

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0266-21_

SPONSOR: Mark A. Freeland

TITLE: An Action Relating to Health, Education and Human Services; Approving a One-Time Waiver of the Navajo Nation Personnel Policies Manual, Section X (B)(1)(e), to Allow Employees to Carry Over All of Their 2021 Accrued Annual Leave for One Calendar Year Until December 31, 2022

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Office of Legislative Services
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0266-21

DATE: December 21, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; APPROVING A ONE-TIME WAIVER OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X (B)(1)(e), TO ALLOW EMPLOYEES TO CARRY OVER ALL OF THEIR 2021 ACCRUED ANNUAL LEAVE FOR ONE CALENDAR YEAR UNTIL DECEMBER 31, 2022

PURPOSE: If approved, this resolution will waive Section X (B)(1)(e) of the Navajo Nation Personnel Policies Manual which will allow employees to carry over their 2021 accrued annual leave to December 31, 2022.

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.

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PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL - Third Year, 2021

Introduced by:



Primary Sponsor

Tracking No. 0266-21

AN ACTION
RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES;
APPROVING A ONE-TIME WAIVER OF THE NAVAJO NATION
PERSONNEL POLICIES MANUAL, SECTION X (B)(1)(e), TO ALLOW
EMPLOYEES TO CARRY OVER ALL OF THEIR 2021 ACCRUED ANNUAL
LEAVE FOR ONE CALENDAR YEAR UNTIL DECEMBER 31, 2022

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)
- B. The Health, Education and Human Services Committee is the oversight for the Division of Human Resources with the authority to implement and ensure compliance with Navajo Nation employment laws and policies. 2 N.N.C. §§401(A) and (C)(1) and (C)(3).
- C. The Health, Education and Human Services Committee has the enumerated powers to establish Navajo Nation policy, and to promulgate rules and regulations governing the Navajo Nation’s human services. 2 N.N.C. §401(B)(1).

SECTION TWO. FINDINGS

- A. The Navajo Nation Personnel Policies Manual is designed to assist supervisors in handling

1 human resources issues in a fair and consistent manner, and to outline the rights, benefits,
2 and duties expected of Executive and Legislative Branch employees. Navajo Nation
3 Personnel Policies Manual, § I (A) (June 3, 2020). The Navajo Nation Personnel Policies
4 Manual applies to all employees of the Executive and Legislative Branches of the Navajo
5 Nation government, regardless of funding source or employment status. Navajo Nation
6 Personnel Policies Manual, § I(B) (June 3, 2020).

7 B. The Navajo Nation Personnel Policies Manual (June 3, 2020) may be amended from time
8 to time by the Health, Education and Human Services Committee at the recommendation
9 of the Division of Human Resources, which include the Department of Personnel
10 Management and the divisions of the Executive Branch and Legislative Branch. Navajo
11 Nation Personnel Polices Manual, § I (D) (June 3, 2020).

12 C. The Navajo Nation Personnel Policies Manual, § X (B)(1)(e) states:

13 **X. LEAVE ADMINISTRATION**

14 ...

15 **B. Paid Leave**

16 ...

17 1. Annual Leave

18 ...

19 e. Carryover

20 At the end of each leave year, all hours in excess of 320 hours shall
21 be forfeited. Forfeited hours shall not be paid.

22 D. The Health, Education and Human Services Committee of the Navajo Nation Council is
23 concerned that many Navajo Nation Employees will be losing hundreds of their earned
24 annual leave hours on December 31, 2021. Currently the COVID-19 pandemic is still
25 rampant throughout the Navajo Nation, and Navajo Nation employees may need their
26 accrued leave for their own health and their families, and the forfeiture of paid leave would
27 be unconscionable during this unprecedented time of health and financial hardships.

28 E. The Health, Education and Human Services Committee of the Navajo Nation Council
29 therefore finds it necessary to waive the Navajo Nation Personnel Policies Manual,
30 §X(B)(1)(e), to allow employees to carry over all of their 2021 accrued annual leave for

1 one calendar year until December 31, 2022.

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3 **SECTION THREE. APPROVAL OF A ONE-TIME WAIVER OF THE NAVAJO**
4 **NATION PERSONNEL POLICIES MANUAL**

5 The Health, Education and Human Services Committee of the Navajo Nation Council
6 hereby approves a one-time waiver of the Navajo Nation Personnel Policies Manual,
7 Section X(B)(1)(e), to allow employees to carry over all of their 2021 accrued annual leave
8 for one calendar year until December 31, 2022. After December 31, 2022 annual leave
9 accrued by an employee in excess of 320 hours shall then be forfeited, unless a further
10 carryover is approved by the Health, Education, and Human Services Committee or the
11 Navajo Nation Council.

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13 **SECTION FOUR. EFFECTIVE DATE**

14 The effective date of this one-time waiver of the Navajo Nation Personnel Policies Manual
15 (June 3, 2020) shall be the date the presiding Chairperson of the Health, Education and
16 Human Services Committee of the Navajo Nation Council certifies this resolution, pursuant
17 to 2 N.N.C. §401(B)(1).

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19 **SECTION FIVE. SAVING CLAUSE**

20 If any provision of this legislation is determined invalid by the Supreme Court of the Navajo
21 Nation, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme
22 Court, the remainder of this legislation shall remain valid as the law of the Navajo Nation.

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