LEGISLATION NO: _0368-19____  SPONSOR: Vince James

TITLE: An Action Relating to Health, Education and Human Services Committee and Budget and Finance Committee: Rescinding BFAP-11-14, which imposed sanctions upon the department manager of the Navajo Department of Workforce Development; releasing all salary payments withheld pursuant to BFAP-11-14

Date posted: December 3, 2019 at 6:07pm

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0368-19

DATE: December 2, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE AND BUDGET AND FINANCE COMMITTEE; RESCINDING BFAP-11-14, WHICH IMPOSED SANCTIONS UPON THE DEPARTMENT MANAGER OF THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT; RELEASING ALL SALARY PAYMENTS WITHHELD PURSUANT TO BFAP-11-14

PURPOSE: The purpose of this resolution is to rescind Resolution BFAP-11-14 and to release all salary payments withheld pursuant to that Resolution.

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 STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY

[Signature]
Primary Sponsor

TRACKING NO. 0368-19

AN ACTION

RELATING TO HEALTH, EDUCATION, AND HUMAN SERVICES COMMITTEE
AND BUDGET AND FINANCE COMMITTEE; RESCINDING BFAP-11-14,
WHICH IMPOSED SANCTIONS UPON THE DEPARTMENT MANAGER OF
THE NAVAJO DEPARTMENT OF WORKFORCE DEVELOPMENT;
RELEASING ALL SALARY PAYMENTS WITHHELD PURSUANT
TO BFAP-11-14

BE IT ENACTED:

Section One. Authority

A. The Navajo Department of Workforce Development is a department within the
Navajo Nation Division of Human Resources. The Health, Education, and Human
Services Committee is the oversight committee for the Navajo Division of Human
Resources. 2 N.N.C. § 400(C)(1).

B. The Budget and Finance Committee is charged with receiving and approving audit
reports from the Auditor General. 12 N.N.C. §6(A) and 12 N.N.C. §7(D). The
Budget and Finance Committee also, “determines what action should be taken” after
the follow-up review conducted by the Auditor General and based on any
recommendations by the oversight committee. 12 N.N.C. § 7(I).

Section Two. Findings
A. The Budget and Finance Committee approved the Navajo Department of Workforce Development’s ("NDWD") Corrective Action Plan pursuant to Budget and Finance Committee resolution BFCF-03-09, "Accepting the Special Review of the Navajo Department of Workforce Development Submitted by the Office of the Auditor General and Approving the Corrective Action Plan Submitted by the Navajo Department of Workforce Development," on February 17, 2009, which is attached as Exhibit A.

B. The Budget and Finance Committee imposed sanctions upon the NDWD Department Manager on April 1, 2014 through Resolution BFAP-11-14, "Accepting the Follow-Up Review of the Navajo Department of Workforce Development Corrective Action Plan Implementation and Imposing Sanctions Against the Department Manager." This resolution is attached as Exhibit B.

C. The Office of the Auditor General's Plan of Operation provides, "[o]nce proof of implementation of the corrective action plan is demonstrated, the Auditor General shall immediately report this compliance to the Controller and, where applicable, the chapter government, who shall then release the withheld salary to the director of the program, division, enterprise or entity or to the chapter official." 12 N.N.C. § 9(C).

D. To date, NDWD has been unable to successfully implement the corrective action plan. As a result, the Auditor General is not able to report its compliance to the Controller.

E. The Department Manager, who was sanctioned in 2009, is no longer employed with the Navajo Nation and is unable to oversee the implementation of NDWD's corrective action plan. As a result, all payments withheld pursuant to Resolution BFAP-11-14 shall be returned.

Section Three. Rescinding BFAP-11-14, "Accepting a Follow-Up Review of the Navajo Department of Workforce Development Corrective Action Plan Implementation and Imposing Sanctions Against the Department Manager"

The Navajo Nation hereby rescinds BFAP-11-14, which imposed sanctions on the Department Manager of NDWD.
Section Four. Directive to the Office of the Auditor General to Conduct a Follow-Up Review

The Navajo Nation hereby directs the Office of the Auditor General to conduct a follow-up review upon NDWD the within one year from the date this resolution and to make recommendations to the oversight committee and to the Budget and Finance Committee.

Section Five. Directive to the Office of the Controller to return payments held pursuant to BFAP-11-14

The Office of the Controller is directed to release all salary payments withheld pursuant to BFAP-11-14 to all individuals impacted by BFAP-11-14 at the earliest possible pay cycle after the approval of this legislation.