

LEGISLATIVE SUMMARY SHEET

Tracking No. 0189-15

DATE: May 22, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 2 BY MOVING THE DEPARTMENT OF PERSONNEL MANAGEMENT FROM UNDER THE DIVISION OF HUMAN RESOURCES TO THE OFFICE OF PRESIDENT AND VICE PRESIDENT AND AMENDING THE DEPARTMENT OF PERSONNEL MANAGEMENT PLAN OF OPERATIONS

PURPOSE: This resolution if approved, will allow DPM to be under the OPVP and have its plan of operation amended

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 legislation in detail.

5-DAY BILL HOLD PERIOD: waived
Website Posting Time/Date: 5:00pm 5/27/15
Posting End Date: 5/27/2015
Eligible for Action: 5/28/2015

Law & Order Committee

THENCE

Health, Education & Human Services Committee

THENCE

PROPOSED NAVAJO NATION RESOLUTION
23rd NAVAJO NATION COUNCIL -- First Year, 2015

Naa'bik'íyáti' Committee

INTRODUCED BY

THENCE

Dwight Witherpoon

Navajo Nation Council

(Primary Sponsor)

TRACKING NO. 0189-15

AN ACTION

RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN
SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION
COUNCIL; AMENDING TITLE 2 BY MOVING THE DEPARTMENT OF
PERSONNEL MANAGEMENT FROM UNDER THE DIVISION OF HUMAN
RESOURCES TO THE OFFICE OF PRESIDENT AND VICE PRESIDENT AND
AMENDING THE DEPARTMENT OF PERSONNEL MANAGEMENT PLAN OF
OPERATIONS

BE IT ENACTED:

SECTION ONE. FINDINGS

- A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 601(B)(14), reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code.
- B. The Health, Education and Human Services ("HEHS") Committee serves as the oversight authority for the Division of Human Resources. 2 N.N.C. §401(C)(1).
- C. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164(A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council.

- 1 D. Enactments of positive law must be reviewed and approved by resolution by the
2 Navajo Nation Council. 2 N.N.C. § 164(A).
- 3 E. The Department of Personnel Management (“DPM”) is one of many departments
4 within the Division of Human Resources. 2 N.N.C. § 17.3(B)(2)(a); DPM Plan of
5 Operation (Exhibit “A”).
- 6 F. DPM purpose is “planning, organizing, and administering the personnel
7 management services and programs of the Executive and Legislative Branches of
8 the Navajo Nation Government.” DPM Plan of Operation § II(A) (Exhibit “A”).
- 9 G. Because of this purpose, the DPM would operate more effectively under the
10 Office of President and Vice President (OPVP) who oversees all divisions and
11 would assist DPM in achieving its purposes more efficiently.
- 12 H. Also currently, the Personnel Director of the Department of Personnel
13 Management is a hired by the Director of Division of Human Services and reports
14 to the Director as a Navajo Nation employee. DPM Plan of Operation § III(A)(2)
15 (Exhibit “A”).
- 16 I. As DPM is moved to OPVP, the Director of DPM will be appointed by the
17 President of the Navajo Nation and report to the President after confirmation by
18 the Navajo Nation Council to serve at a negotiated salary for a term concurrent
19 with the term of the president.
- 20 J. The Office of Background Investigations (OBI) was previously under the DPM. DPM
21 Plan of Operation § III(B)(2)(a) (Exhibit “A”).
- 22 K. OBI was moved to the Division of Human Resources by its approved Plan of
23 Operation in February 2010 which was amended in March 2014. Government
24 Services Committee Resolution GSCF-04-10 (Exhibit “B”); Health, Education
25 and Human Services Committee Resolution HEHSCMA-04-14 (Exhibit “C”).
- 26 L. It is in the best interests of the Navajo Nation to amend Title 2 of the Navajo
27 Nation Code and remove DPM from under the Division of Human Resources and
28 move it to the OPVP and amend the DPM Plan of Operation.
- 29

30 **SECTION TWO. Amendments to Title 2 of the Navajo Nation Code.**

1 The Navajo Nation hereby amends the Navajo Nation Code, Title 2, § 1703 as follows:

2 **TITLE 2. NAVAJO NATION GOVERNMENT**

3 **CHAPTER FIVE. EXECUTIVE BRANCH**

4 **SUBCHAPTER 27. Division of Human Resources**

5 *****

6 § 1703. Personnel and Organization

7 B. Organization.

8 1. The Division of Human Resources shall be comprised of programs and
9 administrative components as may be deemed necessary subject to
10 legislative review and approval of the department's and/or program's plans
11 of operation.

12 2. The Division of Human Resources shall consist of the following
13 departments and offices:

14 ~~a. Department of Personnel Management.~~

15 ~~b.a.~~ Navajo Department of Workforce Development.

16 ~~e.b.~~ Navajo Department of Retirement Services.

17 ~~d.c.~~ Department of Veterans Affairs.

18 ~~e.d.~~ Office of Broadcast Services.

19 ~~f.e.~~ Office of Navajo Labor Relations.

20 ~~g.f.~~ Office of Navajo Women and Families.

21 ~~h.g.~~ Navajo Office of Vital Records.

22 ~~i.h.~~ Navajo Occupational Safety and Health Administration.

23 ~~j.i.~~ Department of Child Support Enforcement.

24 ~~k.j.~~ Staff Development and Training Program.

25 ~~l.k.~~ Navajo Nation Band.

26 l. Office of Background Investigations

27 *****

28 The Navajo Nation hereby amends the Navajo Nation Code, Title 2, Subchapter 28 as
29 follows:

30 **TITLE 2. NAVAJO NATION GOVERNMENT**

1 **CHAPTER FIVE. EXECUTIVE BRANCH**

2 **SUBCHAPTER 28. Department of Personnel Management**

3 **§ 1750. Purpose**

4 The purpose of the Department of Personnel Management is to plan, organize and administer
5 the personnel management services and programs of the Executive and Legislative Branches
6 of the Navajo Nation Government, including, but not limited to: recruitment, staffing,
7 compensation, benefits, employment development, and to provide guidance and advice to
8 supervisors in implementing personnel management policies, procedures, and programs in
9 accordance with applicable laws, rules and regulations.

10 **§ 1751. Personnel Planning and Organization**

11 **A. Personnel**

- 12 1. The position of Personnel Director is hereby established. The Personnel
13 Director shall exercise supervisory control and direction for a staff of a
14 technical and specialized nature and related activities.
- 15 2. The Personnel Director shall be appointed by and shall serve at the
16 pleasure of the President of the Navajo Nation upon the confirmation by
17 the Navajo Nation Council at the recommendation of the Health,
18 Education and Human Services Committee.
- 19 3. The Personnel Director shall be authorized to establish other necessary
20 professional, technical, and clerical positions as needed to carry out the
21 organizational duties and responsibilities stated herein.
- 22 4. All personnel, except the Personnel Director, shall be hired and
23 compensated in accordance with the Navajo Nation Personnel Policies
24 Manual.

25 **B. Organization**

- 26 1. The Department of Personnel Management shall be comprised of such
27 administrative components as may be deemed necessary to carry out the
28 purposes, responsibilities and authority stated herein.
- 29 2. The Department of Personnel Management is hereby authorized to
30 establish local services as may be deemed necessary and appropriate.

1 **§ 1752. Responsibility and Authority**

2 The Department of Personnel Management, under the general supervision of the
3 Personnel Director, has the responsibility and authority to:

- 4 A. Administer and enforce the approved Navajo Nation Personnel Policies.
- 5 B. Develop and implement policies and programs necessary to carry out the
6 intent and purposes of the Navajo Nation Personnel Policies Manual and other
7 applicable employment and labor laws, rules and regulations, and providing
8 an effective recruitment, staffing, and placement program designed to attract
9 and retain employees.
- 10 C. Develop and implement policies and programs necessary to carry out the
11 intent, purposes, procedures and programs as well as initiate amendments and
12 changes as necessary.
- 13 D. Delegate certain Responsibilities and authorities as necessary and appropriate.
14 Such delegation shall be in writing and will contain specific information as to
15 delegated responsibilities and authorities.
- 16 E. Develop, implement, conduct, and evaluate employee development and
17 orientation programs.
- 18 F. Administratively resolve grievances, disputes, and Human Resource issues by
19 meeting with parties involved to achieve mutual agreement and understanding
20 consistent with Navajo Law.
- 21 G. Approve administrative agreements regarding grievances cases and enforce
22 such agreements.
- 23 H. Establish and maintain a viable, effective job evaluation plan and administer
24 an equitable wage and salary program consistent with the Personnel Policies
25 Manual.
- 26 I. Participate in program planning and represent the Navajo Nation Government
27 within the areas of assigned responsibilities and authority in dealing with
28 persons and organizations outside the Navajo Nation Government.
- 29 J. Assess and evaluate the organizational training needs by utilizing assessments
30 and surveys.

1 K. Provide ongoing employees and personnel orientations to Navajo Nation
2 programs and employees.

3 L. Serve on commissions, boards, and committees as required.

4 M. Recommend appropriate Legislation as necessary.

5
6 **§ 1753. Legislative Oversight**

7 Pursuant to 2 N.N.C. § 604(B)(5), the Health, Education, and Human Services Committee of
8 the Navajo Nation Council is the Legislative Oversight committee for the Department of
9 Personnel Management.

10
11 **§ 1754. Amendments**

12 Sections 1750 through 1754 may be amended from time to time by the NAABIK'ÍYÁTI'
13 Committee of the Navajo Nation Council upon recommendation from the Health, Education,
14 and Human Services Committee as deemed appropriate.

15
16 **SECTION THREE. Amendments to the Department of Personnel Management**
17 **Plan of Operation.**

18 *****

19 **I. DEPARTMENT OF PERSONNEL MANAGEMENT**

20 There is hereby established the Department of Personnel Management
21 within the ~~Division of Human Resources~~ Office of the President and Vice-
22 President

23 *****

24 **III. PERSONNEL PLANNING AND ORGANIZATION**

25 **A. Personnel**

26 *****

27 2. The Personnel Director shall be ~~hired~~ appointed by and who shall serve
28 at the pleasure of and the President of the Navajo Nation upon the
29 confirmation of the Navajo Nation Council at the recommendation of the
30

1 Health, Education and Human Services Committee, report to the Division
2 Director of the Division of Human Resources.

3 ****

4 4. All personnel, except the Personnel Director, shall be hired and
5 compensated in accordance with the Navajo Nation Personnel Policies
6 Manual.

7 B. Organization

8 ****

9 ~~2. In addition, the Department of Personnel Management will include the~~
10 ~~following component:~~

11 ~~a. Employee Relations/Background Investigations Office~~

12 3.2. The Department of Personnel Management is hereby authorized to
13 establish local services as may be deemed necessary and appropriate.

14
15 **III. RESPONSIBILITY AND AUTHORITY**

16 ****

17 ~~J. Develop and implement a background investigation component that~~
18 ~~provides background checks for all Navajo Nation employees, volunteers,~~
19 ~~and prospective employees.~~

20 ~~K.J.~~ Assess and evaluate the organizational training needs by utilizing
21 assessments and surveys.

22 ~~L.K.~~ Provide ongoing employees and personnel orientations to Navajo
23 Nation programs and employees.

24 ~~M.L.~~ Serve on commissions, boards, and committees as required.

25 ~~N.M.~~ Recommend appropriate Legislation as necessary.

26 ****

27 **SECTION FOUR. Approval of the Amendments to Title 2 § 1703; Title 2**
28 **Subchapter 28 and the Department of Personnel Management Plan of Operation**
29
30

1 The Navajo Nation Council approves the amendments to Title 2 § 1703, the Division of
2 Human Resources Plan of Operation, and the Department of Personnel Management Plan of
3 Operation.

4
5 **SECTION FIVE. Effective Date**

6 The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. §
7 221(B).

8
9 **SECTION SIX. Codification**

10 The provisions of this Act which amend or adopt new sections of the Navajo Nation Code
11 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel
12 shall incorporate such amended provisions in the next codification of the Navajo Nation
13 Code.

14
15 **SECTION SEVEN. Saving Clause**

16 Should any provisions of this ordinance be determined invalid by the Navajo Nation
17 Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo
18 Nation Supreme Court, those portions of this ordinance which are not determined invalid
19 shall remain the law of the Navajo Nation.

GSCMA-10-09

RESOLUTION OF THE
GOVERNMENT SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL

21ST NAVAJO NATION COUNCIL - THIRD YEAR, 2009

AN ACTION

RELATING TO HUMAN SERVICES AND GOVERNMENT SERVICES;
AMENDING THE PLAN OF OPERATION FOR THE DEPARTMENT OF
PERSONNEL MANAGEMENT WITHIN THE DIVISION OF HUMAN RESOURCES

BE IT ENACTED:

1. The Navajo Nation hereby amends the Plan of Operation for the Department of Personnel Management within the Division of Human Resources, as set forth in the attached Exhibit A.
2. The Plan of Operation for the Department of Personnel Management approved herein reflects the removal of the Staff Development and Training Program from the Department of Personnel management by Resolution GSCMA-11-07.
3. The Plan of Operation for the Department of Personnel Management approved herein shall replace and supersede all previous plans of operation for the Department of Personnel Management, including Resolution GSCMY-08-04, Exhibit B.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of the Navajo Nation Council at a duly called meeting held at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 7 in favor, 0 opposed, this 24th day of March, 2009.



Ervin M. Keeswood, Sr., Chairperson
Government Service Committee

Motion: Leonard Teller
Second: Orlanda Smith Hodge

ORIGINAL



The Navajo Nation

DEPARTMENT OF PERSONNEL MANAGEMENT

JOE SHIRLEY, JR.
PRESIDENT

BEN SHELLY
VICE-PRESIDENT

January 15, 2009

THE HUMAN SERVICES COMMITTEE
The Navajo Nation Council
Window Rock, Arizona 86515

Dear Committee Members:

RE: Plan of Operation Amendment

In October 2006 the Office of the President, Dr. Joe Shirley issued a directive designating the Department of Personnel Management as the organization that will be responsible for the background investigations and background checks for Navajo Nation employees, volunteers and prospective employees that work with or will work with child care services and all positions considered "public trust" positions.

The Department of Personnel Management has been working with the Background Investigation Task Force to get this program going for the past two years. This program is being set up under the department and has not been established as a separate department yet. However, we need to amend the Department of Personnel Management Plan of Operation for the following reasons:

- A. The Division of Human Resources removed the Staff Development & Training Program from the Department of Personnel Management but the Plan of Operation has not been updated. There has not been an update since 2004 by the committee.
- B. The new Employee Relations/Background Investigations Office is being established under the Department of Personnel Management and needs to be put in as part of the department's Plan of Operation in order to continue utilizing funds and personnel for the new office.
- C. The Employee Relations/Background Investigations Office is setting up an office in the Tse' Bonito Business Plaza and therefore needs to be approved to operate under the Department of Personnel Management.
- D. The Employee Relations/Background Investigations Office will become a separate department in the future but that will take time to establish the approval for a separate account plus other requirements.

We appreciate your time and consideration of this amendment to the Department of Personnel Management's Plan of Operation.

Respectfully,

Bernadette Bernally

Ms. Bernadette Bernally, Director, DPM

EXHIBIT A

**DEPARTMENT OF PERSONNEL
MANAGEMENT
ORGANIZATIONAL CHART**

**DIVISION OF
HUMAN RESOURCES**

**DEPARTMENT
OF
PERSONNEL MANAGEMENT**

**Staff Development & Training Program
Employee Relations /
Background Investigations**

PLAN OF OPERATION
DEPARTMENT OF PERSONNEL MANAGEMENT

I. DEPARTMENT OF PERSONNEL MANAGEMENT

There is hereby established the Department of Personnel Management within the Division of Human Resources.

II. PURPOSE

The purpose of the Department of Personnel Management is to:

A. Plan, organize and administer the personnel management services and programs of the Executive and Legislative Branches of the Navajo Nation Government, including but not limited to, recruitment, staffing, compensation, benefits and employment development; and

B. Provide guidance and advice to supervisors in implementing personnel management policies, procedures and programs in accordance with applicable laws, rules and regulations; and

C. Support and advise executive level management in human resources planning.

III. PERSONNEL PLANNING AND ORGANIZATION

A. Personnel

1. The position of Personnel Director is hereby established. The Personnel Director shall exercise supervisory control and direction for a staff of a technical and specialized nature and related activities.

2. The Personnel Director shall be hired by and report to the Division Director of the Division of Human Resources.

3. The Personnel Director shall be authorized to establish other necessary professional, technical and clerical positions as needed to carry out the organizational duties and responsibilities stated herein.

4. All personnel shall be hired and compensated in accordance with the Navajo Nation Personnel Policies Manual.

B. Organization

1 1. The Department of Personnel Management shall be comprised of such
2 administrative components as may be deemed necessary to carry out the purposes,
3 responsibilities and authority stated herein.

4 2. In addition, the Department of Personnel Management will include the
5 following ~~program~~ component:

6 a. ~~Staff Development and Training Program~~

7 Employee Relations/Background Investigations Office

8 3. The Department of Personnel Management is hereby authorized to
9 establish local services as may be deemed necessary and appropriate.

10 **IV. RESPONSIBILITY AND AUTHORITY**

11 The Department of Personnel Management, under the general supervision of the
12 Personnel Director, has the responsibilities and authority to:

13 A. Administer and enforce the approved Navajo Nation Personnel Policies.

14 B. Develop and implement policies and programs necessary to carry out the
15 intent and purposes of the Navajo Nation Personnel Policies Manual and other applicable
16 employment and labor laws, rules and regulations, and providing an effective
17 recruitment, staffing and placement program designed to attract and retain employees.

18 C. Develop and implement policies and programs necessary to carry out the
19 intent and purposes, procedures and programs, and initiate amendments and changes as
20 necessary.

21 D. Delegate certain responsibilities and authorities as necessary and appropriate.
22 Such delegation shall be in writing and will contain specific information as to delegated
23 responsibilities and authorities.

24 E. Develop, implement, conduct and evaluate employee development and
25 orientation programs.

26 F. Administratively resolve grievances, disputes and Human Resources issues by
27 meeting with the parties involved to achieve mutual agreement and understanding,
28 consistent with Navajo Nation Law.

29 G. Approve administrative agreements regarding grievances cases and enforce
30 such agreements.

1 H. Establish and maintain a viable, effective job evaluation plan and administer
2 an equitable wage and salary program consistent with the Personnel Policies Manual.

3 I. Participate in program planning and represent the Navajo Nation Government
4 within the areas of assigned responsibilities and authority in dealing with persons and
5 organizations outside the Navajo Nation Government.

6 J. Develop and implement a training background investigation component that
7 provides ~~continuous training background checks~~ for all Navajo Nation ~~programs and~~
8 ~~employees, volunteers, and prospective employees.~~

9 K. Assess and evaluate the organizational training needs by utilizing assessments
10 and surveys.

11 L. Provide ongoing employees and personnel orientations to Navajo Nation
12 programs and employees.

13 M. Serve on commissions, boards and committees as required.

14 N. Recommend appropriate legislation as necessary.

15 **V. LEGISLATIVE OVERSIGHT**

16 Pursuant to 2 N.N.C. §604(B)(5), the Human Services Committee of the Navajo
17 Nation Council is the legislative oversight committee for the Department of Personnel
18 Management.

19 **VI. AMENDMENTS**

20 Sections I through V may be amended from time to time by the Government Services
21 Committee of the Navajo Nation Council upon recommendation from the Human
22 Services Committee of the Navajo Nation Council as deemed appropriate.
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1 **PLAN OF OPERATION**
2 **DEPARTMENT OF PERSONNEL MANAGEMENT**
3

4 **I. DEPARTMENT OF PERSONNEL MANAGEMENT**

5 There is hereby established the Department of Personnel Management within the
6 Division of Human Resources.

7 **II. PURPOSE**

8 The purpose of the Department of Personnel Management is to:

- 9 A. Plan, organize and administer the personnel management services and
10 ~~programs of the Executive and Legislative Branches of the Navajo Nation~~
11 Government, including but not limited to, recruitment, staffing, compensation,
12 benefits and employment development; and
13 B. Provide guidance and advice to supervisors in implementing personnel
14 management policies, procedures and programs in accordance with applicable
15 laws, rules and regulations; and
16 C. Support and advise executive level management in human resources planning.

17 **III. PERSONNEL PLANNING AND ORGANIZATION**

18 **A. Personnel**

- 19 1. The position of Personnel Director is hereby established. The
20 Personnel Director shall exercise supervisory control and direction
21 for a staff of a technical and specialized nature and related
22 activities.
23 2. The Personnel Director shall be hired by and report to the Division
24 Director of the Division of Human Resources.
25 3. The Personnel Director shall be authorized to establish other
26 necessary professional, technical and clerical positions as needed to
27 carry out the organizational duties and responsibilities stated herein.
28 4. All personnel shall be hired and compensated in accordance with
29 the Navajo Nation Personnel Policies Manual.
30
31

1 B. Organization

2 1. The Department of Personnel Management shall be comprised of
3 such administrative components as may be deemed necessary to
4 carry out the purposes, responsibilities and authority stated herein.

5 2. In addition, the Department of Personnel Management will include
6 the following ~~programs~~ component:

7 a. ~~Staff Development and Training Program~~

8 Employee Relations/Background Investigations Office

9 3. The Department of Personnel Management is hereby authorized to
10 ~~establish local services as may be deemed necessary and~~
11 appropriate.

12 IV. RESPONSIBILITY AND AUTHORITY

13 The Department of Personnel Management, under the general supervision of the
14 Personnel Director, has the responsibilities and authority to:

15 A. Administer and enforce the approved Navajo Nation Personnel Policies.

16 B. Develop and implement policies and programs necessary to carry out the
17 intent and purposes of the Navajo Nation Personnel Policies Manual and
18 other applicable employment and labor laws, rules and regulations, and
19 providing an effective recruitment, staffing and placement program
20 designed to attract and retain employees.

21 C. Develop and implement policies and programs necessary to carry out the
22 intent and purposes, procedures and programs, and initiate amendments
23 and changes as necessary.

24 D. Delegate certain responsibilities and authorities as necessary and
25 appropriate. Such delegation shall be in writing and will contain specific
26 information as to delegated responsibilities and authorities.

27 E. Develop, implement, conduct and evaluate employee development and
28 orientation programs.

29 F. Administratively resolve grievances, disputes and Human Resources
30

31

- 1 issues by meeting with the parties involved to achieve mutual agreement
2 and understanding consistent with Navajo Nation Law.
- 3 G. Approve administrative agreements regarding grievances cases and
4 enforce such agreements.
- 5 H. Establish and maintain a viable, effective job evaluation plan and
6 administer an equitable wage and salary program consistent with the
7 Personnel Policies Manual.
- 8 I. Participate in program planning and represent the Navajo Nation
9 Government within the areas of assigned responsibilities and authority in
10 dealing with persons and organizations outside the Navajo Nation
11 Government.
- 12 J. Develop and implement a training background investigation component
13 that provides continuous training background checks for all Navajo Nation
14 programs and employees, volunteers, and prospective employees.
- 15 K. Assess and evaluate the organizational training needs by utilizing
16 assessments and surveys.
- 17 L. Provide ongoing employees and personnel orientations to Navajo Nation
18 programs and employees.
- 19 M. Serve on commissions, boards and committees as required.
- 20 N. Recommend appropriate legislation as necessary.

21 **V. LEGISLATIVE OVERSIGHT**

22 Pursuant to 2 N.N.C. §604(B)(5), the Human Services Committee of the Navajo Nation
23 Council is the legislative oversight committee for the Department of Personnel
24 Management.

25 **VI. AMENDMENTS**

26 Sections I through V may be amended from time to time by the Government Services
27 Committee of the Navajo Nation Council upon recommendation from the Human
28 Services Committee of the Navajo Nation Council as deemed appropriate.

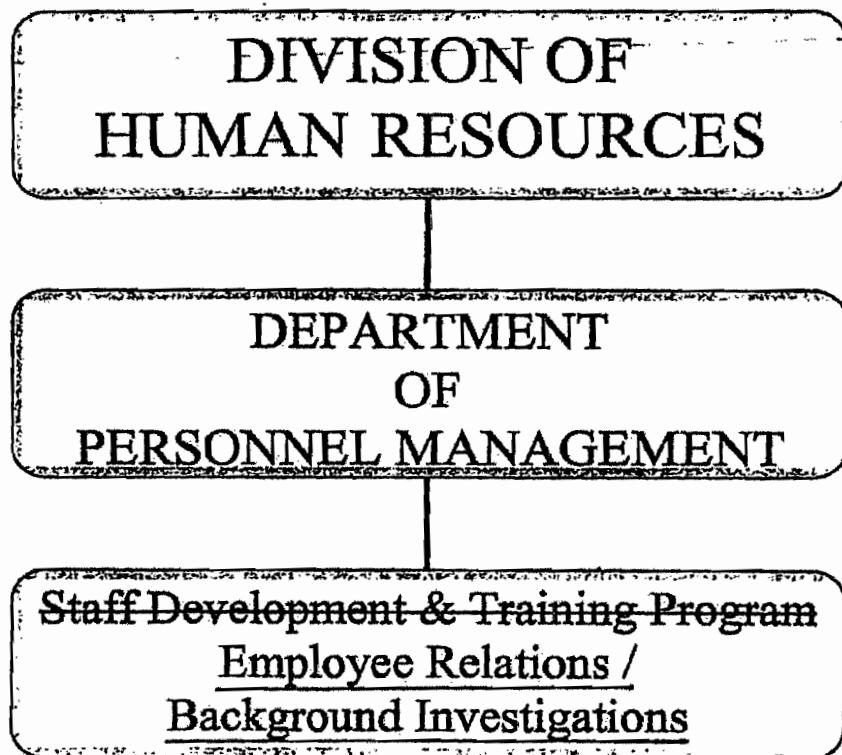
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31

EXHIBIT A

DEPARTMENT OF PERSONNEL
MANAGEMENT
ORGANIZATIONAL CHART



**RESOLUTION OF THE
GOVERNMENT SERVICES COMMITTEE
20th NAVAJO NATION COUNCIL – Second Year, 2004**

AN ACTION

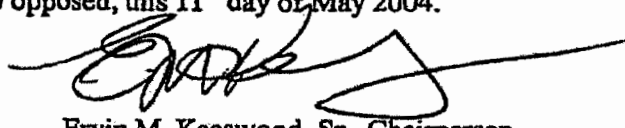
**RELATING TO HUMAN AND GOVERNMENT SERVICES; APPROVING
AMENDED PLAN OF OPERATION FOR THE NAVAJO NATION DEPARTMENT
OF RETIREMENT SERVICES AND THE DEPARTMENT OF PERSONNEL
MANAGEMENT WITHIN THE DIVISION OF HUMAN RESOURCES.**

BE IT ENACTED:

1. The Navajo Nation hereby amends the plan of operation for the Navajo Nation Department of Retirement Services (previously referred to as the Navajo Nation Retirement Program), within the Division of Human Resources and previously approved by Resolution GSCJA-3-91, attached hereto as Exhibit A.
2. The Navajo Nation hereby amends the plan of operation for the Department of Personnel Management within the Division of Human Resources and previously approved by Resolution GSCO-90-01, attached hereto as Exhibit B.
3. The President of the Navajo Nation is hereby authorized to execute any and all documents necessary to effectuate the intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Government Services Committee of the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 5 in favor and 0 opposed, this 11th day of May 2004.


Ervin M. Keeswood, Sr., Chairperson
Government Services Committee

Motion: Leo R. Begay
Second: Cecil Eriacho

FILE COPY

EXHIBIT A

PLAN OF OPERATION

NAVAJO NATION DEPARTMENT OF RETIREMENT PROGRAM SERVICES

I. ESTABLISHMENT

There is hereby established the Navajo Nation Department of Retirement Program Services within the Division of Human Resources of the Executive Branch of the Navajo Nation Government. The Program Director Retirement Plan Administrator for the Navajo Nation Department of Retirement Program Services shall be under the general direction and guidance of the Director of the Department of Personnel Management Personnel Management Executive Director of the Division of Human Resources and the Human Services Committee of the Navajo Nation Council shall provide legislative oversight.

II. PURPOSE

The Navajo Nation Department of Retirement Program Services is established for the following purposes to:

- A. Provide the employees of the Navajo Nation and ~~tribal-participating~~ affiliates with timely, competitive, and financially secure retirement benefits.
- B. Provide technical assistance to all employees and vested terminated employees on their respective retirement benefit provisions, and coordinate the retirement benefits ~~of~~ for all eligible Navajo Nation employees with maximum monthly benefits, and answer participants' inquiries.
- C. Administer and operate the ~~four (4) Retirement Plans~~; Regular Retirement Plan, Deferred Retirement Plan, Deferred Compensation Plan, and Nihibeeso 401(k) Savings Plan.
- D. ~~Provide and prepare the~~ Collect participant data for the Annual Data Actuary Valuations for the Actuary; perform benefits calculations; process benefit payments; and 401(k) enrollment, loans and withdrawals.
- E. Provide orientations and presentations on the ~~four (4) Retirement Plans, Deferred Retirement and Deferred Compensations Plans~~, and encourage employees to join participation in the Nihibeeso 401(k) Savings Plan.
- F. Provide technical assistance and support to the Navajo Nation ~~Retirement Plan Administration Committee, Deferred Compensation Plan Administration Committee and Nihibeeso Savings Plan Administration Committee~~ Retirement Board (and its predecessor Administration Committee as necessary).

EXHIBIT A

- G. Provide assistance to the record keeper/trustee in preparing preparation of calculations and payments to eligible employees under the Deferred Compensation Plan and the Deferred Retirement Plan.
- H. Prepare Cost of Living Adjustments for retirees by researching and recommending the percentage of Cost of Living Adjustment to be applied when such increases are provided authorized by law.

III. STAFFING AND ORGANIZATION

A. Staffing:

1. The position of Program—Director Retirement Plan Administrator is established and provided for the Navajo Nation Department of Retirement Program Services, and said Program Director The Retirement Plan Administrator shall be authorized to recruit additional necessary professional, technical and clerical positions as needed to carry out the organizational purposes stated herein. Additional positions shall be subject to the review and approval procedures of the annual budget process.
2. All personnel shall be employed and compensated in accordance with applicable the Navajo Tribal Nation Personnel Policies and Procedures Manual.
3. The Program—Director Retirement Plan Administrator shall be hired by the Executive Director of the Department of Personnel Management Division of Human Resources and compensated pursuant to the Navajo Tribal Nation Personnel Policies and Procedures Manual.

B. Organization:

The organizational chart of the Navajo Nation Department of Retirement Program Services is displayed as Exhibit "A" appended to this Plan of Operation.

IV. RESPONSIBILITY AND AUTHORITY

The Program—Director Retirement Plan Administrator is authorized and directed to:

EXHIBIT A

- A. Administer the four (4) Retirement Plans; the Regular Retirement Plan, Deferred Retirement Plan, Deferred Compensation Plan and Nihibeesee 401(k) Savings Plan.
- B. Ensure compliance with applicable federal and Tribal Navajo Nation laws, rules and regulations regarding administration of the Regular Retirement Plan and Nihibeesee 401(k) Savings Plan.
- C. Establish and maintain a good working relationship with subordinates, supervisors, and other officials, the Navajo Nation Retirement Board (and predecessor Administration Committee) and oversight committees.
- D. Assist all retirees in ~~problems that they may encounter~~, and assist beneficiaries of deceased retirees with problems related to their retirement benefits.
- E. Attend meetings, seminars, and training to keep abreast of all new rules and regulations regarding ~~(IRS), (DOL), (SSA), and the Navajo Nation Government~~ applicable to tribal retirement and deferred compensation plans.
- F. ~~Assist~~ Provide assistance to eligible employees, political appointees and elected officials members of the Navajo Nation Council under the Deferred Compensation Plan and Deferred Retirement Plan.
- G. ~~To~~ Maintain and coordinate the services provided by the actuary, record keeper, trustees, attorneys and other entities of the Navajo Nation who provide services and advice related pertaining to the Navajo Nation Retirement Plans.

V. LEGISLATIVE OVERSIGHT

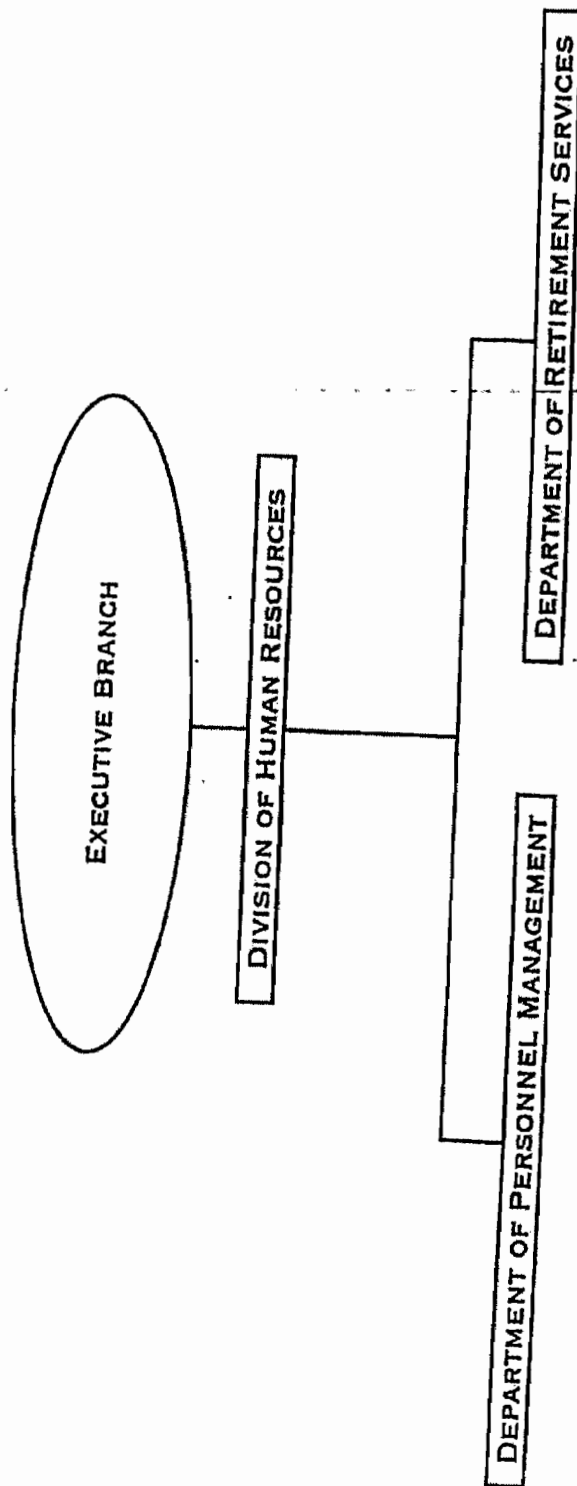
~~Legislative oversight for the operation of the Navajo Nation Retirement program shall be provided by the~~ The Human Services Committee of the Navajo Nation Council shall provide legislative oversight for the Department of Retirement Services pursuant to 2 N.N.C § 604(B)(5).

VI. AMENDMENTS

~~Section I through VI~~ This Plan of Operation may be amended from time to time by the Government Services Committee of the Navajo Nation Council upon recommendation of the Human Services Committee as ~~deemed appropriate of the~~ Navajo Nation Council.

EXHIBIT A

DEPARTMENT OF
RETIREMENT SERVICES



FILE COPY

EXHIBIT A

PLAN OF OPERATION

NAVAJO NATION DEPARTMENT OF RETIREMENT SERVICES

I. ESTABLISHMENT

There is hereby established the Navajo Nation Department of Retirement Services within the Division of Human Resources of the Executive Branch of the Navajo Nation Government. The Retirement Plan Administrator for the Navajo Nation Department of Retirement Services shall be under the general direction and guidance of the Executive Director of the Division of Human Resources.

II. PURPOSE

The Navajo Nation Department of Retirement Services is established to:

- A. Provide the employees of the Navajo Nation and participating affiliates with timely, competitive, and financially secure retirement benefits.
- B. Provide technical assistance to all employees and vested terminated employees on their respective retirement benefit provisions, coordinate retirement benefits for all eligible Navajo Nation employees with maximum monthly benefits, and answer participants' inquiries.
- C. Administer and operate the Regular Retirement Plan, Deferred Retirement Plan, Deferred Compensation Plan, and 401(k) Savings Plan.
- D. Collect participant data for the Annual Actuary Valuations; perform benefits calculations; process benefit payments; and 401(k) enrollment, loans and withdrawals.
- E. Provide orientations and presentations on the Retirement Plans, Deferred Retirement and Deferred Compensation Plans, and encourage employees participation in the 401(k) Savings Plan.
- F. Provide technical assistance and support to the Navajo Nation Retirement Board (and its predecessor Administration Committee as necessary).
- G. Provide assistance to the record keeper/trustee in preparing of calculations and payments to eligible employees under the Deferred Compensation Plan and the Deferred Retirement Plan.

EXHIBIT A

- H. Prepare Cost of Living Adjustments for retirees by researching and recommending the percentage of Cost of Living Adjustment to be applied when such increases are authorized by law.

III. STAFFING AND ORGANIZATION

A. Staffing:

1. The position of Retirement Plan Administrator is established and provided for the Navajo Nation Department of Retirement Services. The Retirement Plan Administrator shall be authorized to recruit necessary professional, technical and clerical positions to carry out the organizational purposes stated herein.
2. All personnel shall be employed and compensated in accordance with the Navajo Nation Personnel Policies Manual.
3. The Retirement Plan Administrator shall be hired by the Executive Director of the Division of Human Resources and compensated pursuant to the Navajo Nation Personnel Policies Manual.

B. Organization:

The organization chart of the Navajo Nation Department of Retirement Services is appended to this Plan of Operation.

IV. RESPONSIBILITY AND AUTHORITY

The Retirement Plan Administrator is authorized and directed to:

- A. Administer the Regular Retirement Plan, Deferred Retirement Plan, Deferred Compensation Plan and 401(k) Savings Plan.
- B. Ensure compliance with applicable federal and Navajo Nation laws, rules and regulations regarding administration of the Regular Retirement Plan and 401(k) Savings Plan.
- C. Establish and maintain a good working relationship with subordinates, supervisors, officials, the Navajo Nation Retirement Board (and predecessor Administration Committee) and oversight committees.
- D. Assist retirees, and beneficiaries of deceased retirees with problems related to their retirement benefits.

EXHIBIT A

- E. Attend meetings, seminars, and training to keep abreast of all new rules and regulations applicable to tribal retirement and deferred compensation plans.**
- F. Provide assistance to eligible employees, political appointees and elected members of the Navajo Nation Council under the Deferred Compensation Plan and Deferred Retirement Plan.**
- G. Maintain and coordinate services provided by the actuary, record keeper, trustees, attorneys and other entities of the Navajo Nation who provide services and advice pertaining to the Navajo Nation Retirement Plans.**

V. LEGISLATIVE OVERSIGHT

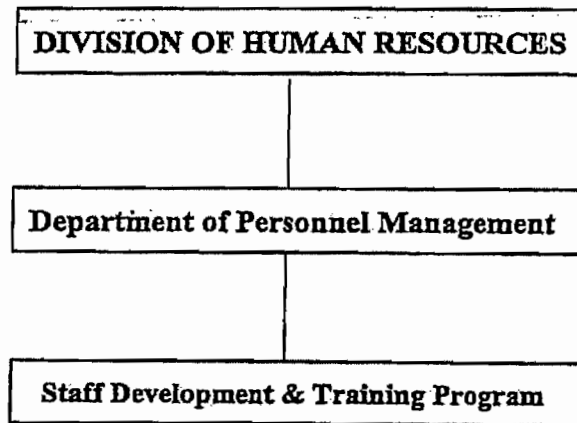
The Human Services Committee of the Navajo Nation Council shall provide legislative oversight for the Department of Retirement Services pursuant to 2 N.N.C. § 604(B)(5).

VI. AMENDMENTS

This Plan of Operation may be amended by the Government Services Committee of the Navajo Nation Council upon recommendation of the Human Services Committee of the Navajo Nation Council.

EXHIBIT B

**DEPARTMENT OF PERSONNEL MANAGEMENT
ORGANIZATIONAL CHART**



FILE COPY

PLAN OF OPERATION
DEPARTMENT OF PERSONNEL MANAGEMENT

I. DEPARTMENT OF PERSONNEL MANAGEMENT

There is hereby established the Department of Personnel Management within the Division of Human Resources.

II. PURPOSE

The purpose of the Department of Personnel Management is to:

- A. Plan, organize and administer the personnel management services and programs of the Executive and Legislative Branches of the Navajo Nation Government, including but not limited to, recruitment, staffing, compensation, benefits and employment development; and
- B. Provide guidance and advice to supervisors in implementing personnel management policies, procedures and programs in accordance with applicable laws, rules and regulations; and
- C. Support and advise executive level management in human resources planning.

III. PERSONNEL PLANNING AND ORGANIZATION

A. Personnel

- 1. The position of Personnel Director is hereby established. The Personnel Director shall exercise supervisory control and direction for a staff of a technical and specialized nature and related activities.
- 2. The Personnel Director shall be hired by and report to the Division Director of the Division of Human Resources.
- 3. The Personnel Director shall be authorized to establish other necessary professional, technical and clerical positions as needed to carry out the organizational duties and responsibilities stated herein.
- 4. All personnel shall be hired and compensated in accordance with the Navajo Nation Personnel Policies Manual.

B. Organization

1. The Department of Personnel Management shall be comprised of such administrative components as may be deemed necessary to carry out the purposes, responsibilities and authority stated herein.
2. In addition, the Department of Personnel Management will include the following programs:
 - a. Staff Development and Training Program
 - ~~b. Navajo Nation Retirement Program~~
3. The Department of Personnel Management is hereby authorized to establish local services as may be deemed necessary and appropriate.

IV. RESPONSIBILITY AND AUTHORITY

The Department of Personnel Management, under the general supervision of the Personnel Director, has the responsibilities and authority to:

- A. Administer and enforce the approved Navajo Nation Personnel Policies.
- B. Develop and implement policies and programs necessary to carry out the intent and purposes of the Navajo Nation Personnel Policies Manual and other applicable employment and labor laws, rules and regulations, and providing an effective recruitment, staffing and placement program designed to attract and retain employees.
- C. Develop and implement policies and programs necessary to carry out the intent and purposes, procedures and programs, and initiate amendments and changes as necessary.
- D. Delegate certain responsibilities and authorities as necessary and appropriate. Such delegation shall be in writing and will contain specific information as to delegated responsibilities and authorities.
- E. Develop, implement, conduct and evaluate employee development and orientation programs.
- F. Administratively resolve grievances, disputes and Human Resources issues by

meeting with the parties involved to achieve mutual agreement and understanding, consistent with Navajo Nation Law.

G. Approve administrative agreements regarding grievances cases and enforce such agreements.

H. Establish and maintain a viable, effective job evaluation plan and administer an equitable wage and salary program consistent with the Personnel Policies Manual.

~~I. Establish and maintain an effective retirement and savings plans for eligible employees of the Navajo Nation and participation affiliates.~~

I. Participate in program planning and represent the Navajo Nation Government within the areas of assigned responsibilities and authority in dealing with persons and organizations outside the Navajo Nation Government.

J. Development and implement a training component that provides continuous training for all Navajo Nation programs and employees.

K. Assess and evaluate the organizational training needs by utilizing assessments and surveys.

L. Provide ongoing employees and personnel orientations to Navajo Nation programs and employees.

M. Serve on commissions, boards and committees as required.

N. Recommend appropriate legislation as necessary.

V. LEGISLATIVE OVERSIGHT

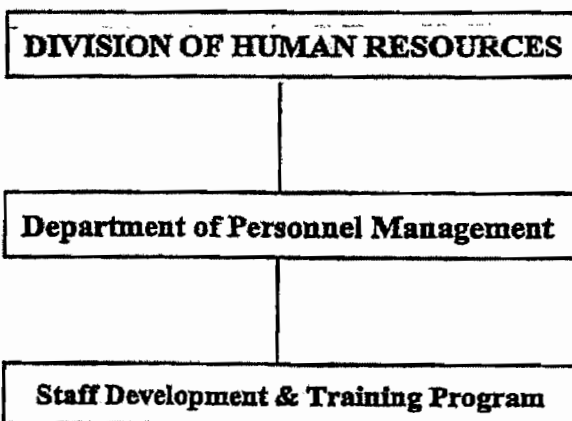
Pursuant to 2 N.N.C. §604(B)(5), the Human Services Committee of the Navajo Nation Council is the legislative oversight committee for the Department of Personnel Management.

VI. AMENDMENTS

Sections I through V may be amended from time to time by the Government Services Committee of the Navajo Nation Council upon recommendation from the Human Services Committee of the Navajo Nation Council as deemed appropriate.

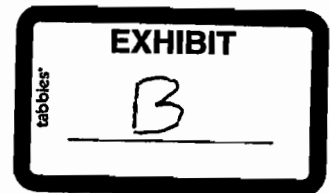
EXHIBIT B

**DEPARTMENT OF PERSONNEL MANAGEMENT
ORGANIZATIONAL CHART**



FILE COPY

RESOLUTION OF THE
GOVERNMENT SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL



21ST NAVAJO NATION COUNCIL - FOURTH YEAR, 2010

AN ACTION

RELATING TO HUMAN SERVICES AND GOVERNMENT SERVICES;
ESTABLISHING THE OFFICE OF BACKGROUND INVESTIGATIONS BY
APPROVING THE PLAN OF OPERATION FOR THE OFFICE OF
BACKGROUND INVESTIGATIONS WITHIN THE DIVISION OF HUMAN
RESOURCES

BE IT ENACTED:

The Navajo Nation hereby establishes the Office of
Background Investigations by approving the Plan of
Operation for the Office of Background Investigations
within the Division of Human Resources, as set forth in the
attached Exhibit A, and pursuant to Resolution CS-29-09,
Exhibit F - Condition of Appropriation No. 2.

CERTIFICATION

I hereby certify that the foregoing resolution was
duly considered by the Government Services Committee of the
Navajo Nation Council at a duly called meeting held at
Window Rock, Navajo Nation (Arizona), at which a quorum was
present and that the same was passed by a vote of 4 in
favor, 0 opposed, this 9th day of February, 2010.

A handwritten signature in black ink, appearing to read "Ervin M. Keeswood, Sr.".

Ervin M. Keeswood, Sr., Chairperson
Government Service Committee

Motion: Roy Laughter
Second: Lee Jack, Sr.



OFFICE OF THE PRESIDENT/ VICE PRESIDENT
THE NAVAJO NATION

SIGNATURE APPROVAL SHEET

Herbert J. Clah
Office of Background Investigations

DATE: October 19, 2009
PHONE: (505) 371-5124

DOCUMENT: ADMINISTRATIVE REVIEW: Approving the Proposed Plan of Operations for the Navajo Nation Office of Background Investigations.

| | SURNAME | DATE |
|---|---------------------------|-----------------|
| 1. Division of Human Resources | <u>Timothy Bitnie</u> | <u>10-19-09</u> |
| 2. Office of the Controller | <u>Sandra Johnson</u> | <u>10/20/09</u> |
| 3. Navajo Business Regulatory | <u>Frank H. King, Jr.</u> | <u>10-27-09</u> |
| 4. Department of Justice | <u>[Signature]</u> | <u>11/3/09</u> |
| 5. Office of the President/Vice-President | <u>[Signature]</u> | <u>11/9/09</u> |
| 6. Office of Management and Budget | <u>* DByrne</u> | <u>11/2/09</u> |

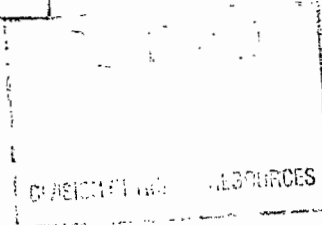
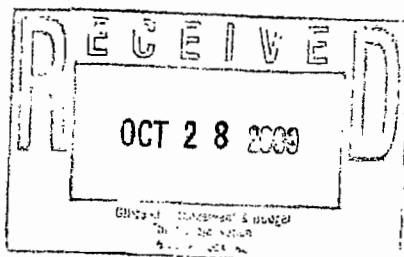
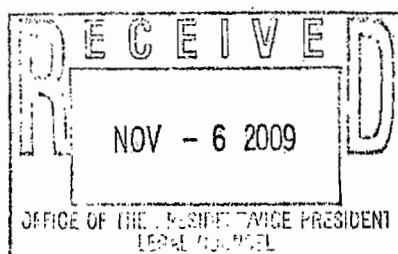
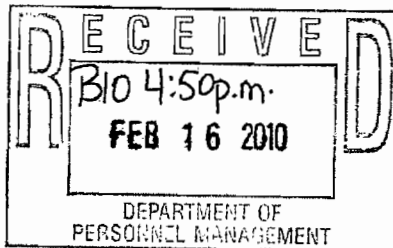
Date Signed: _____ No. of Signatures: _____
Disposition: _____ Initial _____ Date _____

WHITE- PRESIDENT'S OFFICE

YELLOW-DIVISION

PINK- DEPARTMENT

* OMB: why not a part of Department of Personnel Management? Purpose seems to fit that of DPM.
* See a few suggested revisions on draft 200. Human Services Committee may place office under Division Director - Do I see no issue.



RECEIVED
2009 OCT 20 AM 10 26

NAVAJO NATION DEPARTMENT OF JUSTICE

REQUEST FOR SERVICES



| |
|-----------------|
| DOJ |
| 11-03-09 @ 1:53 |
| DATE/TIME |
| RFS# 09-2187 |
| SAS# 0B1-1001 |
| UNIT: H592 |

~ CLIENT TO COMPLETE ~

DATE OF REQUEST: 11/03/2009 DIVISION: Division of Human Resources
 REQUESTING PARTY: Herbert Clah DEPARTMENT: _____
 PHONE NUMBER: (505) 311-5124 PROGRAM: Office of Background Investigations

COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (attach documents):
Administrative Review - Approving the Proposed Plan of Operations for the Navajo Nation Office of Background Investigations

DEADLINE: _____ REASON: _____

~ DOJ SECRETARY TO COMPLETE ~

DATE/TIME IN UNIT: NOV - 3 2009 @ 12:24 RESPONSIBLE STAFF PERSON: Paul
 REVIEWED & ASSIGNED: Sndh TIME/HRS/MIN: _____ COMPLETION DATE: _____
☐ REVIEW FOR LEGAL SUFFICIENCY ☐ SURNAME
☐ REQUEST FOR LEGAL OPINION ☐ APPOINTMENT/CONFERENCE/MEETING
☐ RESOLUTION ☐ REVIEW & ADVISE

~ DOJ ATTORNEY/ADVOCATE TO COMPLETE ~

OK, with a few suggested changes
Call if questions

REVIEWED BY: [Signature] DATE: 11/3/09 TIME: _____ Hrs. 15 Min.
 SURNAMED BY: [Signature] DATE: _____ TIME: _____ Hrs. _____ Min.

DATE SENT TO DOJ RECEPTIONIST: NOV 5 2009 Called: Calloch for document pickup.
 Date: 11-5-09 Time: 9:31 By: Sndh

PICKED UP BY: _____ DATE/TIME: _____

PLEASE PRINT ♦ PLEASE PRINT ♦ PLEASE PRINT

OFFICE OF BACKGROUND INVESTIGATIONS
PLAN OF OPERATION

I. ESTABLISHMENT

There is hereby established the Office of Background Investigations within the Division of Human Resources. The Background Investigations Manager shall be under the supervision of the Division Director of the Division of Human Resources.

II. PURPOSE AND OBJECTIVES

Under the directive by the Navajo Nation Council Human Services Committee, the Office of Background Investigations is established and the organization is responsible for the background investigations of all Navajo Nation employees, volunteers, and prospective employees. The Navajo Nation has Federal contracts for programs such as child care services that have to meet the requirements of Public Law 101-630, Public Law 101-647, 25 CFR 12, and 45 CFR 1301. The Navajo Nation also has several hundred employees that are in positions designated as sensitive that require background checks. The Office of Background Investigations will address the need for background checks by establishing an office to provide services in fingerprinting, federal criminal history checks, state criminal history checks, credit history checks, verification of education, county criminal history checks, national and state registry checks, local and tribal court checks, and any other checks necessary to determine the suitability of Navajo Nation employees, volunteers, and prospective employees to work in sensitive/trust positions.

III. STAFFING AND ORGANIZATION

A. Staffing

1. All personnel shall be employed and compensated in accordance with applicable Navajo Nation Personnel Policies Manual.

1 2. The Background Investigations Manager shall supervise all
2 Background Investigations staff to accomplish the purposes and
3 objectives stated herein.

4 B. Organization

5 There is hereby established the Office of Background Investigations
6 within the Division of Human Resources and it shall be administered
7 by the Manager of the program who shall be directly responsible to the
8 Division Director of the Human Resources Division.

9
10 **IV. AUTHORITY AND RESPONSIBILITIES**

11 The responsibilities of the Office of Background Investigations shall include
12 but not be limited to the following:

- 13 1. Be authorized to make decisions regarding personnel positions and to
14 request professional and technical assistance from other tribal, federal,
15 state and county law enforcement agencies as needed to carry out the
16 organizational purposes and objectives herein. Additional positions
17 shall be acquired within applicable rules and policies established for
18 conducting the annual Navajo Nation budget process.
- 19 2. Conduct background investigations on Navajo Nation employees,
20 volunteers and prospective employees for positions that work with
21 child care services and positions designated as sensitive or public trust
22 positions.
- 23 3. Establish a User Agreement with the State of New Mexico, State of
24 Arizona, or the State of Utah for processing criminal background
25 checks with the Federal Bureau of Investigations and the State records.
- 26 4. Provide awareness and education to all Navajo Nation divisions,
27 programs and departments of their responsibilities to ensure
28 compliance with laws and regulations that affect the employees,
29 volunteers and prospective employees in sensitive/trust positions.
- 30 5. Ensure the adherence to the mission of the organization. Provide day

to day office management and organizational duties and support to the staff. To make sure that the goals and objectives of the Office of Background Investigations are carried out in a professional and efficient manner. Ensure proper records management and security of all documents.

6. Provide all the data and statistics necessary and make recommendations concerning background investigation activities to the Human Resources Director, Human Services Committee, and the Navajo Nation Council and to provide periodic reports to the Oversight Committee.
7. Provide the guidance for staff to carry out the necessary education of Divisions, Programs and Department of the Navajo Nation for the responsible implementation of proper employee background checks.
8. Ensure the proper application process for employees, volunteers, and prospective employees utilizing proper forms and instructions, and to conduct authorized fingerprints on FBI cards in preparation for submittal to the proper agencies.
9. Conduct proper background checks of applicants through National, Federal, State, County, and Tribal criminal records and sex offender registries where applicable.
10. Maintain and establish communications with proper agencies for all the necessary background checks required. Establish rapport with the local courts and law enforcement agencies, such as the County, State, and Tribal organizations to enhance the capabilities of thorough background investigations, and sexual offender registries.
11. Adjudicate cases by evaluating mitigating factors and evidence to complete final determination. Document all decisions with proper materials. Gather evidence and materials to make a final

determination of whether the applicant, employee or volunteer meets the suitability requirements for the position. Conduct telephone communications, online communications, and physical visitations to gather information and documentation that will aid in the determination of suitable candidates.

12. Establish capabilities and skills with the use of all available resources such as on-line education verification, financial background history checks, residential verification, employment history verifications that are necessary.
13. Conduct employee investigations as needed for special requests made by programs and departments for violations of personnel policies and other disciplinary related matters.

V. LEGISLATIVE OVERSIGHT

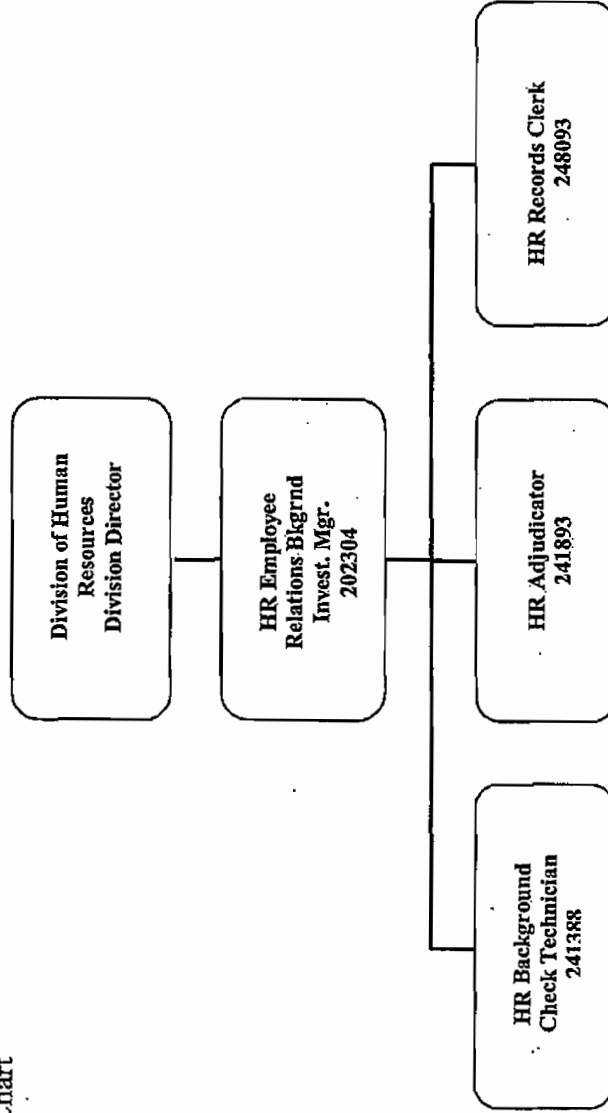
The Office of Background Investigations under the Division of Human Resources shall operate under the legislative oversight of the Human Services Committee of the Navajo Nation Council, pursuant to Title 2, N.N.C. §604 (B)(5).

VI. AMENDMENTS

This Plan of Operation may be amended from time to time by the Government Services Committee upon recommendation of the Human Services Committee as deemed appropriate.

**Navajo Nation
Office of Background Investigations**

**Proposed Organizational Chart
FY2010**





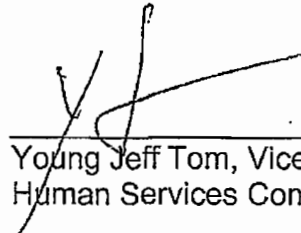
21st NAVAJO NATION COUNCIL – THIRD YEAR 2009

The **HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL** to whom has been assigned:

LEGISLATION NO. 0731-09

Has had it under consideration and report the same with the recommendation that it **DO PASS** with no amendments:

And therefore referred the same to the **GOVERNMENT SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL.**



Young Jeff Tom, Vice Chairperson
Human Services Committee

Dated: December 14, 2009

Motioned by: Honorable Elbert Wheeler

Seconded by: Honorable George Apachito

Vote: 4 in Favor, 0 abstain and 0 Opposed

Absent: Honorable Larry Anderson, Sr., Honorable Peterson B. Yazzie, Honorable Woody Lee.

EXHIBIT

tabbies

C

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
OF THE NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Fourth Year, 2014

AN ACTION

RELATING TO EDUCATION AND HUMAN SERVICES; APPROVING THE PLAN OF
OPERATION FOR OFFICE OF BACKGROUND INVESTIGATIONS

BE IT ENACTED:


The Navajo Nation hereby amends the Plan of Operation for the Navajo Nation Office of Background Investigations, as reflected in attached Exhibit "A."

Amendment 1. Change page 3 of 6, line 16, tribal commissioned law enforcement and tribal gaming enterprise personnel.

To Read as: page 3 of 6, line 16, tribal commissioned law enforcement and tribal gaming enterprise personnel Navajo Nation Gaming Enterprise and Navajo Gaming Regulatory Office.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was duly considered by the Health, Education and Human Services Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 2 in favor and 1 opposed, this 05th day of March, 2014.



Honorable Jonathan L. Hale, Chairperson
Health, Education and Human Services Committee

Motioned: Honorable Joshua Lavar Butler
Seconded: Honorable Walter Phelps

OFFICE OF BACKGROUND INVESTIGATIONS
PLAN OF OPERATION

I. ESTABLISHMENT

There is hereby established the Office of Background Investigations within the Division of Human Resources. The Background Investigations Manager shall be under the supervision of the Division Director of the Division of Human Resources.

II. MISSION STATEMENT

The mission of the Navajo Nation Office of Background Investigations is to provide professional background investigation and adjudication services that will protect the resources and integrity of the services provided to the Navajo Nation.

III. PURPOSE AND OBJECTIVE

A. The Navajo Nation Office of Background Investigations is established and organized to be responsible for the background investigations and adjudication of those individuals that require such services.

B. The Office of Background Investigations will be aligned directly under the Division of Human Resources as a separate and independent department to eliminate any potential political influences and manipulations of sensitive background investigation matters and material.

C. The Office of Background Investigation is the lead agency for the Navajo Nation for the oversight and maintenance of the minimum standards of character that meet or exceed federal, state, tribal, and local requirements. It provides investigative and adjudicative services, including, but not limited, to verification searches, character references, civil searches, fingerprinting services, criminal record searches, credit checks, program specific searches, and employment suitability. It provides analyses, recommendations, and proposes legislation for appropriate public policies that affect the Navajo Nation, and it provides supportive training and sponsors or facilitates conferences, expositions, seminars, etc. for employees, hiring agents, supervisors, programs, and organizations.

1 **IV. STAFFING AND ORGANIZATION**

2 **A. Staffing**

3 All Office of Background Investigations personnel shall be employed and compensated
4 in accordance with applicable Navajo Nation Personnel Policies Manual, and fiscal and
5 budgetary policies of the Navajo Nation.

6 **B. Organization**

7 The Background Investigations manager shall supervise all Background Investigations
8 personnel to accomplish the purposes and objectives stated herein. See attached Appendix
9 "A" entitled "Office of Background Investigations Organizational Chart."
10

11 **V. AUTHORITY AND RESPONSIBILITIES**

12 **A.** The authority, responsibilities and all powers of the Office of Background
13 Investigations are the following:

14 1. Conduct background investigations and adjudication for individuals that require
15 such services on request, including program recipients, positions and appointments
16 under schools, enterprises, boards, tribal programs, non-profit organizations,
17 contractors, etc. excluding U. S. Indian Health Services and Bureau of Indian Affairs
18 personnel, and tribal commissioned law enforcement and Navajo Nation Gaming
19 Enterprise and Navajo Gaming Regulatory Office.

20 2. Provide investigative and adjudicative services, including motor vehicle record
21 searches; education verifications; military searches; personal and professional character
22 reference searches; civil court searches; FBI fingerprinting and on-site field
23 fingerprinting services; federal nationwide and statewide criminal database searches;
24 state repository searches; county criminal searches; tribal court searches; sex offender
25 registry searches; arrest and warrant searches; credit report searches; tribal audit
26 general, ethics and rules, white collar, public safety, prosecutor and personnel
27 management and other such searches; and, employment suitability determinations.

28 3. Establish and maintain agreements and/or working relationships with federal,
29 state, county, local, other tribes, and Navajo Nation entities for the exchange and
30

1 processing of criminal and other applicable background information, and as needed to
2 carry out the purposes and objectives herein.

3 4. Carry out the mission of the organization. Provide operational management and
4 organizational duties and support to personnel. Ensure that strategic and business
5 planning is carried out in a professionally efficient and effective manner. Ensure proper
6 records management and security of all documents.

7 5. Provide required program statistical and performance related reports pertaining
8 to the Office of Background Investigation's activities to the Division Director, and to
9 the Health, Education, and Human Services Committee of the Navajo Nation Council.

10 6. Provide education and awareness of the background investigation requirements
11 for individuals, tribal entities, and the public, and their responsibilities and adherence to
12 these requirements.

13 7. Ensure the processes, policies, procedures, forms, and instructions are available
14 for individuals, tribal entities and the Office of Background Investigations to use in
15 order to facilitate background checks, and program related activities.

16 8. Provide training that encompasses the standard of character requirements, and
17 workplace hiring responsibilities, practices, and compliance for supervisors, hiring
18 agents, and organizations.

19 9. Enter into agreements for professional and technical assistance, support,
20 collaboration, and services with appropriate tribal, federal, state, county, local agencies,
21 governments, and businesses as needed to carry out the organizational purposes and
22 objectives herein.

23 10. Generate revenue to offset operating costs, operating and supportive costs, and
24 invest in state-of-the-art technology and equipment by maintaining its existing Fund
25 Management Plan that maintains prevailing fee structures, penalties/fines, and yearly
26 carry-over investment schemes.

27 11. Pursue and secure external funding or resources to offset or support costs to
28 expand, develop, and improve services; provide staff development; and, improve the
29 use of information technology and its innovation for enhanced security and services.
30

1 12. Analyze and recommend relevant legislation pertaining to public policies and
2 agendas affecting the intent, authorization, and role of background investigation and
3 adjudication.

4 13. Establish and maintain minimum standards of character that meets or exceeds
5 federal, state, tribal, and local requirements for the Navajo Nation.

6 14. Maintain membership with appropriate national professional associations,
7 comply with the Fair Credit Reporting Act, Navajo Nation Privacy and Access to
8 Information Act, and such others applicable laws.

9 15. Conduct, sponsor and/or facilitate professional conferences, expositions,
10 seminars, trainings and other such events and activities consistent with the mission and
11 enhancement of the goals, objective and purpose of the office.

12 13 **VI. LEGISLATIVE OVERSIGHT**

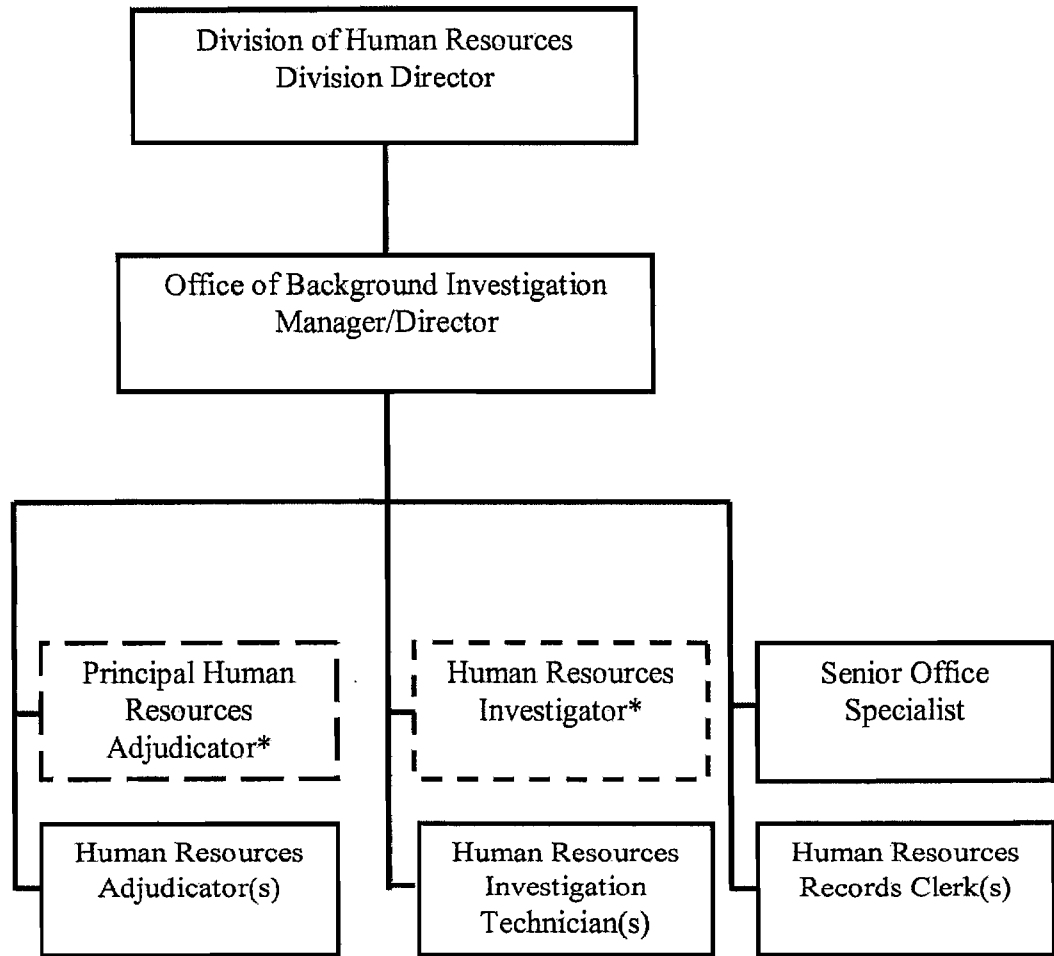
14 The Office of Background Investigations under the Division of Human Resources shall
15 operate under the legislative oversight of the Health, Education, and Human Services
16 Committee of the Navajo Nation Council.

17 18 **VII. AMENDMENTS**

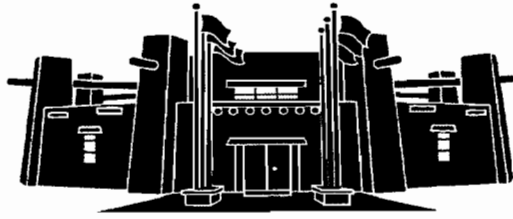
19 This Plan of Operation may be amended from time to time by the Health, Education,
20 and Human Services Committee as deemed appropriate.

APPENDIX “A”

**THE
NAVAJO NATION
OFFICE OF BACKGROUND INVESTIGATIONS
ORGANIZATIONAL CHART
(FY 2014)**

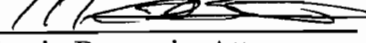


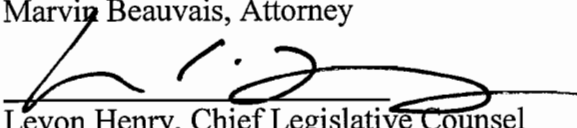
* Proposed



MEMORANDUM

TO: Honorable Dwight Witherspoon
Navajo Nation Council

FROM: 
Marvin Beauvais, Attorney

THRU: 
Levon Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: May 22, 2015

SUBJECT: AN ACTION RELATING TO LAW AND ORDER, HEALTH,
EDUCATION AND HUMAN SERVICES, AND NAABIK'ÍYÁTI'
COMMITTEES AND THE NAVAJO NATION COUNCIL;
AMENDING TITLE 2 BY MOVING THE DEPARTMENT OF
PERSONNEL MANAGEMENT FROM UNDER THE DIVISION OF
HUMAN RESOURCES TO THE OFFICE OF PRESIDENT AND VICE
PRESIDENT AND AMENDING THE DEPARTMENT OF
PERSONNEL MANAGEMENT PLAN OF OPERATIONS

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Sponsor", and submit it to the office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

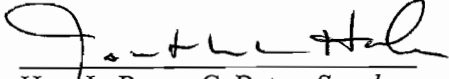
If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution. You may contact me at (928) 871-7166. Thank you.
Commission:



May 22, 2015

MEMORANDUM

TO : *Honorable Members*
Law and Order Committee
Health, Education and Human Services Committee
Naabik'iyati' Committee
Navajo Nation Council

FROM : 
Hon. Lorenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Law and Order Committee, Health, Education and Human Services Committee, Naabik'iyati' Committee, and the Navajo Nation Council;

Legislation No. 0189-15

AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'IYATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 2 BY MOVING THE DEPARTMENT OF PERSONNEL MANAGEMENT FROM UNDER THE DIVISION OF HUMAN RESOURCES TO THE OFFICE OF PRESIDENT AND VICE PRESIDENT AND AMENDING THE DEPARTMENT OF PERSONNEL MANAGEMENT PLAN OF OPERATIONS.

As the Committee assigned to consider the legislation, Legislation No. 0189-15 must be placed on the Law and Order Committee, Health, Education and Human Services Committee, Naabik'iyati' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0189-15

xc: Hon. Russell Begaye, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Robert Willie, *Controller*
Dominic Beyer, *Executive Director, OMB*
Honorable Dwight Witherspoon, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0189-15_____ SPONSOR: Dwight Witherspoon

TITLE: An Action Relating To Law And Order, Health, Education And Human Services And Naabik'iyati' Committee And The Navajo Nation Council; Amending Title 2 By Moving The Department Of Personnel Management From Under The Division Of Human Resources To The Office Of President And Vice President And Amending The Department Of Personnel Management Plan Of Operations

Date posted: May, 22 2015 at 5:00pm

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.*

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

LEGISLATION NO.: 0189-15

SPONSOR: Honorable Dwight Witherspoon

TITLE: Relating To Law And Order, Health, Education And Human Services And Naabik'iyati' Committee And The Navajo Nation Council; Amending Title 2 By Moving The Department Of Personnel Management From Under The Division Of Human Resources To The Office Of President And Vice President And Amending The Department Of Personnel Management Plan Of Operations.

Posted: May, 22 2015 at 5:00 pm

5 DAY Comment Period Ended: May 27, 2015

Digital Comments received:

| | |
|----------------------------------|------------------------------|
| Comments Supporting | <i>None</i> |
| Comments Opposing (1) | 1. Lauren J. Bernally |
| Inclusive Comments | <i>None</i> |



**Executive Director
Office of Legislative Services**

5/28/2015 - 2:00 pm

Date/Time

Resolution 0189-15

Lauren J. Bernally <ljbernally@navajo-nsn.gov>

Tue 5/26/2015 10:45 AM

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

To Whom This May Concern,

The proposed resolution 0189-15 to amend Title 2 and move the Department of Human Resources under the Navajo Nation President and Vice-President's office is a step in the wrong direction. This legislation will threaten the integrity for a fair personnel system of hiring qualified employees who seek employment with the Navajo Nation. By moving this department under the control of the Navajo Nation President and Vice-President you will be opening doors to more corruption, unfair hiring practices, preference giving to political constituents, salary discrepancy and a number of other potential unlawful and unethical processes and procedures that will inevitably raise more questions and litigation against the Navajo Nation. It is imperative that the office of the Navajo Nation Personnel remain an arm's length away from any political manipulation and influence that can and will cause more harm to the Navajo Nation and most importantly to the people that our government serves.

I am further appalled that this legislation would be released on a Friday, (May 22nd, 2015) and not get the desired attention that is needed by Navajo employees and the Navajo people. The five day comment period on this legislation is clearly a violation of the people's right to consider, especially when this legislation has a potential to undermine the integrity of a personnel system that can easily be replaced by political favoring.

Lauren J. Bernally