trustee O'ahu

Keli'i Akina, Trustee At-Large

Luana Alapa, Trustee Moloka'i & Lāna'i

Brendon Kalei'āina Lee, Trustee At-Large

Keola Lindsey, Trustee Hawai'i Island

John Waihe'e IV, Trustee At-Large

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS

https://us06web.zoom.us/webinar/register/WN_TzzvfoQxRQW5kliLhKLu8A

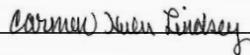
You need to register if you would like to orally testify. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting. The registration page will close during the Public Testimony or Community Concerns agenda item. Oral testimony by telephone/landline **will not** be accepted at this time.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

Oral testimony online will be limited to five (5) minutes. Once your oral testimony is completed, you will be asked to disconnect from the meeting, unless you are also signed up for oral testimony during Community Concerns and Celebrations. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Please visit OHA's website for more detailed information on how to submit Public Testimony OR Community Concerns at: <https://www.oha.org/how-to-submit-testimony-for-oha-bot-meetings/>



Trustee Carmen Hulu Lindsey
Chairperson, Board of Trustees

11/12/2021

Date



OFFICE OF HAWAIIAN AFFAIRS
Office of Trustee Dan Ahuna
Interoffice Memorandum

Date: November 18, 2021

To: Trustee Hulu Lindsey, Chair
Board of Trustees (BOT)

Trustee Lei Ahu Isa, Vice-Chair
Board of Trustees (BOT)

From: Trustee Dan Ahuna *Dan Ahuna*

Subject: **BOT Meeting Absence – Nov. 18, 2021**

I am unable to attend the BOT meeting scheduled for November 18, 2021. Please extend my excused absence and my sincere apologies to the members of the board.

Mahalo.



OFFICE OF HAWAIIAN AFFAIRS
Trustee Keola Lindsey
Interoffice Memorandum

Date: November 16, 2021

To: Trustee H. Lindsey, Chair – Board of Trustees
Trustee Ahu Isa, Vice Chair – Board of Trustees

From: Trustee Keola Lindsey

Re: Board of Trustees Meeting – 11/18/21

Aloha Chair Lindsey,

Please excuse me from the Board of Trustees Meeting on Thursday, November 18, 2021. Please extend my excused absence and sincere apologies to the other members of the Board of Trustees.

Mahalo,
Keola Lindsey
Trustee, Hawai'i Island



November 1, 2021

To: Chair Hulu Lindsey

From: Trustee Alapa

Re: Request for excused absence from BOT meetings

Trustee Alapa will be traveling out of state November 4-24 and will not be able to attend the virtual BOT meetings as she will be tending to personal and private business matters.

She will be absent from BOT meetings; Thursday, November 4, 2021 and Thursday, November 18, 2021.



OFFICE OF HAWAIIAN AFFAIRS
ACTION ITEM

Board of Trustees
November 4, 2021

Action Item No.: BOT #21-16

Action Item Issue: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration

Prepared by:  Oct 29, 2021
Raina P.B. Gushiken Date
Ka Paepae Puka, Senior Legal Counsel

Reviewed by:  Oct 29, 2021
Kai Mana Peres-David Date
Ka Hoakake'a, Human Resources Director

Reviewed by:  Oct 29, 2021
Sylvia M. Hussey, Ed.D. Date
Ka Pouhana, Chief Executive Officer

Reviewed by:  Oct 29, 2021
Carmen Hulu Lindsey Date
Ke Kauhuhu o ke Kaupoku
Chairperson, Board of Trustees

Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration

I. Proposed Action

To Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration.

II. Issue

Whether to approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration.

III. Background

On August 5, 2021, Governor Ige issued his Emergency Proclamation Related to the COVID-19 Response, that among other provisions, requires all State Executive Branch and county employees to attest to vaccination status to their respective department, office, or agency and those who were not vaccinated would be subject to regular COVID-19 testing.¹

The State Legislature and State Judiciary implemented their own vaccination and testing policies for their members and employees.²

On August 26, 2021, leaders from various sectors of the Native Hawaiian community, including OHA, held a press conference to encourage community members to do their part to stop the surge of COVID-19. With Native Hawaiians representing nearly 32% of all COVID-19 cases statewide (while only constituting 21% of the population), more needs to be done to empower and educate Native Hawaiians on what choices are best for their community, their ‘ohana and loved ones.

Native Hawaiian and Pacific Islander (NHPI) populations have experienced disproportionate impacts of COVID-19, and the impacts to Native Hawaiians particularly have been alarming. During this pandemic, OHA participated in and supported the work of the NHPI COVID-19 3R--Response, Recovery & Resilience Team, <https://www.nhpicovidhawaii.net/> and its advocacy for data disaggregation, testing sites, practices that mitigate transmission, vaccination and recovery. The coalition communicates and messages through a broad spectrum of mechanisms--radio, television, print and social media, statewide resourcing, multiple pacific languages, including ‘olelo Hawai‘i, as well as the use of community (e.g., faith based leaders, Native Hawaiian physicians), to advance its messages. A prominent message is that of encouraging vaccination among NHPI populations. OHA will continue to participate in and support the work of the NHPI COVID-19 3R Team, including the messages encouraging vaccination.

For the September Ka Wai Ola, a special insert “Protecting Our Lāhui From COVID-19” was included that shared a Mythbusters article addressing 10 fears and rumors circulating in our

¹ [2108026-ATG_Emergency-Proc-for-COVID-19-Response-distribution-signed.pdf \(hawaii.gov\)](#). Pursuant to Hawai‘i Revised Statutes (HRS) Chapter 127A, the Governor has executive authority to declare a state of emergency and issue emergency proclamations and orders that have the full force and effect of law. See HRS §§ 127A-11, -12, and 25.

² For the State House of Representatives, see House of Representatives COVID-19 Vaccination Policy at [a825ecf6-7945-4262-864d-4771ed127a31.pdf \(worldnow.com\)](#); for the State Senate see [State Senate to mandate COVID-19 vaccines - Honolulu, Hawaii news, sports & weather - KITV Channel 4](#); for the State Judiciary, see [Judiciary | Judiciary Announces COVID-19 Vaccination and Testing Program \(state.hi.us\)](#)

Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration

community preventing people from getting vaccinated. Kānaka Maoli leaders have increasingly expressed their fears for the safety of our lāhui. To amplify these community voices, OHA initiated the “I’m Vaccinated” campaign and invited ‘Ōiwi leaders from across the pae ‘āina and from every walk of life to participate. No one is being paid to do this. These alaka‘i have dedicated their lives to serving and uplifting our lāhui and volunteered in this dark hour to share their reasons for getting vaccinated out of aloha for our people and concern for our collective future. Their stories and more information on protecting our lāhui from COVID19 can be found on KaWaiOla.news.

On September 8, 2021, Governor Ige issued Executive Order No. 21-07 that requires all contractors entering, working, or providing any service in a State facility to attest as to each employee whether they are fully vaccinated, and if not fully vaccinated, that they obtained a negative COVID-19 test result prior to entering or remaining in any State facility.³ The Governor’s Executive Order further requires that all visitors to a State facility provide verification of being fully vaccinated, or if not fully vaccinated, to produce a negative COVID-19 test result prior to being allowed to enter or remain in a State facility.

On September 9, 2021, President Biden issued Executive Orders that required all federal Executive Branch employees⁴ and federal contractors⁵ to be vaccinated. During his press briefing on September 9, 2021, President Biden announced that the U.S. Department of Labor is developing an emergency rule to require all employers with 100 or more employees to ensure their workforces are fully vaccinated or provide proof of a negative COVID-19 test result at least once a week.⁶

Pursuant to Executive Order No. 21-07, effective September 13, 2021, the Office of Hawaiian Affairs (OHA) required that all contractors entering, working, or providing services in an OHA worksite to submit an attestation of their vaccination status and for those who are unvaccinated or partially vaccinated, a negative test result of a COVID-19 test, and that they wear a mask at all times while in an OHA worksite, and physically distance themselves from others. OHA Contract Administrators were required to notify contractors and vendors of these requirements and the process in which they can submit their written attestations before coming to OHA to perform work or carry out services.

On October 1, 2021, the Governor issued an Emergency Proclamation Related to the State’s COVID-19 Delta Response, effective through November 30, 2021 (Emergency Proclamation).⁷ Among other things, the Emergency Proclamation extends the state-wide mask mandate indoors in public settings; allows State boards and commissions to continue meeting virtually, using interactive conference technology and providing testifiers the same option to testify audio visually; and setting forth Rules Relating to Access to State Property, as set forth in Exhibit E thereto, superseding Executive Order No. 21-07.

³ [2109041-ATG_Executive-Order-No.-21-07-distribution-signed.pdf \(hawaii.gov\)](#). In Executive Order No. 21-07, “facility” is defined as any facility, building, or other property controlled and used by the State to conduct government business, or any other property that is the site of a government project.

⁴ [Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees | The White House](#)

⁵ [Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors | The White House](#)

⁶ [Remarks by President Biden on Fighting the COVID-19 Pandemic | The White House](#)

⁷ [2109152-ATG_Emergency-Proclamation-Related-to-the-States-COVID-19-Delta-Response-distribution-signed.pdf \(hawaii.gov\)](#)

Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration

IV. Discussion

OHA's objective has and continues to be, maintaining safe, healthy, and productive work environments for our employees and beneficiaries while, to the extent possible, limiting disruptions in our services to the Lāhui.

OHA supports COVID-19 vaccinations and believes having a fully vaccinated workforce will help to maintain safe, healthy, and productive work environments for our employees, beneficiaries, and community partners with whom we interact. OHA recognizes the important role vaccinations play in preventing severe illness and death in those who contract COVID-19.⁸

COVID-19 continues to pose a serious threat to the health and safety of our community. To ensure safe, healthy and productive work environments for employees, beneficiaries, and community partners with whom we interact and to align with county, state, and federal vaccination and testing requirements, Administration recommends that the OHA Board of Trustees approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in **Attachment A**, requiring all employees and visitors to enter an OHA worksite to provide either verification of full vaccination or proof of a current and valid negative COVID-19 test result and authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change without further board approval.

Any documentation related to vaccination status or test results obtained for purposes of this policy shall not be disclosed to individuals other than as necessary to ensure compliance with this policy or as required by law or court order.

The Policy will be effective upon Board approval. Administration will the requirements of the policy to employees and an appropriate implementation date.

When OHA re-opens to the public, Administration will communicate the requirements of the policy through available modes of external communication.

The policy will be updated by Administration on a regular basis as medical guidance and regulatory requirements change.

V. Recommended Action

MOTION:

Approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in Attachment A and authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change without further board approval.

⁸ [Interim Public Health Recommendations for Fully Vaccinated People | CDC](#)

Action Item BOT #21-16: Approve COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and Its Implementation by Administration

VI. Alternative Actions

A. Decline to approve the COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs as set forth in Attachment A and decline to authorize Administration to carry out its implementation, including allowing Administration to make regular updates to the policy as medical guidance and regulatory guidelines change.

B. Take no action.

VII. Funding. None needed at this time.

VIII. Timeframe. Effective upon approval of the Board with Administration setting an appropriate implementation date for operations.

IX. Attachment:

A. COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs

ATTACHMENT A

COVID-19 VACCINATION AND TESTING POLICY FOR THE OFFICE OF HAWAIIAN AFFAIRS

OHA will follow applicable industry and regulatory guidelines related to COVID-19 from, including but not limited to, the Centers for Disease Control and Prevention (CDC), the Occupational Safety & Health Administration (OSHA), the Equal Employment Opportunity Commission (EEOC), and the Hawaii Department of Health (HDOH). This COVID-19 Vaccination and Testing Policy will be updated on a regular basis as regulatory guidelines change.

I. Purpose

The Office of Hawaiian Affairs' (OHA) objective has and continues to be, maintaining safe, healthy, and productive work environments for staff and beneficiaries while, to the extent possible, limiting disruptions in our services to the Lāhui.

OHA supports COVID-19 vaccinations and believes having a fully vaccinated workforce will help to maintain safe, healthy, and productive work environments for our staff, beneficiaries, and community partners with whom we interact. OHA recognizes the important role vaccinations play in preventing severe illness and death in those who contract COVID-19.¹

On August 5, 2021, Governor Ige issued his Emergency Proclamation Related to the COVID-19 Response, that among other provisions, requires all State Executive Branch and county employees to attest to vaccination status to their respective department, office, or agency and those who were not vaccinated would be subject to regular COVID-19 testing.²

The State Legislature and State Judiciary implemented their own vaccination and testing policies for their members and employees.³

On August 26, 2021, leaders from various sectors of the Native Hawaiian community, including OHA, held a press conference to encourage community members to do their part to stop the surge of COVID-19. With Native Hawaiians representing nearly 32% of all COVID-19 cases

¹ [Interim Public Health Recommendations for Fully Vaccinated People | CDC](#)

² [2108026-ATG_Emergency-Proc-for-COVID-19-Response-distribution-signed.pdf \(hawaii.gov\)](#). Pursuant to Hawai'i Revised Statutes (HRS) Chapter 127A, the Governor has executive authority to declare a state of emergency and issue emergency proclamations and orders that have full force and effect of law. See HRS §§ 127A-11, -12, and 25.

³ For the State House of Representatives, see House of Representatives COVID-19 Vaccination Policy at [a825ecf6-7945-4262-864d-4771ed127a31.pdf \(worldnow.com\)](#); for the State Senate see [State Senate to mandate COVID-19 vaccines - Honolulu, Hawaii news, sports & weather - KITV Channel 4](#); for the State Judiciary, see [Judiciary | Judiciary Announces COVID-19 Vaccination and Testing Program \(state.hi.us\)](#)

statewide (while only constituting 21% of the population), more needs to be done to empower and educate Native Hawaiians on what choices are best for their community, their 'ohana and loved ones.

Native Hawaiian and Pacific Islander (NHPI) populations have experienced disproportionate impacts of COVID-19, and the impacts to Native Hawaiians particularly have been alarming. During this pandemic, OHA participated in and supported the work of the NHPI COVID-19 3R--- Response, Recovery & Resilience Team, <https://www.nhpicovidhawaii.net/> and its advocacy for data disaggregation, testing sites, practices that mitigate transmission, vaccination, and recovery. The coalition communicates and messages through a broad spectrum of mechanisms---radio, television, print and social media, statewide resourcing, multiple pacific languages, including 'olelo Hawai'i, as well as the use of community (e.g., faith based leaders, Native Hawaiian physicians), to advance its messages. A prominent message is that of encouraging vaccination among NHPI populations. OHA will continue to participate in and support the work of the NHPI COVID-19 3R Team, including the messages encouraging vaccination.

For the September Ka Wai Ola, a special insert "Protecting Our Lāhui From COVID-19" was included that shared a Mythbusters article addressing 10 fears and rumors circulating in our community preventing people from getting vaccinated. Kānaka Maoli leaders have increasingly expressed their fears for the safety of our lāhui. To amplify these community voices, OHA initiated the "I'm Vaccinated" campaign and invited 'Ōiwi leaders from across the pae 'āina and from every walk of life to participate. No one is being paid to do this. These alaka'i have dedicated their lives to serving and uplifting our lāhui and volunteered in this dark hour to share their reasons for getting vaccinated out of aloha for our people and concern for our collective future. Their stories and more information on protecting our lāhui from COVID19 can be found on KaWaiOla.news.

On September 8, 2021, Governor Ige issued Executive Order No. 21-07 (Executive Order) that requires all contractors entering, working, or providing any service in a State facility to attest as to each employee whether they are fully vaccinated, and if not fully vaccinated, that they obtained a negative COVID-19 test result prior to entering or remaining in any State facility.⁴ The Executive Order further requires that all visitors to a State facility provide verification of being fully vaccinated, or if not fully vaccinated, to produce a negative COVID-19 test result prior to being allowed to enter or remain in a State facility.

On September 9, 2021, President Biden issued Executive Orders that required all federal Executive Branch employees⁵ and federal contractors⁶ to be vaccinated. During his press

⁴ [2109041-ATG Executive-Order-No.-21-07-distribution-signed.pdf \(hawaii.gov\)](#). In the Executive Order, "facility" is defined as any facility, building, or other property controlled and used by the State to conduct government business, or any other property that is the site of a government project.

⁵ [Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees | The White House](#)

⁶ [Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors | The White House](#)

briefing on September 9, 2021, President Biden announced that the U.S. Department of Labor is developing an emergency rule to require all employers with 100 or more employees to ensure their workforces are fully vaccinated or provide proof of a negative COVID-19 test result at least once a week.⁷

On October 1, 2021, the Governor issued an Emergency Proclamation Related to the State's COVID-19 Delta Response, effective through November 30, 2021 (Emergency Proclamation).⁸ Among other things, the Emergency Proclamation extends the state-wide mask mandate indoors in public settings; allows State boards and commissions to continue meeting virtually, using interactive conference technology, and providing testifiers the same option to testify audio visually; and setting forth Rules Relating to Access to State Property, as set forth in Exhibit E thereto, superseding Executive Order No. 21-07.

For all these reasons, OHA is requiring that all employees and visitors provide either verification of full vaccination or proof of a current and valid negative COVID-19 test result, subject to the provisions set forth in this policy.

II. Definitions

- A. Fully Vaccinated:** Individuals are considered fully vaccinated for COVID-19 if it has been two weeks after they have received the second dose in a two-dose vaccine series (e.g., Pfizer-BioNTech or Moderna) or two weeks after they have received a single-dose vaccine (e.g., Johnson & Johnson/Janssen).⁹ This guidance can also be applied to COVID-19 vaccines that have been authorized for emergency use listing ("EUL") by the World Health Organization (e.g., AstraZeneca/Oxford, Serum Institute of India, Sinopharm, and Sinovac as of July 2, 2021).
- B. Employee:** For the purposes of this policy, Employee means all full time, part time, compensated or uncompensated individuals classified as executives, management, staff, temporary hires, and casual hires, employed by the OHA. It also includes staff and members of the Board of Trustees of the OHA and volunteers who work with the OHA.
- C. Visitor:** For purposes of this policy, Visitor means any person entering an OHA Worksite who is not a state employee. The term "visitor" includes volunteers (including interns on academic programs), vendors, contractors or employees of a vendor or contractor, but shall not include: persons under the age of twelve (12) or individuals making deliveries to an OHA physical worksite and who leave within ten (10) minutes of entry.

⁷ [Remarks by President Biden on Fighting the COVID-19 Pandemic | The White House](#)

⁸ [2109152-ATG Emergency-Proclamation-Related-to-the-States-COVID-19-Delta-Response-distribution-signed.pdf \(hawaii.gov\)](#)

⁹ See [When You've Been Fully Vaccinated | CDC](#)

D. COVID-19 Test: A COVID-19 test is (1) any U.S. Food and Drug Administration approved or authorized molecular or antigen screening or diagnostic test for SARS CoV-2, under conditions where the taking of all samples are administered, observed, or proctored by a lab, testing site, healthcare provider, trusted testing partner of the State of Hawaii Safe Travels Program or any authorized agent of these, with verification of the identity of the test taker; or (2) any COVID-19 test results that are submitted and accepted under the State of Hawaii Safe Travels Program.

- i. The COVID-19 test must have been taken not more than 72-hours prior to entry at an OHA Worksite.
- ii. Over-the-counter or “at home” types of tests are not acceptable if they are not observed and proctored at a testing site.

E. OHA Worksite: For purposes of this policy, an OHA worksite is any physical location or destination where an employee will be conducting official OHA business and may be in contact with State employees or members of the public, including but not limited to OHA’s business offices and worksites located at: (1) Na Lama Kukui; (2) Kaka’ako Makai; (3) Kukaniloko; (4) Pahua; (5) Waialua Courthouse; (6) Wahiawa; (6) Kona Office; (7) Hilo Office; (8) Kaua’i Office; (9) Ho’omana; (10) Kekaha; (11) Lana’i Office; (12) Maui Office; (13) Palauea; (14) Moloka’i Office; (15) Washington D.C. Bureau; (16) 501 Sumner Street; and (17) 500 N. Nimitz Highway.

- i. For OHA property that is leased or sub-leased to a tenant, the tenant is responsible to comply with all applicable industry and regulatory laws and guidelines for the leased space.
- ii. For OHA’s commercial properties, third party property managers maintain and manage the common areas in compliance with all applicable industry and regulatory laws and guidelines.

III. Policy and Program

A. Employees

All Employees must provide either verification of being Fully Vaccinated **OR** proof of a current and valid negative COVID-19 test result prior to entering an OHA Worksite in accordance with Section III.B, Verification of Vaccination & Submission or Section III.C, Testing Requirement, as applicable.

Employees may take up to two hours of paid time off for each vaccination dose, as operations permit. Employees must coordinate with and receive authorization from their supervisor if taking leave to get vaccinated and may be required to provide proof of registration.

Any Employee who has not provided verification of being Fully Vaccinated for COVID-19 may enter an OHA Worksite provided they provide proof of a current and valid negative COVID-19 test result prior to arriving at an OHA Worksite in accordance with Section III.C, Testing Requirement.

When OHA recalls its workforce back to OHA Worksites, Employees who are not on an approved accommodation for continued telework and who do not provide verification of being Fully Vaccinated for COVID-19, must provide proof of a current and valid negative COVID-19 test result once a week in accordance with Section III.C, Testing Requirement.

Employees who are less than fully vaccinated and who do not comply with the Testing Requirement are prohibited from entering an OHA Worksite.

An Employee who is required or directed to report to an OHA Worksite, but who is less than Fully Vaccinated and has not been tested, must notify their supervisor that they are not able to report as required or directed. The Employee may be subject to appropriate corrective action including progressive discipline, as applicable.

An Employee who is required or directed to report to a non-OHA Worksite that requires either vaccination and/or testing, but who is less than fully vaccinated and/or refuses to be tested, must notify their supervisor that they are not able to report as required or directed. The Employee may be subject to appropriate corrective action including progressive discipline, as applicable.

B. Verification of Vaccination & Submission

Employees who have opted to get vaccinated must provide verification of their current vaccination status to OHA Human Resources (“HR”) at hr@oha.org prior to being allowed to enter an OHA Worksite. Employees may:

- email a photograph or digital copy of a state-approved vaccination card or other official documentation evidencing their vaccination status; or
- email a screenshot or digital copy of their vaccination status using various publicly available health status applications provided by the State of Hawai’i Smart Health Card, CommonPass applications, CLEAR Health Pass, Azova, IBM Digital Health Pass, and other similar products available to the public; or
- upload an image of their official state COVID-19 vaccination record to the LumiSight OHA application ([LumiSight Workplace](#)).

C. Testing Requirement for Less Than Fully Vaccinated Employees

An Employee who has opted to get tested or who is less than Fully Vaccinated must, on a weekly basis, provide proof of a current and valid negative COVID-19 test result to HR prior to being allowed to enter an OHA Worksite. The negative COVID-19 test must have been taken not more than 72 hours prior to the employee's entry at an OHA Worksite on the first day of work for the week.

Employees may take up to two hours of paid time off to get tested for COVID-19, as operations permit. Employees must coordinate with and receive authorization from their supervisor if taking leave to get tested and may be required to provide proof of registration.

Employees not tested at a free testing site shall be responsible for any testing costs. The location of free testing sites can be found on the COVID- 19 State of Hawai'i Portal ([Testing, Isolation & Quarantine - Hawai'i DOH: Info & Resources for Managing COVID-19 \(hawaiicovid19.com\)](https://www.hawaii.gov/doh/COVID-19)).

Employees may:

- email a photograph or digital copy of official documentation evidencing their negative COVID-19 test result to HR at hr@oha.org; or
- upload an image of official documentation evidencing their negative COVID-19 test result to their LumiSight OHA account.

D. Visitors

All Visitors entering an OHA worksite must provide proof of being Fully Vaccinated for COVID-19 **OR** proof of a current and valid negative COVID-19 test result to an OHA point of contact upon entry at an OHA Worksite. The negative COVID-19 test must have been taken not more than 72 hours prior to entry at an OHA Worksite.

For proof of vaccination status, a Visitor may:

- show identification and the hard-copy, photograph, or digital copy of a state-approved vaccination card; or
- show identification and their vaccination status using various publicly available health status applications provided by the State of Hawai'i Smart Health Card, CommonPass applications, CLEAR Health Pass, Azova, IBM Digital Health Pass, and other similar products available to the public; or
- upload an image of their official state COVID-19 vaccination record through the LumiSight OHA Application ([LumiSight Workplace](#)).

For proof of testing status, a Visitor may:

- show identification and the hard-copy, photograph, or digital copy of official documentation evidencing their negative COVID-19 test result; or
- upload an image of official documentation evidencing their negative COVID-19 test result to the LumiSight OHA application.

Any Visitor who refuses to show identification and verification of being Fully Vaccinated or proof of a valid and current negative COVID-19 test result will be prohibited from entering an OHA Worksite and asked to immediately leave the premises.

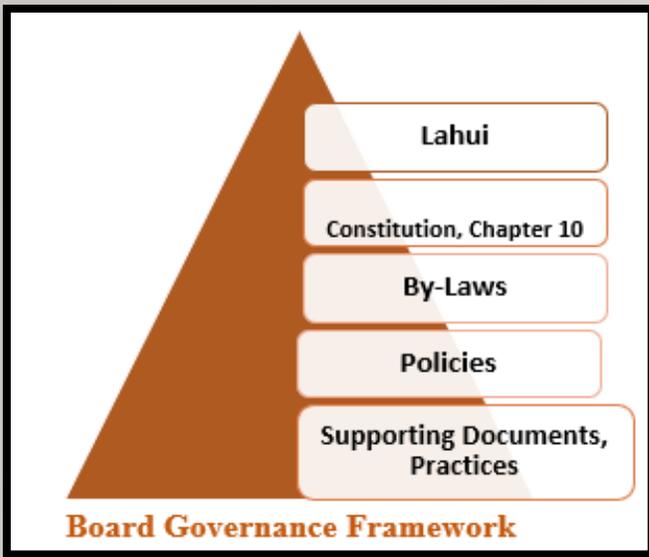
E. Rejection of Proof of Vaccination or Testing Status

Proof of vaccination or testing status may be rejected if: (1) the information on the records provided are not acceptable; (2) the records provided have insufficient/missing information; (3) the information on the records provided cannot be verified; or (4) if the image is blurry or the resolution is too low to be readable.

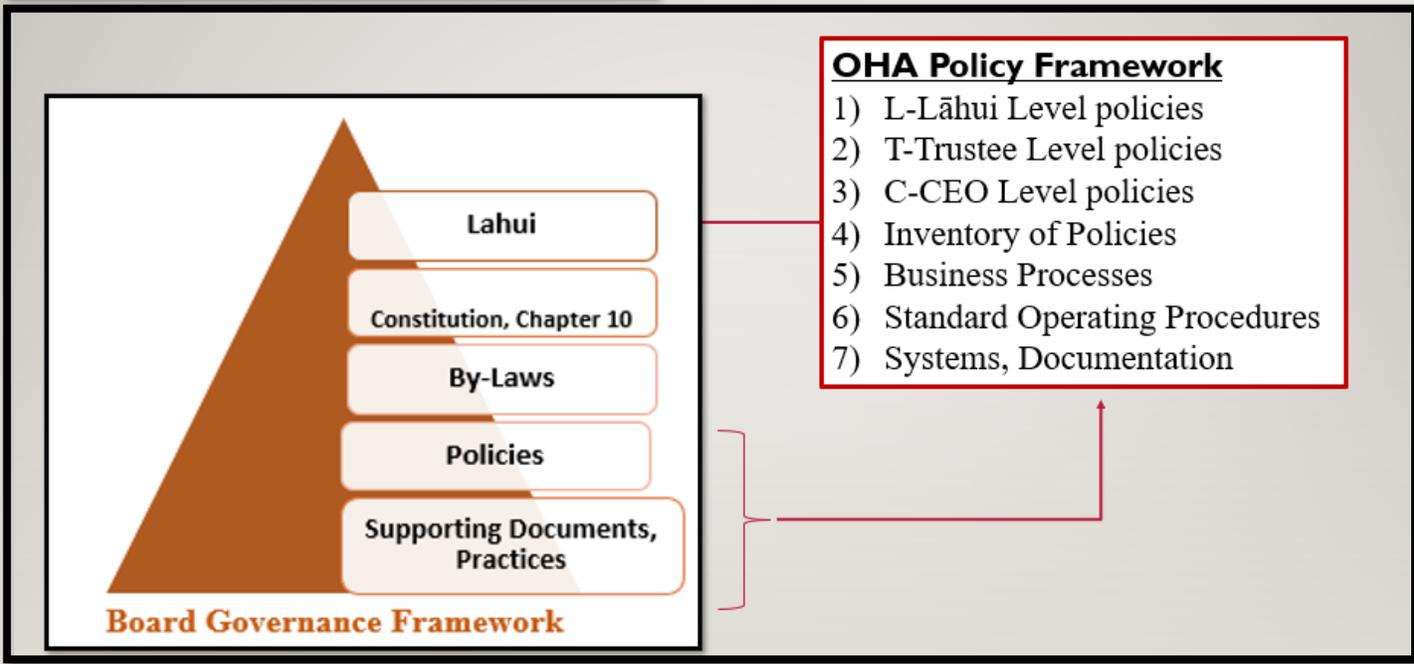
F. Privacy

Consistent with law, any documentation related to vaccination status or test results obtained for purposes of this policy shall not be disclosed to individuals other than as necessary to ensure compliance with this policy, or as required by law or court order.

Please direct any questions regarding this policy to the Human Resources Department.



POLICY FRAMEWORK WITHIN THE BOARD GOVERNANCE FRAMEWORK



- OHA Policy Framework**
- 1) L-Lāhui Level policies
 - 2) T-Trustee Level policies
 - 3) C-CEO Level policies
 - 4) Inventory of Policies
 - 5) Business Processes
 - 6) Standard Operating Procedures
 - 7) Systems, Documentation

**BOARD OF TRUSTEES
WORKSHOP**

THURSDAY, NOVEMBER 18, 2021

Board Governance Framework (Approved, April 2019)

1

2

Lahui

Constitution, Chapter 10

3

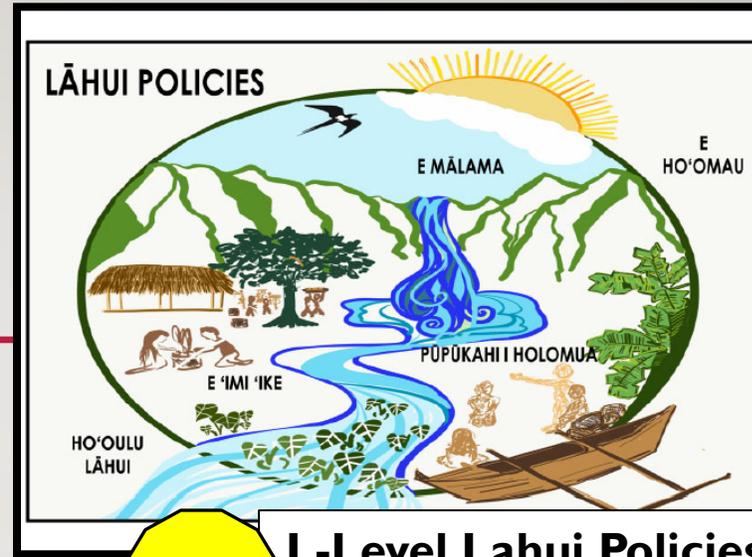
By-Laws

4

Policies

Supporting Documents,
Practices

Board Governance Framework



- (1) E Malama (to protect)
- (2) E Ho'omau (to perpetuate);
- (3) E Pūpukahi i Holomua (to unite in order to progress);
- (4) E 'Imi 'ike (to seek knowledge);
- (5) E Ho'oulu Lahui (to grow the Lahui).

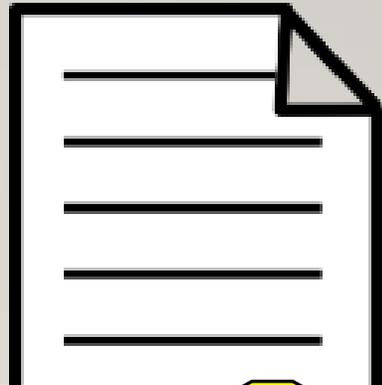
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L-Level Lahui Policies (Approved, May 2019)



4

Policy Framework

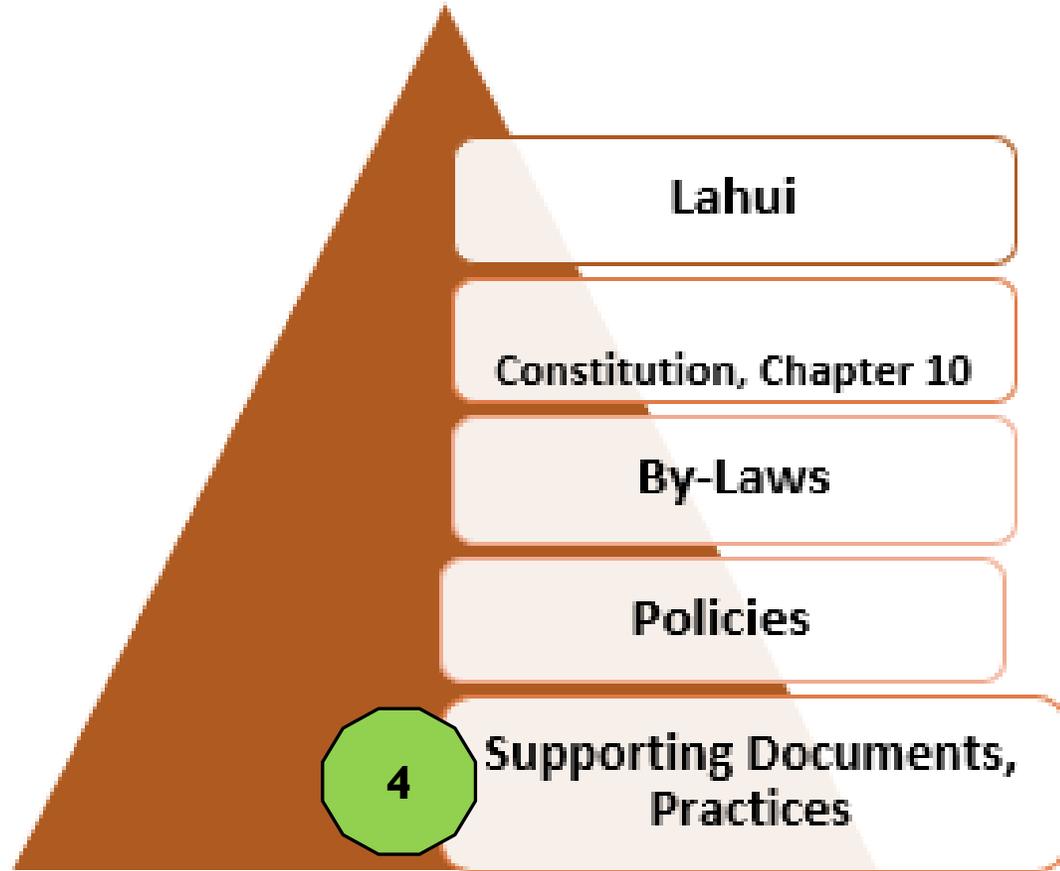


By-Laws
(Approved, March 2020)

3

OHA Policy Framework

- 1) L-Lāhui Level policies
- 2) T-Trustee Level policies
- 3) C-CEO Level policies
- 4) Inventory of Policies
- 5) Business Processes
- 6) Standard Operating Procedures
- 7) Systems, Documentation



Board Governance Framework

We
are
here

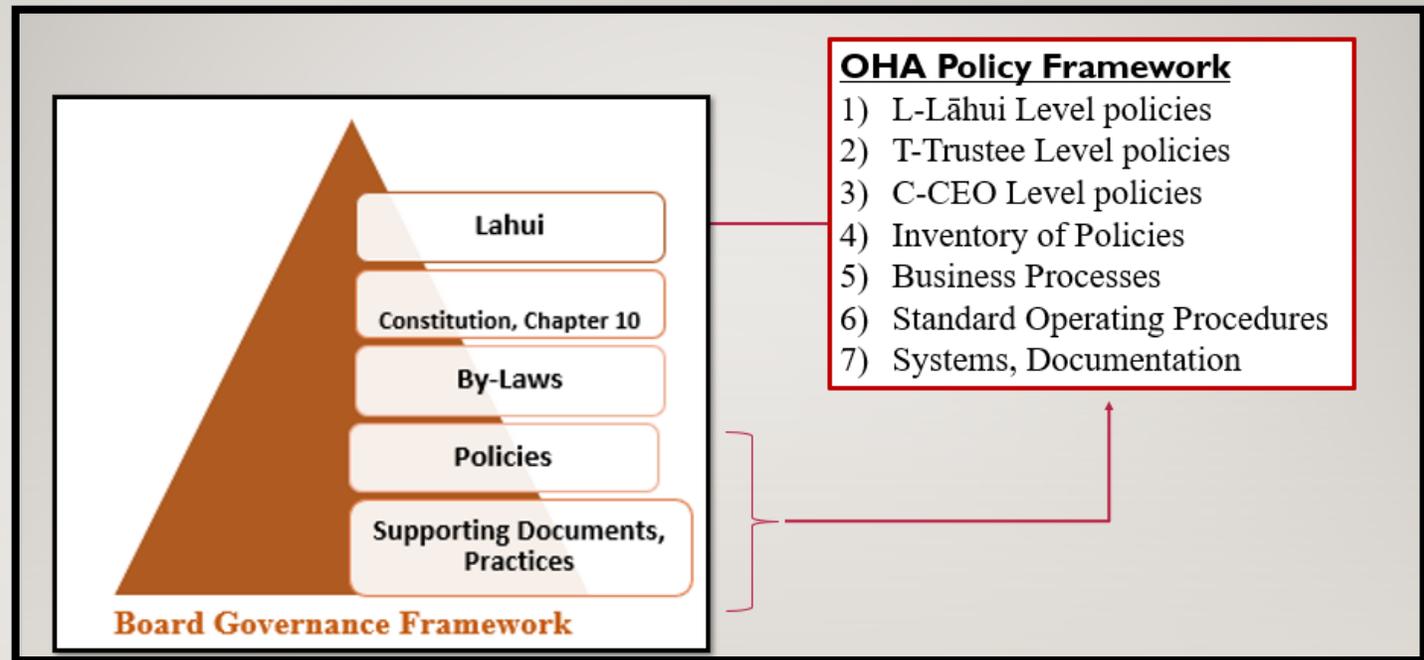
4

Policy Framework

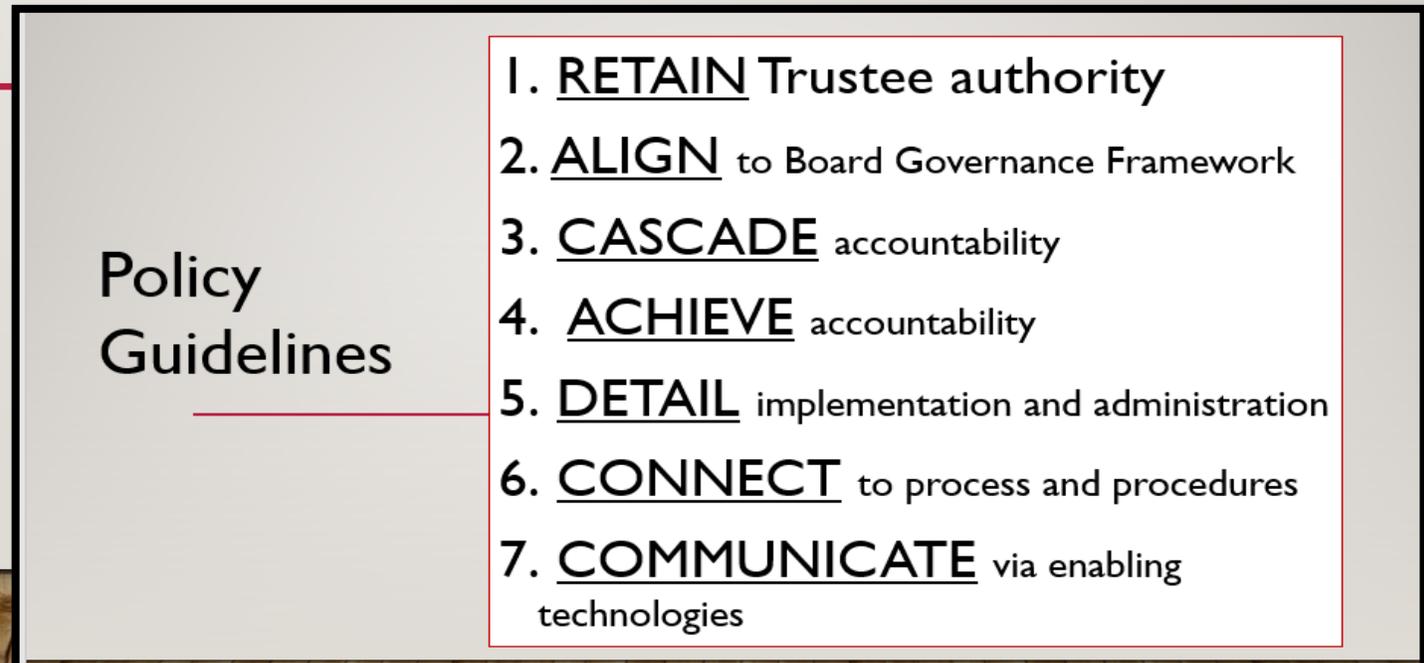
Policy Guidelines

1. RETAIN Trustee authority
2. ALIGN to Board Governance Framework
3. CASCADE accountability
4. ACHIEVE accountability
5. DETAIL implementation and administration
6. CONNECT to process and procedures
7. COMMUNICATE via enabling technologies

Recommendation #1: Approve Policy Framework with its 7 Elements



Recommendation #2: Approve Policy Guidelines



He Ninau Kau