

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0255-22\_

SPONSOR: Raymond Smith, Jr.

**TITLE    An Action Relating to the Health, Education and Human Services Committee; Approving a One-Time Waiver of the Navajo Nation Personnel Policies Manual, Section X(B)(1)(e), to Allow Employees to Carry Over Their 2022 Accrued Annual Leave for One Calendar Year Until 12/31/2023**

***Date posted:*** December 15, 2022 at 9:33 PM

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## **SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0255-22

Date: December 15, 2022

**Re: AN ACTION RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE; APPROVING A ONE-TIME WAIVER OF THE NAVAJO NATION PERSONNEL POLICIES MANUAL, SECTION X(B)(1)(e), TO ALLOW EMPLOYEES TO CARRY OVER THEIR 2022 ACCRUED ANNUAL LEAVE FOR ONE CALENDAR YEAR UNTIL 12/31/2023**

### **Purpose of this Legislation:**

to approve a waiver of the Personnel Policies Manual section that pertains to the forfeiture of annual leave at the end of the calendar year, to allow employees to carry over all of their annual leave to 12/31/2023.

OLC No. 22-435-1

5-DAY BILL HOLD PERIOD: Johns  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 12-20-22  
Eligible for Action: 12-21-22

## Health Education & Human Services Committee

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022

3 Introduced by:

4   
5 \_\_\_\_\_  
6 (Prime Sponsor)

7  
8 Tracking No. 0255-22

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10 AN ACTION  
11 RELATING TO THE HEALTH, EDUCATION AND HUMAN SERVICES  
12 COMMITTEE; APPROVING A ONE-TIME WAIVER OF THE NAVAJO  
13 NATION PERSONNEL POLICIES MANUAL, SECTION X(B)(1)(e), TO  
14 ALLOW EMPLOYEES TO CARRY OVER THEIR 2022 ACCRUED  
15 ANNUAL LEAVE FOR ONE CALENDAR YEAR UNTIL 12/31/2023  
16

17 BE IT ENACTED:

18  
19 SECTION ONE. AUTHORITY

20 A. The Health, Education and Human Services Committee is a standing committee of the  
21 Navajo Nation Council. 2 N.N.C. §400(A).

22 B. The Health, Education and Human Services Committee is the oversight for the Division of  
23 Human Resources with the authority to implement, amend, and ensure compliance with,  
24 Navajo Nation employment laws and policies, including leave policies for Navajo Nation  
25 employees. 2 N.N.C. §401(A), §401(B)(1), §401(C)(1), and §401(C)(3).  
26

27 SECTION TWO. FINDINGS

28 A. The Navajo Nation Personnel Policies Manual ("PPM"), as amended, was approved on June  
29 3, 2020 by the Health, Education & Human Services Committee in Resolution No.  
30 HEHSCJN-08-20. The PPM sets forth the rights, benefits, and duties expected of Executive

1 and Legislative Branch employees. PPM, Section I(A). The PPM applies to all employees of  
2 the Executive and Legislative Branches of the Navajo Nation government, regardless of  
3 funding source or employment status. PPM, Section I(B).

4 B. The PPM may be amended from time to time by the Health, Education and Human Services  
5 Committee at the recommendation of the Division of Human Resources, which includes the  
6 Department of Personnel Management. PPM Section I(D).

7 C. Section X(B)(1)(e) of the PPM states:

8 **X. LEAVE ADMINISTRATION**

9 . . .

10 **B. Paid Leave**

11 . . .

12 **1. Annual Leave**

13 . . .

14 **e. Carryover**

15 At the end of each leave year, all hours in excess of 320 hours shall be forfeited.

16 Forfeited hours shall not be paid.

17 D. At this time, the Health, Education and Human Services Committee of the Navajo Nation  
18 Council is very concerned that many Navajo Nation employees will be losing hundreds of  
19 their earned annual leave hours on December 31, 2022, pursuant to this PPM provision.

20 E. Currently the COVID-19 pandemic is still affecting communities throughout the Navajo  
21 Nation, and it is likely that many Navajo Nation employees will need their accrued annual  
22 leave to manage their own health and that of their family members. In addition, those  
23 employees with the most leave hours subject to loss are the most hard-working employees  
24 who have used their annual leave hours sparingly because they have been dedicated to  
25 managing their work loads. Thus, the forfeiture of paid leave would be unconscionable  
26 during this unprecedented time of hardship.

27 F. The Health, Education and Human Services Committee of the Navajo Nation Council finds  
28 it in the best interest of the Navajo Nation and its employees to waive Section X(B)(1)(e) of  
29 the PPM to allow employees to carry over all of their 2022 accrued annual leave for one  
30 calendar year until December 31, 2023.

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

3 A. The Health, Education and Human Services Committee of the Navajo Nation Council hereby  
4 approves a one-time waiver of Section X(B)(1)(e) of the Navajo Nation Personnel Policies  
5 Manual to allow employees to carry over all of their 2022 accrued annual leave for one  
6 calendar year until December 31, 2023.

7 B. After December 31, 2023 annual leave accrued by an employee in excess of 320 hours shall  
8 then be forfeited, unless a further carryover is approved by the Health, Education, and Human  
9 Services Committee or the Navajo Nation Council.

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11 **SECTION FOUR. EFFECTIVE DATE**

12 This Action shall become effective pursuant to 2 N.N.C. §401(B)(1) and 2 N.N.C. §221(C).  
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14 **SECTION FIVE. SAVING CLAUSE**

15 If any portion of this Action is invalidated by the Supreme Court of the Navajo Nation, or by  
16 any Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the  
17 remainder of this Action shall be the law of the Navajo Nation.  
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