



## 23<sup>rd</sup> NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, JONATHAN L HALE, Primary  
Sponsor of proposed legislation hereby withdraw my  
sponsorship of the proposed legislation. The legislation  
tracking number is 0282-18.

If there are any co-sponsors, they may re-sponsor the same  
bill by beginning a new legislation.

SPONSOR SIGNATURE:

DATE:

Jonathan L Hale  
08/23/18

**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0282-18**

**DATE:** August 17, 2018

**SUBJECT** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X CREATING NEW SECTION X (F)(1) TO PERMIT DONATION OF ANNUAL AND/OR SICK LEAVE HOURS TO ASSIST NAVAJO NATION EMPLOYEES IN NEED

**PURPOSE:** The purpose of this legislation is to allow accrued annual and vacation leave to be donated to employees experiencing an on-going medical emergency.

**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: SNOWAH  
Website Posting Time/Date: 3:43pm 8/17/18  
Posting End Date: 8/22/2018  
Eligible for Action: 8/23/2018

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL-Third Year, 2017

INTRODUCED BY

  
Primary Sponsor

TRACKING NO. 0282-18

AN ACTION  
RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING  
THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X  
CREATING NEW SECTION X (F)(1) TO PERMIT DONATION OF ANNUAL  
AND/OR SICK LEAVE HOURS TO ASSIST NAVAJO NATION EMPLOYEES IN  
NEED

BE IT ENACTED:

**Section One. Authority**

- A. The Navajo Nation Council established the Health, Education and Human Services (“HEHS”) Committee as a standing committee with the purpose to oversee Navajo Nation efforts in implementing and ensuring compliance with Navajo Nation employment and labor laws and policies. 2 N.N.C. §§400(A) and (C)(3).
- B. The Health, Education and Human Services Committee shall have the enumerated powers to establish Navajo Nation policy, promulgate rules and regulations governing the Navajo Nation’s human services. 2 N.N.C. §401(B)(1).
- C. The Health, Education and Human Services Committee serves as the oversight for the Division of Human Resources. 2 N.N.C. §401(C)(1).

**Section Two. Findings**



- 1 A. The Navajo Nation Personnel Policies Manual (“NNPPM”) may be amended from  
2 time to time by the Health, Education and Human Services Committee at the  
3 recommendation of the Division of Human Resources, which include the  
4 Department of Personnel Management and the divisions of the Executive Branch  
5 and Legislative Branch. Navajo Nation Personnel Policies Manual, § I (D) (Jan. 1,  
6 2015).
- 7 B. The Health, Education and Human Services Committee of the Navajo Nation  
8 Council is concerned with those employment situations where a Navajo Nation  
9 employee experiencing a major personal or health crisis may have exhausted their  
10 available annual and/or sick leave and may suffer significant loss of income and  
11 financial hardship as a result.
- 12 C. Many Navajo Nation employees and co-workers having excess annual and/or sick  
13 leave that often goes unused and lapses would like to provide relief to their co-  
14 workers who have exhausted their annual/sick leave.
- 15 D. At present there is no provision within the Personnel Policies Manual that enables  
16 this meaningful Navajo support from co-worker to co-worker.
- 17 E. The Health, Education and Human Services Committee finds it to be in the best  
18 interest of the Navajo Nation to amend the Navajo Nation Personnel Policies  
19 Manual to enable Navajo Nation employees with excess annual and or sick leave to  
20 make such leave available to those Navajo Nation employees who have exhausted  
21 such leave due to ongoing medical hardships.

### 22 23 **Section Three. Amendments**

24 The Navajo Nation hereby amends Section X of the Navajo Nation Personnel Policies  
25 Manual as follows:

26  
27 \*\*\*\*

#### 28 **X. LEAVE ADMINISTRATION**

29 \* \* \* \*

##### 30 F. Donation of Annual and/or Sick Leave Hours

1. A Navajo Nation employee with accrued annual and/or sick leave hours may submit a written request to their Program Manager and to the Department of Personnel Management to donate a portion of their annual and or sick leave hours to assist a Navajo Nation Employee who has exhausted their own annual and or sick leave hours due to an verified on-going medical hardship.
2. The Program Manager shall review the donation request and verify the on-going medical hardship. Upon the Program Manager's approval of the donation request all related documents shall be submitted to the Division of Personnel Management to verify donation of appropriate leave hours and officially record the information with the Payroll Section, Office of the Controller.

\* \* \* \*

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#### **Section Four. Approval of the Amendments to the Navajo Nation Personnel Policies Manual**

The Health, Education and Human Services Committee of the Navajo Nation Council approves the amendments of the Navajo Nation Personnel Policies Manual.

#### **Section Five. Effective Date**

The effective date of the amendments to the Navajo Nation Personnel Policies Manual is the date it is certified by the presiding Chairperson of the Health, Education and Human Services Committee of the Navajo Nation Council.

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY

\_\_\_\_\_  
Primary Sponsor

TRACKING NO.   6  

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL, NEW SEC. X. F.1., APPROVING AND ACCEPTING DONATION OF ANNUAL LEAVE HOURS /SICK LEAVE HOURS FROM ELIGIBLE NAVAJO NATION EMPLOYEES WHO REQUEST TO ASSIST NAVAJO NATION EMPLOYEES WHO HAVE EXHAUSTED ANNUAL LEAVE HOURS/ SICK LEAVE HOURS DUE TO THEIR ONGOING MEDICAL HARDSHIPS

BE IT ENACTED:

**Section One. Authority.**

- A. The Navajo Nation Council established the Health, Education and Human Services Committee as a standing committee to oversee Navajo Nation efforts in implementing and ensuring compliance with Navajo Nation employment and labor laws and policies 2. N.N.C. §§ 400(A) and (C)(3).
- B. The Health, Education and Human Services Committee shall have the enumerated powers to establish Navajo Nation policy, promulgate rules and regulations governing the Navajo Nation's human services. 2. N.N.C. § 401(B) (1).
- C. The Health, Education and Human Services Committee serves as the Oversight for the Division of Human Resources. 2. N.N.C. § 401(C) (1).

**Section Two. Findings.**

- A. The Navajo Nation Personnel Policies Manual ("NNPPM") may be amended from time to time by the Health, Education and Human Services Committee at the recommendation of the Division of Human Resource, which include the Department of Personnel Management and the divisions of the Executive Branch and Legislative Branch. Navajo Nation Personnel Policies Manual, § I (D)(Jan 1, 2015).
- B. Navajo Nation Employees with ongoing medical hardships has expressed their concerns that there is a need to assist them with a donation of annual leave hours /sick leave hours from eligible Navajo Nation Employees who have an excess amount annual leave hours or excess sick leave hours and they request to assist a Navajo Nation employee(s) who have exhausted annual leave hours/ sick leave hours due to their ongoing medical hardships.
- C. Navajo Nation Employees have expressed their support to create a NEW SEC. X. F.1., APPROVING AND ACCEPTING DONATION OF ANNUAL LEAVE HOURS /SICK LEAVE HOURS FROM ELIGIBLE NAVAJO NATION EMPLOYEES WHO REQUEST TO ASSIST

NAVAJO NATION EMPLOYEES WHO HAVE EXHAUSTED ANNUAL LEAVE HOURS/  
SICK LEAVE HOURS DUE TO THEIR ONGOING MEDICAL HARDSHIPS.

- D. Navajo Nation Employees has expressed their concern that under the existing Navajo Personnel Policies Manual, the donation of annual leave/sick leave hours, should be a NEW SEC. F.1.
- E. The amendment to the NNPPM is to safeguard Navajo Nation funds in terms of having eligible Navajo Nation Employees donate a portion of their accrued excess annual leave/sick leave hours to those Navajo Nation Employees who are experiencing ongoing medical hardships and have exhausted all of their annual/sick leave hours (Navajo Nation Employee's excess carryover of annual/sick leave according to the NNDPM manual at this time is subsequently lost at the end of each calendar or fiscal year term).
- F. It is in the best interest of the Navajo Nation to amend the Navajo Nation Personnel Policies Manual as follows:

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X. LEAVE ADMINISTRATION

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F.1. Donation of Annual/Sick Leave Hours

A Navajo Nation Employee (with excess annual/sick leave hours) may submit a written request to the Program Manager and to DPM in writing their request donate a portion of his/her annual/sick leave hours to assist a Navajo Nation Employee who have exhausted their own annual/sick leave hours due to their ongoing medical hardships. The Program Manager will review the donation request; and submit all documents to DPM to verify the donation of annual/sick leave hours and officially record the information with Payroll Section, Office of the Controller.

**Section Four. Approval of Amendments to the Navajo Nation Personnel Policies Manual**

The Health, Education and Human Services Committee of the Navajo Nation Council approves the amendment to the Navajo Nation Personnel Policies Manual X.F.1.

**Section Five. Effective Date**

The effective date of the amendment to the Navajo Nation Personnel Policies Manual is the date it is certified by the presiding Chairperson of the Health, Education and Human Services Committee of the Navajo Nation Council.



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**UPCOMING  
NAVAJO NATION  
HOLIDAYS**

**Navajo Code Talkers  
Day  
August 14, 2018**

**Navajo Nation  
Labor Day  
September 03, 2018**



**Current JVA  
August 02, 2018**

**Quick References:  
DPM Staff  
HR Forms  
How to Apply  
Veterans Pref Form  
NNPPM November 13,  
2017  
Equivalency Clause  
Navajo Nation Council  
Resolution CO-60-17**

## **X. LEAVE ADMINISTRATION**

### **A. General Leave Policies**

#### **1. Use of Leave**

Employees will earn annual and sick leave, however, when and how these leave benefits are used is subject to supervisory approval. Employees should keep in mind that the use of leave is granted as a privilege rather than a right. It should also be clearly understood that leave is granted to employees at such times as they can be conveniently spared from work. Use of leave may be subject to verification and improper use of leave may be denied. Leave may be denied due to the requirements of the workload, except as provided herein.

#### **2. Application for Leave**

Except in emergency circumstances or as provided below, application for leave of any kind or duration must be initiated by the employee in writing and presented to the authorized supervisor for approval prior to taking leave. If an employee is incapacitated, the supervisor may place the employee on appropriate leave.

#### **3. Leave Year**

The leave year shall consist of 26 pay periods and shall begin with the first complete pay period in any given calendar year and end with the 26th pay period.

#### **4. Years of Service for Leave Benefits**

Years of service shall include all periods of continuous

**NEW**

#### **AMENDED PERSONNEL POLICY MANUAL**

(NNPPM) The Navajo Nation Personnel Policies Manual (NNPPM) has been amended and is now available at the Records Management Department.

#### **FY 2017 PAF SUBMISSION SCHEDULE**

The PAF Submission Schedule for Fiscal Year 2016 is now available. Also adhere to the PAF submissions memorandum dated September 1, 2016.

#### **FY 2018 SALARY SCHEDULE**

The Salary Schedule for Fiscal Year 2018 is now available.

#### **FY 2018 PAF SUBMISSION SCHEDULE**

The PAF Submission Schedule for Fiscal Year 2018 is now available. Also adhere to the PAF submissions memorandum dated September 11, 2017.

#### **FY 2018 EPAF, SIRAF/MPBRA SUBMISSION SCHEDULE**

The EPAF Submission Schedule for Fiscal Year 2018 is now available. Also adhere to the EPAF, SIRAF/MPBRA



employment with the Navajo Nation Government. Years of service shall not include employment with entities, enterprises, or chapters of the Navajo Nation. In addition, service prior to a break in service will not be included unless the break in service was the result of a reduction in force and the employee was reinstated within six months of the lay off.

## B. Paid Leave

### 1. Annual Leave

Annual leave is authorized absence for rest, recreation or other purposes when approved by the supervisor.

#### a. Eligibility

- 1) Regular status employees are eligible to accrue annual leave hours.
- 2) Temporary employees are not eligible.
- 3) Employees on any type of leave without pay are not eligible.
- 4) Political at-will employees are not eligible.

#### b. Limitations

- 1) Employees serving a new employee introductory period can accrue annual leave but cannot use accrued annual leave until after they have been converted to regular status.
- 2) Termination within the new employee period voids all accrued annual leave hours.

#### c. Accrual Rate

- 1) Eligible employees will accrue annual leave at the following rates:

	Non-exempt Employees	Exempt Employees
<u>Years of Service</u>	<u>Per Pay Period</u>	<u>Per Pay Period</u>
Less than 3 years	4 hours	6 hours
3 years to 12 years	6 hours	8 hours

submissions memorandum dated October 10, 2017.

### The General Wage Adjustment PAF

The General Wage Adjustment Procedures Memorandum is now available. Also the GWA PDF fill in is [here](#).

### NNPPM Memo Amended

The NNPP Manual Amendment. Navajo Nation Code Talkers Day.

### Step Increase Merit Pay Memo

The Step Increase/Merit Pay Bonus Memo. The Merit Pay Bonus form. The Step Increase form.

### SENSITIVE POSITIONS

DPM is requesting that each program complete a Sensitive Position List for all positions within their respective program using the instructions outlined in the [Sensitive Position Checklist](#)



**More than 12 years**      **8 hours**      **10 hours**

- 2) Eligible regular part-time and seasonal part-time employees accrue annual leave on a pro rata basis.

d. Extension of Sick Leave

Annual leave may be approved as an extension of sick leave upon exhaustion of accrued sick leave.

e. Carryover

At the end of each leave year, all hours in excess of 320 hours shall be forfeited. Forfeited hours shall not be paid.

f. Change in Employment Status

- 1) An employee transferred to a position in which annual leave does not accrue will be paid for all accrued annual leave hours earned in his/her prior position.

- 2) An employee who transfers to another regular status position shall have all accrued annual leave hours transferred.

g. Liquidation of Annual Leave

Upon separation from employment, an employee shall be paid for all accrued annual leave hours. Payment will be included in the final paycheck subject to deductions for any indebtedness owed to the Navajo Nation.

2. Sick Leave

Sick leave is authorized time off from work granted an eligible employee due to: his/her own illness, injury, or disability or that of a spouse, children, or parents. This includes but is not limited to incapacitating, contagious, or chronic illness, disability caused by pregnancy, childbirth or related medical circumstances, illness or injury that requires examination, treatment or visits to a licensed practitioner, medicine man or health-related counselor. Employees referred by EAR for treatment, counseling or

to other resources may also be eligible for sick leave.

a. Eligibility

- 1) Regular status employees are eligible to accrue sick leave hours.
- 2) Temporary employees are not eligible.
- 3) Employees on any type of leave without pay are not eligible.
- 4) Political at-will employees are not eligible.

b. Limitations

- 1) Employees serving a new employee introductory period can accrue sick leave but cannot use accrued sick leave until after they have been converted to regular status.
- 2) Illness or other medical conditions which exhaust an employee's sick leave may require that annual leave and leave without pay be used.

c. Accrual Rate

- 1) Eligible employees will accrue sick leave from the date of employment at the following rates:

<u>Employee Status</u>	<u>Accrual Rate Per Pay Period</u>
Regular/Seasonal Full-Time	4 hours
Regular/Seasonal Part-Time	2 hours

d. Physician's Statement

An employee is required to submit written proof of illness or disability from a physician for absences of three or more consecutive work days. If an employee's sick leave record warrants, a statement may be required for less than three days.

e. Traditional Healing Ceremonies

An employee must request and obtain prior approval for the absence. The employee may be required to submit a written statement from the



medicine man performing the ceremony if the employee's absence due to traditional healing ceremonies warrants verification or if the ceremony is three or more consecutive work days.

f. Carryover

Eligible employees may carry over an unlimited number of unused sick leave hours from leave year to leave year. However, no employee shall be paid for unused sick leave hours upon termination.

g. Change in Employment Status

1) An employee who transfers to a position in which sick leave does not accrue shall forfeit all sick leave hours.

2) An employee who transfers to another regular status position shall have all accrued sick leave hours transferred.

h. Reinstatement of Sick Leave

Sick leave hours shall only be restored when a former employee with reemployment preference is rehired within six months of separation from employment.

i. Forfeiture of Sick Leave

Termination within the new employee introductory period voids all accrued sick leave hours. Forfeited sick leave may not be restored.

3. Administrative Leave

Administrative leave is leave with pay and may be granted by an appropriate authority of the Navajo Nation in the following situations:

a. Early Release

1) Early release of employees due to: extreme weather conditions, or any other reason determined by the President, Speaker or their designees to be appropriate. Advance notice of early release shall be in writing and signed by the President, Speaker or their designees.

2) Early release shall not apply to employees on leave, travel or whose tour of duty does not cover the period of the early release.

b. Temporary closure of employee work sites or facilities due to environmental health hazards or other safety or health reasons. Administrative leave shall not be granted when affected employees can reasonably be assigned to alternative work sites.

c. Investigations

A Program Manager may place an employee on administrative leave to investigate alleged misconduct sufficiently serious to bar an employee from the premises to protect persons or Nation resources. Such leave may not exceed five consecutive working days.

1) Immediate written notice shall be given to the employee of the leave, its purpose and duration, and specific reasons therefore. The employee shall be required to leave the premises immediately.

2) Upon conclusion of the investigation or the end of the administrative leave, whichever occurs first, if no disciplinary action is taken, the employee shall be allowed to return to work.

3) When disciplinary action is deemed necessary, it shall be taken in conformance with the appropriate provisions of Sections XIII. and XV. herein.

4) Extensions may be granted by the Department of Personnel Management by recommendation of the Program Manager, but total administrative leave for investigatory purposes shall not exceed 20 working days.

d. Witness Summons

1) An employee summoned or

subpoenaed by any party or tribunal, including the grievance hearing officer, to be a witness in an official capacity, shall not be required to take leave since the employee will be representing the Navajo Nation. However, the employee must immediately inform the supervisor of the proposed absence.

- 2) If an employee is summoned to be a witness as a private citizen, or as a witness for the aggrieved party in a grievance hearing, the employee will be authorized annual leave. If annual leave is exhausted, leave without pay will be used.

e. Jury Duty

Employees are required to notify their supervisor promptly upon receipt of a jury summons and subsequent notice to serve as a juror. Employees summoned for jury duty, including military jury duty, will receive their regular rate of pay for normal work hours, provided the employee submits evidence of the summons and selection notice. Fees received as compensation for jury duty shall be paid to the Navajo Nation except when an employee voluntarily requests annual leave for the period of absence. Employees will be allowed to retain any reimbursements for transportation, lodging, meals etc. paid by the respective court jurisdiction.

f. Time Off for Voting

- 1) Registered voters may receive authorization for up to two hours paid absence from work to vote in a Navajo Nation, local, state or federal election. The length of absence will be granted at the discretion of the immediate supervisor.
- 2) Employees required to vote



at a poll remote from their workstations may request an extension of the two-hour limit. The extension, if granted, will be charged to the employee's annual leave. This extension includes travel time to the poll but may not exceed eight hours.

g. Professional Licensure and Certification

- 1) An employee may be authorized administrative leave to obtain appropriate job related professional licensure or certification or to satisfy continuing education requirements to retain such licensure or certification.
- 2) An employee will be given two opportunities to obtain licensure or certification. Thereafter, he/she will be required to take annual leave or leave without pay.
- 3) Any special conditions regarding the length of leave, payment of expenses, reimbursement, grades, employment status, service to the Navajo Nation, etc. will be arranged between the Program Manager and the employee.

### **C. Unpaid Leave**

1. Approved Leave Without Pay

Leave without pay not to exceed 15 working days may be granted by the supervisor. Requests for leave without pay exceeding 15 working days must be supported by a written recommendation of the supervisor and approved by the Division Director. Except for family and medical leave, annual or sick leave, if applicable, must be exhausted before entering approved leave without pay status. Consideration shall be given to the merits and circumstances together with the programmatic operations.

2. Unauthorized Absence

When an employee is absent

without authorization, the employee will be charged with absence without approved leave and may be subject to disciplinary action. If the absence is later approved, the charge to absence without approved leave may be changed to the appropriate leave.

### 3. Disciplinary Actions

An employee placed on suspension is generally considered to be on leave without pay status; however, a supervisor may place an employee on a working paid suspension. Annual and sick leave do not have to be exhausted.

### 4. Educational Leave

Educational leave may be granted when an employee enrolls as a full-time student in an accredited educational institution.

- a. The purpose of educational leave is to enhance an employee's job performance and therefore must be job related. All requests shall be approved by the Program Manager.
- b. Educational leave shall be without pay unless the Program Manager and employee agree that annual leave may be used.
- c. Regular full-time employees are eligible for educational leave up to one semester (or equivalent) per academic year provided they have three years of continuous employment with the Navajo Nation Government.
- d. An employee on approved educational leave shall maintain regular full-time status.
- e. Upon completion of educational leave, an employee shall return to his/her position.

## D. Family and Medical Leave

Family and medical leave of absence is approved unpaid leave

available to eligible employees for up to six months per year under particular circumstances that are critical to the life of a family.

1. Family and medical leave may be taken only in the following situations:

- a. upon the birth of the employee's child;
- b. upon the placement of a child with the employee for adoption or foster care;
- c. when the employee is needed to care for his/her child, spouse, or parent who has a serious health condition; or
- d. when the employee is unable to perform the functions of his/her position because of a serious health condition..

2. Limitations

- a. The first three months of leave are nondiscretionary; if the leave is requested consistent with these policies, the supervisor must approve the leave.
- b. The second three month period is discretionary. The supervisor has the authority to approve/disapprove the leave. Reason(s) for the additional leave requested must meet the criteria herein and be based on 1 a-d above.

3. Eligibility

Regular status employees who have been employed for one year are eligible for family and medical leave.

4. Basic Regulations and Conditions

- a. Employees are required to submit medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent.
- b. Spouses who are both employed by the Navajo Nation may take a total of six months of leave (rather than six months each) for the birth or adoption of a child or the care of a sick parent, subject to the limitations in D.2 above.



- c. When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide notice as far in advance as practicable, and make efforts to schedule leave so as not to disrupt program operations.
  - d. In cases of illness, the employee will be required to report periodically to the immediate supervisor on his/her leave status and intention to return to work. A medical certification is required to resume work.
  - e. Upon return from family and medical leave, an employee shall return to the same position.
  - f. During the employee's absence, his/her position may be filled on a temporary basis.
  - g. An employee's failure to return to work after the duration of approved family and medical leave and any other authorized leave, shall be deemed a resignation.
  - h. Department of Personnel Management is responsible for developing and issuing procedures on family and medical leave.
5. Status of Employee Benefits During Leave of Absence
- a. Any employee who is granted an approved leave of absence under this policy shall provide for the retention of group insurance coverage by arranging to pay his/her premium contributions during the period of unpaid absence.
  - b. An employee will not lose service credit with the Navajo Nation as a result of the family and medical leave, but he/she will not accrue annual or sick leave and is not eligible for paid holidays.

#### **E. Furlough**

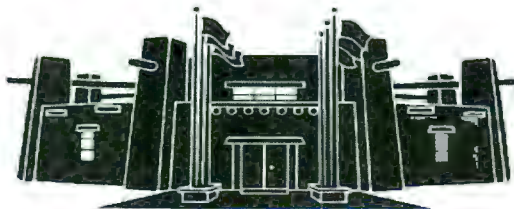
Furlough is the placement of a Seasonal employee into temporary nonduty non-pay (leave without pay) status due to lack of work,

closure of facilities for a specific period or time, or closure due to circumstances beyond the control of the program.

1. Seasonal employees may be eligible for furlough status upon verification of continued funding for the next season or intermittent employment.
2. Employees will be provided written notice from the Program Manager of the furlough 15 calendar days prior to the beginning of the furlough period. The notice will include the effective date of the furlough, the date to return to duty and pay status.
3. The Program Manager shall also provide written notification to each employee on furlough status of the date to return to duty 15 calendar days prior to the effective date of return.
4. Each employee shall be provided a record of his/her accrued annual and sick leave hours before going on furlough status. This accrued leave will be maintained until the employee returns to active duty and pay status or is separated from employment.
5. To retain his/her regular status, a Seasonal employee on furlough may only obtain temporary employment with the Navajo Nation during the furlough period. If the employee does not wish to return to the program placing him/her on furlough, a resignation must be submitted and processed to clear the employee to obtain other employment.
6. Employees provided written notification to return to work and who fail to report by the established return to duty and pay status date, may be subject to termination.
7. Insurance premiums must be paid for the furlough period. Upon notification of furlough, the program and affected employees can make arrangements for payment of premiums with the Employee Benefits Office.

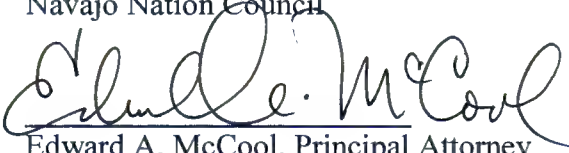
8. These policies do not apply to other categories of employees.
9. The period of furlough cannot exceed six months from the date of furlough.

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**MEMORANDUM**

**TO:** Honorable Jonathan Hale  
Navajo Nation Council

**FROM:**   
Edward A. McCool, Principal Attorney  
Office of Legislative Counsel

**DATE:** August 17, 2018

**SUBJECT:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X CREATING NEW SECTION X (F)(1) TO PERMIT DONATION OF ANNUAL AND/OR SICK LEAVE HOURS TO ASSIST NAVAJO NATION EMPLOYEES IN NEED

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0282-18\_\_\_\_\_

SPONSOR: Jonathan Hale

**TITLE: An Action Relating to Health, Education and Human Services; Amending the Navajo Nation Personnel Policies Manual, Section X Creating New Section X (F)(1) to permit Donation of Annual and/ or Sick leave hours to assist Navajo Nation Employees in need**

***Date posted: August 17, 2018 at 3:43pm***

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*



**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.:** 0282-18

**SPONSOR:** Honorable Jonathan L. Hale

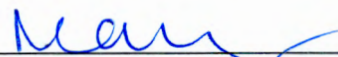
**TITLE:** An Action Relating To Health, Education and Human Services; Amending the Navajo Nation Personnel Policies Manual, Section X Creating New Section X (F)(1) to permit Donation of Annual and/ or Sick leave hours to assist Navajo Nation Employees in need

**Posted:** August 17, 2018 at 3:43pm

**5 DAY Comment Period Ended:** August 22, 2018

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inconclusive Comments (1)</b>	<b>1. Reycita Toddy, HR Classification &amp; Pay Manager; Department of Personnel Management.</b>



Legislative Secretary II  
Office of Legislative Services

8/23/2018 8:00am

Date/Time

# Legislation 0282-18

Reycita Toddy <Reycita.Toddy@dpm.navajo-nsn.gov>

Wed 8/22/2018 10:23 AM

To: comments <comments@navajo-nsn.gov>;

Cc: Sharon Begay-McCabe <Sharon.Begay-McCabe@dpm.navajo-nsn.gov>; LaVonne Tsosie <lttsosie@navajo-nsn.gov>;

TO: Health, Education and Human Services Committee,

**Proposed Legislation 0282-18**, An action relating the Health, Education and Human Services Committee, amending the Navajo Nation Personnel Policies, Section X creating new section X.F.1 to permit donation of annual and/or sick leave hours to assist Navajo Nation Employees in need.

The Department of Personnel Management is submitting the following language and recommendations.

- On Page 1 of 3, TITLE: The proposed action is to permit donation of annual and/or sick leave hours to assist NN employees in Need. The word "NEED" needs to be defined or changed to be consistent with Section Two. Findings B and E.  
B. reads The HEHSC of the Navajo Nation Council is concerned with those employment situations where a Navajo Nation employee experiencing a major ~~personal~~ or health crisis and may have exhausted their available annual and/or sick leave and may suffer significant loss of income and financial hardship as a result.  
E. reads that the HEHSC finds it to be in the best interest of the Navajo Nation to amend the NNPPM to enable Navajo Nation employees with excess annual and/or sick leave to make such leave available to those Navajo Nation Employees who have exhausted such leave due to *ongoing medical hardship*.

## Recommendations:

- Section Three: Amendment, F.1. A NN employee with accrued annual and/or sick leave hours may submit a written request to their Program Manager and to the DPM to donate a portion of their his/her own accrued annual and/or sick leave hours due to *an verified medical hardship*.  
F.2. The Program Manager shall review the donation request and verify the ongoing medical hardship. Upon the Program Manager's approval of the donation request all related documents shall be submitted to the ~~Division~~ Department of Personnel Management to verify donation of appropriate leave hours and officially record the information with the Payroll Section, OOC.
- The proposed donation of annual and/or sick leave should not to include a major personal crisis. How would personal crisis be defined? Such a policy will only lead to abuse.
- The employee receiving the donated hours should be responsible for providing the medical information for verification.
- The verification of donation of appropriate leave hours should be completed prior to the approval by the Program Manager to ensure there are sufficient leave hours.
- The proposed policy should include a statement that all accrued annual and/or sick leave hours were exhausted by the receiving employee prior to requesting a donation of annual and/or sick leave hours.
- The employee may request and receive only the amount of hours necessary as determined by his/her medical provider. No employee shall be donated annual and/or sick leave hours in excess of requested amount.
- Consideration should be given to the number of hours that can to be donated to ensure that the donating employee does not zero out his/her leave balance and result in the employee not having leave for an unforeseen medical condition. The donating employee should be required to maintain at least 80 hours of annual or sick leave hours.
- There should be a limit on the number of donations that an employee may request within a leave year.
- The donation of annual and/or sick leave should be limited within the respective Branch.
- Consideration needs to be given to whether the program's funding source will allow or accept liability for the donated leave hours.

8/23/2018

Legislation 0282-18 - comments

Respectfully Submitted,  
Reycita Toddy, HR Classification & Pay Manager  
Department of Personnel Management

Reycita Toddy  
Classification & Pay Manager  
Department of Personnel Management  
Ph: 928-871-7772