

RESOLUTION OF THE
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
of the 24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL TO PROHIBIT
CONSUMPTION AND POSSESSION 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 Division of Human Resources, which includes the Department of Personnel Management and divisions within the Executive Branch and Legislative Branch. See Navajo Nation *Personnel Policies Manual*, Section I(D), December 3, 2018.

SECTION TWO. FINDINGS

- A. Pursuant to Navajo Nation *Personnel Policies Manual*, employees must "uphold, with integrity, the trust and confidence placed in the employee pursuant to his/her employment." XVI. *Conduct of Employees*, subsection (A)(1).
- B. To ensure integrity in Navajo Nation government, it is in the best interest of the Navajo Nation to amend the Navajo

Nation *Personnel Policies Manual* to prohibit the use and consumption of alcohol while on official travel on behalf of the Navajo Nation.

SECTION THREE. AMENDING PERSONNEL POLICIES MANUAL

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

XVI. CONDUCT OF EMPLOYEES AND POLITICAL-AT-WILL APPOINTEES

E. Drugs and Alcohol in the Workplace and While on Official Travel

1. The use of intoxicants during working hours or the lunch period is prohibited. Further, employees, and political-at-will appointees while on official travel on behalf of the Navajo Nation, shall not consume or possess alcohol. This prohibition on the consumption of alcohol during travel shall apply to the entire duration of a trip.
2. An employee unable to perform job duties as a result of alcohol or illegal drug intoxication will be excused from the worksite and charged leave without pay. In addition, the employee is subject to disciplinary action consistent with the Table of Penalties, offense #40.
3. Employees and political-at-will appointees are prohibited from selling, purchasing, transferring, possessing, or using alcohol in the workplace, or while in an official travel status. Commuting to and from an employee's workplace shall not constitute official travel.
4. Employees and political-at-will appointees are prohibited from unlawfully manufacturing, selling, purchasing, transferring, possessing, or using controlled substances in the workplace.
5. Any employee and political-at-will appointees violating the above policies will be disciplined, up to and including termination for the first offense.
6. Any employee and political-at-will appointees 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 and political-at-will appointees 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 and political-at-will appointees 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 and political-at-will appointees may be subject to drug and alcohol testing consistent with Navajo law.

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*.

SECTION FIVE. EFFECTIVE DATE

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

SECTION SIX. SAVINGS CLAUSE

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

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Health, Education and Human Services Committee of the 24th Navajo Nation Council at a duly called meeting at Churchrock, (Navajo Nation) New Mexico, at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, on this 3rd day of June 2019.



Daniel E. Tso, Chairperson
Health, Education and Human Services Committee
Of the 24th Navajo Nation Council

Motion: Honorable Pernell Halona
Second: Honorable Nelson S. BeGaye

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
June 03, 2019

Roll Call
Vote Tally Sheet

LEGISLATION 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

(Note: Eligible for Committee Action May 20, 2019)

Sponsor: Honorable Edmund Yazzie

June 03, 2019 - Amendment One (1) Motion

Motion by: Honorable Nelson S. BeGaye

Seconded by: Honorable Edison J. Wauneka

Vote: 4 in favor; 0 Opposed; Chairperson Not Voting

Yeas: Pernell Halona; Nelson S. BeGaye; Paul Begay, Jr.; Edison J. Wauneka

Nays: None

Absent (excused): Charlene Tso

June 03, 2019 - Amendment Two (2) Motion

Motion by: Honorable Pernell Halona

Seconded by: Honorable Edison J. Wauneka

Vote: 4 in favor; 0 Opposed; Chairperson Not Voting

Yeas: Pernell Halona; Nelson S. BeGaye; Paul Begay Jr.; Edison J. Wauneka

Nays: None

Absent (excused): Charlene Tso

June 03, 2019 - Main Motion

Motion by: Honorable Pernell Halona


Seconded by: Honorable Nelson S. BeGaye

Vote: 4 in favor; 0 Opposed; Chairperson Not Voting


Yeas: Pernell Halona; Nelson S. BeGaye; Paul Begay, Jr.; Edison J. Wauneka

Nays: None

Absent (excused): Charlene Tso



Daniel E. Tso, Chairperson
Health, Education and Human Services Committee



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