

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0162-25\_

SPONSOR: Vince James

**TITLE: An Action Relating to Health, Education and Human Services, Law and Order and Naabik'iyáti' Committees and the Navajo Nation Council; Rescinding CO-60-17 and Amending the Navajo Preference in Employment Act At 15 N.N.C. §§ 603 and 604 (B)(8)**

***Date posted:*** July 01, 2025 at 7:45PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0162-25

**DATE:** July 1, 2025

**TITLE OF RESOLUTION:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; RESCINDING CO-60-17 AND AMENDING THE NAVAJO PREFERENCE IN EMPLOYMENT ACT AT 15 N.N.C. §§ 603 AND 604(B)(8)

**PURPOSE:** The proposed resolution will rescind CO-60-17 and amend the Navajo Preference in Employment Act at 15 N.N.C. §§ 603 and 604(B)(8).

**FINAL AUTHORITY:** Navajo Nation Council

**VOTING REQUIREMENT:** Simple Majority

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.

OLC No. 24-560-1

5-DAY BILL HOLD PERIOD: Al Nuk. 10  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 07-06-25  
Eligible for Action: 07-07-25

Health Education & Human Services Committee

Thence

Law & Order Committee

Thence

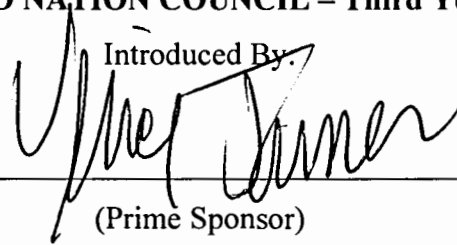
Naabik'íyáti' Committee

Thence

Navajo Nation Council

PROPOSED NAVAJO NATION RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL – Third Year, 2025

Introduced By.

  
(Prime Sponsor)

Tracking No. 0162-25

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND  
ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION  
COUNCIL; RESCINDING CO-60-17 AND AMENDING THE NAVAJO  
PREFERENCE IN EMPLOYMENT ACT AT 15 N.N.C. §§ 603 AND 604(B)(8)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee of the Navajo Nation Council, among other duties and responsibilities, generally oversees the Division of Human Resources within the Navajo Nation. 2 N.N.C. §400(C) (1).
- B. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. 601(B)(14), reviews and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code.
- C. The Naabik'íyáti' Committee was established as a standing committee of the Navajo Nation Council with the authority to hear all proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. § 164 (A)(9), § 700(A).
- D. The Navajo Nation Council is the governing body of the Navajo Nation with authority to review and approve amendments to Navajo Nation laws. 2 N.N.C. § 102(A) and 2 N.N.C. § 164(A).

1  
2 **SECTION TWO. FINDINGS.**

- 3 A. In October 2017, the 23<sup>rd</sup> Navajo Nation Council passed Resolution CO-60-17 titled  
4 *Amending "The Navajo Preference in Employment Act" at 15 N.N.C. §§ 603,*  
5 *604(B)(8) to Provide for the Addition of Program Managers of the Executive Branch*  
6 *as a Class of Employees Exempt from the Just Cause Provisions of the Act.*  
7 B. Resolution CO-60-17 amended the Navajo Preference in Employment Act (NPEA) at  
8 15 N.N.C. §§ 603 and 604(B)(8) to include the addition of "Program Managers" as  
9 exempt from the just cause provision of the NPEA.  
10 E. Resolution CO-60-17 was enacted by statute on November 6, 2017, after the Navajo  
11 Nation President did not sign the resolution within the statutory 10-day period. The  
12 effective date of CO-60-17 was one year after the Resolution was enacted, but it also  
13 became effective for all program manager positions as those positions became vacant  
14 due to retirement, resignation, termination, promotion, layoff, or transfer of the  
15 persons occupying those positions.  
16 F. After several years of operation pursuant to the amendments to 15 N.N.C. §§ 603 and  
17 604(B)(8) as approved in Resolution CO-60-17, it is in the best interest of the Navajo  
18 Nation to rescind Resolution CO-60-17 and amend 15 N.N.C. §§ 603 and 604(B)(8).  
19

20 **SECTION THREE. RESCINDING CO-60-17 AND AMENDING THE NAVAJO**  
21 **PREFERENCE IN EMPLOYMENT ACT AT 15 N.N.C. §§ 603 AND 604(B)(8)**

- 22 A. The Navajo Nation hereby rescinds CO-60-17 titled *Amending "The Navajo*  
23 *Preference in Employment Act" at 15 N.N.C. §§ 603, 604(B)(8) to Provide for the*  
24 *Addition of Program Managers of the Executive Branch as a Class of Employees*  
25 *Exempt from the Just Cause Provisions of the Act.*  
26 B. The Navajo Nation hereby amends the Navajo Preference in Employment Act at 15  
27 N.N.C. §§ 603 and 604(B)(8) as follows:  
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29  
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**NAVAJO NATION CODE ANNOTATED**

1 **TITLE 15. LABOR**

2 \*\*\*\*\*

3 **CHAPTER 23. NAVAJO PREFERENCE IN EMPLOYMENT ACT**

4 **§ 603. Definitions**

5 A. The term "Commission" shall mean the Navajo Nation Labor Commission.

6 B. The term "employment" shall include, but is not limited to, the recruitment, hiring,  
7 promotion, transfer, training, upgrading, reduction-in-force, retention, and recall of  
8 employees.

9 C. The term "employer" shall include all persons, firms, associations, corporations, and the  
10 Navajo Nation and all of its agencies and instrumentalities, who engage the services of any  
11 person for compensation, whether as employee, agent, or servant.

12 D. The term "Navajo" means any enrolled member of the Navajo Nation.

13 E. The term "ONLR" means the Office of Navajo Labor Relations.

14 F. The term "probable cause" shall mean a reasonable ground for belief in the existence of  
15 facts warranting the proceedings complained of.

16 G. The term "territorial jurisdiction" means the territorial jurisdiction of the Navajo Nation as  
17 defined in 7 N.N.C. § 254.

18 H. The term "counsel" or "legal counsel" shall mean: (a) a person who is an active member  
19 in good standing of the Navajo Nation Bar Association and duly authorized to practice law in  
20 the courts of the Navajo Nation; and (b) for the sole purpose of co-counseling in association  
21 with a person described in Clause (a), an attorney duly authorized, currently licensed and in  
22 good standing to practice law in any state of the United States who has, pursuant to written  
23 request demonstrating the foregoing qualifications and good cause, obtained written approval  
24 of the Commission to appear and participate as co-counsel in a particular Commission  
25 proceeding.

26 I. The term "necessary qualifications" shall mean those job-related qualifications which are  
27 essential to the performance of the basic responsibilities designated for each employment  
28 position including any essential qualifications concerning education, training and job-related  
29 experience, but excluding any qualifications relating to ability or aptitude to perform  
30

responsibilities in other employment positions. Demonstrated ability to perform essential and basic responsibilities shall be deemed satisfaction of necessary qualifications.

J. The term "qualifications" shall include the ability to speak and/or understand the Navajo language and familiarity with Navajo culture, customs and traditions.

K. The term "person" shall include individuals; labor organizations; tribal, federal, state and local governments, their agencies, subdivisions, instrumentalities and enterprises; and private and public, profit and non-profit, entities of all kinds having recognized legal capacity or authority to act, whether organized as corporations, partnerships, associations, committees, or in any other form.

L. The term "employee" means an individual employed by an employer.

M. The term "employment agency" means a person regularly undertaking, with or without compensation, to procure employees for an employer or to obtain for employees opportunities to work for an employer.

N. The term "labor organization" or "union" means an organization in which employees participate or by which employees are represented and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms and conditions of employment, including a national or international labor organization and any subordinate conference, general committee, joint or system board, or joint council.

O. The term "petitioner" means a person who files a complaint seeking to initiate a Commission proceeding under the Act.

P. The term "respondent" means the person against whom a complaint is filed by a petitioner.

Q. The term "Act" means the Navajo Preference in Employment Act.

~~R. The term "program manager" shall be as defined in The Navajo Nation Personnel Policies Manual.~~

#### **§ 604. Navajo employment preference**

\* \* \* \*

B. Specific requirements for Navajo preference:

1           1. All employers shall include and specify a Navajo employment preference  
2 policy statement in all job announcements and advertisements and employer policies  
3 covered by this Act.

4           2. All employers shall post in a conspicuous place on its premises for its  
5 employees and applicants a Navajo preference policy notice prepared by ONLR.

6           3. Any seniority system of an employer shall be subject to this Act and all other  
7 labor laws of the Navajo Nation. Such a seniority system shall not operate to defeat nor  
8 prevent the application of the Act, provided, however, that nothing in this Act shall be  
9 interpreted as invalidating an otherwise lawful and bona fide seniority system which is  
10 used as a selection or retention criterion with respect to any employment opportunity  
11 where the pool of applicants or candidates is exclusively composed of Navajos or of non-  
12 Navajos.

13           4. The Navajo Nation when contracting with the federal or state governments or  
14 one of its entities shall include provisions for Navajo preference in all phases of  
15 employment as provided herein. When contracting with any federal agency, the term  
16 Indian preference may be substituted for Navajo preference for federal purposes,  
17 provided that any such voluntary substitution shall not be construed as an implicit or  
18 express waiver of any provision of the Act nor a concession by the Navajo Nation that  
19 this Act is not fully applicable to the federal contract as a matter of law.

20           5. All employers shall utilize Navajo Nation employment sources and job services  
21 for employee recruitment and referrals, provided, however, that employers do not have  
22 the foregoing obligations in the event a Navajo is selected for the employment  
23 opportunity who is a current employee of the employer.

24           6. All employers shall advertise and announce all job vacancies in at least one  
25 newspaper and radio station serving the Navajo Nation, provided, however, that  
26 employers do not have the foregoing obligations in the event a Navajo is selected for the  
27 employment opportunity who is a current employee of the employer.

28           7. All employers shall use non-discriminatory job qualifications and selection  
29 criteria in employment.  
30

1           8. All employers shall not penalize, discipline, discharge nor take any adverse  
2     action against any Navajo employee without just cause. A written notification to the  
3     employee citing such cause for any of the above actions is required in all cases.  
4     Provided, that this Subsection shall not apply to Division Directors, ~~program managers of~~  
5     ~~the Executive Branch and Legislative Branch~~ or to other employees and officials of the  
6     Navajo Nation who serve, pursuant to a specific provision of the Navajo Nation Code, at  
7     the pleasure of the Navajo Nation Council, the standing committees of the Navajo Nation  
8     Council, the President of the Navajo Nation, the Speaker of the Navajo Nation Council,  
9     the Chief Justice of the Navajo Nation, or those persons employed pursuant to 2 N.N.C.  
10    §§ 281(C) and 1009.

11           9. All employers shall maintain a safe and clean working environment and  
12    provide employment conditions which are free of prejudice, intimidation and harassment.

13           10. Training shall be an integral part of the specific affirmative action plans or  
14    activities for Navajo preference in employment.

15           11. An employer-sponsored cross-cultural program shall be an essential part of  
16    the affirmative action plans required under the Act. Such program shall primarily focus  
17    on the education of non-Navajo employees, including management and supervisory  
18    personnel, regarding the cultural and religious traditions or beliefs of Navajos and their  
19    relationship to the development of employment policies which accommodate such  
20    traditions and beliefs. The cross-cultural program shall be developed and implemented  
21    through a process which involves the substantial and continuing participation of an  
22    employer's Navajo employees, or representative Navajo employees.

23           12. No fringe benefit plan addressing medical or other benefits, sick leave  
24    program or any other personnel policy of an employer, including policies jointly  
25    maintained by an employer and associated labor organization, shall discriminate against  
26    Navajos in terms or coverage as a result of Navajo cultural or religious traditions or  
27    beliefs. To the maximum extent feasible, all of the foregoing policies shall accommodate  
28    and recognize in coverage such Navajo traditions and beliefs.

29    \* \* \* \*



1       **SECTION FOUR. DIRECTIVE**

2       As a result of the rescission of Resolution CO-60-17 and amendments to 15 N.N.C. §§  
3       603 and 604(B)(8), all program managers shall be regular status employees of the Navajo  
4       Nation with all rights accruing to such employees under the Navajo Preference in  
5       Employment Act and the Navajo Nation Personnel Policies Manual. The Department of  
6       Personnel Management shall take all steps necessary to implement this Action by the  
7       effective date, including but not limited to, issuing new Personnel Action Forms for all  
8       Program Managers reflecting that status and amending the Navajo Nation Personnel  
9       Policies Manual.

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11       **SECTION FIVE. CODIFICATION**

12       The provisions of the Action which amend or adopt new sections of the Navajo Nation  
13       Code shall be codified by the Office of Legislative Counsel. The Office of Legislative  
14       Counsel shall incorporate such amended provisions in the next codification of the Navajo  
15       Nation Code.

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17       **SECTION SIX. SAVING CLAUSE**

18       Should any provision of this Action be determined invalid by the Navajo Nation Supreme  
19       Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation  
20       Supreme Court, the remainder of the Action shall remain the law of the Navajo Nation.

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22       **SECTION SEVEN. EFFECTIVE DATE**

23       In accordance with 2 N.N.C. § 221(B), the provisions of this Action shall become  
24       effective on October 1, 2025.