LEGISLATIVE SUMMARY SHEET

Tracking No. 0115-19

DATE: May 7, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL TO PROHIBIT USE OF ALCOHOL WHILE ON TRAVEL PROCEDURES

PURPOSE: This resolution will approve amendments to the Navajo Nation *Personnel Policies Manual* to prohibit use of alcohol by employees while on travel.

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 to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2 on Bill
Website Posting Time/Date: 5.14.19 4:34pm
Posting End Date: 5.19.19
Eligible for Action: 5.20.19

Health Education & Human Services Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0115-19

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL TO PROHIBIT CONSUMPTION OF ALCOHOL WHILE ON OFFICIAL TRAVEL

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). Purposes of the committee include promulgating regulations, promoting accountability to policies, providing legislative oversight on matters involving general governmental services, and overseeing 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)(1) and (3).

B. The Health, Education and Human Services Committee has the authority to establish Navajo Nation policy, promulgate rules and regulations governing human services and general government services of the Navajo Nation. 2 N.N.C. § 401 (B)(1).

C. The Health, Education and Human Services Committee serves as the oversight committee for the Navajo Nation Division of Human Resources. 2 N.N.C. § 401(C)(1) and 401 (C)(6).

D. The Navajo Nation *Personnel Policies Manual* may be amended from time to time by the Health, Education and Human Services Committee at the recommendation of the

Division of Human Resources, which includes the Department of Personnel Management and divisions within the Executive Branch and Legislative Branch. *See* Navajo Nation *Personnel Policies Manual*, Section I(D), December 3, 2018.

SECTION TWO. FINDINGS

A. Pursuant to Navajo Nation *Personnel Policies Manual*, employees must "uphold, with integrity, the trust and confidence placed in the employee pursuant to his/her employment." *XVI. Conduct of Employees*, subsection (A)(1).

B. To ensure integrity in Navajo Nation government, it is in the best interest of the Navajo Nation to amend the Navajo Nation *Personnel Policies Manual* to prohibit the use and consumption of alcohol while on official travel on behalf of the Navajo Nation.

SECTION THREE. AMENDING PERSONNEL POLICIES MANUAL

The Navajo Nation amends the Navajo Nation *Personnel Policies Manual* as follows:

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XVI. CONDUCT OF EMPLOYEES

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E. Drugs and Alcohol in the Workplace

1. The use of intoxicants during working hours or the lunch period is prohibited. Further, employees, while on official travel on behalf of the Navajo Nation, shall not consume alcohol. This prohibition on the consumption of alcohol during travel shall apply to the entire duration of a trip.
2. An employee unable to perform job duties as a result of alcohol or illegal drug intoxication will be excused from the worksite and charged leave without pay. In addition, the employee is subject to disciplinary action consistent with the Table of Penalties, offense #40.
3. Employees are prohibited from selling, purchasing, transferring, possessing, or using alcohol in the workplace.

4. Employees are prohibited from unlawfully manufacturing, selling, purchasing, transferring, possessing, or using controlled substances in the workplace.
5. Any employee violating the above policies will be disciplined, up to and including termination for the first offense.
6. Any employee convicted of violating a criminal drug or alcohol statute in the workplace must inform the supervisor and the Department of Personnel Management of such conviction, including pleas of guilty or no contest, within five working days of the conviction. Failure to do so will result in disciplinary action, up to and including termination for the first offense.
7. An employee convicted of violating a criminal drug or alcohol statute in the workplace may participate in a rehabilitation or treatment program. If such a program is made as a condition of employment, the employee must satisfactorily participate in and complete the program.
8. All employees are required to acknowledge that they have been informed of the above policy and agree to it in all respects. Acknowledgment and agreement are required as a condition of continued employment. Acknowledgment will be in writing and made a part of the employee's personnel file.
9. Employees may be subject to drug and alcohol testing consistent with Navajo law.

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SECTION FOUR. PERSONNEL POLICIES MANUAL

The Navajo Nation Department of Personnel Management shall ensure that the amendment approved by this resolution is properly reflected in the next publication of the Navajo Nation *Personnel Policies Manual.*

SECTION FIVE. EFFECTIVE DATE

The actions approved herein shall be effective upon resolution certification pursuant to 2 N.N.C. § 189.

SECTION SIX. SAVINGS CLAUSE

Should any provision approved by action herein be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of other provisions enacted or amended shall remain effective.

OLC SERVICE REQUEST FORM

DATE: 5/7/19 OLC# 19-225-1

I. REQUESTOR:
☒ DELEGATE Emily Ulmer PHONE: _____
☐ Co-Sponsor _____ PHONE: _____

II. AGENT(S): _____ PHONE: _____
_____ PHONE: _____
☐ Legislative Branch Employee/Official: _____

III. SERVICE: (Check One) ☐ LEGISLATION ☐ CORRESPONDENCE ☐ LEGAL ADVICE
☐ SUBPOENA ☐ OTHER: _____

IV. DESCRIBE REQUEST IN SUFFICIENT DETAIL: OBJECTIVE, NECESSARY AGENCY ETC.

No alcohol use on travel – NN Employees

V.
☐ Necessary Supporting Information/Documents Provided
☐ Executive Branch Review Complete
☐ Financial Review Documents Attached

VI.
☐ Confidential Information Included
☐ Department of Justice Memo Regarding Confidential Information

OPENED BY: M. Smiley DATE COMPLETED: 5-9-19 RCH
ASSIGNED TO: RH INITIAL OF DRAFTER: _____
OLC NOTES (IF ANY): UPLOADED TO SHARED FILE ☐

Done!

Signature of Requestor
RELEASED TO: _____ DATE RELEASED: _____
Rev. 01/19

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

To : Hon. Edmund Yazzie, Council Delegate
Navajo Nation Council

From : Ron Haven, Attorney
Office of Legislative Counsel

Date : May 7, 2019

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL TO PROHIBIT USE OF ALCOHOL WHILE ON TRAVEL PROCEDURES

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

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. Ahéhee'.

OLC # 19-225-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0115-19_____ SPONSOR: Edmund Yazzie

TITLE: An Action Relating To Health, Education And Human Services Committee; Amending The Navajo Nation Personnel Policies Manual To Prohibit Consumption Of Alcohol While On Official Travel

Date posted: May 14, 2019 at 4:34pm

Digital comments may be e-mailed to 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.*