

THE NAVAJO NATION
LEGISLATIVE BRANCH
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LEGISLATION NO: _0018-23_

SPONSOR: Vince R. James

TITLE: An Action Relating to the Law and Order, Health, Education and Human Services, and Budget and Finance Committees; Amending BFD-49-22 to Implement the Correct Salary Schedule "BZ" for the Department of Criminal Investigations Civilian Employees

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0018-23

Date: February 9, 2023

Re: **AN ACTION RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION, AND HUMAN SERVICES, AND BUDGET AND FINANCE COMMITTEES; AMENDING BFD-49-22 TO IMPLEMENT THE CORRECT SALARY SCHEDULE “BZ” FOR THE DEPARTMENT OF CRIMINAL INVESTIGATIONS CIVILIAN EMPLOYEES**

Purpose of this Legislation:

to amend BFD-49-22 to implement the correct Salary Schedule “BZ” for the civilian employees (Law Enforcement Commissioned Officers) of the Department of Criminal Investigations.

OLC No. 23-032-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 02-15-23
Eligible for Action: 02-16-23

Law & Order Committee
Thence
Health Education & Human Services Committee
Thence
Budget & Finance Committee

PROPOSED STANDING COMMITTEE RESOLUTION
25th NAVAJO NATION COUNCIL - First Year, 2023

Introduced by:


Primary Sponsor

Tracking No. 0018-23

AN ACTION

RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION, AND
HUMAN SERVICES, AND BUDGET AND FINANCE COMMITTEES; AMENDING
BFD-49-22 TO IMPLEMENT THE CORRECT SALARY SCHEDULE "BZ" FOR
THE DEPARTMENT OF CRIMINAL INVESTIGATIONS CIVILIAN EMPLOYEES

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council with oversight authority over the Division of Public Safety and its subordinate departments and programs, including the Department of Criminal Investigations. 2 N.N.C. §601(C)(1).
- B. The Health, Education, and Human Services Committee is a standing committee of the Navajo Nation Council with oversight authority over employment matters generally, and over the Division of Human Resources and its subordinate departments and programs, including the Department of Personnel Management. 2 N.N.C. §401(C)(6) and 2 N.N.C. §601(C)(1).
- C. The Budget and Finance Committee ("BFC") is a standing committee of the Navajo Nation Council authorized to promulgate policies and regulations concerning wages and fringe benefits for Navajo Nation employees. 2 N.N.C. §301(B)(8). BFC is also responsible for approving the Budget Instructions Manual ("BIM") for each Fiscal Year, including

1 amendments thereto. 12 N.N.C. §830(H). Section VII(B)(3) of the FY2023 BIM lists the
2 approved Salary Schedules, and they are included as Appendix D of the FY2023 BIM.
3

4 **SECTION TWO. FINDINGS**

5 A. The Navajo Department of Criminal Investigations (“DCI”), under the Navajo Division of
6 Public Safety, has for some time been requesting a salary adjustment for its civilian
7 employees, pursuant to its P.L. 93-638 Contract with the Bureau of Indian Affairs (“BIA”).
8 Section 104 of DCI’s Contract with BIA states: “[s]alaries paid to civilian staff by the
9 Contractor [DCI] shall be equal to or greater than salaries paid to civilian staff with similar
10 responsibilities employed by the Bureau of Indian Affairs.” A copy of the relevant page of
11 DCI’s Contract, titled: “Fiscal Year 2022 Annual Funding Agreement - Contract No.
12 A21AV00140,” effective 01/01/2021 to 12/31/2025, is attached hereto as **EXHIBIT 1**.

13 B. DCI has previously submitted memoranda explaining the need for the requested salary
14 adjustments and describing three tiers of salaries: DCI is proposing the implementation of
15 “Step F” and “Step C” salary levels under Salary Schedule “BS” (at BIM Appendix D) for
16 DCI’s Law Enforcement Commissioned Officers. **EXHIBIT 2**.

17 C. DCI’s Contract with BIA and the previous memoranda from DCI are attached as Exhibits
18 to Resolution No. BFD-49-22, which Resolution was approved by the Budget and Finance
19 Committee on December 21, 2022. A copy of BFD-49-22, without Exhibits, is attached
20 hereto as **EXHIBIT 3**.

21 D. Due to an oversight, BFD-49-22 contained incorrect information regarding the Salary
22 Schedule “BS” for DCI, which was supposed to be Salary Schedule “BZ.” Therefore, the
23 DCI Director has prepared a new memorandum, dated January 11, 2023, explaining the
24 need to amend BFD-49-22, in order to implement the correct Salary Schedule “BZ” for
25 DCI. **EXHIBIT 4**. The correct Salary Schedule “BZ” is attached under **EXHIBIT 4**.

26 27 **SECTION THREE. AMENDING BFD-49-22 TO IMPLEMENT THE CORRECT** 28 **SALARY SCHEDULE “BZ” FOR THE DEPARTMENT OF** 29 **CRIMINAL INVESTIGATIONS CIVILIAN EMPLOYEES**

30 A. The Budget and Finance Committee hereby approves the implementation of the Salary

1 Schedule "BZ" for the civilian employees (Law Enforcement Commissioned Officers) of
2 the Department of Criminal Investigations under the Division of Public Safety, at the levels
3 of "Step F" and "Step C" as explained in the attached **EXHIBIT 4**.

4 B. The Budget and Finance Committee hereby amends Resolution No. BFD-49-22 to the
5 extent that BFD-49-22 is inconsistent with this Action, and the Salary Schedule "BZ"
6 attached under **EXHIBIT 4** of this Action shall supersede and replace any/all Salary
7 Schedules approved in BFD-49-22 that were erroneously applied to the civilian employees
8 (Law Enforcement Commissioned Officers) of the Department of Criminal Investigations.

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10 **SECTION FOUR. DIRECTIVES**

11 A. The Department of Personnel Management ("DPM") shall review the Salary Schedule
12 "BZ" attached under **EXHIBIT 4** and, if necessary, shall make appropriate revisions to
13 ensure that Salary Schedule "BZ" includes the FY2023 GWA of 5% that was approved in
14 Navajo Nation Council Resolution No. CS-42-22. If necessary, DPM shall produce a
15 revised Salary Schedule "BZ" for the civilian employees (Law Enforcement Commissioned
16 Officers) of the Department of Criminal Investigations.

17 B. DPM shall then promptly implement the new "Step F" and "Step C" salaries as explained
18 in **EXHIBIT 4**, and all such salaries for the civilian employees (Law Enforcement
19 Commissioned Officers) of the Department of Criminal Investigations shall be
20 implemented prospectively and shall be effective as of October 1, 2022. All appropriate
21 backpay requests submitted by affected DCI employees shall be promptly processed.

22 C. The Salary Schedule "BZ" shall be listed in Section VII.B.3. of the FY2023 BIM at page
23 10, and the FY2023 BIM is hereby amended accordingly so that it serves as a current and
24 updated reference manual containing correct Salary Schedules.

25 D. Once the FY2023 BIM amendments approved herein are finalized, the Office of
26 Management and Budget ("OMB") shall issue the newly Amended FY2023 BIM and shall
27 post the Amended FY2023 BIM on the OMB website for public view. Thereafter, all
28 Navajo Nation branches, divisions, departments, and the like, shall use the Amended
29 FY2023 BIM in lieu of the original version of the FY2023 BIM that was approved by the
30 Budget and Finance Committee in Resolution No. BFJN-20-22 dated June 21, 2022.

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SECTION FIVE. EFFECTIVE DATE

This Action shall become effective pursuant to 2 N.N.C. §301(B)(8), 12 N.N.C. §830(H), and 2 N.N.C. §221(C).

SECTION SIX. SAVING CLAUSE

If any provision of this Action is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.