

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0122-20\_\_

SPONSOR: Daniel E. Tso

**TITLE: An Action Relating To Health, Education And Human Services; Amending Leave Administration Provisions Of Section X Of Navajo Nation Personnel Policies Manual For Purposes Of Addressing COVID-19**

***Date posted:*** May 20, 2020 at 5:42 PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0122-20

**DATE:** May 18, 2020

**TITLE OF RESOLUTION:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING LEAVE ADMINISTRATION PROVISIONS OF SECTION X OF NAVAJO NATION PERSONNEL POLICIES MANUAL FOR PURPOSES OF ADDRESSING COVID-19

**PURPOSE:** This resolution, if adopted, would amend employee leave provisions of Section X of Navajo Nation Personnel Policies Manual for purposes of addressing COVID-19.

**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:                       
Website Posting Time/Date:                       
Posting End Date: 05-25-20  
Eligible for Action: 05-26-20

1                                    PROPOSED STANDING COMMITTEE RESOLUTION  
2                                    24th NAVAJO NATION COUNCIL -- Second Year, 2020  
3                                    INTRODUCED BY

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6                                    \_\_\_\_\_  
7                                    (Prime Sponsor)



8                                    TRACKING NO. 0122-20

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10                                   AN ACTION  
11                                   RELATING TO HEALTH, EDUCATION AND HUMAN  
12                                   SERVICES; AMENDING LEAVE ADMINISTRATION PROVISIONS OF SECTION  
13                                   X OF NAVAJO NATION PERSONNEL POLICIES MANUAL FOR PURPOSES OF  
14                                   ADDRESSING COVID-19

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16                                   **BE IT ENACTED:**

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18                                   **SECTION ONE. AUTHORITY**

19                                   The Health, Education and Human Services Committee is a standing committee of  
20                                   the Navajo Nation Council. 2 N.N.C. § 400(A). Among various responsibilities, it has  
21                                   oversight authority over employment policies. 2 N.N.C. §§ 400(C) and  
22                                   401(C)(6). Further, the committee has the enumerated power to establish Navajo Nation  
23                                   policy governing human services and general governmental services. 2 N.N.C. § 401  
24                                   (B)(1).

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26                                   **SECTION TWO. FINDINGS**

27                                   Leave provisions of the Navajo Nation Personnel Policies Manual must be  
28                                   amended to address COVID-19, a serious pandemic virus. The virus is extremely  
29                                   contagious. It is necessary that the Personnel Policies be amended to protect the health of  
30                                   employees and their families.

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2 **SECTION THREE. AMENDING NAVAJO NATION PERSONNEL POLICIES**  
3 **MANUAL**

4 The Health, Education and Human Services Committee of the Navajo Nation  
5 Council hereby amends leave policies of Section X of the Navajo Nation Personnel  
6 Policies Manual as follows:  
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9 X. Leave Administration

10 \*\*\*\*

11 B. Paid Leave

12 \*\*\*\*

13 3. Annual Leave

14 \*\*\*\*

15 h. COVID-19 Leave

16 The Navajo Nation recognizes that an employee may have a need to be  
17 absent from work due to health issues that arise from the COVID-19  
18 pandemic.

19 COVID-19 leave may be approved for employees who are in need of  
20 personal leave due to COVID-19 to care for themselves or a family  
21 member, or to be away from the work place as required by his or her  
22 employer. Such leave will not require an employee to utilize his or her  
23 accrued sick or annual leave. The maximum amount of leave allowed  
24 under this policy is 120 work hours. For any additional leave, the  
25 employee must request to use his or her accrued annual or sick leave,  
26 be approved for Leave Without Pay, or seek Family Medical Leave  
27 under Section X(D) of this Manual.

28 This leave will remain available through the duration of any  
29 Declaration of Emergency by the Commission on Emergency  
30 Management and the Navajo Nation President concerning the COVID-

1 19 pandemic. Such leave is available to employees required to be on  
2 duty during the pandemic, and not to employees already on  
3 Administrative Leave under Section X(B)(3)(b) of this Manual.

4 1) An employee may request COVID-19 leave under the following  
5 circumstances:

6 a. When a family member has tested positive for the virus and  
7 requires assistance from the employee,

8 b. When the employee has tested positive for the virus,

9 c. When the employee is required by his or her supervisor to be  
10 away from the work place due to 1) exposure to an individual  
11 who has tested positive or is suspected to be positive for  
12 COVID-19, or 2) if the employee shows symptoms consistent  
13 with COVID-19.

14 2) All employees, regardless of length of service with the Navajo  
15 Nation, are eligible for leave that meet any of the COVID-19  
16 circumstances listed in Subsection 1). Such approved leave will be  
17 paid.

18 3) A request for special COVID-19 leave must be made in writing, for  
19 a specified period of time and submitted to the employee's  
20 supervisor. The employee shall submit the request, or, if  
21 incapacitated due to illness, an authorized family member may do  
22 so.

23 4) If proper documentation, as required by Subsection 4) is submitted,  
24 the supervisor cannot deny the leave within the maximum 120 work  
25 hours. The supervisor may limit the duration of the leave to less  
26 than the 120 maximum, in consultation with the employee and the  
27 employee's medical provider and as consistent with Center for  
28 Disease Control COVID-19 Guidelines. If COVID-19 leave is  
29 granted, an employee may not return to work without a doctor's  
30

1 statement or official medical document showing a negative result  
2 for a COVID-19 test.

3 5) All leave requests shall be accompanied by appropriate  
4 documentation.

5 a. For categories a. and b. under Subsection 1), the employee must  
6 submit official medical documents from a medical provider  
7 showing a positive COVID-19 test for the employee or a family  
8 member, which may include a doctor's note or document from a  
9 hospital or other testing facility.

10 b. For category a. under Subsection 1), the employee must also  
11 submit a written document describing the assistance needed by  
12 the family member, and why that assistance cannot be provided  
13 by others.

14 c. For Category c. under Subsection 1), the employee must submit  
15 a written memorandum from his or her supervisor or program  
16 manager that requires the employee to be away from the work  
17 place and identifies the amount of time the employee must be  
18 away.

19 6) To verify the employee's eligibility for COVID-19 leave, it may  
20 become necessary to request information from the employee and/or  
21 his/her medical provider. The employee's supervisor can request  
22 additional medical information to confirm the employee's need to  
23 be absent, to show whether and how an absence relates to the  
24 infection, and to know that it is appropriate for the employee to  
25 return to work.

26 When requesting COVID-19 leave, the employee must sign a  
27 release to allow the supervisor to make such requests to the  
28 employee's medical provider.

29 7) All requests for leave and all supporting documentation submitted  
30 by an employee must be kept strictly confidential, and information

1 related to the reason for the leave will be restricted to other Navajo  
2 Nation employees with a need to know to process the leave,  
3 including the employee's supervisor, the Program Manager, and the  
4 Department of Personnel Management.

5 Violation of this confidentiality requirement by those  
6 employees, or any other employee of the Navajo Nation, is a  
7 violation of the Navajo Privacy Act, 2 N.N.C. §§ 91 and 92, and can  
8 result in civil and criminal penalties. Such violation may also result  
9 in discipline of those employees by his or her supervisor under  
10 Offense Number 22 in the Table of Penalties of this Manual.

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13 **SECTION FOUR. SAVINGS CLAUSE**

14 Should any provision of these amendments be determined invalid by the Navajo  
15 Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the  
16 Navajo Nation Supreme Court, those amendments that are not determined invalid shall  
17 remain the law of the Nation.