

## **SUMMARY OF PROPOSED LEGISLATION**

TrackingNo. 0018-23

Date: February 9, 2023

**Re: AN ACTION RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION, AND HUMAN SERVICES, AND BUDGET AND FINANCE COMMITTEES; AMENDING BFD-49-22 TO IMPLEMENT THE CORRECT SALARY SCHEDULE “BZ” FOR THE DEPARTMENT OF CRIMINAL INVESTIGATIONS CIVILIAN EMPLOYEES**

### **Purpose of this Legislation:**

to amend BFD-49-22 to implement the correct Salary Schedule “BZ” for the civilian employees (Law Enforcement Commissioned Officers) of the Department of Criminal Investigations.

OLC No. 23-032-1

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: 5:10pm; 02-10-23  
Posting End Date: 02-15-23  
Eligible for Action: 02-16-23

Law & Order Committee  
Thence  
Health Education & Human Services Committee  
Thence  
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL - First Year, 2023

Introduced by:

  
Primary Sponsor

Tracking No. 0018-23

AN ACTION

RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION, AND  
HUMAN SERVICES, AND BUDGET AND FINANCE COMMITTEES; AMENDING  
BFD-49-22 TO IMPLEMENT THE CORRECT SALARY SCHEDULE "BZ" FOR  
THE DEPARTMENT OF CRIMINAL INVESTIGATIONS CIVILIAN EMPLOYEES

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council with oversight authority over the Division of Public Safety and its subordinate departments and programs, including the Department of Criminal Investigations. 2 N.N.C. §601(C)(1).
- B. The Health, Education, and Human Services Committee is a standing committee of the Navajo Nation Council with oversight authority over employment matters generally, and over the Division of Human Resources and its subordinate departments and programs, including the Department of Personnel Management. 2 N.N.C. §401(C)(6) and 2 N.N.C. §601(C)(1).
- C. The Budget and Finance Committee ("BFC") is a standing committee of the Navajo Nation Council authorized to promulgate policies and regulations concerning wages and fringe benefits for Navajo Nation employees. 2 N.N.C. §301(B)(8). BFC is also responsible for approving the Budget Instructions Manual ("BIM") for each Fiscal Year, including

1 amendments thereto. 12 N.N.C. §830(H). Section VII(B)(3) of the FY2023 BIM lists the  
2 approved Salary Schedules, and they are included as Appendix D of the FY2023 BIM.

## 3 4 **SECTION TWO. FINDINGS**

5 A. The Navajo Department of Criminal Investigations (“DCI”), under the Navajo Division of  
6 Public Safety, has for some time been requesting a salary adjustment for its civilian  
7 employees, pursuant to its P.L. 93-638 Contract with the Bureau of Indian Affairs (“BIA”).  
8 Section 104 of DCI’s Contract with BIA states: “[s]alaries paid to civilian staff by the  
9 Contractor [DCI] shall be equal to or greater than salaries paid to civilian staff with similar  
10 responsibilities employed by the Bureau of Indian Affairs.” A copy of the relevant page of  
11 DCI’s Contract, titled: “Fiscal Year 2022 Annual Funding Agreement - Contract No.  
12 A21AV00140,” effective 01/01/2021 to 12/31/2025, is attached hereto as **EXHIBIT 1**.

13 B. DCI has previously submitted memoranda explaining the need for the requested salary  
14 adjustments and describing three tiers of salaries: DCI is proposing the implementation of  
15 “Step F” and “Step C” salary levels under Salary Schedule “BS” (at BIM Appendix D) for  
16 DCI’s Law Enforcement Commissioned Officers. **EXHIBIT 2**.

17 C. DCI’s Contract with BIA and the previous memoranda from DCI are attached as Exhibits  
18 to Resolution No. BFD-49-22, which Resolution was approved by the Budget and Finance  
19 Committee on December 21, 2022. A copy of BFD-49-22, without Exhibits, is attached  
20 hereto as **EXHIBIT 3**.

21 D. Due to an oversight, BFD-49-22 contained incorrect information regarding the Salary  
22 Schedule “BS” for DCI, which was supposed to be Salary Schedule “BZ.” Therefore, the  
23 DCI Director has prepared a new memorandum, dated January 11, 2023, explaining the  
24 need to amend BFD-49-22, in order to implement the correct Salary Schedule “BZ” for  
25 DCI. **EXHIBIT 4**. The correct Salary Schedule “BZ” is attached under **EXHIBIT 4**.

## 26 27 **SECTION THREE. AMENDING BFD-49-22 TO IMPLEMENT THE CORRECT** 28 **SALARY SCHEDULE “BZ” FOR THE DEPARTMENT OF** 29 **CRIMINAL INVESTIGATIONS CIVILIAN EMPLOYEES**

30 A. The Budget and Finance Committee hereby approves the implementation of the Salary

1 Schedule "BZ" for the civilian employees (Law Enforcement Commissioned Officers) of  
2 the Department of Criminal Investigations under the Division of Public Safety, at the levels  
3 of "Step F" and "Step C" as explained in the attached **EXHIBIT 4**.

4 B. The Budget and Finance Committee hereby amends Resolution No. BFD-49-22 to the  
5 extent that BFD-49-22 is inconsistent with this Action, and the Salary Schedule "BZ"  
6 attached under **EXHIBIT 4** of this Action shall supersede and replace any/all Salary  
7 Schedules approved in BFD-49-22 that were erroneously applied to the civilian employees  
8 (Law Enforcement Commissioned Officers) of the Department of Criminal Investigations.

#### 9 10 **SECTION FOUR. DIRECTIVES**

11 A. The Department of Personnel Management ("DPM") shall review the Salary Schedule  
12 "BZ" attached under **EXHIBIT 4** and, if necessary, shall make appropriate revisions to  
13 ensure that Salary Schedule "BZ" includes the FY2023 GWA of 5% that was approved in  
14 Navajo Nation Council Resolution No. CS-42-22. If necessary, DPM shall produce a  
15 revised Salary Schedule "BZ" for the civilian employees (Law Enforcement Commissioned  
16 Officers) of the Department of Criminal Investigations.

17 B. DPM shall then promptly implement the new "Step F" and "Step C" salaries as explained  
18 in **EXHIBIT 4**, and all such salaries for the civilian employees (Law Enforcement  
19 Commissioned Officers) of the Department of Criminal Investigations shall be  
20 implemented prospectively and shall be effective as of October 1, 2022. All appropriate  
21 backpay requests submitted by affected DCI employees shall be promptly processed.

22 C. The Salary Schedule "BZ" shall be listed in Section VII.B.3. of the FY2023 BIM at page  
23 10, and the FY2023 BIM is hereby amended accordingly so that it serves as a current and  
24 updated reference manual containing correct Salary Schedules.

25 D. Once the FY2023 BIM amendments approved herein are finalized, the Office of  
26 Management and Budget ("OMB") shall issue the newly Amended FY2023 BIM and shall  
27 post the Amended FY2023 BIM on the OMB website for public view. Thereafter, all  
28 Navajo Nation branches, divisions, departments, and the like, shall use the Amended  
29 FY2023 BIM in lieu of the original version of the FY2023 BIM that was approved by the  
30 Budget and Finance Committee in Resolution No. BFJN-20-22 dated June 21, 2022.

1   **SECTION FIVE. EFFECTIVE DATE**

2   This Action shall become effective pursuant to 2 N.N.C. §301(B)(8), 12 N.N.C. §830(H), and  
3   2 N.N.C. §221(C).

4  
5   **SECTION SIX. SAVING CLAUSE**

6   If any provision of this Action is determined invalid by the Navajo Nation Supreme Court, or  
7   by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those  
8   provisions of this legislation not determined invalid shall remain the law of the Navajo  
9   Nation.

**FISCAL YEAR 2022  
ANNUAL FUNDING AGREEMENT**

**CONTRACT NO. A21AV00140  
Law Enforcement – Criminal Investigation Program  
(Mature Definite for 01/01/21 to 12/31/25)**

**BY AND BETWEEN**

**THE NAVAJO NATION**

**AND**

**THE UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Indian Affairs  
Navajo Regional Office**

**FOR THE PERIOD**

**January 1, 2022 through December 31, 2022**

**Pursuant to 25 U.S.C. 5301et. seq.  
(Pub. L. 93-638, as amended)**

6. Federal Law Enforcement Training Center Courses.

- B. Prior to, or within one (1) year after appointment or promotion, all commissioned criminal investigator positions shall have an updated background investigation complete, successfully complete the Basic Criminal Investigator's School at the Federal Law Enforcement Training Center, and obtain a Special Law Enforcement Commission from the Bureau of Indian Affairs. Such commissions may be revoked for cause by either the Contractor or the Bureau upon thirty (30) days notice to the other in writing.
- C. Each criminal Investigator shall receive a minimum of forty (40) hours of in-service training annually to meet training needs determined by Contractor and to keep abreast with developments in the field of law enforcement and criminal investigations.
- D. The Contractor may establish and maintain a training academy for the training of its personnel and/or assign commissioned Criminal Investigation personnel to an existing curriculum used for training, in compliance with the Bureau's mandated requirements shall be submitted to the (AOTR) for approval and certification prior to the implementation of the training. The AOTR, within thirty (30) days of receipt of the curriculum, shall respond to the Contractor its approval or disapproval of the curriculum. If the AOTR fails to respond within thirty (30) days, it shall be deemed by the Contractor that the curriculum has been approved. Any disapproval of curriculum by the AOTR shall explain the reason for disapproval.
- E. The Contractor shall directly operate and provide radio communication and dispatch services and activities in furtherance of the Indian Law Enforcement Reform Act (25 U.S.C. §2801 *et seq.*) within Navajo Indian Country. The dispatch services will be responsible for operating criminal investigation radio communications and dispatch system and/or computer aided dispatch services. The dispatch services will be responsible for reporting emergencies to the respective and appropriate law enforcement personnel or agency. All dispatch personnel will perform dispatch services in accordance with the qualifications, training, code of conduct, inspection, and evaluation, and other standards applicable to Bureau law enforcement patrol telecommunications operators or the equivalent. The Contractor fully understands and agrees to utilize current funding level for said services.
- F. The Bureau shall provide additional necessary training, when requested in writing by the Contractor to enable the Contractor to carry out the terms and standards of the Contract. However, in the event that the Bureau cannot provide training needed by the Contractor to carry out the terms and conditions of this Contract, such failure will not adversely affect this Contract.
- G. Certificates of satisfactory completion of each of the above training requirements shall be maintained in each individual criminal investigator's personnel folder.

104. Civilian Qualifications. Training and Salaries. The Contractor shall assure that each administrative support staff is qualified, depending upon position classification in their respective fields within criminal investigation and possess knowledge of procedures, rules of evidence, preservation of evidence, report writing and other functional necessities required to support the criminal investigators and the department (25 CFR § 12.32, DM 446, 68 BIAM). Salaries paid to civilian staff by the Contractor shall be equal to or greater than salaries paid to civilian staff with similar responsibilities employed by the Bureau of Indian Affairs.



# THE NAVAJO NATION

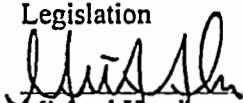
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JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

TO : Elmer Begay, Council Delegate  
Legislation

FROM :   
Michael Henderson, Director CI  
Department of Criminal Investigations-HQ

DATE : June 27, 2022

SUBJECT : SALARY ADJUSTMENT  
Re: Civilian Staff

The Navajo Department of Criminal Investigations (NDCI) met with Department of Personnel Management (DPM) in November 2021 regarding the civilian pay for the department. At which time, DPM was provided information regarding the civilian pay was under the P.L. 93-638 Contract, and within the contract it stipulated civilian staff would be paid equal to or greater than the Bureau of Indian Affairs payscale. At which time, it was requested to DPM to place the civilian staff at the same salary schedule as the Commissioned Officer, with the Grade positions that are currently set, but for staff to be placed at Step F.

Requesting at Step F, is to compensate the staff who have been working since 1996 and as of date were not provided the same opportunity for step increases due to the department needing all evaluation appraisals to be submitted rather than categorizing the appraisals individually for an opportunity to afford individuals to progress in the step increases. This has placed most civilians who have been working with the department below the mid-range with no regard to the number of years of service each have provided. Some individuals have remained at Step A, B, C, and D for over ten (10) to twenty (20) years.

Though there have been numerous attempts to rectify the situation in updating all appraisals, it was DPM that continued to contest requests, due to appraisals lacking from previous years. However, it was contradicted by the Director of DPM indicating the department should have only been viewed on appraisals annually and not from previous years.

It was also indicated by DPM that a pay study was going to be conducted. However, through various follow-ups, there have been no attempts from DPM to provide any results with a pay study since meeting with them in November 2021.

As such, NDCI has replicated the same process in trying to work with DPM. With no response from DPM, its being requested to proceed the same process as the Commissioned Officers pay in continuing to take the next step in obtaining a legislation to meet what is indicated in the P.L. 93-638 Contract for the civilian pay.

With respects to the increase to be approved through the legislation, all NDCI civilians are included within funding from the P.L. 93-638 contract, funding will be made available at such time of the approval. Navajo Nation funds will not be requested with regards to the establishment of the increase.

Attach you will find the minimum, mid-range, and maximum for personnel to be placed at with the Salary Schedule BS Navajo Nation Salary Schedule-Law Enforcement Commissioned Officers.

It is proposed for the current Civilian staff be compensated at BS Step "F" (mid-range) and to also duplicate the agreement with DPM and the Commissioned Officers when hiring of civilian employees begin at Step "C" (min-range).



Your assistance in this matter is greatly appreciated.

# THE NAVAJO NATION

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JONATHAN NEZ | PRESIDENT   MYRON LIZER | VICE PRESIDENT



October 4, 2021

Honorable Elmer Begay, Council Delegate  
24<sup>th</sup> Navajo Nation Council  
PO Box 3390  
Window Rock, Arizona 86515

Dear Honorable Delegate Begay

Pursuant to our meeting regarding the Salary Adjustments for our Civilian Staff with the Navajo Department of Criminal Investigations, previous delegated Directors for the Navajo Department of Criminal Investigations have been addressed on this issue with no results, concerns or prioritization.

The Department of Criminal Investigations renewed the PL 93-638 Contract, Law Enforcement-Criminal Investigation Services, with the Civilian Pay provision included in the Renewed Contract; the prolonged issue with the Civilian Pay needs to be address with priority.

On or about 2016, the Navajo Department of Criminal Investigations reviewed the PL 93-638 Contract for Commissioned Personnel Salary Adjustments, and began to work with the Navajo Nation Department of Personnel in doing a Salary Pay Study that was equal to or greater than the Bureau of Indian Affairs. After numerous meetings with the Department of Personnel, a Salary Pay Study was completed that ranged from Low, Medium to High Range Salaries. The proposed Salary Scale was presented to the Oversight Committees that drafted Legislation for the approval of Medium Range Salary Adjustments for the Commissioned Personnel. (Attached Legislation OLC No. 16-622-1), (BFO-30-16).

Nonetheless, the Navajo Department of Criminal Investigations addressed Salary Adjustments for the Commissioned Staff; those adjustments were made through Legislation. With the Renewed Contract and the Salary Adjustment provisions for civilian employees this endeavor can be accomplished through the utilization of Contract Funds.

The Civilian Pay has been overlooked for years, that some of the civilian employees are still being paid at entry level, even though they have many years of services and should be compensated at a higher rate than what they are currently making. The Dates of Original Hire with the Navajo Nation range from 1984 to 2019, and for Criminal Investigations Dates of Hire range from 1994 to 2020 with the civilian staff still being paid at minimum of entry-level pay.

The PL 93-638 Contract, Scope of Work, Section 104 addresses Civilian Qualifications, Training and Salaries. The provision in this section states: "Salaries paid to civilian staff by the Contractor shall be equal to or greater than salaries paid to civilian staff with similar responsibilities employed by the Bureau of Indian Affairs". Subsequently, the Navajo Department of Criminal Investigations conducted their tabulations of Salary Adjustments for the Civilian Personnel based on Years of Service and the Navajo Nation Law Enforcement Salary Schedule.


Letter: Honorable Elmer Begay, Council Delegate  
Ref.: Civilian Salary Adjustments  
Date: October 4, 2021  
Page: 2

Therefore, the Civilian Pay Scale with the correct step of the Navajo Nation would cost \$685,086.88, and with the DPS Pay Scale with the correct step, would cost \$704,178.00. The Department of Criminal Investigations has the Contract Funds to make these Salary Adjustments in accordance with the DPS Pay Scale that these Salary Adjustments are long over due.

The Department of Personnel Management has policies pertaining to Step Increases; however, these salary adjustments are necessary to comply with the provisions of Section 104 of the PL 93-638 Contract; Law Enforcement-Criminal Investigation Services; Scope of Work.

Your assistance in this regard will greatly be appreciated. Should you have any questions and/or concerns in this regard, please do not hesitate to contact me at (928) 871-7519.

Respectfully,



Gordon Toadlena, Criminal Investigations Supervisor  
Navajo Department of Criminal Investigations  
PO Box 643  
Window Rock, Arizona 86515  
(928) 871-7519

**RESOLUTION OF THE  
BUDGET AND FINANCE COMMITTEE  
OF THE NAVAJO NATION COUNCIL**

**24<sup>TH</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022**

**AN ACT**

**RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION, AND HUMAN  
SERVICES, AND BUDGET AND FINANCE COMMITTEES; AMENDING THE  
FY2023 BUDGET INSTRUCTIONS MANUAL TO IMPLEMENT SALARY SCHEDULE  
"BS" FOR DEPARTMENT OF CRIMINAL INVESTIGATIONS CIVILIAN  
EMPLOYEES AND SALARY SCHEDULE "BZ" FOR CLINICAL LICENSED  
EMERGENCY MEDICAL SERVICES EMPLOYEE POSITIONS, AND TO PROVIDE  
FOR THE FY2023 GENERAL WAGE ADJUSTMENT OF 5%**

**TO BE ENACTED:**

**SECTION ONE. AUTHORITY**

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council with oversight authority over the Division of Public Safety and its subordinate departments and programs, including the Department of Criminal Investigations and the Department of Emergency Medical Services. 2 N.N.C. § 601(C)(1).
- B. The Health, Education, and Human Services Committee is a standing committee of the Navajo Nation Council with oversight authority over employment matters generally, and over the Division of Human Resources and its subordinate departments and programs, including the Department of Personnel Management. 2 N.N.C. § 401(C)(6) and 2 N.N.C. § 601(C)(1).
- C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council authorized to promulgate policies and regulations concerning wages and fringe benefits for Navajo Nation employees. 2 N.N.C. § 301(B)(8).
- D. The Budget and Finance Committee is also responsible for approving the Budget Instructions Manual ("BIM") for each Fiscal Year, including amendments thereto. 12 N.N.C. §

830(H). At Section VII(B)(3) of the FY2023 BIM, at page 10, the approved Salary Schedules are listed, and they are included as Appendix D on pp. 63-72 of the BIM.

## SECTION TWO. FINDINGS

- A. The Navajo Department of Criminal Investigations ("DCI"), under the Navajo Division of Public Safety, has for some time been requesting a salary adjustment for its civilian employees, pursuant to its P.L. 93-638 Contract with the Bureau of Indian Affairs ("BIA"). Section 104 of DCI's Contract with BIA provides that "[s]alaries paid to civilian staff by the Contractor [DCI] shall be equal to or greater than salaries paid to civilian staff with similar responsibilities employed by the Bureau of Indian Affairs." A copy of DCI's Contract with BIA, titled: "Fiscal Year 2022 Annual Funding Agreement - Contract No. A21AV00140" and the Scope of Work for the Contract, which is effective from 01/01/2021 to 12/31/2025, is attached hereto as **EXHIBIT A**.
- B. The DCI Supervisor has provided an explanatory memorandum regarding the requested salary adjustments, dated October 4, 2021, which memo is attached as **EXHIBIT B**. The DCI Director has also provided a memorandum dated June 27, 2022, explaining the need for requested salary adjustments and including a detailed table of three tiers of salaries - DCI is proposing the implementation of "Step F" and "Step C" salary levels under Salary Schedule "BS" (at BIM Appendix D) for DCI's Law Enforcement Commissioned Officers. **EXHIBIT C**.
- C. The Navajo Department of Emergency Medical Services ("EMS"), under the Division of Public Safety, is requesting the implementation of new salaries for the Department's Clinical Licensed EMS employee positions. The EMS Department Manager has provided a memorandum, along with the proposed new Salary Schedule "BZ" (2pages: 72-a, 72-b) for said positions and a "Salary Comparability Study Summary." **EXHIBIT D**.
- D. The BIM does not currently have a Salary Schedule specifically identified for Clinical Licensed positions for Emergency Medical Services employees. Implementation of the appropriate salary schedule is therefore needed because EMS provides a defined baseline of clinical care and services to Navajo communities, and EMS employees work under treatment guidelines approved by licensed physicians who oversee

patient care and are knowledgeable about how EMS systems operate on a daily basis to save lives.

- E. The EMS proposed new Salary Schedule "BZ" has been reviewed by appropriate offices in the 164 Executive Review process, and has been deemed "sufficient" by the reviewers. **EXHIBIT E.**
- F. On September 24, 2022 Navajo Nation President Jonathan Nez signed into law Navajo Nation Council Resolution No. CS-42-22 which enacted the Navajo Nation's Comprehensive Budget for FY 2023. Pursuant to Section 2(G)(1) of CS-42-22 in the FY2023 Comprehensive Budget the Navajo Nation Council approved a General Wage Adjustment ("GWA") for all Navajo Nation employees, effective as of October 1, 2022. The Department of Personnel Management has provided an explanatory memorandum regarding the GWA, along with the revised Salary Schedules "BX" and "BY" that reflect the 5% employee wage increases. **EXHIBIT F.**
- G. The FY2023 BIM was approved by the Budget and Finance Committee several months prior to the approval of CS-42-22 that enacted the FY2023 GWA. Therefore, the BIM should be amended to include revised salary schedules that show 5% wage increases effective as of October 1, 2022.

**SECTION THREE. AMENDING THE FY2023 BIM TO IMPLEMENT SALARY SCHEDULE "BS" FOR DEPARTMENT OF CRIMINAL INVESTIGATIONS CIVILIAN EMPLOYEES**

- A. The Budget and Finance Committee hereby approves the implementation of the Salary Schedule "BS" for the civilian employees (Law Enforcement Commissioned Officers) of the Department of Criminal Investigations under the Division of Public Safety, at the levels of "Step F" and "Step C" as explained in the attached **EXHIBIT C.**
- B. The Department of Personnel Management ("DPM") shall review the Salary Schedule "BS" under the attached **EXHIBIT C** and shall make appropriate revisions, if necessary, to ensure that this Salary Schedule "BS" includes the FY2023 GWA OF 5% that was approved in Navajo Nation Council Resolution CS-42-22. If necessary, DPM shall produce a revised Salary Schedule "BS" dated October 1, 2022.
- C. DPM shall then promptly implement the new "Step F" and "Step C" salaries as explained in **EXHIBIT C**, and all such salaries shall be effective as of October 1, 2022.

**SECTION FOUR. AMENDING THE FY2023 BIM TO IMPLEMENT SALARY SCHEDULE "BZ" FOR CLINICAL LICENSED EMERGENCY MEDICAL SERVICES EMPLOYEE POSITIONS**

- A. The Budget and Finance Committee hereby approves the implementation of the new Salary Schedule "BZ" for Clinical Licensed EMS employee positions, as shown in the attached EXHIBIT D (2 pages: 72-a, 72-b).
- B. DPM shall review the Salary Schedule "BZ" under the attached EXHIBIT D and shall make appropriate revisions, if necessary, to ensure that this Salary Schedule "BZ" includes the FY2023 GWA of 5% that was approved in Navajo Nation Council Resolution CS-42-22. If necessary, DPM shall produce a revised Salary Schedule "BZ" dated October 1, 2022.
- C. DPM shall then promptly implement the new Salary Schedule "BZ" as shown in the attached EXHIBIT D, and all such salaries shall be effective as of October 1, 2022.
- D. Section VII.B.3. of the FY2023 BIM, at page 10, is hereby amended to add the new Salary Schedule "BZ" under the attached EXHIBIT D, to the list of Salary Schedules shown on page 10 of the BIM.
- E. The FY2023 BIM is hereby amended to insert the two pages 72-a and 72-b under the attached EXHIBIT D (as revised by DPM, if necessary) to the BIM immediately after page 72 of the BIM, as two new pages under "Appendix D."

**SECTION FIVE. AMENDING THE FY2023 BIM TO PROVIDE FOR THE FY2023 GENERAL WAGE ADJUSTEMENT OF 5%**

In accordance with Section 2(G)(1) of Navajo Nation Council Resolution No. CS-42-22, the Budget and Finance Committee hereby approves an amendment to the FY2023 BIM to insert the revised Salary Schedule "BX" and "BY" provided by DPM and included under the attached EXHIBIT F. Schedules "BX" and "BY" shall replace their corresponding outdated schedules and "BX" and "BY" shall be made a part of the amended BIM at Appendix D.

**SECTION SIX. DIRECTIVES**

- A. Once all Salary Schedules approved in this Act are properly prepared and verified as correct by DPM, all of them shall be listed in Section VII.B.3. of the FY2023 BIM, at page 10, and the BIM is hereby amended accordingly so that it serves as a current and updated reference manual.
- B. Once the BIM amendments approved herein are finalized, the Office of Management and Budget ("OMB") shall prepare and issue the newly Amended FY2023 BIM and shall post the Amended FY2023 BIM on the OMB website for public view.
- C. Once the Amended FY2023 BIM is posted on the OMB website, all Navajo Nation branches, divisions, departments, programs, offices, and the like, shall begin using the Amended FY2023 BIM in lieu of the original version of the BIM that was approved by the Budget and Finance Committee in Resolution No. BFJN-20-22 date June 21, 2022.

**SECTION SEVEN. EFFECTIVE DATE**

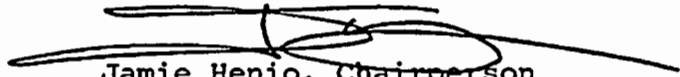
This Act shall become effective pursuant to 2 N.N.C. § 221(C).

**SECTION EIGHT. SAVING CLAUSE**

If any provision of this Act is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.

**CERTIFICATION**

I, hereby, certify that the foregoing resolution was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting held by teleconference at which a quorum was present and that the same was passed by a vote of 5 in favor and 0 opposed, this 21<sup>st</sup> day of December 2022.



Jamie Henio, Chairperson  
Budget and Finance Committee

Motion: Honorable Jimmy Yellowhair  
Second: Honorable Elmer P. Begay

# THE NAVAJO NATION

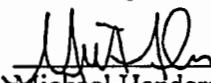
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

EXHIBIT 4



## MEMORANDUM

TO : Honorable Vince James, Council Delegate  
24<sup>th</sup> Navajo Nation Council

FROM :   
Michael Henderson, Director CI  
Department of Criminal Investigations-HQ

DATE : January 11, 2023

SUBJECT : AMENDING RESOLUTION 0226-22  
Re: NDPS/NDCI Civilian Staff

The Navajo Department of Criminal Investigations (NDCI) – Headquarters met with Ms. Luralene Tapahe, LDA in assisting and providing recommendation to amend Resolution 0226-22. During the meeting held on January 11, 2023 at the Office of Legislative Services, the discussion entailed that the Resolution was submitted with the amendment to update the original payscale of BS for the civilian staff to the current FY23 General Wage Adjustment (GWA) to BZ payscale. Memo was updated and sent on December 6, 2022, with documentation (see attachment A), and was provided to Ms. Tapahe on such date.

However, during the Budget and Finance committee meeting, the amendment was not motioned on nor approved to accept the changes, but rather it continued with the BS scale and approved through the committee on December 21, 2022.

At this time, NDCI is requesting Honorable Council Delegate, Vince James to advocate and sponsor to amend Resolution 0226-22 for NDCI to update the payscale to BZ.

It is with much appreciative and gratefulness that Ms. Tapahe has been assisting the department to consider this matter of importance. As we have expressed to her that these fundings are external funds, and time is crucial in expending the funds before the end of May 05, 2023 on the current external account.

With respect to amending the resolution to be approved, all NDCI civilians are included within funding from the P.L. 93-638 contract, funding will be made available at such time of the approval. Navajo Nation funds will not be requested with regards to the establishment of the increase.

Attach you will find the minimum, mid-range, and maximum for personnel to be placed with the current Navajo Nation Salary Schedule FY2023 (BZ)-Commissioned Law Enforcement Officers.

It is proposed for the current Civilian staff be compensated at Step "F" (mid-range) and to also duplicate the agreement with the DPM and the Commissioned Officers when hiring of civilian employees begin at Step "C."

Your assistance in this matter would be greatly appreciated.

# THE NAVAJO NATION

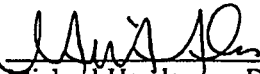
JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



## MEMORANDUM

**attachment A**

TO : Honorable Vince James, Council Delegate  
24<sup>th</sup> Navajo Nation Council

FROM :   
Michael Henderson, Director of Criminal Investigation  
Department of Criminal Investigations-HQ

DATE : December 6, 2022

SUBJECT : SALARY ADJUSTMENT  
Re: NDPS/NDCI Civilian Staff

The Navajo Department of Criminal Investigations (NDCI) – Headquarters met with Department of Personnel Management (DPM) in November 2021 regarding the civilian pay for the NDCI department. At which time, DPM was apprised of the civilian pay to be under the P.L. 93-638 Contract, and within the contract it stipulated civilian staff would be paid equal to or greater than the Bureau of Indian Affairs pay scale. At which time, it was requested of DPM to place the civilian staff at the same salary schedule as the Commissioned Officers, with the Grade positions that are currently set, but the staff to be placed at Step F.

Requesting at Step F, is to compensate the staff who have been working since 1996 and as of date were not provided the same opportunity for step increases due to the department needing all evaluation appraisals to be submitted collectively as a department, rather than categorizing the appraisals individually for an opportunity to afford individuals to progress in the step increases. This has placed most civilians who have been working with the department below the mid-range with no regard to the number of years of service each have provided. Some individuals have remained at Step A, B, C, and D for over ten (10) to twenty (20) years.

Though there have been numerous attempts to rectify the situation in updating all appraisals, it was DPM that continued to contest requests, due to appraisals lacking from previous years. However, it was contradicted by the Director of DPM indicating the department should have only been viewed on appraisals annually and not from previous years.

It is also indicated by DPM that a pay study was going to be conducted. However, through various follow-ups, there have been no attempts from DPM to provide any results with a pay study since meeting with them in November 2021.

As such, NDCI has replicated the same process in trying to work with DPM. With no response from DPM, its being requested to proceed the same process as the Commissioned Officers pay scale in continuing to take the next step in obtaining a legislation to meet what is indicated in the B.I.A. P.L.93-638 Contract for the civilian pay.

With respect to the increase to be approved through the legislation, all NDCI civilians are included within funding from the P.L. 93-638 contract, funding will be made available at such time of the approval. Navajo Nation funds will not be requested with regards to the establishment of the increase.

Attach you will find the minimum, mid-range, and maximum for personnel to be placed with the current Navajo Nation Salary Schedule FY2023 (BZ)-Commissioned Law Enforcement Officers.

It is proposed for the current Civilian staff be compensated at Step "F" (mid-range) and to also duplicate the agreement with the DPM and the Commissioned Officers when hiring of civilian employees begin at Step "C."

Your assistance in this matter would be greatly appreciated.

cc: File

# SCHEDULE BZ

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NAVAJO NATION  
Navajo Department of Criminal Investigations  
Civilian Salary Schedule at BZ

Position	Grade	Min-Range			Mid-Range			Max-Range		
		Step	Hrly Rate	Salary	Step	Hrly Rate	Salary	Step	Hrly Rate	Salary
Senior Office Specialist	60	C	17.82	37,208.16	F	19.50	40,716.00	I	20.30	42,386.40
Evidence Technician	61	C	19.46	40,632.48	F	20.85	43,534.80	I	22.12	46,186.56
Program and Project Specialist	63	C	22.66	47,314.08	F	24.79	51,761.52	I	26.20	54,705.60
Administrative Service Officer	64	C	24.68	51,531.84	F	26.85	56,062.80	I	28.51	59,528.88
Statistician and Research Analyst	65	C	26.8	55,958.40	F	29.30	61,178.40	I	31.09	64,915.92

Schedule ID:  
BZ

NAVAJO NATION  
SALARY SCHEDULE  
FY 2023

Commissioned  
Law Enforcement Officers

# SCHEDULE BZ

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PAY GRADE	Minimum A	B	C	D	E	F	G	H	I	J	K	Maximum L
51	16,255.52	16,683.12	17,226.00	17,706.24	18,270.00	18,771.12	19,334.88	19,982.16	20,525.04	21,130.56	21,756.96	22,487.76
52	17,643.60	18,249.12	18,750.24	19,314.00	19,856.88	20,504.16	21,109.68	21,736.08	22,466.88	23,114.16	23,740.56	24,534.00
53	19,293.12	19,836.00	20,441.52	21,067.92	21,652.56	22,383.36	23,072.40	23,677.92	24,450.48	25,118.64	25,891.20	26,705.52
54	21,026.16	21,610.80	22,320.72	22,905.36	23,594.40	24,366.96	25,076.88	25,828.56	26,580.24	27,352.80	28,229.76	29,085.84
55	22,842.72	23,552.64	24,262.56	24,993.36	25,745.04	26,496.72	27,290.16	28,146.24	28,960.56	29,879.28	30,777.12	31,695.84
56	24,930.72	25,682.40	26,434.08	27,227.52	28,041.84	28,877.04	29,795.76	30,714.48	31,570.56	32,510.16	33,470.64	34,493.76
57	27,185.76	28,000.08	28,835.28	29,712.24	30,610.08	31,507.92	32,426.64	33,408.00	34,389.36	35,516.88	36,540.00	37,667.52
58	29,628.72	30,547.44	31,424.40	32,322.24	33,324.48	34,305.84	35,370.72	36,435.60	37,584.00	38,690.64	39,839.04	41,050.08
59	32,280.48	33,282.72	34,264.08	35,245.44	36,352.08	37,521.36	38,607.12	39,797.28	40,569.84	41,363.28	42,657.84	43,889.76
60	35,120.16	36,143.28	37,208.16	38,314.80	39,567.60	40,716.00	41,175.36	42,386.40	43,680.96	44,975.52	46,311.84	47,689.92
61	38,252.16	39,463.20	40,632.48	41,467.68	42,323.76	43,534.80	44,892.00	46,186.56	47,543.76	49,005.36	50,487.84	52,053.84
62	41,384.16	42,177.60	43,472.16	44,808.48	46,082.16	47,460.24	48,900.96	50,341.68	51,886.80	53,431.92	54,810.00	56,438.64
63	44,662.32	45,936.00	47,314.08	48,775.68	50,216.40	51,761.52	53,305.64	54,705.60	56,229.84	57,942.00	59,654.16	61,470.72
64	48,692.16	50,028.48	51,531.84	53,202.24	54,830.88	56,062.80	57,837.60	59,528.88	61,324.56	63,162.00	65,082.96	67,087.44
65	53,076.96	54,684.72	55,958.40	57,691.44	59,382.72	61,178.40	63,036.72	64,915.92	66,816.00	68,883.12	70,908.48	73,017.36
66	57,482.64	59,236.56	61,011.36	62,932.32	64,769.76	66,711.60	68,736.96	70,720.56	72,871.20	75,042.72	77,297.76	79,657.20
67	62,702.64	64,519.20	66,461.04	68,507.28	70,532.64	72,725.04	74,917.44	77,172.48	79,427.52	81,745.20	84,250.80	86,777.28
68	68,340.24	70,344.72	72,537.12	74,708.64	77,005.44	79,239.60	81,599.04	84,104.64	86,631.12	89,262.00	91,892.88	94,649.04
69	74,478.96	76,734.00	79,051.68	81,432.00	83,874.96	86,338.80	88,907.04	91,621.44	94,377.60	97,196.40	100,098.72	103,105.44
70	81,223.20	83,582.64	86,130.00	88,698.24	91,391.76	94,147.92	96,987.60	99,910.80	102,938.40	105,986.88	108,617.76	111,875.04
71	88,531.20	91,162.08	93,918.24	96,716.16	99,576.72	102,604.32	105,673.68	108,868.32	111,603.60	114,944.40	118,389.60	121,939.20
72	96,444.72	99,367.92	102,332.88	105,402.24	108,617.76	111,311.28	114,610.32	118,055.52	121,646.88	125,259.12	128,996.64	132,922.08
73	105,193.44	108,325.44	110,998.08	114,380.64	117,825.84	121,312.80	124,966.80	128,725.20	132,567.12	136,492.56	140,689.44	144,844.56
74	114,088.32	117,533.52	120,999.60	124,674.48	128,432.88	132,253.92	136,262.88	140,271.84	144,552.24	148,937.04	153,384.48	157,978.08
75	124,340.40	128,057.04	131,898.96	135,907.92	139,979.52	144,197.28	148,456.80	152,925.12	157,518.72	162,279.36	167,123.52	172,113.84
76	135,511.20	139,666.32	143,758.80	148,143.60	152,549.28	157,122.00	161,861.76	166,747.68	171,696.24	176,895.36	182,157.12	187,627.68
77	147,746.88	152,194.32	156,725.28	161,465.04	166,267.44	171,299.52	176,415.12	181,697.76	187,210.08	192,785.04	198,589.68	204,519.60

Effective: October 1, 2022

Department of Personnel Management

Previous Schedule ID: BS

Schedule ID:  
**BZ**

NAVAJO NATION  
**SALARY SCHEDULE**  
FY 2023

Commissioned  
**Law Enforcement Officers**

# SCHEDULE BZ

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PAY GRADE	HOURLY RATES BY PAY GRADE AND STEP											Maximum	
	A	B	C	D	E	F	G	H	I	J	K	L	
51	7.79	7.99	8.25	8.48	8.75	8.99	9.26	9.57	9.83	10.12	10.42	10.77	
52	8.45	8.74	8.98	9.25	9.51	9.82	10.11	10.41	10.76	11.07	11.37	11.75	
53	9.24	9.50	9.79	10.09	10.37	10.72	11.05	11.34	11.71	12.03	12.40	12.79	
54	10.07	10.35	10.69	10.97	11.30	11.67	12.01	12.37	12.73	13.10	13.52	13.93	
55	10.94	11.28	11.62	11.97	12.33	12.69	13.07	13.48	13.87	14.31	14.74	15.18	
56	11.94	12.30	12.66	13.04	13.43	13.83	14.27	14.71	15.12	15.57	16.03	16.52	
57	13.02	13.41	13.81	14.23	14.66	15.09	15.53	16.00	16.47	17.01	17.50	18.04	
58	14.19	14.63	15.05	15.48	15.96	16.43	16.94	17.45	18.00	18.53	19.08	19.66	
59	15.46	15.94	16.41	16.88	17.41	17.97	18.49	19.06	19.43	19.81	20.43	21.02	
60	16.82	17.31	17.82	18.35	18.95	19.50	19.72	20.30	20.92	21.54	22.18	22.84	
61	18.32	18.90	19.46	19.86	20.27	20.85	21.50	22.12	22.77	23.47	24.18	24.93	
62	19.82	20.20	20.82	21.46	22.07	22.73	23.42	24.11	24.85	25.59	26.25	27.03	
63	21.39	22.00	22.66	23.36	24.05	24.79	25.53	26.20	26.93	27.75	28.57	29.44	
64	23.32	23.96	24.68	25.48	26.26	26.85	27.70	28.51	29.37	30.25	31.17	32.13	
65	25.42	26.19	26.80	27.63	28.44	29.30	30.19	31.09	32.00	32.99	33.96	34.97	
66	27.53	28.37	29.22	30.14	31.02	31.95	32.92	33.87	34.90	35.94	37.02	38.15	
67	30.03	30.90	31.83	32.81	33.78	34.83	35.88	36.96	38.04	39.15	40.35	41.56	
68	32.73	33.69	34.74	35.78	36.88	37.95	39.08	40.28	41.49	42.75	44.01	45.33	
69	35.67	36.75	37.86	39.00	40.17	41.35	42.58	43.88	45.20	46.55	47.94	49.38	
70	38.90	40.03	41.25	42.48	43.77	45.09	46.45	47.85	49.30	50.76	52.02	53.58	
71	42.40	43.66	44.98	46.32	47.69	49.14	50.61	52.14	53.45	55.05	56.70	58.40	
72	46.19	47.59	49.01	50.48	52.02	53.31	54.89	56.54	58.26	59.99	61.78	63.66	
73	50.38	51.88	53.16	54.78	56.43	58.10	59.85	61.65	63.49	65.37	67.38	69.37	
74	54.64	56.29	57.95	59.71	61.51	63.34	65.26	67.18	69.23	71.33	73.46	75.66	
75	59.55	61.33	63.17	65.09	67.04	69.06	71.10	73.24	75.44	77.72	80.04	82.43	
76	64.90	66.89	68.85	70.95	73.06	75.25	77.52	79.86	82.23	84.72	87.24	89.86	
77	70.76	72.89	75.06	77.33	79.63	82.04	84.49	87.02	89.66	92.33	95.11	97.95	

Effective: October 1, 2022

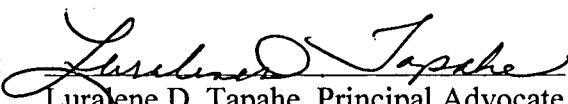
General Wage Adjustment (GWA) - 5.00%

Previous Schedule ID: BS



## MEMORANDUM

To: Hon. Vince James, Chairperson  
Health, Education, and Human Services Committee  
25<sup>th</sup> Navajo Nation Council

From:   
Luralene D. Tapahe, Principal Advocate  
Office of Legislative Counsel

Date: February 9, 2023

Subject: **AN ACTION RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION,  
AND HUMAN SERVICES, AND BUDGET AND FINANCE COMMITTEES;  
AMENDING BFD-49-22 TO IMPLEMENT THE CORRECT SALARY  
SCHEDULE "BZ" FOR THE DEPARTMENT OF CRIMINAL INVESTIGATIONS  
CIVILIAN EMPLOYEES**

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Per your request, the Office of Legislative Counsel has prepared the above-referenced proposed Legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon OLC's review of all supporting documents submitted, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

**Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.**

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: [LuraleneTapahe@navajo-nsn.gov](mailto:LuraleneTapahe@navajo-nsn.gov)

Thank you for your cooperation.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0018-23\_\_

SPONSOR: Vince R. James

**TITLE: An Action Relating to the Law and Order, Health, Education and Human Services, and Budget and Finance Committees; Amending BFD-49-22 to Implement the Correct Salary Schedule "BZ" for the Department of Criminal Investigations Civilian Employees**

**Date posted: February 10, 2023 5:10 PM**

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) 871-7586

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.*