

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0115-19_____

SPONSOR: Edmund Yazzie

**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**

Date posted: May 14, 2019 at 4:34pm

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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.

5-DAY BILL HOLD PERIOD: 2am Bgg
Website Posting Time/Date: _____
Posting End Date: 5-19-19
Eligible for Action: 5-20-19

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- First Year, 2019

3 INTRODUCED BY
4 
5 _____
6 (Prime Sponsor)

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8 TRACKING NO. 0115-19

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10 AN ACTION
11 RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE;
12 AMENDING THE NAVAJO NATION PERSONNEL POLICIES MANUAL TO
13 PROHIBIT CONSUMPTION OF ALCOHOL WHILE ON OFFICIAL TRAVEL
14

15 **BE IT ENACTED:**

16 **SECTION ONE. AUTHORITY**

- 17 A. The Health, Education and Human Services Committee is a standing committee of the
18 Navajo Nation Council. 2 N.N.C. § 400 (A). Purposes of the committee include
19 promulgating regulations, promoting accountability to policies, providing legislative
20 oversight on matters involving general governmental services, and overseeing the Navajo
21 Nation's efforts in implementing and ensuring compliance with employment and labor
22 laws and policies of the Navajo Nation. 2 N.N.C. § 400 (C)(1) and (3).
- 23 B. The Health, Education and Human Services Committee has the authority to establish
24 Navajo Nation policy, promulgate rules and regulations governing human services and
25 general government services of the Navajo Nation. 2 N.N.C. § 401 (B)(1).
- 26 C. The Health, Education and Human Services Committee serves as the oversight
27 committee for the Navajo Nation Division of Human Resources. 2 N.N.C. § 401(C)(1)
28 and 401 (C)(6).
- 29 D. The Navajo Nation *Personnel Policies Manual* may be amended from time to time by
30 the Health, Education and Human Services Committee at the recommendation of the

1 Division of Human Resources, which includes the Department of Personnel Management
2 and divisions within the Executive Branch and Legislative Branch. *See Navajo Nation*
3 *Personnel Policies Manual*, Section I(D), December 3, 2018.

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5 **SECTION TWO. FINDINGS**

6 A. Pursuant to Navajo Nation *Personnel Policies Manual*, employees must "uphold, with
7 integrity, the trust and confidence placed in the employee pursuant to his/her
8 employment." XVI. *Conduct of Employees*, subsection (A)(1).

9 B. To ensure integrity in Navajo Nation government, it is in the best interest of the
10 Navajo Nation to amend the Navajo Nation *Personnel Policies Manual* to prohibit the
11 use and consumption of alcohol while on official travel on behalf of the Navajo Nation.

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13 **SECTION THREE. AMENDING PERSONNEL POLICIES MANUAL**

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

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16 ****

17 XVI. CONDUCT OF EMPLOYEES

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19 E. Drugs and Alcohol in the Workplace

- 20 1. The use of intoxicants during working hours or the lunch period is
21 prohibited. Further, employees, while on official travel on behalf of the
22 Navajo Nation, shall not consume alcohol. This prohibition on the
23 consumption of alcohol during travel shall apply to the entire duration of a
24 trip.
- 25 2. An employee unable to perform job duties as a result of alcohol or illegal
26 drug intoxication will be excused from the worksite and charged leave
27 without pay. In addition, the employee is subject to disciplinary action
28 consistent with the Table of Penalties, offense #40.
- 29 3. Employees are prohibited from selling, purchasing, transferring,
30 possessing, or using alcohol in the workplace.

- 1 4. Employees are prohibited from unlawfully manufacturing, selling,
2 purchasing, transferring, possessing, or using controlled substances in the
3 workplace.
- 4 5. Any employee violating the above policies will be disciplined, up to and
5 including termination for the first offense.
- 6 6. Any employee convicted of violating a criminal drug or alcohol statute in
7 the workplace must inform the supervisor and the Department of
8 Personnel Management of such conviction, including pleas of guilty or no
9 contest, within five working days of the conviction. Failure to do so will
10 result in disciplinary action, up to and including termination for the first
11 offense.
- 12 7. An employee convicted of violating a criminal drug or alcohol statute in
13 the workplace may participate in a rehabilitation or treatment program. If
14 such a program is made as a condition of employment, the employee must
15 satisfactorily participate in and complete the program.
- 16 8. All employees are required to acknowledge that they have been informed
17 of the above policy and agree to it in all respects. Acknowledgment and
18 agreement are required as a condition of continued employment.
19 Acknowledgment will be in writing and made a part of the employee's
20 personnel file.
- 21 9. Employees may be subject to drug and alcohol testing consistent with
22 Navajo law.

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26 **SECTION FOUR. PERSONNEL POLICIES MANUAL**

27 The Navajo Nation Department of Personnel Management shall ensure that the
28 amendment approved by this resolution is properly reflected in the next publication of the
29 Navajo Nation *Personnel Policies Manual*.

1 **SECTION FIVE. EFFECTIVE DATE**

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

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5 **SECTION SIX. SAVINGS CLAUSE**

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

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