

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 COMMITTEE;  
APPROVING A ONE-TIME WAIVER OF THE NAVAJO NATION PERSONNEL POLICIES  
MANUAL, SECTION X(B) (1) (e), TO ALLOW EMPLOYEES TO CARRY OVER THEIR  
2022 ACCRUED ANNUAL LEAVE FOR ONE CALENDAR YEAR UNTIL 12/31/2023

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, amend, and ensure compliance with, Navajo Nation employment laws and policies, including leave policies for the Navajo Nation employees. 2 N.N.C. § 401(A), § 401(B) (1), § 401(C) (1), and § 401(C) (3).

SECTION TWO. FINDINGS

- A. The Navajo Nation Personnel Policies Manual ("PPM"), as amended, was approved on June 3, 2020 by the Health, Education & Human Services Committee in Resolution No. HEHSCJN-08-20. The PPM set forth the rights, benefits, and duties expected of Executive and Legislative Branch employees. PPM, Section I(A). The PPM applies to all employees of the Executive and Legislative Branches of the Navajo Nation government, regardless of funding source or employment status. PPM, Section I(B).
- B. The PPM 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 includes the Department of Personnel Management. PPM Section I(D).
- C. Section X(B) (1) (e) of the PPM 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. At this time, the Health, Education and Human Services Committee of the Navajo Nation Council is very concerned that many Navajo Nation employees will be losing hundreds of their earned annual leave hours on December 31, 2022, pursuant to this PPM provision.
- E. Currently the COVID-19 pandemic is still affecting communities throughout the Navajo Nation, and it is likely that many Navajo Nation employees will need their accrued annual leave to manage their own health and that of their family members. In addition, those employees with the most leave hours subject to loss are the most hard-working employees who have used their annual leave hours sparingly because they have been dedicated to managing their work loads. Thus, the forfeiture of paid leave would be unconscionable during this unprecedented time of hardship.
- F. The Health, Education and Human Services Committee of the Navajo Nation Council finds it in the best interest of the Navajo Nation and its employees to waive Section X(B)(1)(e) of the PPM to allow employees to carry over all of their 2022 accrued annual leave for one calendar year until December 31, 2023.

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

- A. The Health, Education and Human Services Committee of the Navajo Nation Council hereby approves a one-time waiver of Section X(B)(1)(e) of the Navajo Nation Personnel Policies Manual to allow employees to carry over all of their 2022 accrued annual leave for one calendar year until December 31, 2023.

- B. After December 31, 2023 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**

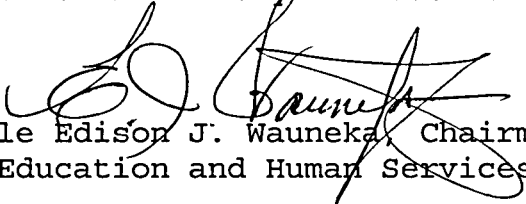
This Action shall become effective pursuant to 2 N.N.C. § 401(B)(1) and 2 N.N.C. § 221(C).

**SECTION FIVE. SAVING CLAUSE**

If any portion of this Action is invalidated by the Supreme Court of the Navajo Nation, or by any Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the remainder of this Action shall be the law of the Navajo Nation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Health, Education and Human Services Committee at a duly called meeting in Window Rock, Arizona (Navajo Nation), at which a quorum was present and that the same was passed by a vote of 05 in Favor, and 00 Opposed, on this 28<sup>th</sup> day of December 2022.

  
Honorable Edison J. Wauneka, Chairman Pro Tem  
Health, Education and Human Services Committee

Motion: Honorable Pernell Halona  
Second: Honorable Carl R. Slater

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE**  
**Special Meeting**  
**December 28, 2022**

**Legislation #0255-22:** An Action Relating to the Health, Education and Human Services Committee; Approving a One-Time Waiver of the Navajo Nation Personnel Policies Manual, Section X(B)(1)(e), to Allow Employees to Carry Over Their 2022 Accrued Annual Leave for One Calendar Year Until 12/31/2023

**Sponsor:** Delegate Raymond Smith, Jr.

**VOTE TALLY SHEET:**

**Main Motion:**

Motion: Honorable Pernell Halona

Second: Honorable Carl R. Slater

Yea: Paul Begay, Jr.; Pernell Halona; Carl R. Slater; Charlaine Tso; Daniel E. Tso

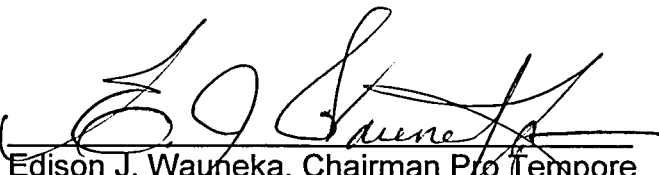
Nay:

Not Voting: Edison J. Wauneka (Presiding Chair Pro Tempore);

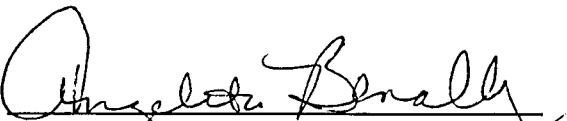
Excused:

Absent:

Vote: 5-0-1



Edison J. Wauneka, Chairman Pro Tempore  
Health, Education and Human Services Committee  
24<sup>th</sup> Navajo Nation Council



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