TITLE: 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

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0115-19

DATE: May 7, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL TO PROHIBIT USE OF ALCOHOL WHILE ON TRAVEL PROCEDURES

PURPOSE: This resolution will approve amendments to the Navajo Nation Personnel Policies Manual to prohibit use of alcohol by employees while on travel.

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

(Prime Sponsor)

TRACKING 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

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:

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XVI. CONDUCT OF EMPLOYEES
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E. Drugs and Alcohol in the Workplace

1. The use of intoxicants during working hours or the lunch period is prohibited. Further, employees, while on official travel on behalf of the Navajo Nation, shall not consume 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 are prohibited from selling, purchasing, transferring, possessing, or using alcohol in the workplace.
4. Employees are prohibited from unlawfully manufacturing, selling, purchasing, transferring, possessing, or using controlled substances in the workplace.

5. Any employee violating the above policies will be disciplined, up to and including termination for the first offense.

6. Any employee 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 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 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 may be subject to drug and alcohol testing consistent with Navajo law.

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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.