



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Dwight Watherspoon, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0029-17.

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

Dwight Watherspoon

DATE:

1/30/17

LEGISLATIVE SUMMARY SHEET

Tracking No. 0029-17

DATE: January 13, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEES; RESCINDING RESOLUTION HEHSCS-14-16, AMENDING CERTAIN PROVISIONS OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL RELATED TO EMPLOYMENT PRACTICES AND CLASSIFICATIONS OF POSITIONS

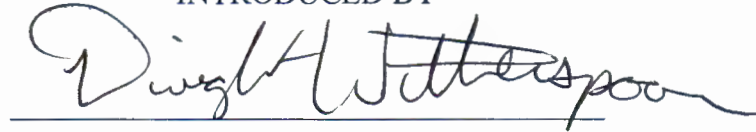
PURPOSE: This resolution if approved will rescind Resolution HEHSCS-14-16, reestablishing the equivalency clause.

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: None
Website Posting Time/Date: 11/16/17 11/17/17
Posting End Date: 1/22/2017
Eligible for Action: 1/23/2017

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- Third Year, 2017

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0029-17

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEES;
RESCINDING RESOLUTION HEHSCS-14-16, AMENDING CERTAIN
PROVISIONS OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL
RELATED TO EMPLOYMENT PRACTICES AND CLASSIFICATIONS OF
POSITIONS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee (HEHSC) is a standing committee of the Navajo Nation Council with the purpose to promulgate regulations, promote accountability to policies and provide legislative oversight on matters involving general governmental services and to oversee the Navajo Nation efforts in implementing and ensuring compliance with employment and labor laws and policies of the Navajo Nation. 2 N.N.C. §§ 400 (A), 400 (C)(1) and 400 (C)(3) (2015); CO-45-12.
- B. The HEHSC shall have the power 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) (2015).
- C. The HEHSC is empowered with the authority to review and recommend resolutions relating to employment and labor. 2 N.N.C. § 401 (B)(6)(a) (2015).

1 D. The HEHSC serves as the oversight committee for the Navajo Nation Division of
2 Human Resources, employment and labor. 2 N.N.C. § 401(C)(1) and 401 (C)(6)
3 (2015).

4 E. The Navajo Nation Personnel Policies Manual may be amended from time to time by
5 the HEHSC of the Navajo Nation Council at the recommendation of the Division of
6 Human Resources, which includes the Department of Personnel Management and
7 divisions of the Executive Branch and Legislative Branch. The Division of Human
8 Resources, Department of Personnel Management. *See* Navajo Nation Personnel
9 Policies Manual, Section I, D., Amended March 25, 2015.

10 11 **SECTION TWO. FINDINGS**

12 A. Resolution HEHSCS-14-16, was intended to correct causes to delays in hiring for
13 numerous positions throughout the Navajo Nation, resolution attached hereto as
14 Exhibit A.

15 B. Due to the elimination of the equivalency clause applicants must satisfy the minimum
16 qualifications for a position as determined by the programs, causing applicants to
17 completely satisfy either the number of years of experience or specific educational
18 requirement.

19 C. The amendment has caused increased confusion by both the Department of Personnel
20 Management and the applicants.

21 D. Before the amendment made through Resolution HEHSCS-14-16, the equivalency
22 clause was clearly defined as: (a) the use of an academic degree to substitute for a
23 minimum number of years of work experience; or (b) the use of a number of years of
24 work experience to substitute for a required academic degree.

25 E. It is within the best interest of the Navajo Nation to rescind Resolution HEHSCS-14-
26 16.

27 28 **SECTION THREE. RESCINDING CJN-23-13**

29 The Navajo Nation hereby rescinds HEHSCS-14-16, attached hereto as **Exhibit A**.
30



HEHSCS-14-16

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICE COMMITTEE
Of the 23rd Navajo Nation Council--Second Year 2016

AN ACTION

RELATING TO HEALTH, EDUCATION, AND HUMAN SERVICES; AMENDING CERTAIN PROVISIONS OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL RELATED TO EMPLOYMENT PRACTICES AND CLASSIFICATION OF POSITIONS

BE IT ENACTED:

Section 1. Findings

- A. The Health, Education and Human Services Committee is established as a standing committee of the Navajo Nation Council with the purpose to promulgate regulations, promote accountability to policies, and provide legislative oversight on matters involving...general governmental services and human services and to oversee Navajo Nation efforts in implementing and ensuring compliance with employment and labor laws and policies of the Navajo Nation. 2 N.N.C. § 400(A); (C)(1 & 3).
- B. The Health, Education and Human Services Committee shall have the power 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...Division of Human Resources. 2 N.N.C. § 401(C)(1).
- D. The Navajo Nation Personnel Policies Manual was revised in December 2014 to address, among other matters, the Employment Practices and Classification of Positions relative to the equivalency clause. See HEHSCD-041-13 as Exhibit A.
- E. The Navajo Nation Personnel Policies Manual may be amended from time to time by the Health, Education and Human Services Committee of the Navajo Nation Council at the recommendation of the Division of the Human Resources which include the Department of Personnel Management and divisions of the Executive Branch and Legislative Branch. Navajo Nation Personnel Policies Manual, Section I, D., Amended Dec. 4, 2013.

- F. The equivalency clause of the Navajo Nation Personnel Policies Manual in the Employment Practices section and the Classification of Positions section has caused delays in hiring for numerous positions throughout the Navajo Nation.
- G. It is in the best interest of the Navajo Nation to amend the Navajo Nation Personnel Policies Manual to address the employment concern.

Section 2. Amendment to the Navajo Nation Personnel Policies Manual

The Health, Education and Human Services Committee of the Navajo Nation Council hereby amends the Navajo Nation Personnel Policies Manual as follows:

The Navajo Nation
Personnel Policies Manual

III. Employee Practices

~~C. Equivalency Clause~~

~~1. DEFINITIONS~~

~~"Equivalency" means:~~

- ~~a. The use of an academic degree to substitute for a minimum number of years of work experiences, or~~
- ~~b. The use of a number of years of work experience to substitute for a required academic degree.~~

2. APPLICATION

- a. ~~All current job vacancies, future job vacancies, and newly created class specifications shall not use equivalency qualification.~~
- b. ~~From the effective date forward, a job vacancy and class specification, must state the minimum and preferred qualifications for a position.~~
- c. ~~The minimum and preferred qualifications, in current job vacancies, future job vacancies, and newly created class specifications, shall be described by using a specific academic degree, or required years of experience, or a combination of both~~
- d. ~~Nothing in this section shall affect employees currently employed by the Navajo Nation, on regular status, seasonal, or temporary basis.~~

VI. CLASSIFICATION OF POSITIONS

B. Equivalency Clause

~~As stated in Section III.C. of this policy, the Equivalency Clause is eliminated~~

~~From the effective date forward, all class specifications shall not use equivalency qualification. All class~~

~~specifications shall state the minimum and preferred qualifications for a position. The minimum and preferred qualifications shall be described by using a specific academic degree, or required years of experience, or a combination of both.~~

To establish job descriptions/classifications, programs must:

1. Establish minimum qualifications for a position, whether a certain number of years of experience, a specific educational requirement, or both for qualification assessment; and,
2. Establish preferred qualifications for a position, whether a certain number of years of experience, a specific educational requirement, or both in seeking the best qualified candidate.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Health, Education and Human Services Committee of the 23rd Navajo Nation Council at duly called meeting at Navajo Nation Council Chamber, Window Rock, Arizona, at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, 1 abstained this 12th day of September, 2016.



Jonathan L. Hale, Chairperson
Health, Education and Human Services Committee
Of the 23rd Navajo Nation Council

Motion : Honorable Peterson B. Yazzie
Second : Honorable Amber Kanazbah Crotty
Chairperson not voting



HEHSCD-041-13

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
OF THE 22ND NAVAJO NATION COUNCIL

22ND Navajo Nation Council - Third Year, 2013

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES: AMENDING
CERTAIN PROVISIONS OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL
RELATED TO JOB VACANCIES AND CLASSIFICATION OF POSITIONS

BE IT ENACTED:

Section 1. Amendment to Navajo Nation Personnel Policies Manual

The Navajo Nation hereby amends the Navajo Nation Personnel Policies Manual for Divisions/Departments/Department of Personal Management to make changes to job vacancies and class specifications as follows:

THE NAVAJO NATION

Personnel Policies Manual

III. EMPLOYMENT PRACTICES

C. Equivalency Clause

~~The use of the equivalency clause is henceforth eliminated for job description/classification development by programs. Equivalency clause is defined as automatically making a college degree (or degrees) the equivalent of a certain number of years of experience (and vice versa). Henceforth, to establish job description/classifications, programs must:~~

- ~~1. Establish minimum qualifications for a position (whether a certain number of years of experience, a specific educational requirement or both) required as a baseline for qualification assessments; and~~
- ~~2. Establish preferred qualifications for a position (whether a certain number of years of experience, a specific educational requirement or both) in seeking the best qualified candidate.~~

1. DEFINITIONS

"Equivalency" means:

- a) The use of an academic degree to substitute for a minimum number of years of work experience; or
- b) The use of a number of years of work experience to substitute for a required academic degree.

2. APPLICATION

- a) All current job vacancies, future job vacancies, and newly-created class specifications, shall not use equivalency qualification.
- b) From the effective date forward, a job vacancy and class specification, must state the minimum and preferred qualifications for a position.
- c) The minimum and preferred qualifications, in current job vacancies, future job vacancies, and newly-created class specifications, shall be described by using a specific academic degree, or required years of experience, or a combination of both.
- d) Nothing in this section shall affect employees currently employed by the Navajo Nation, on regular status, seasonal, or temporary basis.

VI. CLASSIFICATION OF POSITIONS

B. Equivalency Clause

As stated in Section III. C. of this policy, the Equivalency Clause is eliminated. ~~Henceforth, to establish job descriptions/ classifications, programs must:~~

- ~~1. Establish minimum qualifications for a position (whether a certain number of years of experience, a specific educational requirement or both) required as a baseline for qualification assessments, and~~
- ~~2. Establish preferred qualifications for a position (whether a certain number of years of experience, a specific educational requirement or both) in seeking the best qualified candidate.~~


From the effective date forward, all class specifications shall not use equivalency qualification. All class specifications shall

state the minimum and preferred qualifications for a position.

The minimum and preferred qualifications shall be described by using a specific academic degree, or required years of experience, or a combination of both.

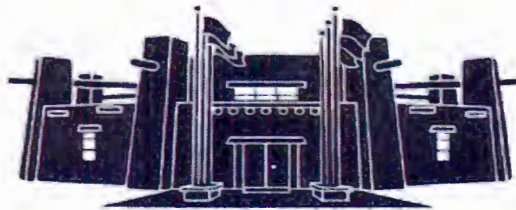
C E R T I F I C A T I O N

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 4 in favor and 0 opposed, this 4th day of December 2013.



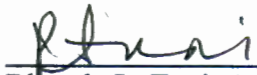
Honorable Charles Damon II, Vice-Chairperson
Health, Education and Human Services Committee

Motioned: Honorable Dwight Witherspoon
Seconded: Honorable Joshua Lavar Butler



MEMORANDUM

TO: Hon. Dwight Witherspoon
23rd Navajo Nation Council

FROM: 
Rhonda L. Tunni, Attorney
Office of Legislative Counsel

DATE: January 12, 2017

SUBJECT: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEES; RESCINDING RESOLUTION HEHSCS-14-16, AMENDING CERTAIN PROVISIONS OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL RELATED TO EMPLOYMENT PRACTICES AND CLASSIFICATIONS OF POSITIONS

Pursuant to 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. In addition, this legislation may raise funding issues.

The Office of Legislative Council 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: _0029-17_____

SPONSOR: Dwight Witherspoon

**TITLE: An Action Relating to Health, Education and Human Services Committee;
Rescinding Resolution HEHSC-14-16, Amending Certain Provisions of the Navajo Nation
Personnel Policies Manual Related to Employment Practices and Classifications of
Positions**

Date posted: January 17, 2017 at 11:11am

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 Nav, ajo 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.: 0029-17

SPONSOR: Honorable Dwight Witherspoon

**TITLE: An Action Relating to Health, Education and Human Services Committee;
Rescinding Resolution HEHSC-14-16, Amending Certain Provisions of the Navajo
Nation Personnel Policies Manual Related to Employment Practices and
Classifications of Positions**

Posted: January 17, 2017 at 11:11 AM

5 DAY Comment Period Ended: January 22, 2017

Digital Comments received:

Comments Supporting (1)	1. <i>Manuelito Wheeler</i>
Comments Opposing (1)	1. <i>Al Thomas</i>
Inclusive Comments	<i>None</i>



Policy Analyst
Office of Legislative Services

1/23/17 8:26 am

Date/Time

Legislation No. 0029-17

Al Thomas <althomas7@gmail.com>

Fri 1/20/2017 11:13 AM

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

This is my comment to the above proposed Legislation initiated by Delegate Witherspoon:

I am opposed to this Legislation No. 0029-17 because what this Legislation will do is continue the long unfulfilled vacancy listing the NN has experienced since his idiotic legislation became effective which effectively terminated the Equivalency Clause. The HEHSCS-14-16 should remain in effect. Our people, both educated and uneducated, needs jobs to support their families. Having a college degree doesn't necessarily mean a person has the skills to do a good job. In my 30 years of working for the NN I have come to realize that most Navajo employees without degrees can do a better job than some who have degrees. In fact some who have Masters Degrees don't even know how to write nor do critical thinking which is totally atrocious. Please keep HEHSCS-14-16 in place. I am asking my honorable Delegates not to consider Legislation No. 0029-17.

Thank you,

Al Thomas, President
Tolani Lake Chapter
Tolani Lake, AZ

LEGISLATION NO: _0029-17 (Equivalency Clause)

Manuelito Wheeler <manuelito@navajonationmuseum.org>

Fri 1/20/2017 5:07 PM

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

To whom it may concern,

I am in SUPPORT of reinstating this clause because as a manager (with a degree) I have come to learn there are many capable and 'qualified' Navajo people who can fill positions within the tribe. They are just lacking a formal education with a degree.

Another HUGE benefit is that it encourages promoting within the departments and within the tribe. If you study corporate culture you learn that employees give their best work when they feel they have an opportunity to grow professionally. Promoting our own within the departments really helps reinforce the Navajo Nation giving back to its' dedicated employees.

I have an employee who has devoted most of her professional career to our Navajo Nation and I know she would make an excellent manager but because of the current policy she is not allowed to be promoted. Navajo Reservation life is not easy and it leads us down many different paths that do not allow us to easily get a college/university degree. Now she is a microcosm of many, many other Navajo people across our Navajo Nation who are hard working and deserving of a promotion because of her/their ability and dedication to our great Navajo Nation.

I know it is a complicated matter but I think the best solution for the time being is to reinstate the clause.

Please reinstate the Equivalency Clause.

Sincerely
Manny

--

Manuelito "Manny" Wheeler
Director, Navajo Nation Museum
PO Box 1840
Window Rock, AZ 86515
928.871.6643

Hozho Nahasdlii - Harmony in the Making
www.navajonationmuseum.org