

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0115-19

**DATE:** May 7, 2019

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

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

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

5-DAY BILL HOLD PERIOD: 2am Bgg  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 5.19.19  
Eligible for Action: 5.20.19

## Health Education & Human Services Committee

PROPOSED STANDING COMMITTEE RESOLUTION  
**24th NAVAJO NATION COUNCIL -- First Year, 2019**

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0115-19

AN ACTION

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

**BE IT ENACTED:**

**SECTION ONE. AUTHORITY**

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400 (A). Purposes of the committee include promulgating regulations, promoting accountability to policies, providing legislative oversight on matters involving general governmental services, and overseeing the Navajo Nation's efforts in implementing and ensuring compliance with employment and labor laws and policies of the Navajo Nation. 2 N.N.C. § 400 (C)(1) and (3).

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

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

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

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

## 4 5 **SECTION TWO. FINDINGS**

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

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

## 12 13 **SECTION THREE. AMENDING PERSONNEL POLICIES MANUAL**

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

15  
16 \*\*\*\*

### 17 **XVI. CONDUCT OF EMPLOYEES**

18 \*\*\*\*

#### 19 **E. Drugs and Alcohol in the Workplace**

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

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

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#### **SECTION FOUR. PERSONNEL POLICIES MANUAL**

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

1       **SECTION FIVE. EFFECTIVE DATE**

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

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5       **SECTION SIX. SAVINGS CLAUSE**

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

# OLC SERVICE REQUEST FORM

DATE:

5/7/19

OLC#

19-225-1

I. REQUESTOR:

☒ DELEGATE

*[Signature]*

PHONE: \_\_\_\_\_

☒ Co-Sponsor

PHONE: \_\_\_\_\_

II. AGENT(S): \_\_\_\_\_

PHONE: \_\_\_\_\_

PHONE: \_\_\_\_\_

☐ Legislative Branch Employee/Official: \_\_\_\_\_

III. SERVICE: ☐

LEGISLATION ☐

CORRESPONDENCE ☐

LEGAL ADVICE ☐

(Check One) ☐

SUBPOENA ☐

OTHER: \_\_\_\_\_

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

*No alcohol use on  
travel - NN Employees*

V.

☐ Necessary Supporting Information/Documents Provided

☐ Executive Branch Review Complete

☐ Financial Review Documents Attached

VI.

☐ Confidential Information Included

☐ Department of Justice Memo Regarding Confidential Information

OPENED BY: *M. Smiley*

DATE COMPLETED: *5-7-19*

ASSIGNED TO: *RH*

INITIAL OF DRAFTER: *[Signature]*

OLC NOTES (IF ANY):

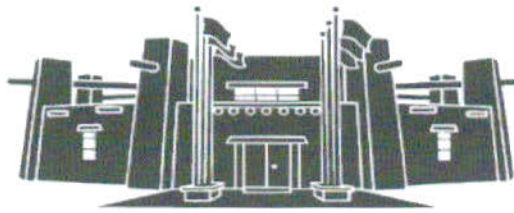
UPLOADED TO SHARED FILE ☐

*Done!*

Signature of Requestor: *[Signature]*

RELEASED TO: \_\_\_\_\_

DATE RELEASED: \_\_\_\_\_



## MEMORANDUM

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

From :   
Ron Haven, Attorney  
Office of Legislative Counsel

Date : May 7, 2019

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

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

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 19-225-1