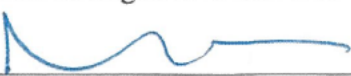




MEMORANDUM

TO : Julissa M. Johnson, Policy Analyst
Office of Legislative Services

FROM : 
Manuel Rico, Jr., Executive Director
Office of Legislative Services

DATE : January 04, 2023

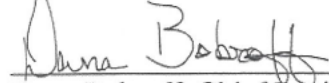
SUBJECT : 24th Navajo Nation Council Expired Legislation

Pursuant to 2 N.N.C. § 164(A)(1), "The last day for consideration of resolutions shall be December 31st of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out as soon as possible and labeled as "Expired":

0079-19	0116-19	0182-19	0207-19	0265-19	0285-19
0308-19	0320-19	0011-20	0138-20	0209-20	0221-20
0234-20	0271-20	0292-20	0315-20	0013-21	0109-21
0111-21	0112-21	0114-21	0158-21	0161-21	0167-21
0192-21	0229-21	0259-21	0261-21	0267-21	0020-22
0035-22	0040-22	0052-22	0064-22	0076-22	0101-22
0108-22	0149-22	0157-22	0158-22	0168-22	0180-22
0190-22	0191-22	0224-22	0227-22	0228-22	0232-22
0233-22	0236-22	0238-22	0243-22	0245-22	
0259-22	0260-22	0271-22	0272-22	0275-22	0276-22

If you have any questions, please let me know.

CONCURRENCE:



Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

CC: Sherylene Yazzie, Chief of Staff, Office of the Speaker
OLS Tracking Section
File

LEGISLATIVE SUMMARY SHEET

Tracking No. 0267-21

DATE: December 21, 2021

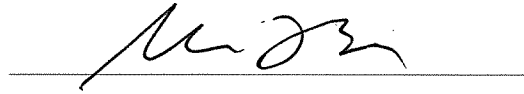
TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY; APPROVING A ONE-TIME WAIVER OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X (B)(1)(e), TO ALLOW EMPLOYEES TO CARRY OVER ALL OF THEIR 2021 ACCRUED ANNUAL LEAVE FOR ONE CALENDAR YEAR UNTIL DECEMBER 31, 2022

PURPOSE: If approved, this resolution will waive Section X (B)(1)(e) of the Navajo Nation Personnel Policies Manual which will allow employees to carry over their 2021 accrued annual leave to December 31, 2022.

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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL - Third Year, 2021

Introduced by:



(Prime Sponsor)

Tracking No. 0267-21

AN ACTION
RELATING TO AN EMERGENCY; 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 Navajo Nation Council is the governing of body of the Navajo Nation. 2 N.N.C. §102(A).
- B. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.”
- C. The Navajo Nation Council is deeply concerned that Navajo Nation Employees of the Executive and Legislative Branch will lose their accrued 2021 annual leave per the Navajo

1 Nation Personnel Policies Manual. Currently the COVID-19 pandemic is still rampant
2 within the Navajo Nation and continues to negatively affect Navajo Nation employees and
3 their families. Forfeiture of badly needed paid leave hours would be unconscionable during
4 this unprecedented time of health and financial hardships. The Navajo Nation Council
5 therefore finds it necessary to waive the Navajo Nation Personnel Policies Manual to allow
6 employees to carry over of all of their accrued annual leave for one (1) calendar year until
7 December 31, 2022.

8 D. This legislation is offered as an Emergency Resolution because of the December 31, 2021
9 deadline upon which all Navajo Nation employees will lose their accrued annual leave in
10 excess of 320 hours, and immediate action is required to prevent this forfeiture.
11

12 **SECTION TWO. FINDINGS**

13 A. On March 11, 2020, the Navajo Nation Emergency Management Commission declared a
14 state of emergency due to the COVID-19 pandemic. Resolution No. CEM-20-03-11.

15 B. The Navajo Nation President issued Executive Order No. 001-20 declaring a state of
16 emergency due to the COVID-19 pandemic on March 13, 2020.

17 C. Resolution CAU-48-21 was deemed fully enacted which required all Navajo Nation
18 Employees to receive the COVID-19 vaccination. Since enactment of Resolution CAU-
19 48-21, the COVID-19 virus has mutated into other variants and the disease continues to be
20 rampant within the Navajo Nation.

21 D. As of December 20, 2021, the COVID-19 pandemic has sadly claimed 1,576 lives on the
22 Navajo Nation. Weekly updates relating to the COVID-19 pandemic can be found on the
23 Navajo Department of Health's website at [https://www.ndoh.navajo-nsn.gov/COVID-](https://www.ndoh.navajo-nsn.gov/COVID-19/Data)
24 [19/Data](https://www.ndoh.navajo-nsn.gov/COVID-19/Data).

25 E. The COVID-19 pandemic has impacted the Navajo Nation employees and their families
26 negatively, and it is necessary to waive the Navajo Nation Personnel Policies Manual to
27 carryover 2021 accrued annual leave until December 31, 2022 to protect the health, safety
28 and welfare of Navajo Nation employees.

29 F. The Navajo Nation Personnel Policies Manual is designed to assist supervisors in handling
30 human resources issues fairly and consistently, and to outline the rights, benefits, and duties

1 expected of Executive and Legislative Branch employees. See, Navajo Nation Personnel
2 Policies Manual, § I (A) (June 3, 2020). The Manual applies to all employees of the
3 Executive and Legislative Branches of the Navajo Nation government, regardless of
4 funding source or employment status. Navajo Nation Personnel Policies Manual, § I(B)
5 (June 3, 2020).

6 G. The Navajo Nation Personnel Policies Manual, § X(B)(1)(e), states:

7 **X. LEAVE ADMINISTRATION**

8 . . .

9 **B. Paid Leave**

10 . . .

11 1. Annual Leave

12 . . .

13 e. Carryover

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

16 H. The Navajo Nation Council is concerned that the COVID-19 pandemic has caused
17 widescale negative effects upon Navajo Nation employees and their families, and the
18 forfeiture of badly needed paid leave hours would be unconscionable during this
19 unprecedented time of health and financial hardships. The Council therefore finds it
20 necessary to approve a one-time waiver of the Navajo Nation Personnel Policies Manual,
21 § X(B)(1)(e), to allow employees to carry over all of their 2021 accrued annual leave for
22 one calendar year until December 31, 2022. Time is of the essence because a one-time
23 waiver of the Navajo Nation Personnel Policies Manual (June 3, 2021) must be in effect
24 by December 31, 2021.

25 I. During the current COVID-related emergency, it is necessary for the Navajo Nation
26 Council to approve a one-time waiver of the Navajo Nation Personnel Policies Manual, §
27 X(B)(1)(e), to allow employees to carry over all of their 2021 accrued annual leave for one
28 calendar year until December 31, 2022.

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

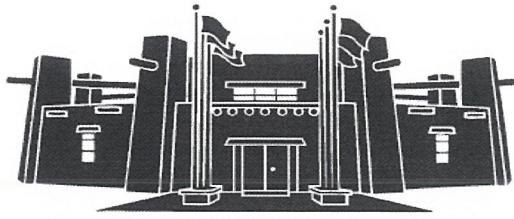
3 The Navajo Nation Council hereby approves a one-time waiver of the Navajo Nation
4 Personnel Policies Manual, Section X(B)(1)(e), to allow employees to carry over all of their
5 2021 accrued annual leave for one calendar year until December 31, 2022. After December
6 31, 2022 annual leave accrued by an employee in excess of 320 hours shall then be forfeited
7 unless a further carryover is approved by the Health, Education, and Human Services
8 Committee or the Navajo Nation Council.
9

10 **SECTION FIVE. EFFECTIVE DATE**

11 The provisions of this Action shall become effective pursuant to 2 N.N.C. §221(B).
12


13 **SECTION FIVE. SAVING CLAUSE**

14 If any provision of this legislation is determined invalid by the Supreme Court of the Navajo
15 Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme
16 Court, the remainder of this legislation shall remain valid as the law of the Navajo Nation.
17
18
19
20
21
22
23
24
25
26
27
28
29
30



MEMORANDUM

TO: Honorable Mark Freeland
24th Navajo Nation Council Delegate

FROM: 
Luralene Tapahe, Principal Advocate
Office of Legislative Counsel

DATE: December 21, 2021

RE: **AN ACTION RELATING TO AN EMERGENCY; 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**

Per your request, the Office of Legislative Counsel has prepared the above-reference proposed legislation and associated legislative summary sheet. Based on existing law, the legislation as drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

Please review the proposed legislation to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed legislation will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of any revisions requested.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0267-21_

SPONSOR: Mark A. Freeland

TITLE: An Action Relating to an Emergency; 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

Date posted: December 25, 2021 at 8:06 AM

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.: 0267-21

SPONSOR: Honorable Mark A. Freeland

TITLE: An Action Relating to an Emergency; 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

Posted: December 25, 2021 at 8:06 AM

5 DAY Comment Period Ended: Not Subject to 5 Day Hold

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

01/07/22

9:58Am

Date/Time