

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0076-22

**DATE:** April 6, 2022

**TITLE OF RESOLUTION:** AN ACTION RELATING T, HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING \$9,910,040 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFb") TO THE DEPARTMENT OF PERSONNEL MANAGEMENT FOR \$1,500 APPRECIATION REWARDS TO NAVAJO NATION EMPLOYEES FOR WORKING THROUGHOUT THE COVID-19 PANDEMIC

**PURPOSE:** This resolution, if approved, will provide a \$1500 appreciation reward to each Navajo Nation employee in recognition of their efforts during the COVID-19 pandemic.

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

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: 8:55 pm; 04/08/22  
Posting End Date: 04/13/22  
Eligible for Action: 04/14/22

Health Education and Human Services Committee

Thence

Budget and Finance Committee

Thence

Naabik'íyáti' Committee

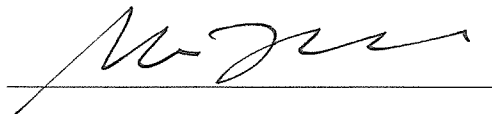
Thence

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:



(Prime Sponsor)



Tracking No. 0076-22

AN ACTION

RELATING T, HEALTH EDUCATION AND HUMAN SERVICES, BUDGET  
AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO  
NATION COUNCIL; APPROVING \$9,910,040 FROM THE UNRESERVED,  
UNDESIGNATED FUND BALANCE ("UUFb") TO THE DEPARTMENT OF  
PERSONNEL MANAGEMENT FOR \$1,500 APPRECIATION REWARDS TO  
NAVAJO NATION EMPLOYEES FOR WORKING THROUGHOUT THE  
COVID-19 PANDEMIC

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health Education, and Human Services Committee was established as a standing committee of the Navajo Nation Council with oversight authority over the Department of Human Resources and employment/labor matters. 2 N.N.C. §400 (A), §401 (C)(1) and (C)(6).
- B. The Budget and Finance Committee was established as a standing committee of the Navajo Nation Council with the authority to review and recommend to the Council the budgeting, appropriation, investment and management of all funds. 2 N.N.C. §300(A), §301(B)(2).
- C. The Naabik'íyáti' Committee was established as a standing committee of the Navajo

1 Nation Council with authority to hear all proposed resolutions requiring final action  
2 by the Navajo Nation Council. 2 N.N.C. §164 (A)(9), §701(A)(5).

3 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.  
4 §102(A). As such, the Council “. . . may adopt and approve supplemental  
5 appropriations to the Annual Comprehensive Budget during the fiscal year.  
6 Supplemental appropriations of General Funds within the current fiscal year are  
7 permitted, if and when additional sources of revenues above and beyond the initial or  
8 current revenue projections are projected and which are also in excess of the reserve  
9 amount set forth at §820(J).” 12 N.N.C. §820(L).

10 E. The restrictions on supplemental appropriations, including all amounts from the  
11 UUFB, include:

12 1. Payment of recurring government operating expenses shall be from recurring  
13 revenues, and payment of nonrecurring expenses shall be from nonrecurring  
14 revenues such as UUFB funds. 12 N.N.C. §820(E), §820(F).

15 2. Specifically, the UUFB shall not be used for recurring government expenditures  
16 or operations. 12 N.N.C. §820(J), §820(L).

17 3. Nonrecurring revenues such as UUFB funds may be used only after the Controller  
18 determines whether or not such revenues are subsidizing an imbalance between  
19 the Navajo Nation’s recurring revenues and expenditures, and government  
20 expenditures shall only be authorized if a long-term (3-year to 5-year year)  
21 forecast shows that the operating deficit will not continue; otherwise, nonrecurring  
22 revenues will be added to the Unreserved, Undesignated Fund Balance. 12 N.N.C.  
23 §820(F).

24 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote  
25 of the full Navajo Nation Council. 12 N.N.C. §820(F), 12 N.N.C. §880.

26 5. In compliance with 12 N.N.C. §820(F) all UUFB funding requests must be  
27 reviewed by the Controller. Such review is also required because the Controller  
28 determines which revenues and expenses are recurring and which are non-  
29 recurring. 12 N.N.C. §820(L).

30 6. In compliance with 12 N.N.C. §820(M) all UUFB funding requests must be

submitted to the Office of Management and Budget (“OMB”) for a budget impact analysis.

7. Supplemental funding such as UUFB appropriations shall lapse at the end of the current fiscal year unless the Navajo Nation Council decides otherwise. 12 N.N.C. §820(N).

## SECTION TWO. FINDINGS

- A. The World Health Organization (“WHO”) declared a Public Health Emergency of International Concern related to the Coronavirus (“COVID-19”), a highly contagious and sometimes fatal respiratory virus, on January 30, 2020; the U.S. Department of Health and Human Services declared a Public Health Emergency related to the COVID-19 outbreak on January 31, 2020; and the WHO declared a global pandemic due to COVID-19 on March 11, 2020.
- B. The Navajo Nation Commission on Emergency Management, with the concurrence of Navajo Nation President Jonathan Nez, declared a Public Health State of Emergency on the Navajo Nation on March 11, 2020, due to the COVID-19 outbreak. *See* Resolution No. CEM 20-03-11, incorporated herein by reference. The Navajo Nation Department of Health has subsequently issued numerous Public Health Emergency Orders. Public Health Orders 2020-001 through 2022-06 are incorporated herein by reference. These Public Health Emergency Orders are available at [www.ndoh.navajo-nsn.gov](http://www.ndoh.navajo-nsn.gov).
- C. The coronavirus pandemic of 2019 has caused large scale infections and loss of life throughout the world, the United States, and the Navajo Nation. As of April 5, 2022, the Navajo Nation Health Command Operations Center has confirmed 53,100 positive COVID-19 cases and 1,738 COVID-related deaths on the Navajo Nation. COVID-19 variants have recently emerged that threaten to increase these numbers and continue the pandemic’s assault on the Navajo People, including Navajo Nation government employees.
- D. The efforts of Navajo Nation government employees, including Chapter employees, were instrumental and vital in ensuring that the Navajo Nation government continued

1 to operate and provide desperately needed services to the Navajo people during the  
2 COVID-19 pandemic.

3 E. The Navajo Nation Council has determined that it is imperative to recognize and  
4 reward Navajo Nation government employees, including Chapter employees, for  
5 their outstanding efforts during the COVID-19 pandemic to ensure that services to  
6 the Navajo people were not substantially interrupted.

7 F. Regarding this UUFB funding request, the Controller may be asked to satisfy the  
8 requirements of 12 N.N.C. §820(L) by memorandum, or telephonically or in-person  
9 when this matter is heard by the Navajo Nation Council.

10 G. Regarding this UUFB funding request, the OMB may be asked to provide the budget  
11 impact statement required by 12 N.N.C. §820(M) by memorandum, or telephonically  
12 or in-person when this matter is heard by the Navajo Nation Council.

13  
14 **SECTION THREE. APPROVAL OF \$9,910,040 FROM THE UUFB FOR**  
15 **APPRECIATION REWARDS TO NAVAJO NATION EMPLOYEES**

16 A. The Navajo Nation hereby approves a supplemental appropriation of nine million  
17 nine hundred ten thousand forty dollars (\$9,910,040) to the Department of Personnel  
18 Management as set forth in **Exhibits A and B**.

19 B. The funding to the Department of Personnel shall only be used to provide  
20 appreciation rewards in the amount of fifteen hundred dollars (\$1,500), as set forth  
21 in **Exhibits A and B**, to all Navajo Nation employees who were employed by the  
22 Navajo Nation government, including Chapters, during the COVID-19 pandemic  
23 between October 1, 2021 through March 25, 2022. C.

24 E. The appreciation reward appropriated herein shall not be considered CARES Act  
25 Special Duty or Hazard Pay; nor shall the appreciation reward be considered a Merit  
26 Pay or Other Bonus as set forth in section as set forth in Section VII of the Personnel  
27 Policies Manual. In addition, shall receipt of an appreciation reward shall not affect  
28 an employee's eligibility for a step increase. In addition, the appreciation reward

29 F. The UUFB shall be reimbursed all or part of the \$9,910,040 approved herein, from  
30 future funds available to the Navajo Nation from any and all state and federal sources,

1 including Congressional appropriations under the American Rescue Plan Act of 2021  
2 or other COVID-19-related relief, so long as the employee appreciation reward  
3 expenditures described herein are deemed eligible under such COVID-19-related or  
4 other funding sources.

5  
6 **SECTION FOUR. EFFECTIVE DATE**

7 This Action shall become effective pursuant to 2 N.N.C. §221(B) and 2 N.N.C.  
8 §164(A)(17).

9  
10 **SECTION FIVE. SAVING CLAUSE**

11 If any portion of this Action is determined invalid by the Navajo Nation Supreme Court,  
12 or by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme  
13 Court, the remainder of this Act shall be the law of the Navajo Nation.

**THE NAVAJO NATION  
SUPPLEMENTAL FUNDING PROPOSAL SUMMARY**

**EXHIBIT**

tabbies

**A**

PART I. Business Unit No.: 114001 Program Title: Department of Personnel Management

Division/Branch: Human Resources (HR) Amount Requested: 9,910,040.00 Prepared By: Reycita Toddy

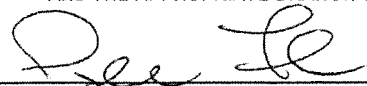
Phone No.: 928-871-6330 Email Address: rtoddy@navajo-nsn.gov

**PART II. REASON FOR REQUEST AND STATEMENT OF NEED:**

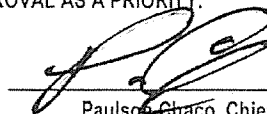
Funding will be utilized to provide premium pay for all Navajo Nation employees within the Executive, Legislative, and Judicial Branches and the local governance certified chapter employees, many whom worked during the pandemic.

**PART III. LIST ALTERNATIVE FUNDING SOURCES BEING PURSUED AND CONTINGENCY PLAN IF REQUEST IS NOT FUNDED:**

N/A

**PART IV. AFFIRMATION IS PROVIDED THAT THE BUDGET AND PROPOSAL INFORMATION IS COMPLETE AND ACCURATE AND THE APPROPRIATE BRANCH CHIEF RECOMMENDS APPROVAL AS A PRIORITY.**


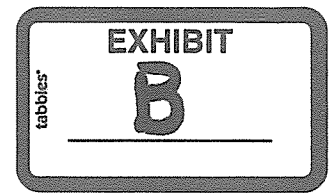
Dr. Perephlia Fowler, Director/DPM



Paulson Chaco, Chief of Staff, OPVP

REVIEWED BY: Division Director's Signature / Date

RECOMMEND SUPPLEMENTAL: Branch Chief's Signature / Date



FY 2022

THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY

Page      of       
BUDGET FORM 1

PART I. Business Unit No.: _____		Program Title: <u>Department of Personnel Management</u>		Division/Branch: <u>Executive Branch</u>				
Prepared By: <u>Reycita Toddy</u>		Phone No.: <u>928-871-7772</u>		Email Address: <u>reycita.toddy@dpm.navajo-nsn.gov</u>				
PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
UUFB Funds	10/1/21-9/30/26	9,910,040.00		2001 Personnel Expenses	1		9,910,040	9,910,040
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		\$0.00	9,910,040.00	9,910,040
TOTAL: \$9,910,040.00 0%				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u>Perphela Foster, Division Director</u>				APPROVED BY: <u>[Signature]</u>				
Program Manager's Printed Name				Division Director / Branch Chief's Printed Name				
<u>[Signature]</u> 4/6/2022				<u>[Signature]</u>				
Program Manager's Signature and Date				Division Director / Branch Chief's Signature and Date				



FY \_\_\_\_\_

**THE NAVAJO NATION**  
**DETAILED BUDGET AND JUSTIFICATION**

Page \_\_\_\_ of \_\_\_\_  
**BUDGET FORM 4**

<b>PART I. PROGRAM INFORMATION:</b>				
Program Name/Title: _____		Department of Personnel Management		Business Unit No.: _____
<b>PART II. DETAILED BUDGET:</b>				
(A)	(B)	(C)	(D)	
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)	
	2001 Personnel Expenses		9,910,040	
2710	Regular	7,180,500		
	2740 Bonus Pay			
	Regular Status Employees - 3,807			
	3,807 x \$1,500 = \$5,710,500	5,710,500		
	Certified Chapters - 90			
	90 x \$1,500 = \$135,000	135,000		
	Political At-will - 83			
	83 x \$1,500 = \$124,500	124,500		
	Judges - 14			
	14 x \$1,500 = \$21,000	21,000		
	Temporary - 573			
	573 x \$1,500 = \$859,500	1,189,500		
	PEP - 220			
	220 x \$1,500 = \$330,000			
2900	Fringe Benefits	2,729,540		
	Regular Status Employees			
	\$6,845,500 x 43.38% = \$2,535,778	2,535,778		
	Political At-Will			
	\$124,500 x 52.68% = \$65,587	65,587		
	Judges			
	\$21,000 x 73.38% = \$15,410	15,410		
	Temporary			
	\$1,189,500 x 9.48% = \$112,765	112,765		
<b>TOTAL</b>		9,910,040	9,910,040	

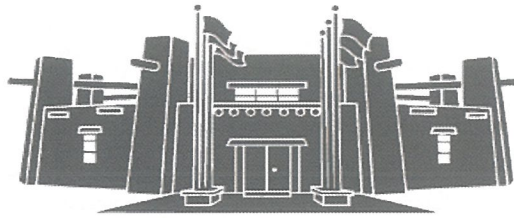
		E	A	M
		Political At-Will Employee	Regular Full- time Employee	Introductory Employee
DCD	Division of Community Development	1	117	5
DED	Division of Economic Development	1	36	4
DGS	Division of General Services	1	144	11
DHR	Division of Human Resources	1	134	6
DNR	Division of Natural Resources	1	331	22
DOE	Division of Dine' Education	1	195	25
DOF	Office of the Controller	-	93	8
DOH	Division of Health	1	577	24
DOJ	Navajo Nation Department of Justice	2	44	1
DOT	Division of Transportation	1	73	2
DPS	Division of Public Safety	1	574	49
DSS	Division of Social Services	1	382	18
EPA	NN Environmental Protection Agency	1	40	3
JB	Judicial Branch	-	165	16
LB	Legislative Branch	41	75	6
NNC	Navajo Nation Council	-	-	-
OMB	Office of Management & Budget	-	16	-
OPV	Office of the President / Vice-President	29	99	15
TAX	Office of the Navajo Tax Commission	-	11	1
		83	3,106	216

		E	A	F
Employment Status		Political At-Will Employee	Regular Full- time Employee	Temporary Employee
DCD	Division of Community Development	1	141	13
DED	Division of Economic Development	1	50	5
DGS	Division of General Services	1	178	7
DHR	Division of Human Resources	1	159	315
DNR	Division of Natural Resources	1	373	42
DOE	Division of Dine' Education	1	391	28
DOF	Office of the Controller	-	109	50
DOH	Division of Health	1	634	23
DOJ	Navajo Nation Department of Justice	2	88	-
DOT	Division of Transportation	1	80	18
DPS	Division of Public Safety	1	675	40
DSS	Division of Social Services	1	446	8
EPA	NN Environmental Protection Agency	1	48	4
JB	Judicial Branch	-	181	7
LB	Legislative Branch	41	88	5
NNC	Navajo Nation Council	-	-	-
OMB	Office of Management & Budget	-	18	-
OPV	Office of the President / Vice-President	29	136	8
TAX	Office of the Navajo Tax Commission	-	12	-
19	Total Employees by Employment Status	83	3,807	573

D	F	O	B	H	G	C
Professional At-Will Employee	Temporary Employee	Supervisory Introductory Emp	Regular Part-time Employee	Chapter Employee	Youth Employee	Seasonal Employee
11	13	7	1		-	-
9	5	1	-	-	-	-
22	7	1	-	-	-	-
17	5	2	-	-	310	-
14	42	4	-	-	-	2
15	14	3	-	-	14	153
6	49	2	-	-	1	-
24	23	6	1	-	-	1
43	-	-	-	-	-	-
5	18	-	-	-	-	-
7	40	22	-	-	-	-
44	8	2	-	-	-	-
5	4	-	-	-	-	-
-	7	-	-	-	-	-
7	5	-	-	-	-	-
-	-	-	-	-	-	-
-	-	2	-	-	-	-
20	8	1	-	-	-	-
-	-	-	-	-	-	-
249	248	53	2	-	325	156

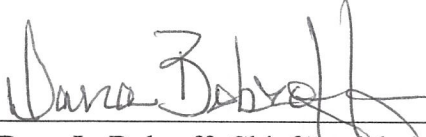
H	I	J	
Chapter Employee	Elected Official	Judge	Total Employees
-	-	-	155
-	-	-	56
-	-	-	186
-	-	-	475
-	135	-	551
-	10	-	430
-	-	-	159
-	-	-	658
-	-	-	90
-	-	-	99
-	-	-	716
-	-	-	455
-	4	-	57
-	4	14	206
-	39	-	173
-	23	-	23
-	-	-	18
-	12	-	185
-	2	-	14
-	229	14	4,706

I	P	N	J	
Elected Official	Ext - Introductory Emp	Introductory Emp (Police Ofcr)	Judge	Total Employees
-	-	-	-	155
-	-	-	-	56
-	-	-	-	186
-	-	-	-	475
135	-	-	-	551
10	-	-	-	430
-	-	-	-	159
-	1	-	-	658
-	-	-	-	90
-	-	-	-	99
-	2	21	-	716
-	-	-	-	455
4	-	-	-	57
4	-	-	14	206
39	-	-	-	173
23	-	-	-	23
-	-	-	-	18
12	1	-	-	185
2	-	-	-	14
229	4	21	14	4,706



## MEMORANDUM

TO: Honorable Mark Freeland  
24<sup>th</sup> Navajo Nation Council

FROM:   
Dana L. Bobroff, Chief Legislative Counsel  
Office of Legislative Counsel

DATE: April 6, 2022

SUBJECT: **AN ACTION RELATING T, HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; APPROVING \$9,910,040 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFb") TO THE DEPARTMENT OF PERSONNEL MANAGEMENT FOR \$1,500 APPRECIATION REWARDS TO NAVAJO NATION EMPLOYEES FOR WORKING THROUGHOUT THE COVID-19 PANDEMIC**

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.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. 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).

Please ensure that his 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 NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0076-22\_

SPONSOR: Mark A. Freeland

**TITLE: An Action Relating to Health, Education, and Human Services, Budget and Finance, and Naabik'iyáti' Committees and Navajo Nation Council; Approving \$9,910,040 from the Unreserved, Undesignated Fund Balance ("UUFB") to the Department of Personnel Management for \$1,500 Appreciation Rewards to Navajo Nation Employees for Working Throughout the COVID-19 Pandemic**

***Date posted:*** April 8, 2022 at 8:55 PM

**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) 871-7586**

**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.*