

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
of the 25th NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION
RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
CONFIRMING THE REAPPOINTMENT OF NONA LOU ETSITTY TO THE NAVAJO
NATION LABOR COMMISSION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council." 2 N.N.C. §§ 400(A).
- B. The Health, Education and Human Services Committee oversees the Navajo Nation's efforts in implementing and ensuring compliance with employment and labor laws and policies of the Navajo Nation. 2 N.N.C. § 400(C)(3).
- C. The Health, Education and Human Services Committee is authorized to appoint two members to the Navajo Nation Labor Commission. 15 N.N.C. § 303.

SECTION TWO. FINDINGS

- A. The Navajo Nation Labor Commission is established to "hear and adjudicate cases as the quasi-judicial hearing body under the Navajo Preference in Employment Act." 15 N.N.C. § 302(A).
- B. The membership of the Navajo Nation Labor Commission consists of five members. 15 N.N.C. § 303(A). All five members must be licensed by the Navajo Nation Bar Association. 15 N.N.C. § 303(B)(2). Of the five, two members must be state licensed attorneys, in Arizona, New Mexico or Utah. 15 N.N.C. § 303(B)(3).
- C. Two of the members of the Labor Commission are appointed by the Health, Education and Human Services Committee. 15 N.N.C. § 303(A). Three are appointed by the President of

the Navajo Nation, with concurrence of the Naabik'íyáti' Committee of the Navajo Nation Council. 15 N.N.C. § 303(A).

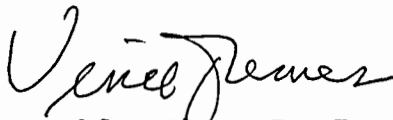
- D. The Health, Education and Human Services Committee previously appointed Ms. Nona Lou Etsitty in Resolution HEHSCJN-08-18, on June 06, 2018.
- E. Ms. Etsitty submitted a letter of interest, attached as **Exhibit A**, to continue serving on the Navajo Nation Labor Commission.
- F. Ms. Etsitty meets the qualifications set forth at 15 N.N.C. § 303(B)(3) as she is a member of the Navajo Nation Bar Association. Ms. Etsitty's resumé attached as **Exhibit B**.

SECTION THREE. APPOINTMENT CONFIRMATION

The Health, Education and Human Services Committee hereby confirms the reappointment of Ms. Nona Lou Etsitty to the Navajo Nation Labor Commission. Ms. Etsitty shall serve a 4-year term to commence on the day of her confirmation by the Health, Education and Human Services Committee.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Health, Education and Human Services Committee at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 5 in Favor, and 0 Opposed, on this 15th day of August 2023.



Honorable Vince R. James, Chairperson
Health, Education and Human Services Committee
25th Navajo Nation Council

Motion by: Curtis Yanito
Second by: George Tolth

Vince R. James, Chairperson not voting



Nona Lou Etsitty
Post Office Box
Window Rock, Arizona 86515
@outlook.com
Tele: 928 (Cell)

March 8, 2023

Honorable Chairperson
The 25th Navajo Nation Council
Office of Legislative Service
Window Rock, Arizona 86515

Re: Request for continued Services on Navajo Nation Labor Commission

To Whom It May Concern.

I have served as Chairperson for the Navajo Nation Labor Commission for approximately four (4). Please accept my letter of interest in continuing my service on the Navajo Nation Labor Commission. My Resume' is updated and attached. I am available to meet with you at your convenience.

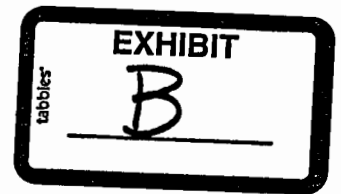
Thank you for your attention.

Sincerely,

Nona Lou Etsitty
Tribal Court Advocate

NLE/nle

Attachment



RESUME'

Nona Lou Etsitty

Post Office Box
Window Rock, Arizona 86515
Telephone
@outlook.com

PERSONAL INFORMATION

½ Cherokee and ½ Navajo
Social Security No:
Navajo Census:

EDUCATION:

Graduated from Window Rock High School with a high school diploma for liberal arts, college prep.

Member of the Navajo Nation Bar Association since 1980 with a license to practice law in Navajo Nation District Court, Navajo Nation Family Courts, and the Navajo Nation Supreme Court. Served on the Navajo Nation Bar Association Disciplinary Committee for approximately thirty-seven (37) years. Recipient of the Lifetime Achievement Award from the Navajo Nation Bar Association in June 2012. Chairperson for Navajo Nation Labor Commission.

KNOWLEDGE, SKILLS, AND ABILITIES:

Legal Experience: 42 years of legal experience which includes providing legal advice and services. 42 years of trial court practice with Navajo Nation courts and administrative bodies. Initiate and prepare pleadings and legal correspondence, such as various motions, legal briefs, and orders. Prepare and litigate simple to complex legal matters before various administrative and judicial forums within the Navajo Nation. Practice before the Navajo Nation District Court, Family Courts and Navajo Nation Supreme. Review and negotiate settlements. Prepare general correspondence to various agencies. Prepares and submits written legal opinions regarding policy manual relative to the overall operation and objectives of programs for interpretation of applicable laws and regulations. Research analyzes, and prepares legal opinions regarding applicable federal, state and Navajo Nation Laws. Provides training and technical assistance to staff and outside agencies on legal issues, interpretation of applicable laws, and impact of opinions of the Navajo Nation Supreme Court. Conducts case staffing monthly with staff. Confers daily with staff, attends meetings, conferences, workshops as assigned. Conducts legal research and writing which is necessary in all aspects of legal work, preparation of legal pleadings and documents, memorandums, letters, and file documentation, written legal opinions, compliance with Federal, State, and tribal laws, case preparation, analysis, use of computers, Xerox machines, telephone, printers. Knowledge of case law, federal, state, and tribal laws, legal terminology, gathering evidence, conducts legal research effective communication, appellate proceedings.

Management skills: Approximately 22 years of management experience. prepared budget, reconciliation of reports and budgets, determining cost and cost savings for office expenditures and litigation savings; evaluation of employee and performance appraisal on employees, hiring, termination, and disciplinary actions. Day to day operations of department, supervision of employees, assisting and giving legal advice to employees, case reviews, rendering formal legal advice and opinions, understanding of policy and procedures compliance with federal regulations, tribal laws, implementing goals and objectives for office, conducting meetings, attending meetings and board meetings, litigation meetings, facilitator for meetings, supervise and assist in litigation by employees, maintaining communication with staff, and administration. Management is built on teamwork concepts and communication.

JOB AND EXPERIENCE:

April 2018 to Present Dec 2022

Navajo Nation Office of Hearings and Appeals
P.O. Box 1300 – Morgan Boulevard
Window Rock, Arizona 86515
Position: Hearing Officer/Department of Child Support Services

Eighteen (18) years of experience in administering child support cases as the Department of Child Support Services legal counsel for the Department of Justice under The Navajo Nation Child Support Enforcement Act 9 N.N.C. § 1770 et seq. I conduct monthly hearings for five agency offices – Tuba City DCSS; Fort Defiance DCSS; Chinle DCSS; Crownpoint DCSS; and Shiprock DCSS. These hearings are conducted to establish paternity, modify existing orders under the Office of Hearings and Appeals (herein referred

to as OHA), and enforce child support obligations with orders entered by the Navajo Nation Family Court or OHA. Hearings are conducted at the agency offices. Case management consists of signing orders, filing in OHA file, entering closure or if case is continued moving it to the next month's docket. Prepare a docket every month of hearings scheduled and send out individual notices to the Non-Custodial Parents. The duties and responsibilities require knowledge of jurisdictional territories; knowledge of the state IV-D system for Arizona and New Mexico; knowledge on the concept of full faith and credit as it affects Navajo Nation and other states and countries with Title IV-D funding. I keep a current docket for every year and assign docket numbers to new cases as they are presented on the agency's docket. The work requires long hours as I do not have help at times. Sometimes, I do have help but not for very long periods of time. Employment for this position is paid through a contract by Child Support Services and the position is under Navajo Nation Office of Hearings and Appeals.

Continued employment:

June 2018 to Present Dec 2022

**Navajo Nation Labor Commission
Window Rock, Arizona
Chairperson for Navajo Nation Labor Commission**

I Chair the Navajo Nation Labor Commission which was established to hear and adjudicate cases under the Navajo Preference and Employment Act. The Navajo Nation Labor Commission is an administrative tribunal. I am licensed to practice law before the Navajo Nation Courts as a Tribal Court Advocate, and I am in good standing with the Navajo Nation Bar Association. I have been conducting hearings and deliberation sessions since approximately August 2018.

Continued employment:

Mar 14, 2016 – Aug 18, 2017

**DNA-People's Legal Services, Inc.
Post Office Box 116
Crownpoint, New Mexico 87313
Position: Litigation Attorney/Acting Managing Attorney**

DNA-People's Legal Services for the Shiprock Office represented Navajo families in divorce, domestic violence, termination of parental rights and adoptions, guardianships, employment matters, commercial and consumer law, tort claims, name changes, quiet titles, probates, and other civil matter. Emphasis and priority on domestic violence and prevention. I managed the Shiprock DNA office for a period of three months while the office manager was out on sick leave. Supervision of two support staff and one paralegal. The management included compliance to Legal Service Corporation for case acceptance, duties included the purchase of office supplies, attorney client trust account. Court litigation in District Court and Family Court. Litigation was intense and complicated with frequent court hearings. The litigation required knowledge of the case management system used by DNA and generating reports when necessary. At the time of lay off, DNA was moving to the Kemps version of case management system. Training in the use of the Kemps case management system. Transferred to the Crownpoint Office, I continued representation of clients from Shiprock Office and new clients in the Crownpoint Office. I represented Navajo families in divorce, domestic violence, termination of parental rights and adoptions, guardianships, employment matters, commercial and consumer law; tort claims, name changes, quiet titles, probates, child support matters and other civil matters. My Shiprock caseload was transferred with me.

Reason for Leaving: Reduction in Force – Layoffs - Beginning Salary \$68,820 - Ending Salary \$68,820

Feb 10, 2014 – Mar 7, 2016

**Navajo Housing Authority
Morgan Boulevard
Window Rock, Arizona
Position: Legal Advocate**

Knowledge of HUD federal regulations and Navajo Nation laws with respect to housing. Navajo Housing Authority's policies and procedures on public rental and home ownership. Legal advisor to the Housing Management Offices and staff. I reviewed complaints for evictions. Litigation in the Navajo Nation District Courts and the Navajo Housing Authority's administrative procedures for evictions and court proceedings for forcible entry and detainer. Manage a caseload of about 25 to 30 cases from uncontested evictions to complicated litigation. Defended Navajo Housing Authority on litigated cases through the administrative process and court litigation. Attended Navajo Housing Authority's Board Meetings and authored the Navajo Housing Authority's Veteran's Policy along with a staff of experts in the field. Position was limited to prosecuting eviction and forcible detainers. Job required knowing the different policies and procedures within Navajo Housing Authority for advice to give to clients. The timelines used by court rules and laws were very challenging and had to know the housing laws to give legal advice to the Housing Management Offices. Intense litigations and complicated issues arise.

Reason for Leaving: Higher Pay Beginning Salary: \$50,000 - Ending Salary: \$51,000

May 3, 1995 – Feb 7, 2014

Navajo Nation Department of Justice
Window Rock, Arizona
Position: Senior Tribal Court Advocate
Senior Tribal Court Advocate Supervisor

May 1995 to February 2014. 19 years as legal advisor for the Navajo Children and Family Services, Navajo Nation Division of Social Services enforcing the Indian Child Welfare Act of 1978 (referred to as ICWA) pertaining to legal issues with the ICWA, a specialized field. Facilitated transfers of jurisdictions with the States throughout the country for Social Workers to bring Navajo children home to the Navajo families. I facilitated and finalized attorney contracts in different parts of the country to intervene on behalf of the Navajo Nation in state dependency cases. I worked with the program in developing policies within the program and with the States of New Mexico, Arizona, and Utah. I assisted in drafting and finalizing Intergovernmental agreements with New Mexico, Arizona and Utah. I gave advice to the contract attorneys on what the Navajo Nation's position was. And if the case should proceed to Supreme Court, I gave the permission. I attended Supreme Court hearings in the federal and state jurisdictions. Litigated Termination of Parental Rights and adoption proceedings in Navajo Nation Family Court to place Navajo children with Navajo families. Practice before the Navajo Nation Family Court and Navajo Nation Supreme Court.

July of 1996 to February 2014, 18 years I provided legal advice and services to the Department of Child Support Enforcement. Litigated and prepared pleadings and legal correspondence such as various motions and orders as required by the appropriate hearing body. Prepared and litigates child support cases before the Office of Hearings and Appeals, Navajo Nation Family Court, and Navajo Nation Supreme Court. Reviewed and negotiated child support settlements, prepared general correspondence to various agencies; prepared and submitted written legal opinions regarding Navajo Child support policies Interpretation of Navajo laws and Federal regulations. Involved with the overall operations of the Child Support Enforcement Program and Intergovernmental agreements with the states of New Mexico, Arizona, and the Federal Government. Implemented the adversarial hearings with the Office of Hearings and Appeals which brought in more child support for our Navajo children. Child Support Enforcement Policy and Procedures, preparation of ed order and defended three appeals in the Navajo Nation Supreme Court. In 2007, two advocates were added to the program, and I supervised their legal work, gave them advice on cases. Supervised their training and evaluations, prepared Memorandum of Agreement with Child Support Enforcement Office for these positions. It was our responsibility to do almost 20 to 40 hearings per agency each month on child support cases and facilitate these order with Office of Hearings and Appeals. Prior to having these advocates, I did all the work for child support along with ICWA.

For the Department of Behavioral Health under the Navajo Health Commitment Act. Filed Involuntary commitments and presentations on this subject to the Navajo Nation Bar Association. These cases were extremely complicated because of the three jurisdictions of the federal, state and Navajo Nation laws; and other cases as assigned.

Reason for Leaving: Retirement from the Navajo Nation (33.3 years). Beginning Salary: \$29,000 - Ending Salary: \$82,000

March 25, 1991 – May 1, 1995

Navajo Nation Office of the Prosecutor
Window Rock, Arizona
Position: Deputy Chief Prosecutor

Supervision of a staff of 49 to 51 employees consisting of one attorney, tribal court advocates (Prosecutors and Juvenile Presenting Officers, and support staff) under the Chief Prosecutor, Timothy Joe. Responsible for the day to day operations of seven agency offices throughout the Navajo Nation; prepared and presented the yearly budget for the Office of the Prosecutor before Navajo Nation Council's Budget and Finance Committee; reviewed legal documents; prepared reports; conducted meetings, case staffing, planning, tracking projects; developed tracking system; oversee budget spending; evaluation of employees; developed training for attorney, tribal court advocates and support staff; implementation new computer systems, legal research, render advice and case plan to tribal court advocates on criminal prosecution and appellate cases; interview and hiring of new staff; employee disciplinary actions. Represented the Navajo Nation in different issues related to victims of crimes; Legislations of legal issues related to the Navajo Nation Criminal Code; member of different organizations both local and nationally having an interest in criminal justice; litigated criminal cases in the agency offices to help the offices that were short staffed. I developed a strong relationship with the Navajo Division of Public Safety and Navajo Nation Social Services as their legal advisor on criminal cases and dependency cases. I was actively involved in child sexual abuse and served as chair of the Fort Defiance Multi-disciplinary team which consisted of the Federal Bureau of Investigations; United States Attorney's Office, Navajo Nation Social Services; Navajo Nation Behavioral Health, IHS physicians and counselors, local schools with their social workers, counseling services, and other service providers that had an interest in a child who was abused.

Reason for Leaving: Reduction In Force (Layoff). Beginning Salary: \$29,000 - Ending Salary: \$39,000

Nov 23, 1981 - Mar 23, 1991

Navajo Legal Aid and Defenders Service
Window Rock, Arizona
Position: Tribal Court Advocate/Acting Director

Represented Navajo families in divorce, termination of parental rights and adoptions; guardianships, employment matters, commercial and consumer law; tort claims, name changes, quiet titles, probates and other civil matters. Criminal representation for Navajo families for crimes committed on the Navajo Nation. I filed five Navajo Nation Supreme Court appeals. Acting Director for Navajo Legal Aid and Defenders Service under supervision of Navajo Nation Attorney General. Prepared and presented budget for program; implemented invoicing for legal services rendered; reviewed legal documents pertaining to program; prepared reports; manage day to day activities of two attorneys, four tribal court advocates and four support staff, one receptionist, one office manager and two legal secretaries; conducted meetings, case staffing, planning, tracking projects; developed tracking system; oversee budget spending; evaluation of employees; developed training for attorneys, tribal court advocates and support staff; implemented new computer systems, legal research, render advice and case plan to tribal court advocates. Legal supervision for attorneys was taken care of by Attorney General's office, administrative duties assigned under me.

Reason for Leaving: Hired as Navajo Nation Deputy Chief Prosecutor. Beginning Salary: \$10,000 - Ending Salary: \$29,000

Sept 1980 - Nov 1981

DNA-People's Legal Services, Inc.
Window Rock, Arizona
Position: Tribal Court Advocate

Represented Navajo families in divorce, domestic violence, termination of parental rights and adoptions, guardianships, employment matters, commercial and consumer law; tort claims, name changes, quiet titles, probates and other civil matters. Emphasis and priority on domestic violence and prevention. Court litigation in District Court and Family Court. Litigation was intense and complicated with frequent court hearings.

Reason for Leaving: Reduction In Force (Layoff) Beginning Salary \$8,000 - Ending Salary: \$8,000

Sept 1975 - Aug 1980

DNA-People's Legal Services, Inc.
Window Rock, Arizona
Position: Receptionist/Legal Secretary/Legal Secretary-in-Charge

Answered phone calls, greeted our Navajo clients, and arranged for the attorneys to see their clients in a timely manner. I had to converse in Navajo and make the clients feel comfortable and welcomed. I did typing to assist the legal secretaries with their pleadings and letters for the DNA attorneys and advocates. Within a year or two, promoted to Legal Secretary. Typed legal pleadings for civil cases, motions, orders, and letters for the attorneys and advocates. Typed appellant briefs in Navajo Nation Supreme Court, State Court of Appeal for New Mexico, and Arizona; and the Federal Appellant Court. There were stringent deadlines to maintain. Was promoted to Legal Secretary-in-Charge, with supervision of five legal secretaries. The duties included timekeeping for all legal secretaries, advocates and attorneys, overall management of a petty cash fund; legal secretary meetings, staff meetings; project improvements for our office. Communication skills and learning legal jargon used by attorneys and advocates. Interview for new positions; recommendation for hiring and training. Performed evaluations of the legal secretaries; making sure secretaries know how to find the cases and correct citation for the cases. As a legal secretary with DNA, I took the Navajo Nation Bar Association examination and passed. I was not given the full opportunity as advocates and attorneys, usually get two months administrative leave to study for the bar exam and I was given only three days. I passed the Navajo Nation Bar and was promoted to a Tribal Court Advocate within DNA.

Reason for Leaving:

Promoted to a Tribal Court Advocate within DNA. Beginning Salary: \$3,000 - Ending Salary: \$8,000

REFERENCES:

Mahlon Wigton
Brenda Anderson
Arita Yazzie

Post Office Box Durango, Colorado, 81302
DNA-People's Legal Services, Inc.
Post Office Box i, Window Rock, Arizona, 86515

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Special Meeting
August 15, 2023

Legislation No. 0153-23: An Action Relating to the Health, Education, and Human Services Committee; Confirming the Reappointment of Nona Lou Etsitty to the Navajo Nation Labor Commission

Sponsor: Delegate Dr. Andy Nez

VOTE TALLY:

Main Motion:

Motion: Honorable Curtis Yanito

Second: Honorable George Tolth

Yea: Helena Nez Begay, Andy Nez; Germaine Simonson; George Tolth, Curtis Yanito


Nay:

Not Voting: Vince R. James (Presiding Chairperson)

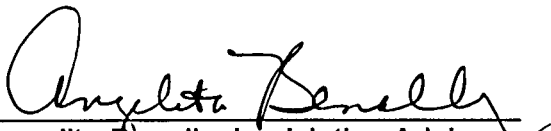
Excused:

Absent:

Vote: 5-0-1



Honorable Vince R. James, Chairperson
Health, Education and Human Services Committee
25th Navajo Nation Council



Angelita Benally, Legislative Advisor
Health, Education and Human Services Committee
Office of Legislative Services