

RESOLUTION OF THE  
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE  
23<sup>rd</sup> NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SEC. X.B.3.c.(1) - (4), ADMINISTRATIVE INVESTIGATORY LEAVE WITHOUT PAY, EXTENDING INVESTIGATORY LEAVE FROM FIVE DAYS TO TWENTY DAYS; ADDING SEC.X.B.3.d, (1)-(3), LEAVE WITHOUT PAY REGARDING INVESTIGATIONS CONCERNING ALLEGED FINANCIAL MISCONDUCT OR MISUSE OF GOVERNMENT PROPERTY

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council established the Health, Education and Human Services Committee ("HEHSC") as a standing committee to oversee Navajo Nation efforts in implementing and ensuring compliance with Navajo Nation employment and labor laws and policies. 2 N.N.C. §§ 400(A) and (C)(3).
- B. The Health, Education and Human Services Committee shall have the enumerated powers to establish Navajo Nation policy, promulgate rules and regulations governing the Navajo Nation's human services. 2 N.N.C. § 401(B)(1).
- C. The Health, Education and Human Services Committee serves as the oversight for the Division of Human Resources. 2 N.N.C. § 401(C)(1).

SECTION TWO. FINDINGS

- A. The Navajo Nation Personnel Policies Manual ("NNPPM") 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) (Jan. 1, 2015).

- B. The Administrative Service Center, Division of Community Development has expressed its concern that the recent increase of chapter employees alleged to have engaged in mismanagement of chapter operations and/or financial mismanagement of chapter funds is diverting much needed time and resources from providing much needed services to Navajo citizens. See **Exhibit A**.
- C. The Administrative Service Center, Division of Community Development has expressed its concern that under the existing Navajo Nation Personnel Policies Manual, Sec. X.B.3.c. (1) - (4), Program Managers are allowed to place employees, whom are alleged to have engaged in mismanagement of chapter funds and/or mismanagement of chapter operations, on paid investigatory leave pending an investigation of said allegation(s). See NNPPM, 2015.
- D. The Administrative Service Center, Division of Community Development has expressed its concern that under the existing Navajo Nation Personnel Policies Manual, there is no provision that specifically addresses leave without pay regarding investigations concerning alleged financial misconduct or misuse of government property. See NNPPM, 2015.
- E. The amendment to the NNPPM is to safeguard Navajo Nation funds in the event an investigation regarding misconduct concludes that the charged employee, has indeed, engaged in mismanagement of funds and/or operations of the chapter or other departments.
- F. It is in the best interest of the Navajo Nation to amend the Navajo Nation Personnel Policies Manual to only allow administrative investigatory leave without pay including leave without pay concerning alleged financial misconduct or misuse of government property.

### **SECTION THREE. AMENDMENTS**

The Navajo Nation hereby amends Section X.B.3. c (1) - (4) of the Navajo Nation Personnel Policies Manual; and adds Section X.B.3.d as follows:

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\*\*\*\*\*

X. LEAVE ADMINISTRATION

\* \* \* \*

B.3. Administrative Leave

B.3.c. Investigations

1. A Program Manager may place an employee on administrative leave with pay to investigate alleged misconduct sufficiently serious to bar an employee from the ~~premises~~ workplace to protect persons or Nation resources. Such leave may not exceed five consecutive working days unless extended under Subsection d.

~~1). Immediate written notice shall be given to the employee of the leave, its purpose and duration, and specific reasons therefore. The employee shall be required to leave the premises immediately.~~

a. The supervisor shall give written notice of the administrative leave to the employee. The notice shall state the reasons for the administrative leave, including the specific misconduct the employee is alleged to have committed, and the number of days the employee will be on leave. Upon receipt of the written notice, the employee shall be required to leave the workplace immediately and surrender keys, computers, work cell phones and other government property. The employee shall provide a contact phone number and be available during the leave to provide information relevant to the investigation.

~~2). Upon conclusion of the investigation or the end of the administrative leave, whichever occurs first, if no disciplinary action is taken, the employee shall be allowed to return to work.~~

b. If the investigation is completed before the expiration of the administrative leave, the supervisor shall end the administrative leave and inform the employee he or she will return to work. If the administrative leave expires before the investigation is completed, the employee will return to work. The expiration of administrative leave does not prevent a supervisor from continuing the investigation and taking disciplinary action under Subsection c. after the employee returns to work.

~~3). When disciplinary action is deemed necessary, it shall be taken in conformance with the appropriate provisions of Sections XIII. and XV. herein.~~

c. After the investigation is completed, if a supervisor believes disciplinary action is necessary, he or she shall discipline the employee under Sections XIII. and XV. of this Manual.

d. Extensions may be granted by the Department of Personnel Management by recommendation of the Program Manager, but total administrative leave for investigatory purposes shall not exceed 20 working days.

2. For investigations concerning alleged financial misconduct or misuse of government property, a Program Manager may place an employee on administrative leave with or without pay. Such leave may not exceed thirty (30) working days unless extended under Subsection (f).

a. A supervisor may place an employee on unpaid administrative leave only with the written concurrence of the Department of Justice. As provided within one working day.

b. The supervisor shall give written notice of the leave to the employee. The notice shall state the reasons for the administrative leave, including the specific misconduct the employee is alleged to have committed, and the number of days the employee will be on leave. Upon receipt of the written notice, the employee shall be required to leave the workplace immediately and surrender keys, computers, work cell phones, and other government property.

- c. If the investigation is completed before the expiration of the administrative leave, the supervisor shall end the administrative leave and inform the employee he or she will return to work. If the administrative leave expires before the investigation is completed, the employee will return to work. The expiration of administrative leave does not prevent a supervisor from continuing the investigation and taking disciplinary action under Subsection d. after the employee returns to work.
- d. When, after the investigation is completed, a supervisor believes disciplinary action is necessary, the action shall be taken in conformance with Sections XIII. and XV. of this Manual. If the disciplinary action is a suspension, the days of unpaid administrative leave shall be credited to the numbers of days of unpaid suspension. If the number of days of unpaid administrative leave exceeds the number of days of unpaid suspension, the employee shall receive back pay for the excess days of unpaid administrative leave.
- e. If, after the investigation is completed, the supervisor takes no disciplinary action, the employee shall receive back pay compensation for the number of days he or she was on unpaid administrative leave.
- f. Unpaid Administrative leave may be extended for an additional thirty (30) working days when approved by the Division Director of the employee's Division, and the Attorney General or Auditor General, and concurred by the Department of Personnel Management. Total administrative leave shall not exceed 60 working days.

#### **SECTION FOUR. APPROVAL OF THE AMENDMENTS TO THE NAVAJO NATION PERSONNEL POLICIES MANUAL**

The Health, Education and Human Services Committee of the Navajo Nation Council approves the amendment to the Navajo Nation Personnel Policies Manual Section X.B.3.c. (1) - (4), and addition of Section X.B.3.d (1)-(3) to the Navajo Nation Personnel Policies Manual.

**SECTION FIVE. EFFECTIVE DATE**

The effective date of the amendments to the Navajo Nation Personnel Policies Manual is the date it is certified by the presiding Chairperson of the Health, Education and Human Services Committee of the Navajo Nation Council.

**CERTIFICATION**

I, hereby, certify that the following resolution was duly considered by the Health, Education and Human Services Committee of the 23<sup>rd</sup> 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 4 in favor, 0 opposed, on this 22<sup>nd</sup> day of October 2018.



Jonathan Hale, Chairperson  
Health, Education and Human Services Committee  
Of the 23<sup>rd</sup> Navajo Nation Council

Motion: Honorable Nelson BeGaye  
Second: Honorable Nathaniel Brown





## FOREWORD

On May 25, 2018, the Administrative Services Center, Division of Community Development (ASC-DCD) met with the Department of Justice's (DOJ) Human Litigation Unit regarding personnel issues such as funds mismanagement, basic mismanagement, and insubordination at Chapter levels. Needs for policy amendments were discussed broadly and are listed below in bullets; the proposed policy amendments ranged from action only required by the Health and Human Service Committee (HSSC) to overarching Navajo Nation Council action for matters such as "At Will" employment provisions for Community Service Coordinator (CSC) or Account Maintenance Specialist (AMS).

- Investigatory leave without pay, back pay if exonerated.
- Process to make CSC/AMS "At Will".
- CSC/AMS excuse for "no training" and resultant loop holes to defeat disciplinary action, and why the job description & assessment from Department of Personnel Management (DPM) are not merit enough to qualify as basic competency over training?
- After first infraction of fund mismanagement, signature of CSC/AMS on a Pledge for immediate removal on second violation.
- How about CSC or AMS working at two Chapters?
- Legal opinions at to approaches, affects, and feasibility of policy amendments.

## SUMMARY

More recently, with the media exposing funds mismanagement at the Chapter levels ASC has had to focus more on personnel issues than beneficial community project development. All this has culminated into a recent Office of Auditor General (OAG) Reports which lists Chapter funds theft at about \$7 Million (M), exorbitant travel expenditures, and unused funds at about \$75M. *(See Exhibit 1)*

Upon investigation the facts become evident and needs for personnel action become necessary. The basic scenario is as follows: investigatory leave (with pay); the investigation must be wrapped up rapidly due to time lines; the investigation is extended; discovering and findings call for termination yet mobilization for possible grievance and appeal to the Office of Hearing and Appeals (OHA); and dealing with the union and other matters. In the end, somehow or another, the Navajo Nation pays back and the CSC/AMS moves on to another Chapter to continue business as usual.

Given the aforementioned scenario the questions that are asked are: why are there such a high turn-over with CSC/AMS; ASC, formally LGSC is not working; Local Governance Act (LGA) is not working, overhaul it; what is wrong with the Chapter Officials; why does the Navajo Nation Council keep throwing money at the Chapters when there is no accountability; who has oversight over the Chapter Officials?

Nonetheless, it is this current ASC administration's intent to garner support for policy change to prevent government waste and to establish clear protocols so that ASC can be a benefit to the Nation. As such, the following amendments are proposed to the Navajo Nation DPM, Personnel

Policies (PP) at § X.B.3.C: Leave Administration, Paid Leave, Administrative Leave, Investigation:

Investigations : A Program Manager may place an employee on administrative leave without pay to investigate alleged misconduct sufficiently serious to bar an employee from the premises to protect persons or Nation resources. Such leave may not exceed ~~five~~ twenty working days.

- 1) Immediate written notice shall be given to the employee of the leave, its purpose and duration, and specific reasons therefore. The employees shall be required to leave the premises immediately.
- 2) Upon conclusion of the investigation or the end of the administrative leave, whichever occurs first, if no disciplinary action is taken, the employee shall be allowed to return to work, and receive back pay compensation if necessary.
- 3) When disciplinary action is deemed necessary, it shall be taken in conformance with the appropriate provision of Sections XIII. And XV. Herein. When disciplinary action results in suspension, days served on Investigatory leave without pay will be subtracted for any back pay compensation.
- 4) Extensions may be granted by the Department of Personnel Management by recommendation for the Program Manager, but total administrative leave for investigatory purposes shall not exceed forty (40) ~~20~~ working days.

## CONCLUSION

Navajo Nation resources are scarce and should be available to fight poverty and reduce disparities in income, health, and education; not to be wasted and manipulated by those given responsibilities. And while accountability and investigative measures are being taken, the individuals in contention should not be allowed to be on administrative leave with pay. It is the hope and aim of ASC that HSSC support and authorization be obtained. A strong message needs continued resonation to ensure that all Navajo Nation assets are safe guarded.



c. Investigations

A Program Manager may place an employee on administrative leave to investigate alleged misconduct sufficiently serious to bar an employee from the premises to protect persons or Nation resources. Such leave may not exceed five consecutive working days.

- 1) Immediate written notice shall be given to the employee of the leave, its purpose and duration, and specific reasons therefore. The employee shall be required to leave the premises immediately.
- 2) Upon conclusion of the investigation or the end of the administrative leave, whichever occurs first, if no disciplinary action is taken, the employee shall be allowed to return to work.
- 3) When disciplinary action is deemed necessary, it shall be taken in conformance with the appropriate provisions of Sections XIII. and XV. herein.
- 4) Extensions may be granted by the Department of Personnel Management by recommendation of the Program Manager, but total administrative leave for investigatory purposes shall not exceed 20 working days.

For investigations concerning alleged financial misconduct or misuse of government property, a Program Manager may place an employee on administrative leave without pay. Such leave may not exceed thirty (30) working days.

- 1) Immediate written notice shall be given to the employee of the leave, its purpose and duration, and specific reasons therefore. The employee shall be required to leave the premises immediately.
- 2) Upon conclusion of the investigation or the end of the administrative leave, whichever occurs first, if no disciplinary action is taken, the employee shall be allowed to return to work, and receive back pay compensation if necessary.
- 3) When disciplinary action is deemed necessary, it shall be taken in conformance with the appropriate provisions of Sections XIII. and XV. herein. When disciplinary action results in suspension, days served on investigatory leave without pay will be subtracted from any back pay compensation.

- 4) Administrative leave may be extended for an additional thirty (30) working days when approved by the Division Director, of the employee's Division and the Attorney General or Auditor General, and concurred by the Department of Personnel Management. Total administrative leave for investigatory purposes shall not exceed 60 working days.

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0215-18

**DATE:** June 21, 2018

**TITLE OF RESOLUTION: RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X.B.3.c (1) –(4), ADMINISTRATIVE INVESTIGATORY LEAVE WITHOUT PAY, AND EXTENDING INVESTIGATORY LEAVE FROM FIVE DAYS TO TWENTY DAYS.**

**PURPOSE:** This resolution will amend the Navajo Nation Personnel Policies Manual, Section X.B.3.c (1) – (4).

**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: SNOWY  
Website Posting Time/Date: 5:02pm 4/20/18  
Posting End Date: 10/30/2018  
Eligible for Action: 7/1/2018

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL- Fourth Year, 2018

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0215-18

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING  
THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SEC. X.B.3.c.1 – 4,  
ADMINISTRATIVE INVESTIGATORY LEAVE WITHOUT PAY, AND  
EXTENDING INVESTIGATORY LEAVE FROM FIVE DAYS TO TWENTY DAYS

BE IT ENACTED:

**Section One. Authority**

- A. The Navajo Nation Council established the Health, Education and Human Services (“HEHS”) Committee as a standing committee to oversee Navajo Nation efforts in implementing and ensuring compliance with Navajo Nation employment and labor laws and policies. 2 N.N.C. §§400(A) and (C)(3).
- B. The Health, Education and Human Services Committee shall have the enumerated powers to establish Navajo Nation policy, promulgate rules and regulations governing the Navajo Nation’s human services. 2 N.N.C. §401(B)(1).
- C. The Health, Education and Human Services Committee serves as the oversight for the Division of Human Resources. 2 N.N.C. §401(C)(1).

**Section Two. Findings**

- A. The Navajo Nation Personnel Policies Manual (“NNPPM”) may be amended from time to time by the Health, Education and Human Services Committee at the

1 recommendation of the Division of Human Resources, which include the  
2 Department of Personnel Management and the divisions of the Executive Branch  
3 and Legislative Branch. Navajo Nation Personnel Policies Manual, § I (D) (Jan. 1,  
4 2015).

5 B. The Administrative Service Center, Division of Community Development has  
6 expressed its concern that the recent increase of Chapter employees alleged to have  
7 engaged in mismanagement of chapter operations, and or, financial mismanagement  
8 of chapter funds is diverting much needed time and resources from providing much  
9 needed services to Navajo citizens. Exhibit A.

10 C. The Administrative Service Center, Division of Community Development has  
11 expressed its concern that under the existing Navajo Personnel Policies Manual,  
12 Sec. X.B.3.c. 1 - 4, Program Managers are allowed to place employees whom are  
13 alleged to have engaged in mismanagement of chapter funds, and or,  
14 mismanagement of chapter operations on paid investigatory leave pending an  
15 investigation of said allegation(s). See NNPPM, 2015.

16 D. The amendment to the NNPPM is to safeguard Navajo Nation funds in the event an  
17 investigation regarding misconduct concludes that the charged employee has indeed  
18 engaged in mismanagement of funds, and or, operations of the Chapter or other  
19 departments .

20 E. It is in the best interest of the Navajo Nation to amend the Navajo Nation Personnel  
21 Policies Manual to only allow administrative investigatory leave without pay.

### 22 23 **Section Three. Amendments**

24 The Navajo Nation hereby amends Section X.B.3. c (1) – (4) of the Navajo Nation  
25 Personnel Policies Manual as follows:

26 \_\_\_\_\_  
27 \*\*\*\*

### 28 **X. LEAVE ADMINISTRATION**

29 \* \* \* \*

#### 30 **B.3. Administrative Leave**

1 B.3. c. Investigations

2 A Program Manager may place an employee on administrative leave without pay to  
3 investigate alleged misconduct sufficiently serious to bar an employee from the premises to  
4 protect persons or Nation resources. Such leave may not exceed ~~five~~ twenty consecutive  
5 working days.

- 6 1) Immediate written notice shall be given to the employee of the leave, its purpose  
7 and duration, and specific reasons therefore. The employee shall be required to  
8 leave the premises immediately.
- 9 2) Upon conclusion of the investigation or the end of the administrative leave,  
10 whichever occurs first, if no disciplinary action is taken, the employee shall be  
11 allowed to return to work- and receive back pay compensation if necessary.
- 12 3) When disciplinary action is deemed necessary, it shall be taken in conformance  
13 with the appropriate provisions of Sections XII. and XV. herein. When disciplinary  
14 action results in suspension, days served on investigatory leave without pay will be  
15 subtracted from any back pay compensation.
- 16 4) Extensions may be granted by the Department of Personnel Management by  
17 recommendation of the Program Manager, but total administrative leave for  
18 investigatory purposes shall not exceed 20 forty (40) working days.

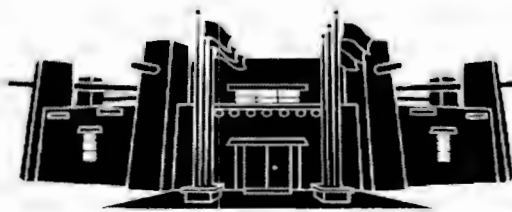
19 **Section Four. Approval of the Amendments to the Navajo Nation Personnel Policies**  
20 **Manual**

21 The Health, Education and Human Services Committee of the Navajo Nation  
22 Council approves the amendment to the Navajo Nation Personnel Policies Manual  
23 Section X.B.C.3. (1) – (4).  
24

25 **Section Five. Effective Date**

26 The effective date of the amendments to the Navajo Nation Personnel Policies  
27 Manual is the date it is certified by the presiding Chairperson of the Health,  
28 Education and Human Services Committee of the Navajo Nation Council.  
29  
30





**MEMORANDUM**

**TO:** Honorable Dwight Witherspoon  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Jennifer A. Skeet, Attorney  
Office of Legislative Counsel

**DATE:** June 21, 2018

**SUBJECT: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X.B.3.c (1) –(4), ADMINISTRATIVE INVESTIGATORY LEAVE WITHOUT PAY, AND EXTENDING INVESTIGATORY LEAVE FROM FIVE DAYS TO TWENTY DAYS.**

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

The Office of Legislative Counsel confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please 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 "Prime 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 changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0215-18\_

SPONSOR: Dwight Witherspoon

**TITLE: An Action Relating To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manuel, SEC. X.B.3.c.1 – 4, Administrative Investigatory Leave Without Pay, And Extending Investigatory Leave From Five Days To Twenty Days**

***Date posted: June 25, 2018 at 5:02 PM***

**Digital comments may be e-mailed to comments@navajo-nsn.gov**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586**

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

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

**LEGISLATION NO.: 0215-18**

**SPONSOR: Honorable Dwight Witherspoon**

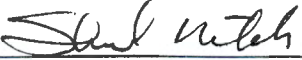
**TITLE: An Action Relating To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manuel, SEC. X.B.3.c.1 – 4, Administrative Investigatory Leave Without Pay, And Extending Investigatory Leave From Five Days To Twenty Days**

**Posted: June 25, 2018 at 5:02 PM**

**5 DAY Comment Period Ended: June 30, 2018**

**Digital Comments received:**

<b>Comments Supporting (1)</b>	<i>1. Marian Bowman, CSC Coal Mine Canyon Chapter</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inconclusive Comments (1)</b>	<i>1. Reycita Toddy, DPM</i>

  
Office Assistant  
Office of Legislative Services

7/2/18 @ 8:58am  
Date/Time

# Amending the NN Personnel Policies Manual; Tracking No. 0215-18

Coalmine Canyon Chapter <coalmine@navajochapters.org>

Thu 6/28/2018 10:01 AM

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

Good morning!

My name is Marian Bowman, Community Services Coordinator with Coalmine Canyon Chapter. I've been employed with DCD-ASC since May 30, 2017. Our Chapter does not have a Land Line, we only have access to email and our own personal Cell phone. Our Chapter email is [coalmine@navajochapters.org](mailto:coalmine@navajochapters.org) and my email is: [marian.bowman@navajochapters.org](mailto:marian.bowman@navajochapters.org). My Cell phone: (928) 205-5834.

Thank you for sharing the Navajo Nation Policies Manual, Section X.B.3.c (1) - (4), Administrative Investigatory Leave without pay, and extending Inventigatory Leave From Five days to Twenty days.

I am in favor of this; and thank you again.

Respectfully,  
Marian Bowman,  
Community Services Coordinator  
Coalmine Canyon Chapter



# THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT  
JONATHAN NEZ VICE PRESIDENT

## CONCERNS:

TO : Comments@navajo-nsn.gov

DATE : June 29, 2018

SUBJECT: Legislation No. 0215-18

The Department of Personnel Management has these comments to offer. First, Section One under the Authority says this committee oversee Navajo Nation efforts in implementing and ensuring compliance with Navajo Nation employment and labor laws and policies; however there has been no consultation made with Department of Personnel Management.

- The proposed amendment will create potential increase in grievances because there is no just cause. At this point, the action is based on allegations.
- In many instances, the programs place an employee on Administrative Leave without identifying an investigator to conduct the investigation which results in employee returning back to work without the completion of the investigation.
- Fact finding should have taken place on this legislation to ensure no violation of employee rights.
- The length of time is too long, the 40 days should be narrowed to 30 days if this legislation is to be initiated.

Thank you.

Reycita Toddy

Charlotte Bigthumb

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

**LEGISLATION NO.: 0215-18**

**SPONSOR: Honorable Dwight Witherspoon**

**TITLE: An Action Relating To Health, Education And Human Services; Amending The Navajo Nation Personnel Policies Manuel, SEC. X.B.3.c.1 – 4, Administrative Investigatory Leave Without Pay, And Extending Investigatory Leave From Five Days To Twenty Days**

**Posted: June 25, 2018 at 5:02 PM**

**5 DAY Comment Period Ended: June 30, 2018**

**Digital Comments received:**

<b>Comments Supporting (1)</b>	<b>1. Sit Whitehair, President; Coalmine Chapter</b>
<b>Comments Opposing (1)</b>	<b>1. Roxanne Gorman, Department Manager III, Departmetn for Self Reliance</b>
<b>Inconclusive Comments</b>	<i>None</i>

  
 \_\_\_\_\_  
**Legislative Secretary II**  
**Office of Legislative Services**

7/6/2018 9:27am  
 \_\_\_\_\_  
**Date/Time**



July 2, 2018

Legislation: 0215-18

An Action Relating to Health, Education and Human Services: Amending the Navajo Nation Personnel Policies Manual, Section X.B.3c.1-4, Administrative Investigatory Leave Without Pay, and Extending Investigatory Leave From Five Days to Twenty Days

Comment:

The proposed legislation to change the Navajo Nation Personnel Policies Manual (NNPPM) is based on the current personnel issues and concerns by the Administrative Service Centers (ASC) within the Division of Community Development relating to funds mismanagement, basic mismanagement and insubordination existing at this particular department. This situation does not apply to many of the other Navajo Nation programs.

Keep in mind, investigatory leave is taken by a supervisor to determine if an employee has violated the NNPPM. If the investigation results in a violation, the employee is subject to disciplinary action such as leave without pay. On the other hand, if the investigation does not result in a violation, the employee can return to work with full pay. If the employee is placed on investigatory leave without pay prior to an outcome of an investigation, adverse action has been taken prematurely.

Currently per the NNPPM, a supervisor can request for an extension of the investigatory leave up to twenty days if additional time is needed to complete the investigation. The supervisor is required to provide justification to request for an extension.

The ASC Department is a general funded program and not subject to federal requirements. Navajo Nation programs that are federal funded cannot use federal funds to settle employee grievances. Should the employee be placed on investigatory leave without pay as a result of an allegation, and the allegation is determined baseless and unsubstantiated, the federal funded program will not be able to reimburse the employee for the loss of wages. The Navajo Nation becomes responsible for the repayment of the loss of wages. Is the Navajo Nation prepared to be responsible for this expense?

This legislation should not be approved. Thank you.

Respectfully,

Roxanne Gorman, Department: Manager III  
Department for Self Reliance  
[roxanne.gorman@nntanf.org](mailto:roxanne.gorman@nntanf.org)

# COPPERMINE CHAPTER

## CHAPTER PRESIDENT

Sid Whitehair

## CHAPTER VICE PRESIDENT

Lola Smith

## CHAPTER

## SECRETARY/TREASURER

Valerie Fowler



## THE NAVAJO NATION

Western Navajo Agency- District One  
P.O. Box 1323 Page, Arizona 86040

Telephone No. (928) 691 - 1109

## COUNCIL DELEGATE

Tachoney Slim Jr.

## GRAZING MEMBER

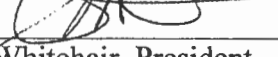
Calvin Begay

## COMMUNITY SERVICE

## COORDINATOR

Duane Tsinigine

TO : Executive Director,  
Office of Legislative Services

FROM :   
Sid Whitehair, President  
Coppermine Chapter, WNA  
P.O. Box 1323 Page, Arizona 86040  
(928) 691-1109  
coppermine@navajochapters.org

DATE : June 29, 2018

SUBJECT : **LEGISLATION NO: 0215-18 SPONSERED BY: DWIGHT WITHERSPOON**

Pertaining to LEGISLATION NO: 0215-18

TITLE: An Action Relating to Health, Education and Human Services; Amending The Navajo Nation Personnel Policies Manual, SEC. X.B.3.c.1 – 4, Administrative Investigatory Leave without Pay, and extending Investigatory Leave From Five (5) Days to Twenty (20) Days

Sponsor: Dwight Witherspoon

As Coppermine Chapter President I am in full Support of this Amendment in Legislation No. 0215-18 in the Navajo Nation Personnel Policies and Procedures. We have had issues with mismanagement of Funds within our chapter and it was shocking that the Investigatory Leave was Paid Leave for one of our Staff Members here at Coppermine Chapter.

Accountability is what we stand for here at Coppermine Chapter for the Faith and Welfare of the Community.  
Thank You.

Coppermine Chapter (928) 691-1109 email @ coppermine@navajochapters.org.

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE  
Regular Meeting  
October 22, 2018

Roll Call  
Vote Tally Sheet

LEGISLATION NO. 0301-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X.B.c (1)-(4), ADMINISTRATIVE INVESTIGATORY LEAVE WITHOUT PAY, AND EXTENDING INVESTIGATORY LEAVE FROM FIVE DAYS TO TWENTY DAYS; ADDING SEC. X.B.d (1)-(3), LEAVE WITHOUT PAY REGARDING INVESTIGATIONS CONCERNING ALLEGED FINANCIAL MISCONDUCT OR MISUSE OF GOVERNMENT PROPERTY

(Note: Eligible for Committee Action September 15, 2018)  
Sponsor: Honorable Dwight Witherspoon

October 22, 2018 - Main Motion

Main Motion (9/24/18) by: Honorable Nelson BeGaye  
Main Motion (9/24/18) Seconded by: Honorable Nathaniel Brown  
Vote: 4 in favor; 0 Opposed; Chairperson Not Voting  
Yeas: Amber Kanazbah Crotty; Nathaniel Brown; Norman M. Begay; Nelson BeGaye  
Nays: None  
Absent (excused) (10/22/18): None

October 22, 2018 - Amendment Three (3) Motion

Motion by: Honorable Amber Kanazbah Crotty  
Seconded by: Honorable Nathaniel Brown  
Vote: 4 in favor; 0 Opposed; Chairperson Not Voting  
Yeas: Nelson BeGaye; Nathaniel Brown; Amber Kanazbah Crotty; Norman M. Begay  
Nays: None

September 24, 2018 - Main Motion


Main Motion by: Honorable Nelson BeGaye  
Main Motion Seconded by: Honorable Nathaniel Brown  
Vote: PENDING

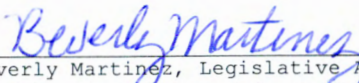
September 24, 2018 - Amendment One (1) Motion

Motion (9/24/18) by: Honorable Nelson BeGaye  
Motion (9/24/18) Seconded by: Honorable Nathaniel Brown  
Vote: 3 in favor; 0 Opposed; Chairperson Not Voting  
Yeas: Nelson BeGaye; Nathaniel Brown; Amber Kanazbah Crotty  
Nays: None  
Absent (excused): Norman M. Begay; Steven Begay

September 24, 2018 - Amendment Two (2) Motion

Motion (9/24/18) by: Honorable Nelson BeGaye  
Motion (9/24/18) Seconded by: Honorable Nathaniel Brown  
Vote: 3 in favor; 0 Opposed; Chairperson Not Voting  
Yeas: Nelson BeGaye; Nathaniel Brown; Amber Kanazbah Crotty;  
Nays: None; Absent (excused): Norman M. Begay; Steven Begay

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

  
Beverly Martinez, Legislative Advisor  
Health, Education and Human Services Committee