

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
of the 24th NAVAJO NATION COUNCIL - Fourth Year, 2022

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; APPROVING A ONE-TIME WAIVER OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X (B) (1) (e), TO ALLOW EMPLOYEES TO CARRY OVER ALL OF THEIR 2021 ACCRUED ANNUAL LEAVE FOR ONE CALENDAR YEAR UNTIL DECEMBER 31, 2022

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. §400(A)
- B. The Health, Education and Human Services Committee is the oversight for the Division of Human Resources with the authority to implement and ensure compliance with Navajo Nation employment laws and policies. 2 N.N.C. §§401(A) and (C) (1) and (C) (3).
- C. The Health, Education and Human Services Committee has the enumerated powers to establish Navajo Nation policy, and to promulgate rules and regulations governing the Navajo Nation's human services. 2 N.N.C. §401(B) (1).

SECTION TWO. FINDINGS

- A. The Navajo Nation Personnel Policies Manual is designed to assist supervisors in handling human resources issues in a fair and consistent manner, and to outline the rights, benefits, and duties expected of Executive and Legislative Branch employees. Navajo Nation Personnel Policies Manual, § I (A) (June 3, 2020). The Navajo Nation Personnel Policies Manual applies to all employees of the Executive and Legislative Branches of the Navajo Nation government, regardless of funding source or employment status. Navajo Nation Personnel Policies Manual, § I(B) (June 3, 2020).

- B. The Navajo Nation Personnel Policies Manual (June 3, 2020) may be amended from time to time by the Health, Education and Human Services Committee at the recommendation of the Division of Human Resources, which include the Department of Personnel Management and the divisions of the Executive Branch and Legislative Branch. Navajo Nation Personnel Policies Manual, § I (D) (June 3, 2020).
- C. The Navajo Nation Personnel Policies Manual, § X (B)(1)(e) states:

X. LEAVE ADMINISTRATION

. . .

B. Paid Leave

. . .

1. Annual Leave

. . .

e. Carryover

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

- D. The Health, Education and Human Services Committee of the Navajo Nation Council is concerned that many Navajo Nation Employees will be losing hundreds of their earned annual leave hours on December 31, 2021. Currently the COVID-19 pandemic is still rampant throughout the Navajo Nation, and Navajo Nation employees may need their accrued leave for their own health and their families, and the forfeiture of paid leave would be unconscionable during this unprecedented time of health and financial hardships.
- E. The Health, Education and Human Services Committee of the Navajo Nation Council therefore finds it necessary to waive the Navajo Nation Personnel Policies Manual, §X(B)(1)(e), to allow employees to carry over all of their 2021 accrued annual leave for one calendar year until December 31, 2022.

SECTION THREE. APPROVAL OF A ONE-TIME WAIVER OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL

The Health, Education and Human Services Committee of the Navajo Nation Council hereby approves a one-time waiver of the Navajo Nation Personnel Policies Manual, Section X(B)(1)(e), to allow employees to carry over all of their 2021 accrued annual leave for one calendar year until December 31, 2022. After December 31, 2022 annual leave accrued by an employee in excess of 320 hours shall then be forfeited, unless a further carryover is approved by the Health, Education, and Human Services Committee or the Navajo Nation Council.

SECTION FOUR. EFFECTIVE DATE

The effective date of this one-time waiver of the Navajo Nation Personnel Policies Manual (June 3, 2020) shall be the date the presiding Chairperson of the Health, Education and Human Services Committee of the Navajo Nation Council certifies this resolution, pursuant to 2 N.N.C. §401(B)(1).

SECTION FIVE. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Supreme Court of the Navajo Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the remainder of this legislation shall remain valid as the law of the Navajo Nation.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Health, Education and Human Services Committee of the 24th Navajo Nation Council at a duly called meeting at Window Rock, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, on this 19th day of January 2022.



Daniel E. Tso, Chairperson
Health, Education and Human Services Committee
Of the 24th Navajo Nation Council

Motion: Honorable Pernell Halona
Second: Honorable Charlaine Tso

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
January 19, 2022

Legislation #0266-21: An Action Relating to Health, Education and Human Services; Approving a One-Time Waiver of the Navajo Nation Personnel Policies Manual, Section X (B)(1)(e), to Allow Employees to Carry Over All of Their 2021 Accrued Annual Leave for One Calendar Year Until December 31, 2022.

Sponsor: Delegate Mark A. Freeland

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Pernell Halona

Second: Honorable Charlaine Tso

Yea: Paul Begay, Jr.; Carl R. Slater; Charlaine Tso; Pernell Halona; Edison J. Wauneka

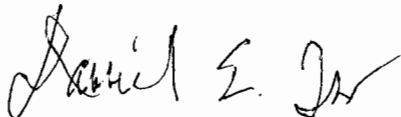
Nay:

Not Voting: Daniel E. Tso (Presiding Chairman)

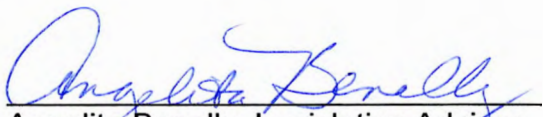
Excused:

Absent:

Vote: 5-0-0



Daniel E. Tso, Chairman
Health, Education and Human Services Committee
24th Navajo Nation Council



Angelita Benally, Legislative Advisor
Health, Education and Human Services Committee
Office of Legislative Services