

THE NAVAJO NATION
LEGISLATIVE BRANCH
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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.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: _____
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Eligible for Action: 12-09-19

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

3 INTRODUCED BY

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6 Primary Sponsor

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8 TRACKING NO. 0368-19

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10 AN ACTION

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

17
18 BE IT ENACTED:

19 **Section One. Authority**

- 20 A. The Navajo Department of Workforce Development is a department within the
21 Navajo Nation Division of Human Resources. The Health, Education, and Human
22 Services Committee is the oversight committee for the Navajo Division of Human
23 Resources. 2 N.N.C. § 400(C)(1).
24 B. The Budget and Finance Committee is charged with receiving and approving audit
25 reports from the Auditor General. 12 N.N.C. §6(A) and 12 N.N.C. §7(D). The
26 Budget and Finance Committee also, "determines what action should be taken" after
27 the follow-up review conducted by the Auditor General and based on any
28 recommendations by the oversight committee. 12 N.N.C. § 7(I).

29
30 **Section Two. Findings**

1 A. The Budget and Finance Committee approved the Navajo Department of Workforce
2 Development's ("NDWD") Corrective Action Plan pursuant to Budget and Finance
3 Committee resolution BFCF-03-09, "Accepting the Special Review of the Navajo
4 Department of Workforce Development Submitted by the Office of the Auditor
5 General and Approving the Corrective Action Plan Submitted by the Navajo
6 Department of Workforce Development," on February 17, 2009, which is attached as
7 **Exhibit A.**

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

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

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

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

25
26 **Section Three. Rescinding BFAP-11-14, "Accepting a Follow-Up Review of the**
27 **Navajo Department of Workforce Development Corrective Action Plan**
28 **Implementation and Imposing Sanctions Against the Department Manager"**

29 The Navajo Nation hereby rescinds BFAP-11-14, which imposed sanctions on the
30 Department Manager of NDWD.

1 **Section Four. Directive to the Office of the Auditor General to Conduct a Follow-**
2 **Up Review**

3 The Navajo Nation hereby directs the Office of the Auditor General to conduct a follow-
4 up review upon NDWD the within one year from the date this resolution and to make
5 recommendations to the oversight committee and to the Budget and Finance Committee.
6

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

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