LEGISLATION NO: _0003-19__ SPONSOR: Amber Kanazbah Crotty

TITLE: An Action To NAABIK'IYATI' Committee And The Navajo Nation Council; Rescinding CO-60-17

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DATE: January 16, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; RESCINDING CO-60-17

PURPOSE: If approved, this resolution will rescind CO-60-17 titled Amending “The Navajo Preference in Employment Act” at 15 N.N.C. §§ 603, 604(B)(8) to Provide For The Addition of Program Managers of The Executive Branch as a Class of Employees Exempt From the Just Cause Provisions of The Act.

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 – First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0003-19

AN ACTION
RELATING TO NAABIK’ÍYÁTI’ COMMITTEE AND THE NAVAJO NATION COUNCIL; RESCINDING CO-60-17

BE IT ENACTED:

Section One. Authority
A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C §102 (A).
B. Pursuant to 2 N.N.C. §164 (A)(9), a proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the Naabik’íyáti’ Committee before it is heard by the Navajo Nation Council.

Section Two. Findings
A. In October 2017, the Navajo Nation Council passed Resolution CO-60-17 titled Amending “The Navajo Preference in Employment Act” at 15 N.N.C. §§ 603, 604(B)(8) to Provide For The Addition of Program Managers of The Executive Branch as a Class of Employees Exempt From The Just Cause Provisions of The Act. See CO-60-17 attached hereto as Exhibit A.
B. Resolution CO-60-17 amended the Navajo Preference in Employment Act (“NPEA”), 15 N.N.C. §§ 603 and 604(B)(8) to include the addition of Program Managers as exempt from the just cause provision of the NPEA.
C. Resolution CO-60-17 was enacted by statute on November 6, 2017, after the Navajo Nation President did not sign the resolution within the statutory 10 day period and the effective date of CO-60-17 was one year after the Resolution became effective but also became effective for all program manager positions as those positions became vacant due to retirement, resignation, termination, promotion, layoff or transfer of the persons occupying those positions.

D. The Navajo Department of Personnel Management has notified all programs, departments and the Executive and Legislative Branches to revise the Personnel Action Forms for all program managers defined by CO-60-17.

E. Resolution CO-60-17 has affected a large number of Navajo Nation employees and is ripe for abuse by supervisors who are now free from the just cause requirement of the NPEA and may freely terminate program managers potentially leading to a slowdown in program services to Navajo citizens.

Section Three. Rescinding CO-60-17

A. The Navajo Nation hereby rescinds CO-60-17 titled Amending “The Navajo Preference in Employment Act” at 15 N.N.C. §§ 603, 604(B)(8) to Provide For The Addition of Program Managers of The Executive Branch as a Class of Employees Exempt From the Just Cause Provisions of The Act.”

B. As a result of this rescission, all program managers shall be regular status employees of the Nation with all rights accruing to such employees under the Navajo Preference in Employment Act and the Navajo Nation Personnel Policies Manual. The Department of Personnel Management shall immediately take all steps necessary to implement this legislation, including issuing new Personnel Action Forms for all Program Managers reflecting that status.

Section Four. Effective Date

The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).