

- e. Computer programs that are developed or purchased by the *Leupp Chapter* for its own use.
- D. Right to Privacy – means the right of a person to be free from unwarranted intrusion by a governmental unit.

### **XIII. APPENDICES**

- |    |   |           |
|----|---|-----------|
| A. | Request for <i>Leupp Chapter</i> Records or Documents | Exhibit A |
| B. | Release Information Form                              | Exhibit B |
| C. | Disposal / Transfer Form                              | Exhibit C |
| D. | Navajo Nation Privacy and Access to Information Act   | Exhibit D |

LEOPP CHAPTER  
REQUEST FOR CHAPTER  
RECORDS OR DOCUMENTS

EXHIBIT A

Name of Requestor: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Title of Record(s)/Document(s): \_\_\_\_\_

Number of Duplication: \_\_\_\_\_ Fee of Reproduction: \_\_\_\_\_

Purpose for Request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FOR LEOPP CHAPTER ONLY

Approval: \_\_\_\_\_

Denied: \_\_\_\_\_

\_\_\_\_\_  
Signature of Chapter Manager

Date: \_\_\_\_\_

EXPLANATION FOR DENIAL: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Chapter Manager

Date: \_\_\_\_\_

Leupp Chapter  
P.O. Box 5428  
Leupp, Arizona 86035  
Phone # (928) 688-3227

**RELEASE INFORMATION FORM**

TO: \_\_\_\_\_

Date: \_\_\_\_\_

FROM: \_\_\_\_\_

**NOTARY FOR THIRD PARTY**

Two types of Identification:

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Notary's Name (Print): \_\_\_\_\_

Notary's Signature: \_\_\_\_\_

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PURPOSE OF REQUEST: \_\_\_\_\_

**INFORMATION RELEASE REQUESTED**

Date	Description	# of Pages	Destination

Justification: (Must be detailed and complete):


All Supporting documents attached?

--	--

YES

NO

Identification/Drivers Licenses Number.

If not a third party request

Signature of Chapter Manager

**DO NOT RELEASE ANY RECORDS WITHOUT PROPER IDENTIFICATION, APPROVAL AND SIGNATURES.****DENIAL EXPLANATION**


Leupp Chapter  
P.O. Box 5428  
Leupp, Arizona 86035  
Phone # (928) 686-3227

**DISPOSAL PROCEDURE FORM**

TO: \_\_\_\_\_

FROM: \_\_\_\_\_

DATE: \_\_\_\_\_

PURPOSE: \_\_\_\_\_

**DISPOSAL REQUESTED**

Date	Description	# Pages	Destination

Justification: (Must be detailed and complete):

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All Supporting documents attached?

<input type="checkbox"/>	<input type="checkbox"/>
YES	NO

\_\_\_\_\_  
Witness\_\_\_\_\_  
Signature of Chapter Manager

DENIAL EXPLANATION:

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TO: \_\_\_\_\_

FROM: \_\_\_\_\_

DATE: \_\_\_\_\_

PURPOSE: \_\_\_\_\_

[illegible]

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☐ YES ☐ NO

**Signature of Chapter Manager**

[illegible]

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

Adopting the Navajo Nation Privacy and Access to Information Act

WHEREAS:

1. Pursuant to 2 N.N.C. §102 (A) and (B), the Navajo Nation Council is the governing body of the Navajo Nation and all powers not delegated are reserved to the Navajo Nation Council; and
2. Pursuant to 2 N.N.C. §341, the Government Services Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council with the authority to monitor and coordinate the activities of all divisions and departments of the Executive Branch. In addition, pursuant to 2 N.N.C. §343 (B)(5), the Committee is authorized to recommend legislation to the Navajo Nation Council on matters within the Committee's jurisdiction; and
3. The Government Services Committee of the Navajo Nation Council, by Resolution GSCAP-27-99, attached hereto and incorporated herein as Exhibit "B", has recommended that the Navajo Nation Council adopt the Navajo Nation Privacy and Access to Information Act, set forth at 2 N.N.C. Subchapter 4, §§81-91; and
4. Pursuant to 2 N.N.C. §571, the Judiciary Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council with oversight responsibilities for the operation of the Judicial Branch. In addition, pursuant to 2 N.N.C. §574 (E)(2), the Committee is authorized to review legislation and make recommendations regarding any proposed or current laws, procedures and regulations affecting or creating any impact on the Judicial Branch; and
5. The Judiciary Committee of the Navajo Nation Council, by Resolution JCAP-4-99, attached hereto and incorporated herein as Exhibit "C", has recommended that the Navajo Nation Council adopt the Navajo Nation Privacy and Access to Information Act, set forth at 2 N.N.C. Subchapter 4, §§81-91; and
6. The Navajo Nation Council recognizes that a democratic form of government requires that information related to government operations be accessible to the public, while respecting individuals right to privacy. As such, a generally applicable Navajo Nation Privacy and Access to Information Act is necessary to provide the general public with a means to access records and information relating to the operation of the Navajo Nation while preserving the privacy interests of individuals and entities.

## NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby amends Title 2 of the Navajo Nation Code by adopting the Navajo Nation Privacy and Access to Information Act, as provided in Exhibit "A", attached hereto and incorporated herein.

2. The amendments contained in this resolution shall become effective upon the certification of this resolution by the Speaker of the Navajo Nation Council.

## CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 61 in favor, 0 opposed and 0 abstained, this 23rd day of April 1999.

  
George Arthur, Speaker Pro Tem  
Navajo Nation Council  
APR 26 1999

Date Signed

Motion: Ralph Bennett  
Second: Nelson Gorman, Jr.

## ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby give notice that I will not veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this 4th day of May 1999.

  
Kelsey A. Begaye, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), this \_\_\_ day of \_\_\_\_\_, 1998 for the reason(s) expressed in the attached letter to the Speaker.

  
Kelsey A. Begaye, President  
Navajo Nation

## **I. ACKNOWLEDGEMENT**

All Judicial Branch employees are bound by these Personnel Rules. Each employee shall sign an acknowledgement that he or she has received a copy of these Personnel Rules and that he or she has read them. The signing of this acknowledgement by the employee shall not constitute a contract between the employee and Judicial Branch of the Navajo Nation. The signed acknowledgement shall be maintained in the employee's official personnel file.

## **II. CITATION, SCOPE, AMENDMENTS, DEFINITIONS**

**Purpose.** This section provides the legal citation and authority for these personnel rules, indicates the scope of their application, and defines the terms used in this document.

### **Rule 1: Citation**

These policies shall be known as the Navajo Nation Judicial Branch Personnel Rules. They shall be cited as the JBPR. In 1977, personnel policies and procedures were adopted by the Judicial Branch of the Navajo Nation. These policies and procedures were revised in 1979, 1986, and 1996.

### **Rule 2: Scope**

The Judiciary Committee of the Navajo Nation Council is authorized to approve and adopt personnel policies by 7 N.N.C. § 401 (2003). These rules shall apply to all employees and positions within the Judicial Branch, except justices and judges.

Pursuant to 7 N.N.C. § 371 (2003), the Chief Justice of the Navajo Nation has both the sole responsibility and duty to administer the Judicial Branch. This includes all aspects of employment conditions and personnel matters. In unique circumstances, the Chief Justice retains the discretionary authority to waive, grant exceptions, or impose other conditions of employment, in accordance with law and the best interests of the Judicial Branch.

### **Rule 3: Amendment of the Navajo Nation Judicial Branch Personnel Rules**

The Chief Justice may direct periodic review of these personnel rules, receive comments and proposals from supervisors and staff of the Judicial Branch, and recommend changes to the Judiciary Committee of the Navajo Nation Council, which has the sole authority to amend these rules.

### **Rule 4: Definitions**

The following definitions apply in these rules:

- (1) **Administrator.** The administrator shall be the court administrator of each judicial district, unless the Chief Justice otherwise designates a local presiding judge as the administrator.
- (2) **Annual Leave Pay Out.** The amount of accumulated annual leave for which an employee may be paid at the time of separation from employment.



- (3) **Class**. A grouping of positions or jobs sufficiently similar in duties, authority, and responsibilities in which:
- (a) the same descriptive title can be used; or
  - (b) the same qualifications can be required; or
  - (c) the same aptitude or proficiency tests can be used; or
  - (d) the same pay range can be applied.
- (4) **Class Series**. A grouping in sequence of classes that are similar in function but not in level, starting with a trainee or entry level position and advancing upward in complexity of duties, authority, and responsibilities.
- (5) **Class Specifications**. The official written position description which defines the class of work, lists the duties, training, education, and experience standards required for the class or position.
- (6) **Confidential Information**. Oral or written information which includes any or all of the following:
- (a) Information intended to be kept in confidence because of the special relation of trust in and reliance on the discretion of the court by the public.
  - (b) Protected information, as defined by the Navajo Nation Privacy and Access to Information Act and other statutes.
  - (c) Identifying personal information of a complainant or witness requested or required by law not to be disclosed.
  - (d) Privileged communications.
  - (e) Judge, law clerk, attorney, Solicitor, or other employee work product and communications, including, but not limited to, notes, papers, discussions, verbal comments, and memoranda.
- (7) **Conflict of Interest**. The reasonable foreseeability that any personal or economic interest or relationship of an employee will be affected through the performance of the employee's duties by reason of employment with the Judicial Branch.
- (8) **Compensatory Pay**. Payment for hours actually worked in excess of the standard work week.
- (9) **Compensatory Time**. Time off for hours actually worked in excess of the standard work week.
- (10) **Cost of Living Adjustment (COLA)**. A salary adjustment granted to employees from funds approved by the Navajo Nation Council or other funding sources to offset inflation.
- (11) **Date of Service**. The date an employee begins work after he or she is hired, even if the employee is hired on a temporary basis. If a former employee is rehired after former employment, the date of service commences when the employee begins work after the rehire date, not from the date of service of the previous employment.
- (12) **Delegation of Authority**. The act of an administrator, judge, or executive staff giving written authority to another to temporarily assume the duties of the position upon absence or the transfer of authority to another to perform a specific duty.
- (13) **Disciplinary Action**. Action taken by a supervisor in response to unsatisfactory conduct or performance by an employee.
- (14) **Discrimination**. Favorable or unfavorable treatment or the appearance of such treatment, by words or conduct, based upon race, religion, national origin, gender, sexual orientation, disability, age, profession, socio-economic status, political affiliation, or clan.

- (15) Executive Staff. This includes, but are not limited to, the Court Solicitor, Director of Judicial Administration, Fiscal Director, Chief Probation Officer, Peacemaking Coordinator, and such other persons as the Chief Justice may designate. Executive staff are under the direct supervision of the Chief Justice. The executive staff have administrative powers consistent with their official position description or grant of delegated authority. The executive staff shall be the intermediaries among the judicial districts, Judicial Branch programs, and support personnel of the Administrative Office of the Courts.
- (16) Flextime. A special schedule for work hours deviating from standard business hours.
- (17) Grievance. A written complaint filed by an employee in accordance with Rule 60 of the JBPR.
- (18) Immediate Supervisor. The person in the position description with the closest supervisory control over an employee, as determined by the most current chart of administrative organization approved by the Chief Justice.
- (19) Judges. Probationary or permanent justices and judges of the Navajo Nation. Judges are persons with judicial authority in the judicial districts, and justices are persons with judicial authority in the Navajo Nation Supreme Court. This definition does not apply to retired judges in any capacity.
- (20) Layoff. The involuntary discharge of an employee due to lack of work, lack of funds, or to reorganization.
- (21) Nepotism. Preferential treatment of a person on the basis of blood or marriage relationship to the extent of the degrees set forth in Rule 14 of the JBPR.
- (22) Pay Range. The official range of pay at which a class of positions or position descriptions in the Judicial Branch is paid.
- (23) Personnel. Judicial Branch employees other than judges and justices.
- (24) Position. A classified job title within the Judicial Branch.
- (25) Position Description. The official written description of the ordinary duties, responsibilities, training, education, and experience standards required for a job title.
- (26) Privileged Communication. All communications recorded by any means, including, but not limited to, memoranda, notes, and other documents intended to be confidential communications among staff attorneys, justices, judges, administrators, supreme court law clerks, and executive staff.
- (27) Probationary Period. The period of time the employee must demonstrate the capability to perform assigned job duties at a satisfactory level of performance. The Judicial Branch uses this period to evaluate the employee's capabilities, work habits, and overall performance.
- (28) Program. An organized set of services within the Judicial Branch established for the purpose of executing its authority under Title Two and Title Seven of the Navajo Nation Code.
- (29) Progressive Discipline. A process which provides an employee a reasonable opportunity to correct deficiencies in performance or personal behavior, and to conform conduct or performance to established work place standards. If the act of the employee warrants severe action, including termination, the normal process of progressive discipline may be bypassed as set forth in Rule 57 of the JBPR.

- (30) Reclassification. The reassignment of a position from one job class to another job class based upon a change in the position description. Reclassification refers to the job class and position description and not to the individual filling the position.
- (31) Retaliation. Any action taken without substantial justification against an employee which negatively affects the status or conditions of employment of that employee. Retaliation occurs when action is taken as a punitive response against conduct authorized or protected by law, the JBPR, or other applicable Navajo Nation or Judicial Branch policies.
- (32) Sexual Harassment. Any unsolicited and/or unwelcome sexual advance, overture, or conduct, either verbal or physical, which has the purpose or effect of unreasonably interfering with an individual's work performance or which creates an intimidating, hostile, or offensive working environment. Sexual harassment of non-employees or members of the public during the course of performing job duties is included in this definition. Sexual harassment includes, but is not limited to:
- (a) Sexual flirtations, gestures, advances, or demands for sexual favors;
  - (b) Verbal abuse of a sexual nature, sexually-related comments and joking, inappropriate comments about an employee's appearance, or the display of sexually-suggestive objects, pictures, or materials;
  - (c) Any uninvited physical contact or touching such as patting, pinching, or deliberate brushing against another's body; and,
  - (d) Any demand for sexual favors that is accompanied by a promise or suggestion of favorable job treatment, or by a threat concerning employment status.
- (33) Supervisor. The person to whom an employee reports and/or the person from whom an employee receives official assignments or supervision.
- (a) The judges supervise the court administrator and staff attorney.
  - (b) The court administrator or delegate supervises all other employees at the judicial district.
  - (c) The Chief Justice supervises the executive staff.
  - (d) The Chief Justice or delegate supervises the Supreme Court employees.
  - (e) The executive staff members supervise employees within his or her department or supervision.
- (34) Termination. The involuntary discharge of an employee from employment which is not as a result of a layoff.
- (35) Work Product. Private memoranda, notes, recordings of mental impressions and personal recollections made by justices, judges, staff attorneys, and the Supreme Court law clerk in regard to any aspect of a pending case.

### III. EMPLOYMENT

Purpose. This section sets out guidelines for the recruitment, testing, and hiring of applicants to positions in the Judicial Branch; establishes safeguards to ensure that position requirements are met; and identifies the hiring authorities for all Judicial Branch positions.



#### **Rule 5: Categories of Employment Status**

- (A) Regular Employee. An individual who has been designated as a regular employee after successfully completing a required probationary period.
- (B) Probationary Employee. An individual who is required to successfully complete a probationary period prior to being designated as a regular employee.
- (C) Temporary Employee. An individual hired for a term of less than one year to fulfill a specified purpose, or to fulfill the duties of a regular employee who is on leave or otherwise on authorized absence from duty.

#### **Rule 6: Types of Positions**

- (A) Regular Full-Time. A position authorized for a forty (40) hour work week.
- (B) Regular Part-Time. A position authorized for less than forty (40) hours per week.
- (C) Temporary. A short-term job, not to exceed one year, which may be full time or part time with a fixed expiration date.
- (D) Trainee. An individual who is hired to be trained in a position for possible future employment.
- (E) Volunteer. A non-employee performing services for the Judicial Branch for no compensation.
- (F) Intern. A non-employee performing services for the Judicial Branch who may or may not receive a stipend paid by the Judicial Branch or other sources pursuant to Rule 16 of the JBPR.

#### **Rule 7: Nondiscrimination**

The policy of the Judicial Branch of the Navajo Nation is to comply with all applicable laws that govern the employment relationship between the Navajo Nation and its employees. Consistent with the provisions of applicable laws and policies, the Navajo Nation will not improperly discriminate against any applicant or employee.

#### **Rule 8: Employment Qualifications**

- (A) Qualifications required for employment with the Judicial Branch shall be those necessary for competent performance of the duties of the position. The necessary qualifications and skills must appear on the position descriptions developed by the affected position's supervisor and the Administrative Office of the Courts, and approved by the Chief Justice or required by law.
- (B) The Administrative Office of the Courts and supervisor may prescribe and authorize tests for job-related skills which may reasonably demonstrate whether the applicant possesses the qualifications required.

#### **Rule 9: Hiring of Employees**

- (A) Responsibility of the Hiring Authority. When hiring to fill a new or vacant position, it shall be the responsibility of the hiring authority to comply with the sections and guidelines governing the hiring of individuals in the JBPR, the Navajo Preference in Employment Act (NPEA), and other applicable Navajo Nation laws.
- (B) Hiring Authorities.
  - (1) Administrative Office of the Courts. The Chief Justice shall hire the executive staff. Each executive staff member shall hire employees within his or her department or supervision.



- (2) Supreme Court. The Supreme Court personnel shall be hired by the justices.
- (3) Judicial Districts.
  - (a) Court Administrators and Staff Attorneys. Court administrators and staff attorneys shall be hired by the judges of the judicial district for which the position is advertised.
  - (b) All Other Judicial District Positions. All other judicial district court personnel shall be hired by the court administrator of the judicial district for which the position is advertised.
- (4) Other Positions. The hiring authority for other positions shall be specified in the position description.
- (5) All hirings are subject to approval by the Chief Justice.

#### **Rule 10: Position Vacancies**

When a position becomes vacant, the supervisor shall notify the Director of Judicial Administration in writing of such vacancy. The Director of Judicial Administration shall then immediately commence recruitment procedures in accordance with Rule 11 of the JBPR.

#### **Rule 11: Recruitment**

The Director of Judicial Administration shall assist the hiring authorities in the recruitment of qualified applicants. The vacancy announcement(s) shall be placed in the media, such as the radio or Navajo Times, unless the nature of the position requires regional or national advertisement.

#### **Rule 12: Applications**

- (A) All applications shall be made on the official Navajo Nation Application for Employment forms. Applications and other required statements or documents shall be submitted to the appropriate hiring authority.
- (B) An applicant's signature in the application certifies that, to the best of his or her knowledge, all information entered is accurate and complete.
- (C) An application shall be filed within the time period specified in the recruitment announcement. Where an applicant has submitted only a resume or an incomplete application for employment prior to the closing date, the applicant may submit additional document(s) to complete the application.
- (D) The Director of Judicial Administration, upon the request of the hiring authority, shall extend the closing date until a sufficient number of qualified applicants have applied.

#### **Rule 13: Selection Process**

- (A) Screening. The hiring authority shall screen the applications and required documents for minimum qualifications, subject to the requirements of the Navajo Preference in Employment Act and other applicable laws. Only applicants who meet the minimum qualifications shall be interviewed.
- (B) Testing. The hiring authority shall administer job-related skills test(s), as required, to determine if an applicant meets the minimum qualifications specified in the position description.

- (C) Interviewing. The hiring authority shall interview all applicants who meet minimum qualifications after required screening and testing.
- (D) Physical or Mental Limitations. A prospective employee shall not be hired if it appears that physical or mental limitation of the individual would cause an unreasonable danger to the health or safety of the individual, employees, or public.
- (E) Ranking. A written summary ranking all applicants interviewed will be submitted to the Administrative Office of the Courts. The criteria of the summary shall be based on the duties and responsibilities cited in the respective position description and other factors, for example, education, relevant experience, references, interviews, skill tests, criminal history record, etc. It will rank the applicants based on qualifications, other relevant information, or other factors used to justify the hiring of the person selected.
- (F) Selection. The hiring authority shall select the most qualified applicant, giving consideration to any employment preferences established by Navajo Nation law and the Judicial Branch. When a selection is made, the hiring authority shall immediately forward to the Director of Judicial Administration the ranking summary, original application, resume, required documents, letters of reference, certificates, and other supporting documents of the person selected.
- (G) Notice of Selection. The hiring authority shall notify the selected applicant after the selection is reviewed by the Director of Judicial Administration for compliance with these Rules and approved by the Chief Justice. If the selected applicant declines the position, the next best qualified applicant may be considered for the position. All applicants not chosen shall be notified in writing that a selection has been made. If the position is not filled, it may remain open or be readvertised.
- (H) Retention of Employment Applications. Documentation accumulated on all applicants shall be retained by the hiring authority for two (2) years.

#### **Rule 14: Family Members**

- (A) Nepotism Forbidden. No person shall be hired or assigned to a position in the judicial district, office, or program where a family member is the supervisor and/or judge.
- (B) Family Member Defined. For purposes of section (A) of this Rule, a family member is spouse, parent, child (including adopted, stepchild, or foster child), brother, half-brother, sister, half-sister, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or cousin of the first degree.
- (C) Relationship Disclosure. All applicants for positions in the Judicial Branch shall indicate on the official application form whether or not a family member is employed by the Judicial Branch and with which judicial district, office, or program. This information will be used to determine the applicant's eligibility for the position. If an employee knowingly fails to disclose a family relationship on the application, that person shall be terminated.
- (D) Relationship After Employment. If an employee becomes a family member to the supervisor or judge after employment, or if a reorganization creates such a relationship, a minimum of thirty (30) days will be provided to resolve the conflict. If, after ninety (90) days, no other resolution is possible, the employee with the most recent date of continuous employment will be terminated.

### **Rule 15: Employee Probation**

- (A) **Probationary Period.** All employees shall serve a probationary period of ninety (90) calendar days. Prior to the end of the 90-day period, the judicial district, office, or program shall notify the probationary employee, in writing, whether he or she will be kept as a regular employee, terminated, or have the probationary period extended. The probationary employee shall request such notice from the supervisor immediately upon the end of the 90-day period. Untimely communication of this notice does not result in automatic advancement of the employee to regular status.
- (B) **Transfer of Leave Benefits of a Promoted or Transferred Employee.** A regular employee who is on probationary status, due to a new assignment, may continue to use leave benefits previously accrued.
- (C) **Evaluations.** The supervisor shall evaluate each probationary employee at the end of thirty (30) calendar days, at the end of sixty (60) calendar days, and at the end of eighty (80) calendar days. Each written evaluation shall be discussed with the employee by the supervisor. A copy of the evaluation shall be given to the probationary employee.
- (D) **Extension of 90-Day Probationary Period.** For good cause, a probationary period may be extended for a period not to exceed an additional ninety (90) calendar days. The supervisor has the discretion of determining the length of the extension. For purposes of this section, a probationary period may be extended due to the following:
  - (1) Extended absence of an employee due to medical reasons.
  - (2) The supervisor determines that there is insufficient time to thoroughly evaluate the employee's performance.
  - (3) If the supervisor determines that additional time is needed to work with the employee who falls slightly below necessary minimum qualifications so he or she can meet position standards.
- (E) **Criminal History.** A criminal history records check shall be conducted for every person selected for employment within the Judicial Branch. A probationary employee cannot advance to regular status until a criminal history records check has been completed. If the criminal history record is not provided with the application, it shall be submitted to the Director of Judicial Administration within the probationary period.
- (F) **Physical Qualifications.** Prospective employees shall possess the necessary physical and mental qualifications required for the position. After selection, but within the probationary period, the hiring authority may require a physical examination or certification of good health from a licensed physician to ascertain an individual's ability to perform the minimum duties within the position description.
- (G) **Final Notice.** A copy of the notification and all evaluations of the probationary employee shall be sent to the Director of Judicial Administration. Approval of regular status, extension of probation, or termination shall become final upon written notice to the employee.
- (H) **Dismissal.** If, during the probationary period, the employee's job performance or conduct is unsatisfactory, the supervisor may terminate the employee. The



probationary employee shall be given written notification, citing the reason(s) for the termination.

- (I) Request for Review. A terminated probationary employee, within five (5) working days of receipt of the notice of termination, may request in writing a review of the termination by the Chief Justice. The decision of the Chief Justice to uphold or reverse the termination shall be final. The Chief Justice may designate another qualified person to conduct the review.

#### **Rule 16: Volunteers**

Purpose. This section sets out the minimum guidelines that must be met before the Judicial Branch can accept the offers of time and services of volunteers. The Judicial Branch welcomes and appreciates volunteer efforts, but needs regulations to protect itself and the integrity of its systems. Court-ordered placements are not considered volunteers. Interns who are compensated by the Judicial Branch are not considered volunteers.

- (A) Volunteers may be paid for their services from non-Judicial Branch sources unless it creates a conflict of interest.
- (B) Volunteers must be approved or disapproved for service by the administrator of the district where the volunteer will work. Immediately upon approval, the administrator shall submit to the Administrative Office of the Courts:
  - (1) A completed Navajo Nation Application for Employment form;
  - (2) A short statement as to the type of services the volunteer will provide and to the extent possible, the skills the volunteer may have to provide those services;
  - (3) An estimate of the length of time over which the volunteer will provide services; and
  - (4) Other forms as required.
- (C) Volunteers shall have a designated supervisor who shall be an employee of the Judicial Branch. The designated supervisor shall be responsible for the volunteer's activities and shall make such reports as may be necessary. The designated supervisor shall have the responsibility of instructing the volunteer on the required protection of court records, the rules relating to privacy and confidentiality of court records and communications, ex parte communications, and the unauthorized practice of law, prior to voluntary employment.
- (D) Volunteers shall be required, in writing, to agree to abide by the JBPR.

### **IV. CONDITIONS OF EMPLOYMENT**

#### **Rule 17: Personnel Records**

- (A) Official Personnel Records. The Judicial Branch shall keep on file employee records, which include, but are not limited to, employee information on selection, employment, orientation, training, salary, evaluation, attendance, discipline, and termination. The official personnel records will be maintained at the Administrative Office of the Courts.
- (B) Confidentiality—General Principle. All records and information gathered and kept on employees shall be confidential. No information on an employee shall be released to any person or entity without showing a privilege or legitimate need for

such information, or the information is required to be released by the Navajo Nation Privacy and Access to Information Act. Information may be released with the written and signed consent of the affected employee.

- (C) Access to Records by Outside Entities. Any request for access to employee records by a person or entity from outside the Judicial Branch must be approved by the Director of Judicial Administration or the Chief Justice prior to access. Where parties from outside the Judicial Branch seek access to employee records, the employee shall be given notice of the request to protect the employee's rights to confidentiality. Any emergency situation requiring access to employee information shall be referred to the Director of Judicial Administration. If access is allowed, the employee shall be notified as soon as possible.
- (D) Access to Records by Judicial Branch Personnel. The administrator or an individual authorized to access employee records by position description may examine the records for a purpose that serves the legitimate needs of the Judicial Branch. No Judicial Branch employee that examines the contents of an employee's records may share this information with an outside entity or individual.
- (E) Employee Access Rights. Each employee has the right to inspect and copy any information maintained in his or her personnel records and the right to contest the relevance or accuracy of any information maintained in the records to his or her supervisor. Employees are encouraged to keep their personnel files current by submitting to the Administrative Office of the Courts updated information on their experience, education, and training.
- (F) Documentation of Access. No person shall have access to employee records, without first recording: (1) the person's name, (2) the date of access, (3) the authority upon which access is permitted, and (4) the reason for access.

#### **Rule 18: Employee Work Assignments**

An employee's duties shall conform to the position description. In addition to duties in the position description, temporary work duties may be assigned for a specific purpose and specific time period.

#### **Rule 19: Hours**

- (A) Work Week. The standard work week is forty (40) hours.
- (B) Business Hours. The courts and offices shall be open to the public Monday through Friday from 8:00 a.m. to 5:00 p.m., except for Judicial Branch holidays. Courts or offices may extend business hours to serve the public.
- (C) Breaks. Each employee must take one (1) hour for lunch, and must take one fifteen (15) minute break in the morning and one fifteen (15) minute break in the afternoon. Lunch and breaks shall be scheduled by the supervisor so that the schedule does not interfere with or hamper the operation(s) of the court or office. Employees shall not accumulate break time or lunch time.
- (D) Flextime. Flextime shall be used only for special or unique circumstances. It allows flexibility to serve employees with special physical or familial needs, or allows an adjustment of service hours to benefit the public. Flextime plans, consistent with sections (A), (B), and (C) of this Rule, shall be approved by the administrator prior to implementation. The plan shall indicate: (1) the employee's name and position; (2) the justification for the plan in terms of benefit to the

employee or the public; (3) the proposed work days and that hours will meet the forty (40) hour work week requirement; (4) the feasibility of the plan for supervision and convenience of the court or office; (5) any particular supervisory situations to be addressed; and (6) the length of time for which flextime is approved.

#### **Rule 20: Overtime**

**Purpose.** It is the policy of the Judicial Branch of the Navajo Nation to authorize overtime when necessary to meet essential operating needs of the Navajo Nation Judicial Branch, subject to existing funding and contract requirements.

- (A) **Overtime.** Eligible employees shall be compensated for hours actually worked which exceed forty (40) hours per week. For purposes of computing overtime, the 40-hour limit is based upon hours actually worked during the week. Paid leave is not counted.
- (B) **Prior Authorization.** No overtime work is permitted without prior written authorization. Only the individuals in the following position descriptions can authorize overtime: Chief Justice, Director of Judicial Administration, Peacemaking Coordinator, and court administrators. An employee shall receive approval only from his or her supervisor.
- (C) **Compensation Rate.** Compensation for overtime shall be at the rate of one and one-half times the regular hourly rate for hours actually worked in excess of forty (40) hours per week. Written overtime approval shall be submitted to the Administrative Office of the Courts for processing upon completion of the work.
- (D) **Compensation Option.** There shall be agreement to the type of compensation to be earned by the employee, either pay at time and one-half, compensatory time off, or a combination of the two, as long as the premium pay principle of time and one-half is maintained for hours actually worked in excess of forty (40) hours. An employee may not be threatened with retaliation for a refusal to work overtime under a compensation plan favored by the supervisor. The supervisor's sole remedy is to assign the overtime to another employee, who will agree to compensation acceptable to the supervisor that does not violate the premium pay principle.
- (E) **Use of Accumulated Compensatory Time.**
  - (1) Prior to compensatory leave, the employee shall submit a request to use compensatory time to the supervisor for approval. Approval shall be based upon the needs of the court or office.
  - (2) Compensatory time off must be taken within thirty (30) days. In no case may an employee accrue more than forty (40) hours of compensatory time.
  - (3) If an employee is transferred or leaves employment for any reason, the employee will be paid for compensatory time earned, as documented on the official form.

#### **Rule 21: Overtime Exceptions**

The following position descriptions, including such other positions as the Chief Justice may designate, shall not receive overtime pay or earn compensatory time: Court Solicitor, Director of Judicial Administration, Deputy Director of Judicial Administration,



Fiscal Director, Chief Probation Officer, Peacemaking Coordinator, Supreme Court Law Clerk, staff attorney, and court administrator.

### **Rule 22: Performance Evaluation**

A formal performance evaluation of each regular employee shall be done at least once a year. An employee's performance improvement plan is measured by the position description and any work-related written instructions given by a supervisor.

**(A) Evaluation Requirements.**

- (1) The performance evaluation is conducted to acknowledge good work, evaluate need for additional training, review past performance to improve skills, objectively inquire into an employee's strengths and weaknesses, set goals for the next year, assure the public that the Judicial Branch is open to analysis in order to more effectively carry out its public duties, ensure that all employees are performing the necessary tasks of their position descriptions, and serve as a basis to determine future merit or bonus pay.
- (2) The evaluation must measure an employee's performance in relation to the employee's position description, as well as any additional written instructions given to the employee by a supervisor.
- (3) Any hearsay statements or reports included in the evaluation require documentation of the investigation made by the supervisor to determine the reliability of the hearsay statement.
- (4) If the evaluation includes conduct of the employee not previously discussed with the employee, the supervisor must state the reason for the lack of prior discussion and justify its inclusion in the evaluation.

**(B) Evaluation Forms.** Evaluations shall be conducted subject to established procedures on forms prescribed by the Administrative Office of the Courts.

**(C) Who Evaluates.** The evaluation of each employee shall be made by the supervisor.

**(D) Evaluation Signatures.** The employee and supervisor shall sign the evaluation form. The signature of the employee shall indicate only that he or she has been informed of the evaluation results. It does not signify agreement with the results. Any modifications made, after the employee's signature is affixed, must be read and initialed by the employee to indicate awareness of the modifications. If the employee refuses to sign, the supervisor shall indicate on the evaluation form that the employee refused to sign. The originals of the completed evaluation forms and supporting documents shall be forwarded to the Director of Judicial Administration for placement in the employee's official personnel file.

**(E) Unsatisfactory Employee Performance or Conduct.** As a general principle, supervisors shall identify and document commendable employee performance and conduct. The supervisor shall also identify and document any shortcoming(s) or deficiency(ies) in performance or conduct documented within the past year. An unsatisfactory rating requires counseling by the supervisor. The counseling shall involve a written explanation of the unsatisfactory shortcoming(s) or deficiency(ies), actions needed to correct the identified problem, and timelines (where applicable) for improvement. Counseling shall address any training or skills improvement(s) required to deal with the identified problem.

### **Rule 23: Annual Leave**

Employees should keep in mind that the use of leave is granted as a privilege, rather than a right. Leave may be denied based on the workload and/or workflow of the judicial district, office, or program.

**(A) Eligibility.**

- (1) Regular full-time and eligible regular part-time employees shall earn and accrue annual leave.
- (2) Regular part-time employees who work less than twenty (20) hours per week are not eligible to accrue annual leave.
- (3) Temporary employees are not eligible to accrue annual leave.
- (4) Probationary employees shall earn annual leave but cannot use accrued annual leave.
- (5) Employees who have been transferred or promoted may use accrued annual leave in accordance with Rule 15(B) of the JBPR.

**(B) Annual Leave Accumulation.** Each consecutive year of service in the Judicial Branch shall be counted in determining years of service for the accrual of annual leave.

- (1) A year of service shall be deemed completed on the anniversary date of employment (i.e., one year from the date of initial employment).
- (2) Employees shall accumulate annual leave during periods of leave with pay. Leave accumulated during such periods shall be forfeited if employees fail to return to work.
- (3) Employees on leave without pay shall not accumulate leave.
- (4) Forfeiture of accrued annual leave as a disciplinary action shall not be authorized.
- (5) At the end of each calendar year, all accrued annual leave hours in excess of three hundred and twenty (320) hours shall be forfeited. Forfeited hours shall not be paid.

**(C) Accrual Rate.**

- (1) Regular full-time employees will accrue annual leave at the following rates per pay period:

<u>Years of Service</u>	<u>Non-exempt</u>	<u>Exempt</u>
Less than 3 years	4 hours	6 hours
3(+) years to 8 years	6 hours	8 hours
More than 8 years	8 hours	10 hours

- (2) In the case of regular part-time employees, annual leave shall be accrued in proportion to hours worked, based upon the above schedule.
  - (3) A Judicial Branch employee who accepts another position within the Judicial Branch shall retain his or her years of service for the purpose of calculating annual leave accrual.
- (D) Use of Annual Leave.** An employee may use accumulated annual leave only when properly authorized by the administrator and acknowledged by the presiding judge. Use of annual leave will be approved and granted after its accrual and not in advance of accrual.
- (E) New Employee Probationary Period.** New employees can earn and accrue annual leave but shall not use accrued annual leave until after they have



- successfully completed his or her probationary period and have been placed on regular status through the processing of official personnel action forms.
- (F) Extension of Sick Leave. Upon exhaustion of accrued sick leave, annual leave may be approved.
  - (G) Mandatory Leave/Carryover. A minimum of eighty (80) hours of accrued annual leave must be used each year, and no more than three hundred and twenty (320) hours will be carried forward from one calendar year to the next. It is the supervisor's responsibility to ensure that these provisions are met. Employees are responsible to communicate with their supervisor to make certain that annual leave, in excess of three hundred and twenty (320) hours, is used before the end of a calendar year, when the excess hours would otherwise be lost. Employees will only be granted leave for these excess hours at the end of a year if the leave does not negatively affect the workflow of the judicial district, office, or program in which the employee works.
  - (H) Change of Employment Status. A regular full-time or regular part-time employee whose employment status has changed to another position in which he or she will not be eligible to accrue annual leave will be paid for his or her accrued annual leave to date of reassignment.
  - (I) Change of Funding Source. An employee whose employment status has changed to another position funded by a different funding source within the Judicial Branch will not be eligible to transfer his or her accrued annual leave and shall be paid for the accrued annual leave, unless the program receiving the employee agrees to accept the liability for the accrued annual leave. Accepting program officials must ensure that acceptance of liability for accrued annual leave is in accordance with cost principles that apply to the respective grant or contract. The administrator shall not accept liability for accrued annual leave from an entity outside the Judicial Branch.
  - (J) Liquidation of Annual Leave. Upon termination of employment with the Judicial Branch, accrued annual leave will be paid in full at the employee's current rate of compensation and included in the final paycheck.

#### **Rule 24: Sick Leave**

- (A) Eligibility.
  - (1) Regular full-time and eligible regular part-time employees shall earn and accrue sick leave.
  - (2) Regular part-time employees who work less than twenty (20) hours per week are not eligible to accrue sick leave.
  - (3) Temporary employees are not eligible to accrue sick leave.
  - (4) Probationary employees shall earn sick leave but cannot use accrued sick leave.
  - (5) Employees who have been transferred or promoted may use accrued sick leave in accordance with Rule 15(B) of the JBPR.
- (B) Sick Leave Accumulation. Each consecutive year of service in the Judicial Branch shall be counted in determining years of service for the accrual of sick leave.
  - (1) A year of service shall be deemed completed on the anniversary date of employment (i.e., one year from the date of initial employment).

- (2) Employees shall accumulate sick leave during periods of leave with pay. Leave accumulated during such periods shall be forfeited if employees fail to return to work.
- (3) Employees on leave without pay shall not accumulate sick leave.
- (C) Accrual Rate.
- (1) Regular full-time employees will accrue sick leave at the following rates per pay period:
- | <u>Years of Service</u> | <u>Non-exempt</u> | <u>Exempt</u> |
|-------------------------|-------------------|---------------|
| Less than 3 years       | 4 hours           | 6 hours       |
| 3(+) years to 8 years   | 6 hours           | 8 hours       |
| More than 8 years       | 8 hours           | 10 hours      |
- (2) In the case of regular part-time employees, sick leave shall be accrued in proportion to hours worked, based upon the above schedule.
- (3) A Judicial Branch employee who accepts another position within the Judicial Branch shall retain his or her years of service for the purpose of calculating sick leave accrual.
- (D) Use of Sick Leave. Sick leave shall be used for bona fide illnesses, injuries, or medical or psychiatric examinations or treatment of an employee, including traditional ceremonies.
- (1) Sick leave shall not be used in place of annual leave.
- (2) Loss of work time due to illness or other medically-required absence for the immediate family, which requires the personal care and attention of the employee, may be charged to the employee's accumulated sick leave, with the approval of the supervisor.
- (a) The term immediate family for purposes of this section shall mean spouse, child, stepchild, foster child, parent, grandchild, or grandparent.
- (b) An absence of an employee is justified for the personal care and attention of an immediate family member if, due to the age or the infirmity of the member of the immediate family, the family member is unable to meet his or her medical needs without the assistance of the employee. Leave shall not be granted to an employee merely as a convenience.
- (c) If sick leave to care for a family member is requested for more than two (2) weeks, the employee shall provide a doctor's statement or a medical certification concerning the need for care. In addition, the employee must document why other family members cannot assume all or part of the duties of care.
- (3) Maternity Leave.
- (a) Sick leave shall be granted to an employee who, by reason of pregnancy, childbirth, or related medical condition, is unable to perform assigned duties. Sick leave shall be granted on the same basis as other leaves of absences, except that every effort will be made to protect the health and safety of the pregnant employee and the unborn child.
- (b) As soon as the attending physician confirms the pregnancy, the employee is required to report the pregnancy to the supervisor or

Director of Judicial Administration. All requests for maternity leave shall be supported by a doctor's statement.

- (c) Maternity leave shall be charged first to accrued sick leave, then accrued annual leave, and then leave without pay.

- (4) Investigation. The administrator may investigate an alleged illness or injury any time abuse of sick leave is suspected and take appropriate action.

(E) Physician Statement.

- (1) An employee on sick leave in excess of two (2) days, either paid or unpaid, shall be required by the administrator to provide a statement from a physician or a traditional healer. Failure to provide the required statement shall result in a change of leave status and/or disciplinary action.
- (2) An employee who uses his or her sick leave for more than ten (10) consecutive work days shall provide a statement from his or her attending physician indicating that he or she is fit to return to work.
- (3) Anytime there is a question that an employee's physical or mental health is at risk or is preventing the employee from performing his or her duties, the supervisor may direct the employee to provide a physician's statement on the employee's ability to continue employment in the position hired. The employee shall submit a written waiver of doctor-patient confidentiality for the supervisor to learn how the employee's condition could affect the employee's work. The waiver is limited to information concerning the effects of the employee's condition on the ability to perform the necessary tasks of the employee's position description. All medical information will be maintained in strictest confidence and shared only with supervisory authorities who have a need to know. The supervisor may give reasonable accommodation to employees who are addicted to alcohol or drugs unless the employee's inability to operate a motor vehicle or work safely makes the employee unable to perform the minimum qualifications of the position, or the employee fails to comply with drug or alcohol treatment requirements.

(F) Extended Sick Leave Without Pay.

- (1) Accrued sick and annual leave benefits must be used prior to commencement of the extended sick leave without pay.
- (2) Extended sick leave, not to exceed one (1) continuous year when combined with paid, unpaid, or annual leave, will be granted to regular full-time and regular part-time employees.
- (3) No sick leave hours shall be accrued during periods of leave without pay.
- (4) No annual or sick leave hours will be earned or accrued after accrued leave is exhausted.
- (5) The employee will not be eligible for holiday pay.
- (6) An employee's failure to return from extended sick leave, when released by the attending physician or upon expiration of the extended sick leave, whichever occurs first, will be considered a voluntary departure from employment.

- (G) New Employee Probationary Period. New employees can earn and accrue sick leave but shall not use accrued sick leave until after they have successfully



completed his or her probationary period and have been placed on regular status through the processing of official personnel action forms.

- (H) Carryover. Eligible employees may carry over an unlimited number of unused sick leave hours from calendar year to calendar year.
- (I) Sick Leave Payout. No payout of unused sick leave will be made upon resignation, layoff, or termination of employment with the Judicial Branch.

#### **Rule 25: Other Leave**

##### **(A) Military Leave.**

###### **(1) Military Training.**

- (a) A regular status employee who is ordered to participate in field training or other activities in any branch of the Armed Forces of the United States or the National Guard shall be granted a leave of absence with pay not to exceed a period of fifteen (15) working days in any calendar year.
- (b) The employee shall be entitled to receive pay only for his or her regularly scheduled work days.
- (c) Leave of absence for military training in excess of the fifteen (15) working days in any calendar year shall be charged against the employee's accrued annual leave or placed on leave without pay, whichever is applicable.
- (d) Employees requesting a leave of absence for military training must submit a copy of their military orders for field training or other activities.
- (e) Upon return from leave of absence for military training, the employee is entitled to return to the position occupied prior to the beginning of the leave.
- (f) While on leave of absence for military training, the employee continues to accrue sick and annual leave at his or her regular rate, including days of leave without pay

###### **(2) Military Honors Detail.**

- (a) A regular status employee who is an honorably discharged veteran employed with the Judicial Branch will be granted administrative leave to perform Military Funeral Honors Detail during the work week.
- (b) Employee participation in the Honors Detail must acquire written authorization from the Department of Navajo Veterans Affairs Central Administration and/or Agency Offices to verify his or her participation in the Military Funeral Honors Detail.
- (c) The employee shall only be compensated by the program or department for which he or she is employed. He or she shall not accept or not be authorized any other compensation.
- (d) The employee may accept reimbursement for expenses incurred.

###### **(3) Employees Ordered Into Active Service.**

- (a) A regular status employee who is ordered into active service in the Armed Forces of the United States or the National Guard shall be granted military leave without pay.

- (b) A regular status employee's application for military leave must be supported by a military order issued by the Armed Forces or the National Guard.
  - (c) An employee granted military leave shall be entitled to return to the same or equivalent position. The employee must return to employment within ninety (90) days after the end of active service; otherwise, he or she will be considered abandoned the position.
  - (d) For purposes of Section (3)(c), annual leave and sick leave will not accrue during periods of military leave without pay.
  - (e) An employee ordered into active service will be allowed annual leave payout only if he or she resigns.
- (4) Employees Enlisting in Military Service. A regular status employee who voluntarily enlists into active duty in the Armed Forces of the United States or the National Guard shall resign from Judicial Branch employment.
- (a) However, upon discharge, the employee will be placed into his or her former position provided it is available, subject to the following conditions:
    - (1) the employee applies for reemployment within ninety (90) days after separation from the Armed Forces of the United States or the National Guard;
    - (2) the employee is honorably discharged; and
    - (3) the employee meets the minimum requirements of the position.
  - (b) The returning employee must provide enlistment and discharge documentation issued by a commanding officer of the Armed Forces or the National Guard.
- (B) Bereavement Leave. An employee may be granted up to six (6) consecutive days of paid leave for purposes of bereavement as approved by the supervisor. The Judicial Branch understands that additional time may be needed by the employee. Employees may take additional annual leave as necessary with the approval of the supervisor. Bereavement leave may be used for the following: spouse, child, stepchild, foster child, parent, grandchild, grandparent, brother, sister, half-brother, or half-sister. Requests for unusual cases will be subject to approval by the supervisor.
- (C) Administrative Leave. Administrative leave must be approved by the Chief Justice.
- (1) Paid emergency leave will be granted for a situation declared by the Chief Justice that an emergency, disaster, or grief exists, or declared by an administrator at the judicial district as described by Rule 44(B)(2).
    - (a) Employees who are otherwise absent during a period covered by the emergency declaration are not eligible for paid administrative leave.
    - (b) Employees on annual or sick leave during the period covered by the emergency declaration shall remain on the same status and will not have leave changed to administrative leave.
    - (c) Employees who are on training or travel and are not affected by the emergency situation during the period covered by the emergency declaration will not be granted administrative leave.

- (2) Non-emergency grants of paid administrative leave declared by the Chief Justice will be applicable to all individuals, including those on approved leave, training, or travel.
  - (a) Only the Chief Justice may declare administrative paid leave for non-emergency situations.
- (D) Investigatory Leave.
  - (1) An employee may be placed upon investigatory leave at the discretion of the supervisor with the approval of the Chief Justice. Investigatory leave is when an employee is suspended from work during an investigation of alleged wrongdoing.
  - (2) Investigatory leave for a non-criminal offense shall not exceed twenty (20) days.
  - (3) An employee charged with a criminal offense may be placed upon investigatory leave not to exceed one hundred and twenty (120) days.
  - (4) Investigatory leave may be paid or unpaid.
- (E) Voting Leave.
  - (1) Employees who are registered voters may request up to four (4) hours paid voting leave with the approval of the supervisor for the purpose of voting.
  - (2) Employees traveling fifteen (15) miles or less to their polling site will be authorized one (1) hour voting leave.
  - (3) Employees traveling sixteen (16) to forty-nine (49) miles to their polling site will be authorized two (2) hours voting leave.
  - (4) Employees traveling beyond fifty (50) miles to their polling site will be authorized four (4) hours voting leave.
  - (5) Employees required to vote at a poll remote from their workstations may request an extension of the four-hour limit. Any extension of time granted in excess of four (4) hours will be charged to annual leave.
- (F) Jury or Witness Duty. An employee who is summoned to jury duty or subpoenaed to court as a witness shall be granted leave with pay. An employee may accept reimbursements for meals, mileage, lodging, etc. Any non-expense fees or compensation received shall be turned over to the Judicial Branch.

#### **Rule 26: Holidays**

- (A) Holidays for Judicial Branch employees shall be the following:
  - (1) January 1 (New Year's Day)
  - (2) The third Monday in January (Martin Luther King Day)
  - (3) The third Monday in February (President's Day)
  - (4) The fourth Monday in April (Navajo Nation Sovereignty Day)
  - (5) The last Monday in May (Memorial Day)
  - (6) June 1 (Navajo Nation Memorial Day)
  - (7) July 4 (Independence Day)
  - (8) The first Monday in September (Labor Day)
  - (9) November 11 (Veteran's Day)
  - (10) The fourth Thursday in November (Thanksgiving Day)
  - (11) The fourth Friday in November (Family Day)
  - (12) December 25 (Christmas Day)
- (B) The Chief Justice may declare four (4) additional holidays per calendar year.



- (C) Holidays which occur on work days during the pay period shall be counted as work days. If a holiday falls on a Saturday, the preceding Friday shall be taken as the holiday. If a holiday falls on a Sunday, the following Monday shall be taken as the holiday. In addition to the above named holidays, other holidays declared by the Navajo Nation government and federal government may be observed.
- (D) If work on a holiday is authorized, another day off shall be substituted as the holiday for the employee required to work on a holiday. This substitution time will be considered compensatory time as described in Rule 20 of the JBPR. Holiday work is not permitted without prior approval by a supervisor.

#### **Rule 27: Leave Responsibility and Scheduling**

- (A) Scheduling. Scheduling of all leave shall be in consultation with and approval of the supervisor prior to use of the leave.
- (B) Two unauthorized absences may result in immediate suspension.
- (C) Leave Request Forms. All leaves must be requested by the employee in writing on the official Employee's Leave Report form. The form must be signed by the supervisor prior to use of the leave.
- (D) Records.
  - (1) Accurate documentation and maintenance of leave records for all employees shall be the responsibility of the supervisor on forms prescribed by the Administrative Office of the Courts.
  - (2) Copies of all employee leave records shall be forwarded to the Administrative Office of the Courts.
- (E) Abandonment of Employment. An employee shall be deemed to have abandoned employment if he or she is absent from work without supervisor approval for three (3) consecutive working days, unless physically or mentally unable to do so.

#### **Rule 28: Salary and Benefits Policy**

The Judicial Branch provides a uniform compensation plan to pay wages and salaries that are commensurate with the type of work, level of responsibility and qualifications required in a position description, subject to budgetary constraints and to rates being paid for similar work within the Navajo Nation. It is the policy of the Judicial Branch of the Navajo Nation to provide salary adjustments for employees that are equitable and competitive.

#### **Rule 29: Compensation Plan**

- (A) Plan Established. A compensation plan shall be established in which each job class shall be assigned to a salary range based upon relative responsibilities of work, comparability to prevailing rates, and other pertinent salary and economic data.
- (B) Adjustments. Adjustments in the compensation plan shall be made as a result of salary surveys and relationship studies made periodically by the Administrative Office of the Courts.
  - (1) Such adjustments may be necessitated by the creation of new positions or classes, authorized reorganization, or changes in duties and responsibilities.

- (2) Proposed changes in pay range assignments shall not require expenditures greater than those for which appropriations or approved fund transfers have been made.

**Rule 30: Salary and Wage Administration**

- (A) Each position description shall be reviewed by the Administrative Office of the Courts, classified, and assigned to a grade within the pay structure.
- (B) The Administrative Office of the Courts will establish an appropriate pay structure with approval by the Judiciary Committee of the Navajo Nation Council.

**Rule 31: Temporary Reclassification**

When an employee is temporarily reclassified to a higher class for more than thirty (30) consecutive days, he or she shall be paid no less than the rate assigned to the first step of the class to which he or she has been temporarily reassigned. In no event shall a temporarily reclassified employee be paid less than the salary in his or her permanent position. If temporary reclassification is allowable, pursuant to applicable rules and regulations affecting the permanent position of the employee, other funds may be used to adjust the pay of the employee to the first step of the class to which he or she has been temporarily assigned.

**Rule 32: Salary Adjustments Based on Studies**

- (A) When the pay range assigned a class is changed because of salary studies, the pay of all employees in the class shall be changed. The anniversary date shall not change.
- (B) If funds are not made available, the pay range will change but the salary will remain the same.

**Rule 33: Merit or Bonus Pay**

- (A) Available Funds. No merit or bonus pay shall be approved unless funds are appropriated and available.
- (B) If funds are available, merit or bonus pay may be given according to policies and procedures established by the Administrative Office of the Courts.

**Rule 34: Pay Advances**

- (A) An employee may request a pay advance in the following situations:
- (1) When an employee is required to travel on official business. Travel must be in accordance with existing travel policies.
- (2) Serious illness or death in the immediate family: spouse, child, stepchild, foster child, parent, grandchild, or grandparent.
- (B) All pay advances will be deducted in accordance with the current payroll processing.

**Rule 35: Salary Computation**

- (A) Application of Salary Schedule. All employees in the Judicial Branch shall be compensated at one of the rates, or at a proportion of one of the rates, established in the salary schedule.
- (B) Compensation for Work Days.



- (1) Regular full-time and probationary employees who work or are on paid leave on all scheduled work days of a pay period shall be compensated at the appropriate rate for their classification.
- (2) Regular full-time and probationary employees who work or are on paid leave less than a full pay period shall be compensated at a computed hourly rate for each hour worked. Payment for holidays shall be determined as prescribed by Rule 26 of the JBPR.
- (3) Regular part-time employees who work on a regular part-time schedule shall be compensated at an appropriate hourly rate. Payment for holidays shall be determined as prescribed by Rule 26 of the JBPR.
- (4) Regular part-time employees who work on an irregular or intermittent schedule shall be compensated at the appropriate hourly rate for time actually worked. Such employees shall not be compensated for a holiday, unless they actually work on the holiday with prior approval of the supervisor.
- (5) Temporary employees shall be compensated in the same manner as regular employees. Such employees shall not be compensated for a holiday, unless they officially work on the holiday with prior authorization.

#### **Rule 36: Employee Benefits**

The Judicial Branch employees participate in benefit programs available to Navajo Nation employees. Any employee who wishes more information on these programs should contact their supervisor.

**(A) Group Insurance.**

- (1) Group health insurance is available to all eligible Navajo Nation employees. The coverage may include dental and vision, as well as medical. Qualified dependents are also eligible for coverage.
- (2) Health Care Continuation. After severance of employment, health care coverage may be continued under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

**(B) Workers Compensation.** Employees are entitled to benefits for work-related injury or disease. Workers compensation benefits shall be governed by applicable provisions within the Navajo Nation Code.

**(C) Retirement Plan.**

- (1) The Navajo Nation Employee Retirement Plan. This plan is administered by the Navajo Nation.
- (2) The Nihibeeso Savings Plan (401K). This is an optional retirement savings plan available through payroll deduction.

**(D) Employee Assistance Program (EAP).** Judicial Branch personnel are eligible to participate in the Navajo Nation EAP.

**(E) Professional Fees.**

- (1) Attorney Bar Membership Fees. The Judicial Branch may pay Navajo Nation Bar Association membership fees and one (1) state bar fee from New Mexico, Colorado, Arizona, or Utah for attorneys whose position description requires memberships in those organizations. No other fees or legal organization memberships will be paid.
- (2) Fees and Dues for Other Employees. The supervisor may authorize payment of dues and fees for professional organizations for non-attorney

employees upon written justification of the merits of such membership for the given employee and position description.

**Rule 37: Classification Plan**

- (A) **Policy.** It is the policy of the Judicial Branch of the Navajo Nation to establish and maintain a classification plan which groups jobs based upon similar duties, responsibilities, and qualification requirements.
- (B) **Position Classification Plan.**
  - (1) **Purpose.** To establish and classify positions by assigning official class titles, providing descriptions of duties and responsibilities, determining qualification requirements and setting pay rates based on duties and responsibilities.
  - (2) **Modifications.** The Administrative Office of the Courts will modify the position classification plan through establishing new classes, revising or abolishing existing classifications, setting new entry level rates, and other related criteria, as necessary.
  - (3) **Coverage and Exclusions.** All positions, regardless of the source of funding, are covered by the classification plan.
- (C) **Classification of New Positions.**
  - (1) The Administrative Office of the Courts shall be responsible for evaluating and classifying each position to the appropriate class. Consideration will be given to the general duties, tasks, responsibilities, and qualification requirements.
  - (2) The approved class title, as designated by the Administrative Office of the Courts, shall be utilized for all official records.
  - (3) The Administrative Office of the Courts shall be responsible for maintaining the official class specifications and will provide each judicial district, office, or program a set of the relevant class specifications.
- (D) **Reclassification of Existing Positions.** A position can be reclassified whenever a material and permanent change in the duties and responsibilities of the position occurs.
  - (1) Significant and permanent changes in the duties and responsibilities of the position must be reported to the Administrative Office of the Courts.
  - (2) A position must be officially reclassified before a supervisor can take any personnel action with respect to employment or pay adjustment. The Administrative Office of the Courts shall be responsible for evaluating and reclassifying positions.
  - (3) Reclassification shall not be used as a means to resolve performance-related problems, grievance issues, or to take place of disciplinary actions.
  - (4) An employee occupying a reclassified position shall be entitled to continue to serve in the reclassified position, if the employee meets the qualification requirements. If the employee is a regular status employee, he or she will retain that status.
- (E) **Notice of Classification or Reclassification Decisions.** For each position classified or reclassified, the Administrative Office of the Courts will issue written notice of the decision to the supervisor. The decision will specify the class to which the position has been allocated and the pay grade assigned. The

supervisor will be responsible for initiating the necessary paperwork to reflect the decision.

#### **Rule 38: Layoff**

- (A) When a permanent position(s) cannot be continued due to lack of work, lack of funds, or reorganization, the position(s) shall be abolished and vacated by layoff.
- (B) For layoff purposes, employees shall be put into the following status groups: regular employees and probationary employees. Temporary employees will be terminated before layoff procedures are initiated and shall not constitute a status group for layoff purposes. Probationary employees shall be laid off before regular employees. In determining the order of layoff of regular employees, the following factors shall be considered: seniority, performance appraisals, qualifications, work record, conduct, and needs of the Judicial Branch to provide services to the public.
- (C) All layoffs will be conducted with conformity with the Navajo Preference in Employment Act.
- (D) Employees to be laid off shall be given written notice at least fifteen (15) calendar days prior to layoff date. Notice of layoff may be less than the fifteen (15) calendar day requirement if stoppage of work results from circumstances beyond the control of the Judicial Branch, such as when program funding is terminated, positions are not refunded, or funds are not available to continue program operations. In all cases, however, employees must be given as much notice as possible.
- (E) Reemployment Preference.
  - (1) Regular status employees separated from employment due to layoff may be eligible for reemployment preference.
  - (2) Reemployment preference will not be granted to an employee who has not attained regular status at the time of layoff.
  - (3) A reinstated employee is an individual who is reinstated within one year following separation from prior employment with the Judicial Branch due to layoff.
- (F) The Chief Justice has the ultimate authority concerning layoff.

#### **Rule 39: Resignation**

An employee may voluntarily terminate employment with the Judicial Branch.

- (A) The employee shall submit for acceptance a letter of resignation to the supervisor at least ten (10) working days prior to the effective date of resignation.
- (B) The supervisor shall provide the employee a written acknowledgement that the resignation was accepted.
- (C) Upon acceptance, the supervisor shall submit a copy to the Director of Judicial Administration for Personnel Action Form (PAF) processing.
- (D) Failure of an employee to give at least ten (10) working days notice may result in the forfeiture of all accrued annual leave.
- (E) No letter of resignation shall be withdrawn after written acceptance by the supervisor.



#### **Rule 40: Retirement**

An employee may retire in accordance with the Navajo Nation Retirement Plan. The employee must give notice at least ten (10) working days prior to retirement.

#### **Rule 41: Involuntary Termination**

- (A) An employee may be involuntarily terminated by the supervisor for just cause.
- (B) An employee who becomes physically or mentally impaired to the extent he or she is unable to perform the duties and responsibilities of the position description may be involuntarily terminated by the supervisor. Termination for disability shall be only upon the written statement of a physician that the condition is, or is likely to be, long term or permanent. Long term means any disability where the employee is not likely to be able to perform the duties and responsibilities of the position description in excess of one year.

#### **Rule 42: Death**

- (A) When advised of an employee's death, the supervisor shall immediately notify the Director of Judicial Administration.
- (B) The Director of Judicial Administration shall assure that arrangements are made to provide payment to the employee's beneficiary or estate of any salary, overtime pay, reimbursements, or accrued annual leave payments due.
- (C) An employee is considered to have been on pay status on the day of death, unless a leave without pay had been previously approved for that day.
- (D) The effective date of the separation shall be the date of death.

### **V. CODE OF CONDUCT**

#### **Rule 43: Scope and Policy**

This Code of Conduct within the JBPR replaces and supersedes the Employee Code of Conduct of 1991. This Code of Conduct is intended as guidance for the conduct of all Judicial Branch employees who are not judges or justices. Employment with the Judicial Branch of the Navajo Nation is a public trust. Each employee shall act in a manner which conforms to standards of integrity, public faith, and confidence.

#### **Rule 44: Health and Safety**

- (A) Employee.
  - (1) Safety. Employees have a duty to report to the supervisor all unsafe or unhealthy conditions in and around the workplace.
  - (2) Job-Related Illness or Injury. Employees have a duty to report all job-related illnesses or injuries to the supervisor within seven (7) days. The Navajo Nation has a one (1) year statute of limitations for reporting job-related illnesses or injuries.
  - (3) Health and Physical Condition. An employee shall report to the supervisor any personal physical condition or illness which may negatively affect the employee's ability to perform the minimum duties of the position description. When the supervisor has reason to believe that an employee's chronic substance abuse or physical or mental health substantially impedes the satisfactory performance of the duties, tasks,

and responsibilities assigned to the employee, the employee may be required to undergo, at his expense, an examination by a licensed physician. The employee shall provide the results of the examination to the supervisor. Employees shall submit written waivers of doctor/patient confidentiality as required by the supervisor. This waiver is only to be used by the supervisory authority for the limited purpose of speaking with a doctor in order to gain more information concerning the length of time an employee may be absent from work, whether there are special limitations required on an employee's duties, the length of time for such limitations, or whether accommodations must be made for an employee. It is not to be used to gather information concerning an employee's health problem(s).

**(B) Supervisor.**

- (1) Job-Related Illness or Injury.** The supervisor shall immediately report in writing all job-related illnesses or injuries to the Director of Judicial Administration. The report shall be faxed in the case of an emergency.
- (2) Work Environment.**
  - (a)** No employee shall be compelled to work where physical conditions present an immediate danger to the employee's physical safety, health, or well-being.
  - (b)** Supervisors are responsible for determining whether conditions of travel, a particular assignment, or physical work environment, including office buildings, constitute a potential danger to the safety, health, or well being of personnel and initiating appropriate actions.
  - (c)** In situations involving the work environment, the supervisor shall notify the Director of Judicial Administration.

**Rule 45: Workplace Violence**

- (A)** Workplace violence is any behavior that is sufficiently severe, offensive, or intimidating to cause an individual to reasonably fear for his or her safety or property. Any behavior that is offensive, threatening, or intimidating will not be tolerated. Violent behavior on the job includes, but is not limited to:
  - (1)** Any conduct that causes harm or injury to another person;
  - (2)** Threatening physical or aggressive contact at another person;
  - (3)** Intentional destruction or threat of destruction to government or private property;
  - (4)** Expressing intent to cause physical harm or emotional duress;
  - (5)** Creating a hostile work environment by unwelcome words, veiled threats, intimidation, actions, or physical contact, even if such action does not result in physical harm;
  - (6)** Surveillance or stalking of an employee outside the workplace; or
  - (7)** Communication of suicidal or homicidal thoughts.
- (B)** Violence or the threat of violence has no place in the Judicial Branch. Employees are expected to treat one another and the public with mutual respect. Any person, including employees, who acts in a violent or threatening manner, either verbal or physical in nature, will be removed from the premises as quickly as safety permits.
- (C)** Any employee engaging in behavior as described in this rule of the JBPR is subject to suspension or termination. An employee may be immediately

suspended and barred from a Judicial Branch building pending the outcome of an investigation.

- (D) Threats from the Public. It is the supervisor or bailiff's responsibility to remove from the premises as quickly as safety permits, any person who acts in a violent or threatening manner, either verbal or physical in nature. At the supervisor's discretion or by order of a judge, a member of the public may be barred from any Judicial Branch buildings. If there is an imminent threat to safety, the police or fire department should be contacted immediately.

**Rule 46: Citations or Accidents Involving  
a Navajo Nation Vehicle**

- (A) While operating a tribal motor vehicle, employees shall abide by the Navajo Nation Motor Vehicle Operator's Handbook and obey all Navajo Nation traffic laws. When operating a vehicle outside the Navajo Nation, employees must obey all appropriate motor vehicle laws.
- (B) Employees shall immediately report to their supervisor all traffic citations from any jurisdiction, accidents, or damages incurred to a tribal vehicle during the operation of a tribal vehicle.
- (C) Supervisors shall immediately notify the Director of Judicial Administration when informed by an employee of a receipt of a traffic violation, of a traffic accident, or of damage to a Navajo Nation vehicle.

**Rule 47: Unlawful Act**

- (A) Reporting Criminal Offenses. Any employee charged with a criminal offense in any jurisdiction shall immediately report the facts of the charge to the supervisor. A criminal offense is an alleged violation of any law which is denominated as criminal in the charging jurisdiction, or which carries the penalty of jailing, imprisonment, criminal fine, or other criminal sanctions. Criminal offenses include criminal traffic violations, excluding citations in jurisdictions with civil offenses or non-moving violations (for example, parking tickets).
- (B) Investigatory Leave.
- (1) An employee charged with a criminal offense may be placed upon investigatory leave, pursuant to Rule 25(D), pending the outcome of the criminal proceedings.
  - (2) If an employee is placed upon investigatory leave, the employee may receive paid investigatory leave for up to thirty (30) calendar days at the regular rate of pay. Only the Chief Justice may extend the period of paid investigatory leave beyond this time.
  - (3) When an employee is placed upon investigatory leave, the supervisor shall immediately notify the Chief Justice of the action taken and the dates of the thirty (30) day paid investigatory leave. Upon review, the Chief Justice may order that the employee be placed upon unpaid investigatory leave prior to the end of the thirty (30) day period.
  - (4) Nothing in this Rule shall prohibit independent disciplinary action against an employee concerning the same conduct related to the charge of a criminal offense if that conduct involved a violation of any of the JBPR.
  - (5) Disciplinary action in accordance with Rule 57 of the JBPR may be initiated immediately. The employee may make a written request that



disciplinary action be delayed until after the criminal process is completed. Any postponement granted is subject to leave without pay for the period of postponement.

- (C) Termination. The supervisor may determine that the outcome of a criminal proceeding requires termination of the employee without further investigation.

#### **Rule 48: Sexual Harassment**

- (A) Purpose. This policy is hereby established to prohibit sexual harassment; whether it be verbal, non-verbal, or physical and to provide a process whereby any act or conduct alleged to be of a sexually harassing nature can be formally reported, investigated, and resolved in a systematic manner. Sexual harassment is unacceptable and will not be tolerated in the workplace or in other work-related settings, such as business trips and business-related social events. Those covered by this policy include all Judicial Branch personnel. Sexual harassment complaints against those individuals who conduct business with the Judicial Branch, including but not limited to legal counsels, peacemakers, and litigants, shall be handled by other appropriate processes.

- (B) Complaint Procedure.

- (1) Individuals who believe they have been or are being sexually harassed are encouraged to firmly and promptly notify the offender that his or her behavior is not welcomed. However, where circumstances make such confrontation uncomfortable or where confrontation is ineffective in altering the offender's behavior, a complaint should be reported as follows:
  - (a) Notify the supervisor in writing or by electronic recording to initiate an investigation. If the supervisor is the alleged harasser, the complaint should be provided to a judge or the next level of supervisory authority.
  - (b) Where an employee believes it is futile to report the alleged harassment locally or within the judicial district, office, or locale where he or she is employed, the employee shall report, in writing or by electronic recording, to a member of the executive staff he or she believes will address his or her complaint adequately.
  - (c) If a judge is the alleged harasser, the complaint shall be processed pursuant to Judiciary Committee of the Navajo Nation Council Resolution JCJA-02-03, "Approving and Adopting the Personnel Policies for Navajo Nation Judges and Justices".
- (2) Timely Reporting of Complaints. While prompt reporting is encouraged, no time limits will be placed on reporting sexual harassment. An employee should report an incident as close in time to the incident as possible to facilitate the investigation. However, late reporting will not in and of itself preclude a judicial district, office, or program from taking action in accordance with this policy. A late complaint shall only be dismissed for being untimely if the passage of time precludes a fair investigation of the complaint due to factors such as, insufficient memory of witnesses, unavailability of witnesses, or similar evidentiary difficulties. For purposes of this rule, a complaint will be considered late if it is filed more than one year from the last incident of sexual harassment.

- (3) Retaliation Prohibited. There shall be no retaliation against an individual for reporting sexual harassment or permit any other Judicial Branch employee to do so. Retaliation is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against a complainant will be subject to disciplinary action.
  - (4) Confidentiality. A written or electronically recorded allegation of sexual harassment brought to the attention of the supervisor or a judge shall be promptly and thoroughly investigated in a confidential manner to protect the privacy of the individuals involved. Confidentiality will be maintained throughout the investigation to the extent practical and appropriate under the circumstances.
- (C) Investigating the Complaint.
- (1) Investigation Process. The supervisor shall notify the Chief Justice who will appoint an investigator. The investigator will thoroughly investigate the complaint. The investigator shall:
    - (a) Confirm the name and position of the complainant.
    - (b) Identify the alleged harasser.
    - (c) Thoroughly ascertain, in a non-judgmental manner, all facts that explain what happened.
    - (d) Determine the frequency and type of all alleged harassment. If possible, obtain dates and locations where the alleged harassment occurred.
    - (e) Identify and interview any witnesses.
    - (f) Ask the complainant how he or she responded to the alleged harassment.
    - (g) Determine whether the complainant consulted anyone else about the alleged harassment.
    - (h) Determine the relationship, degree of control, and amount of voluntary or involuntary interaction between the alleged harasser and the complainant.
    - (i) Determine whether the alleged harasser has made or carried out any threats or promises directed at the complainant.
    - (j) Determine if the complainant knows of or suspects that there are other individuals who have been harassed by the alleged harasser.
    - (k) Obtain any other information pertinent to the investigation.
  - (2) Completing the Investigation.
    - (a) Upon completing the investigation, the investigator shall submit in writing his or her findings and conclusions to the Chief Justice.
    - (b) Finding of No Occurrence of Sexual Harassment. If it is determined that no sexual harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.
    - (c) Finding of Sexual Harassment. A finding of sexual harassment will subject the harasser to appropriate disciplinary procedures as indicated in Rule 57 of the JBPR.
    - (d) Finding of False Accusation. If an investigation results in a finding that the complainant falsely accused another of sexual harassment,



knowingly, recklessly, or in a malicious manner, the complainant will be subject to sanctions, including suspension or termination.

#### **Rule 49: Political Activity**

- (A) Each employee retains the right to vote as the employee chooses and is free to make political contributions as a private individual.
- (B) No employee shall be a candidate in any political office.
- (C) No employee shall participate in any political activity.
  - (1) Political activities include:
    - (a) displaying or distributing campaign literature, badges, stickers, signs, or items of political advertising on behalf of any party, committee, agency, or candidate for elective office at the work site;
    - (b) using official authority or position directly or indirectly, to influence or attempt to influence any other employee in the Judicial Branch to become a member of any political organization, support a specific candidate, or to take part in any political activity;
    - (c) soliciting signatures for political candidates; and
    - (d) soliciting or receiving funds for political purposes.
  - (2) Political activities do not include:
    - (a) voting;
    - (b) attending debates, rallies, forums, etc., for information purposes so long as the employee does not publicly identify nor permit himself to be publicly identified as a Judicial Branch employee; or
    - (c) signing nominations or recall petitions or legislative initiatives so long as the employee does not publicly identify nor permit himself or herself to be publicly identified as a Judicial Branch employee.
- (D) Employees shall not use copy machines, fax machines, email, computers, telephones, offices, or other government property for political purposes.
- (E) Employees shall not engage in any political activity while at work.
- (F) No employee shall serve as a poll watcher, poll clerk, precinct judge, or other election worker.

#### **Rule 50: Outside Employment**

Outside employment is permissible only:

- (A) If it is approved in writing by the supervisor and submitted to the Administrative Office of the Courts for placement in the official personnel file.
- (B) If it is not with an entity that regularly appears in court or conducts business with the Judicial Branch, and it does not require the employee to have frequent contact with counsel who regularly appear in the court system.
- (C) If it is capable of being fulfilled outside normal working hours and is not incompatible with the performance of the employee's duties and responsibilities.
- (D) If it does not require or induce the employee to disclose confidential information acquired in the course of and by reason of official duties.
- (E) If it does not compromise the integrity of the Judicial Branch in any fashion.

#### **Rule 51: Personal Appearance**

It is the policy of the Judicial Branch that each employee's attire, grooming, and personal hygiene should be appropriate to the work situation.

- (A) Employees are expected at all times to present a professional, businesslike image to the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the Judicial Branch. Radical departures from conventional attire and hygiene are not permitted.
- (B) Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards:
  - (1) Employees should not wear suggestive attire, jeans, athletic clothing, shorts, sandals, t-shirts, novelty buttons, baseball hats, and similar items of casual attire that do not present a professional appearance.
  - (2) Hair should be clean, combed, and neatly trimmed or arranged.
  - (3) Sideburns, moustaches, and beards should be neatly trimmed.
  - (4) Tattoos and body piercings (other than earrings) should not be visible.
- (C) Certain employees may be required to meet special attire standards, such as wearing uniforms, depending on the nature of their job.
- (D) At its discretion, the Judicial Branch may allow employees to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance.
- (E) Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises without pay for absence. Recurrent violations of this policy also will result in further disciplinary action.

#### **Rule 52: Confidentiality**

- (A) No employee shall disclose to any unauthorized person any confidential information acquired in the course of employment or acquired through unauthorized disclosure from another.
- (B) Confidential information that is available to specific individuals by reason of statute, court rule or administrative policy shall be released only by persons authorized to do so.
- (C) Every employee shall report to the supervisor the release of confidential information when the employee reasonably believes that the information released constitutes evidence of a violation of law or unethical conduct. No employee shall be disciplined for such reporting. Any retaliation for such reporting against an employee may constitute cause for disciplinary action.
- (D) Employees may respond to inquiries concerning court procedures, but an employee shall not give legal advice.
- (E) All media requests for information and interviews shall be referred to the Judicial Branch employee designated by the Chief Justice as the media liaison officer.
- (F) Employees must be very careful when discussing all court matters, whether they are confidential or not. Individuals who come to Navajo courts, whether on their own or because they are required to do so, usually come under very stressful circumstances. They may be faced with having to deal with very personal, sensitive, embarrassing, or humiliating matters in a public forum. The courts must deal with these matters in a neutral, dignified and objective manner. It is essential that court employees reflect and uphold the dignity of the court. The communication of court matters outside of work must be kept to a minimum.

Employees must not make individuals who come to the court subjects of public comment, gossip, scorn or ridicule.

### **Rule 53: Ex Parte Communication**

Ex parte communication is communication, written or oral, regarding a legal matter between less than all interested parties or their counsel and a judge or justice and/or the judicial staff.

- (A) No employee shall initiate or repeat ex parte communications from litigants, witnesses or attorneys to judges, jury members or any other person, except where permitted by law.
- (B) Exempted Communications. The above shall not apply to communication between the judge or justice and such law clerks, attorneys, or other employees whose responsibility is to advise the judge or justice. It also shall not apply to routine communication between judicial staff and counsel regarding scheduling, filing requirements, and similar matters. Employees shall help pro se litigants and other members of the public by informing them of the existence of pro se forms and other resources available to help them with the litigation process. Pro se litigants shall be provided with the same information provided to counsel about scheduling, filing requirements, and similar matters.
- (C) Penalty. A violation of this rule may result in disciplinary action taken against the employee. Disciplinary actions may include termination for a severe violation for a repeat violation of this rule.

### **Rule 54: Conflict of Interest**

- (A) Every employee shall avoid conflicts of interest in the performance of professional duties.
  - (1) A conflict of interest exists when the employee's objective ability in the performance of his or her job is, or reasonably appears to be, impaired, or when the employee or the employee's immediate family or business would derive financial gain or other benefit as a result of the employee's position within the Judicial Branch.
  - (2) A conflict of interest also exists when an improper benefit or detriment may result in a personal or economic interest of an employee because of employment within the Judicial Branch.
- (B) Prohibited Activities:
  - (1) No employee shall contract with the Judicial Branch.
  - (2) No employee shall receive gratuities or other compensation for representing, assisting, or consulting with parties engaged in transactions or involved in proceedings with the court.
  - (3) No former employee shall contract or engage in a commercial transaction with the Judicial Branch for one (1) year after terminating employment.
  - (4) No former employee, who has had a role in a case before the Courts of the Navajo Nation, shall derive any benefit from a party or an advocate or counsel for the party. This period of prohibition shall extend for the longer of the following periods: (1) the case is active, or (2) one year after leaving employment.



- (5) No employee shall knowingly employ, advocate, or recommend for employment any member of his or her immediate family or immediate Navajo clan relatives.
- (6) No employee shall solicit nor accept any gifts, loan, gratuities, discounts, favors, hospitality, or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the employee in the performance of official duties.
  - (a) Nothing in this section shall prohibit an employee from accepting a public award for public service.
  - (b) Employees shall not receive gifts or donations on behalf of the Judicial Branch and/or the Navajo Nation.
  - (c) Nothing in this section shall prohibit an employee from accepting unsolicited personal gifts of food or drink which have a nominal value.
- (7) No employee shall use nor permit the use of Judicial Branch facilities for activities unrelated to the business of the courts.
  - (a) No part of the Judicial Branch premises nor any portion of working hours shall be used for the purposes of raising or soliciting funds. This shall not include:
    - 1. Fund raising for an employee group activity in which the sole source of funds or those solicited are Judicial Branch employees;
    - 2. Vending machines when the proceeds, profits, or commissions are paid to the Navajo Nation;
    - 3. Individual vendors selling their handmade products.
    - 4. The above shall not include solicitation by auxiliary groups for authorized court activities.
  - (b) No part of the Judicial Branch premises nor any portion of working hours shall be used for social activities. These shall not include:
    - 1. Justice Day or other informational activities of the courts;
    - 2. Mock court proceedings;
    - 3. Reception of visitors;
    - 4. Potluck or sharing of food solely among employees so long as it is conducted in areas to which the public does not have access.

#### **Rule 55: Discrimination**

- (A) All employees of the Judicial Branch must treat other employees, all parties who appear before the courts, and the public without discrimination or unequal treatment. It is not permitted to give favorable or unfavorable treatment, or even the appearance of such treatment, by words or conduct, on the basis of race, religion, national origin, gender, sexual orientation, disability, age, profession, socio-economic status, political affiliation, or clan relationship.
- (B) The courts must be neutral at all times. All personnel shall avoid even the appearance of favoritism. The courts are a public service organization whose main goal is to provide service to the public. To obtain the public's confidence in the courts, personnel must be fair to everybody and not favor one side over the other. Employees must not show deference to one side in a case, do special



favors for one side or give advice to one side that they would not give to the other. Employees must be careful that they do not even appear to be giving special treatment to one side.

#### **Rule 56: Performance of Duties**

- (A) Every employee shall perform official duties in a proper and diligent manner.
- (B) Every employee shall apply full-time energy to the duties and responsibilities of the employee's job during working hours.
- (C) Every employee shall serve the public in a courteous and professional manner.
- (D) Every employee shall obtain and maintain current licenses or certificates which are required as a condition of employment.
- (E) No employee shall alter, backdate, falsify, destroy, mutilate, or fail to make required entries on any records within the employee's control, except pursuant to a lawful order.
- (F) No employee shall give legal advice unless authorized by his or her position description.
- (G) No employee shall selectively recommend legal counsel, but may make available the Navajo Nation Bar Association membership listings.
- (H) No employee shall refuse to enforce or otherwise carry out any properly issued directive or court order. No employee shall be required to perform any unreasonable duties.
- (I) Every employee shall immediately report violations of the JBPR to the appropriate designated authority within the Judicial Branch.
- (J) Employees who are lawyers, advocates, or members of other professional groups are also bound by their respective professional duties and codes of conduct.

### **VI. DISCIPLINARY ACTION**

#### **Rule 57: Corrective Action and Disciplinary Process**

- (A) Progressive Discipline. The Judicial Branch follows the principles of progressive discipline. These principles require that employees be given the opportunity to correct misconduct or deficiencies in work performance. The goal is to retain an employee when it is prudent to do so. Counseling, instruction, training, and providing time to conform conduct or performance to required standards are the means for correction. Disciplinary action may also be imposed to emphasize the seriousness of the employee's failure to meet required standards.
- (B) Steps of Progressive Discipline. Correction by a supervisor includes counseling with no disciplinary consequences, oral reprimands, written reprimands, suspension, and termination. Generally, in progressive discipline, an employee would face increasing disciplinary actions in this sequence. Suspensions may or may not follow after one (1) written reprimand. However, if an employee receives two (2) written reprimands within a twelve-month period, the next disciplinary action will be a mandatory suspension. In most instances, a counseling session between the employee and the supervisor will be held before there is any disciplinary action taken. No counseling session is required prior to disciplinary action if the same misconduct or deficiency in performance has been counseled on three (3) prior occasions.

(C) Imposition of Disciplinary Action. Disciplinary action may be imposed for either misconduct or a deficiency in performance.

(1) Misconduct. Misconduct occurs when the employee violates the JBPR or other written conduct policies established by the Judicial Branch. Misconduct includes behavior outside the workplace if it victimizes another employee or harms the integrity and professionalism of the Judicial Branch judicial districts, offices, or programs.

(2) Deficiencies in Performance. Deficiencies in performance occur when an employee fails to meet the necessary requirements in his or her position description; falls to a level of performance below the level of performance he or she has consistently maintained in the past; commits excessive tardiness on a regular basis; abuses lunch or break time standards; fails to notify the supervisor in advance concerning lateness or absence; or fails to meet the necessary standards of appearance required for the workplace.

(D) Addressing Employee Misconduct or Deficiencies in Performance.

(1) The supervisor shall determine whether an employee needs counseling concerning misconduct or deficiency in performance. If the supervisor receives a report from a third person, the supervisor must first investigate in order to determine if the report is true. If the report has no merit, the supervisor is not required to take further action.

(2) If the supervisor has direct knowledge of the misconduct or the deficiency of performance, or if a report received by the supervisor has merit, the supervisor shall conduct a conference with the employee.

(3) A conference for the purpose of counseling and solving problems shall be initiated and facilitated by the supervisor. At the conference the supervisor shall inform the employee of the allegations that are the subject of the conference. The supervisor shall document in writing the date, substance, and results of the conference.

(4) If the employee admits to the allegations set forth in the conference, he or she shall have the opportunity to recommend a solution to resolve the problem without the imposition of disciplinary action. The supervisor shall give the employee a reasonable time to implement a plan designed to improve or correct the employee's actions.

(5) If the employee does not agree with the allegations put forth in the conference, the supervisor shall listen to the employee's explanation and after the conference complete whatever investigation is necessary to confirm or deny the employee's explanation.

(6) If, after further investigation, the supervisor determines that the allegations are true, or if an acceptable solution is not achieved after the initial conference, the supervisor may choose to resolve the matter with further counseling, or impose disciplinary action.

(7) An employee shall not receive more than one (1) disciplinary action for a single instance of conduct, but he or she may receive further disciplinary action for additional violations of the same or similar nature, as well as for acts of a different nature.

(E) Disciplinary Action. Disciplinary action is action taken by the supervisor in response to unsatisfactory conduct or performance by an employee. It is the

imposition of correction on employee misconduct or deficiencies in performance by verbal reprimand, written reprimand, suspension, or termination. A reprimand is a verbal or written statement to an employee citing a deficiency in work performance or conduct.

- (1) Verbal Reprimand. In those instances when employee conduct is of a minor nature or a first offense, the supervisor shall have a conference with the employee to advise that a verbal reprimand is being administered. The supervisor shall:

- (a) explain the reason for the warning;
- (b) suggest corrective action for the deficiency;
- (c) give the employee notice that two (2) more warnings within a twelve (12) month period shall result in a written reprimand;
- (d) explain that failure to carry out counseling guidance may be declared to be an act of insubordination and may subject the employee to a separate disciplinary action; and
- (e) explain that the employee may also challenge the disciplinary action in accordance with Rule 59 of the JBPR.

After the meeting, the supervisor shall document (1) the date of the warning; (2) the nature of the offense; and (3) the warning administered. The written document shall be retained for one year. After one year, the document shall be destroyed if no further misconduct or deficiency in performance of a similar nature requires disciplinary action.

- (2) Written Reprimand. When misconduct or a deficiency in performance is repeated after a verbal reprimand, the supervisor may issue a written reprimand. If an employee commits serious misconduct, a written reprimand may be issued without a prior verbal reprimand.

- (a) The supervisor must conduct a conference when the written reprimand is issued to explain the reasons for the reprimand, the corrective actions required to be completed by the employee, and the possible consequences to the employee if performance or conduct is not corrected in the future. The failure of an employee to follow the guidance provided at this conference may be considered to be an act of insubordination, subject to its own disciplinary action. Such insubordination may also subject the employee to suspension or termination.
- (b) Depending upon the nature and seriousness of the misconduct or deficiency in performance that is the subject of the written reprimand, an employee may be suspended or terminated if the same or similar conduct is repeated. The supervisor may also choose to issue another written reprimand if such action is considered the best means of corrective action. Two (2) prior written reprimands in a twelve-month period on the same or similar conduct shall result in suspension if there is a third violation.
- (c) An employee may challenge a written reprimand by following the requirements in Rule 59 of the JBPR.
- (d) After explaining the reprimand, both the employee and the supervisor shall sign and date the reprimand. The signature of the employee does not indicate agreement with the reprimand, but



indicates that he or she has been informed of the contents and has received a copy of the written reprimand. If the employee refuses to sign or accept, the supervisor shall note the refusal.

- (e) After giving a copy of the written reprimand to the employee, the supervisor shall send the original to the Director of Judicial Administration for placement in the employee's official personnel file at the Administrative Office of the Courts. A copy shall be retained by the supervisor.
- (3) **Suspension.** Suspension is a disciplinary action that removes an employee from work without pay for a set period of time.
- (a) If an employee violates established workplace standards in a severe manner, the supervisor may impose suspension, if justified, without any prior problem-solving conference or lesser steps in disciplinary action. If justified, suspension may be imposed although no previous disciplinary action against the employee has been taken. Section (H) of this Rule provides guidance to the supervisor on which offenses may justify the imposition of suspension.
  - (b) Suspension may also be imposed if conduct is not improved following a written reprimand. In all cases, suspension shall be imposed following a third violation after two (2) written reprimands were issued upon the same or similar conduct within the past twelve-month period.
  - (c) The supervisor must provide in writing the fair reasons, supported by facts, which justify the suspension.
  - (d) A suspension of leave without pay up to thirty (30) calendar days may be approved by the supervisor.
  - (e) A suspension of leave without pay for more than thirty (30) calendar days requires approval by the Director of Judicial Administration.
  - (f) Before imposing suspension, the supervisor shall hold a conference with the employee and explain the following: 1) The reason(s) for the suspension. (2) The corrective actions required to be taken by the employee upon return to work. (3) Further consequences of increased suspension or termination if the employee's conduct is not corrected or improved. (4) The employee may challenge the suspension in accordance with Rule 59 of the JBPR.
  - (g) After explaining the suspension, both the employee and the supervisor shall sign and date the suspension. The signature of the employee does not indicate agreement with the reasons for suspension, but indicates that he or she has been informed of the contents and has received a copy. If the employee refuses to sign or accept, the refusal shall be noted by the supervisor.
  - (h) After giving a copy of the written suspension to the employee, the supervisor shall immediately send the original to the Director of Judicial Administration for placement in the employee's official personnel file at the Administrative Office of the Courts. A copy shall be retained by the supervisor.



(4) Termination. Termination is a drastic action which may be imposed for the most extreme acts of misconduct or for the continual violation of work place standards that was the subject of previous disciplinary actions.

- (a) If an employee violates established workplace standards in an extreme manner, the supervisor may impose termination, if justified, without any prior problem-solving conference or lesser steps in disciplinary action. If justified, termination may be imposed although no previous disciplinary action against the employee has been taken. Sections (F) and (G) of this Rule lists conduct which may justify termination of any employee.
- (b) Termination may also be imposed if conduct is not improved following a suspension. The supervisor must determine if termination rather than further suspension is appropriate, considering the nature and extent of the continuing problem. Termination may also be imposed, if justified, upon the third violation concerning the same or similar conduct that is the subject of two (2) prior written reprimands in the same twelve-month period.
- (c) The supervisor must provide in writing the fair reasons, supported by facts, which justify the termination.
- (d) Before imposing termination, the supervisor shall hold a conference with the employee to explain the following:
  - 1. The supervisor is recommending the termination.
  - 2. The reason(s) for the termination.
  - 3. The employee may challenge the termination in accordance with Rule 59 of the JBPR, if the Director of Judicial Administration approves the recommendation.
- (e) After explaining the recommendation for termination, both the employee and the supervisor shall sign and date the recommendation. The signature of the employee does not indicate agreement with the recommendation, but indicates that he or she has been informed of the contents and has received a copy of the written recommendation. If the employee refuses to sign or accept a copy of the recommendation, the refusal shall be noted on the recommendation by the supervisor.
- (f) After giving a copy of the written recommendation to the employee, the supervisor shall immediately send the original to the Director of Judicial Administration for placement in the employee's official personnel file at the Administrative Office of the Courts. A copy shall be retained by the supervisor.
- (g) Upon approval by the Director of Judicial Administration, the termination shall become effective.

(F) Grounds for Termination on the First Offense.

- (1) Theft of Navajo Nation property greater than \$100;
- (2) Intentional misuse of Navajo Nation funds;
- (3) Solicitation or acceptance of bribes or kickbacks;
- (4) Falsification or unauthorized alteration of any Navajo Nation record;
- (5) Concealing, removing, mutilating, obliterating, or destroying Navajo Nation records or documents without authorization;

- (6) False statement(s) of material fact in the employment application or related documentation;
  - (7) Maintaining second or outside employment without proper approval;
  - (8) Contracting or recommending a contract with a party where the employee has an equity or other beneficial interest, limited only to employees who have influence over the contracting process;
  - (9) Fraud and/or conspiracy to commit fraud;
  - (10) Perjury in court or before an official Navajo Nation body or tribunal;
  - (11) Planning, initiating, participating in or assisting in the conduct of any riot or unlawful demonstration;
  - (12) Sexual harassment by a supervisor;
  - (13) Operating a tribal vehicle under the influence of alcohol, an illegal drug, or a controlled substance not prescribed by an authorized medical professional;
  - (14) Malicious damage to Navajo Nation property, including, but not limited to, graffiti, vandalism, etc.;
  - (15) Endangering the physical, well-being of any individual, including, but not limited to, threats of or actual violence;
  - (16) Disclosing confidential court-related or Judicial Branch termination-related information to unauthorized persons.
- (G) Ground for Termination on the Second Offense.
- (1) Severe misconduct which calls into question one's fitness for continued employment in that position with the Judicial Branch;
  - (2) Sexual harassment by a non-supervisor employee;
  - (3) Operating a vehicle under the influence of alcohol, an illegal drug, or a controlled substance not prescribed by an authorized medical professional;
  - (4) Display or use of intoxication on the job from alcohol, an illegal drug, or a controlled substance not prescribed by an authorized medical professional;
  - (5) Possession of unauthorized weapon(s) in the workplace;
  - (6) Use of a tribal vehicle in violation of the motor vehicle regulations, including, but not limited to, use of a tribal vehicle for personal reasons;
  - (7) Theft of Navajo Nation property in any amount.
- (H) Grounds for Suspension on the First Offense.
- (1) Severe misconduct which calls into question one's fitness for continued employment in that position with the Navajo Nation;
  - (2) Sexual harassment;
  - (3) Reckless or negligent misuse of Navajo Nation property;
  - (4) Misappropriation of services;
  - (5) Neglect of duty;
  - (6) Failure to directly call or report to the supervisor for three (3) consecutive days.
  - (7) Excessive absenteeism, including tardiness;
  - (8) Unsatisfactory work performance;
  - (9) Performing activities for personal gain when on the job, including, but not limited to, campaigning for political office during work hours;

- (10) Display of intoxication on the job from alcohol, an illegal drug, or a controlled substance not prescribed by an authorized medical professional;
  - (11) Habitual use of intoxicants to excess which affects job performance;
  - (12) Mistreatment of any individual(s) which jeopardizes health or safety;
  - (13) False accusation against employee(s);
  - (14) Violation of safety regulations which endangers oneself or others;
  - (15) Possession of unauthorized weapon(s) in the workplace;
  - (16) Use of a tribal vehicle in violation of the motor vehicle regulations, including, but not limited to, use of a tribal vehicle for personal reasons;
  - (17) Failure to treat the public or fellow employees with courtesy;
  - (18) Use of abusive or vulgar language and/or gestures.
- (I) Exhaustion of Administrative Remedies. All administrative remedies available within the Judicial Branch shall be exhausted before employees seek other remedies.

#### **Rule 58: Causes for Disciplinary Action**

These shall include, but are not limited to:

- (A) Violation of Navajo Nation law or the JBPR.
- (B) Careless, negligent, or prohibited use of court property, equipment, or funds;
- (C) Insubordination, which is failure to accept or follow a reasonable and proper instruction from a supervisor or judge;
- (D) Inefficiency, incompetence, physical or mental inability, or negligence in the performance of assigned duties;
- (E) Threats, abuse or intimidation of others, or disruptive conduct;
- (F) Employees encouraging or failing to take steps to prevent members of his or her family, friends, or associates to disrupt, interrupt, cause discord, intimidate, harass, or promote disharmony of personnel or official operations;
- (G) Unauthorized absence from work;
- (H) Excessive tardiness in reporting to work;
- (I) Use of undue influence to attempt to gain promotion, leave, favorable assignment, or other individual benefit or advantage;
- (J) Disrespect for appropriate authority within the Judicial Branch;
- (K) Intentional falsification or mishandling of court records;
- (L) Use of influence to attempt to affect the outcome of a court or administrative action;
- (M) Use, sale, possession, or being under the influence of alcohol or illegal or controlled drugs while on duty;
- (N) Conduct which reflects adversely upon the integrity of the Navajo Nation courts;
- (O) Failure to treat the public with courtesy and respect;
- (P) Unauthorized political activity;
- (Q) Unauthorized disclosure of court files or records, deliberation on cases, or personnel records.
- (R) Failure to provide true, accurate, and complete information in an application for employment;
- (S) Performing personal services or making sales for private or individual gain during working hours or on Judicial Branch premises;



- (T) Retaliation against an employee for filing a grievance or for acting in accordance with the JBPR and tribal and federal laws.

#### **Rule 59: Informal Review Process**

The informal review process is not to be used for disciplinary actions that can be grieved under the formal grievance process. Attempting to utilize this process for those actions can result in untimely appeal that will deny the applicant relief. Consult Rule 57 for directions on which process to utilize.

- (A) **Scope.** For disciplinary actions that cannot be grieved under Rule 60 of the JBPR, an informal grievance process shall exist to allow an employee to ask the supervisor for a reconsideration of the discipline and to document the employee's objection to the discipline. No disciplinary action, which can be appealed through the Rule 60 process, may be grieved through this process. An attempt to grieve through this process does not extend the time deadlines to file under Rule 60. Any disciplinary action above a written reprimand or a performance evaluation may be grieved, pursuant to Rule 60. Thus, they are not proper subjects for the informal grievance process.
- (B) The procedures for the informal review process:
- (1) The employee may file a written response within five (5) working days of a disciplinary action with his or her supervisor, documenting the employee's objection to the discipline and the reasons that the employee believes the discipline is unfair. The response shall state the relief requested.
  - (2) The employee and the supervisor shall hold an informal hearing to discuss the matter within ten (10) working days after the written complaint. Within five (5) working days of the informal hearing, the supervisor shall inform the employee in writing of his or her decision. These time limits may be extended upon mutual written agreement.
  - (3) The decision of the supervisor shall be final and cannot be appealed.
  - (4) If the decision by the supervisor is to sustain the previous decision to discipline, the supervisor shall retain the employee's written response and the written decision with any other documentation of the incident and conference. In the case of verbal reprimands, no further action is necessary.
  - (5) If the disciplinary action was a written reprimand, the supervisor shall send the original of the written response and the decision to the Director of Judicial Administration for placement in the employee's official personnel file in the Administrative Office of the Courts. A copy shall be retained by the supervisor.

#### **Rule 60: Grievances**

- (A) **Subjects of Grievances.** An employee may grieve only disciplinary actions and performance evaluations which affect the employee's terms and conditions of employment. Disciplinary actions subject to grievance are suspension and termination. Conditions of employment include, but are not limited to, actions which affect the employee's job tenure, salary, working hours, or required duties.
- (B) **Eligibility.** Regular full-time and regular part-time employees are entitled to the grievance process.
- (C) **Retaliation.** Retaliation for challenges to disciplinary actions is prohibited.



(D) Procedural Requirements.

- (1) Written grievances shall be filed directly with the chairperson of the Judicial Branch Grievance Board (JBGB) by the grievant with a copy given to the supervisor. Grievances shall be filed, either by fax or delivery to the chairperson, within five (5) working days after the supervisor serves on the employee the written disciplinary action.
- (2) Within five (5) working days of receipt, the chairperson shall determine:
  - (a) if the written grievance is submitted on a timely basis; and
  - (b) if the JBGB has subject matter jurisdiction.
- (3) Grievances determined to be untimely filed, not subject to the jurisdiction of the JBGB, or not properly processed shall be denied by the chairperson and not accepted for formal grievance.
- (4) All grievances shall be initiated and processed during regular work hours.
- (5) The grievance shall state in detail the grievant's complaint and the relief requested.
- (6) Upon acceptance of the grievance, the chairperson shall set the matter to be heard within thirty (30) calendar days at an appropriate place convenient to the parties.
- (7) Within five (5) working days upon acceptance of the grievance, the chairperson shall give written notice of the time and place of the hearing to the board members and the affected parties.
- (8) The chairperson may compel the appearance of witnesses. Such witnesses shall be immediately notified. Any retaliation against an employee who participates as a witness is prohibited.
- (9) Failure of the grievant to appear at scheduled grievance hearings without good cause shall be deemed a withdrawal of the grievance.
- (10) Failure of the respondent to appear at scheduled grievance hearings without good cause shall result in the JBGB rendering a decision based on the record and testimony of available witnesses.
- (11) Right to Representation by Counsel. Grievants have the right to representation in all grievance proceedings by an attorney or advocate at their own expense. Counsel shall be a regular member of the Navajo Nation Bar Association. Respondent may be represented by counsel at its option, and, where a grievance is against a local judicial district, the assigned staff attorney to such district shall represent the respondent, except in the case of conflict.
- (12) Disqualification of Grievance Board Member. Either party may file a written motion to recuse a board member for good cause based on immediate relationships by blood or affinity, conflict of interest, or other reasons which may affect a fair hearing. The motion for recusal must be submitted to the JBGB chairperson at least ten (10) days before the date of the hearing. A determination on recusal shall be made before the scheduled hearing date. A board member may also voluntarily recuse himself or herself from participation in a grievance proceeding by notice to the chairperson.

- (E) The Judicial Branch Grievance Board. The Judicial Branch Grievance Board shall be composed of the following three (3) members: (1) a judge, appointed by the Chief Justice; (2) an employee representative or alternate, elected at large by

court personnel of the Judicial Branch; and (3) an individual with personnel management experience not employed by the Judicial Branch, appointed by the Chief Justice.

- (1) All positions on the JBGB shall be for a term of two years or until replacements are named. Incumbents shall be eligible for reappointment or reelection.
  - (2) If the appointed judge is from the same judicial district as either the employee representative or the grievant, or the appointed judge is unable to serve for any reason, the Chief Justice shall appoint another judge from another judicial district to serve until that grievance has reached disposition.
  - (3) If the employee representative is from the same judicial district as either the appointed judge or the grievant, or the employee representative is unable to serve for any reason, the alternate shall fill that position on the board until that grievance has reached disposition.
  - (4) If the appointed non-Judicial Branch individual is unable to serve for any reason, the Chief Justice shall appoint another representative until that grievance has reached disposition.
- (F) Hearing Procedures. The appointed judge shall be the chairperson. The chairperson shall preside at every grievance hearing. No hearing shall be held without all three members present. They shall be the judge, the employee representative (or alternate), and the non-Judicial Branch individual.
- (1) The proceedings shall be recorded.
  - (2) The board chairperson shall conduct the hearing and afford the parties opportunity to introduce evidence. Evidence shall include taking testimony from witnesses and cross-examination of witnesses. Testimony shall be under oath or affirmation.
  - (3) Rules of evidence shall not be strictly applied. However, irrelevant or repetitious evidence may be excluded. Reliable hearsay is permitted.
  - (4) The grievant shall have the burden of going forward to show jurisdiction and a factual basis for review. If the chairperson decides that the grievant has met this burden, he or she shall so rule, and the burden shall then shift to the respondent to show that the action(s) taken were consistent with the JBPR.
  - (5) Upon hearing the evidence and statements of the parties and after careful consideration, the board by majority vote shall render a written decision within ten (10) working days and send the written decision to the Chief Justice. The decision, which shall be based upon the greater weight of the evidence, shall contain findings and either order dismissal of the grievance or remedial action which shall be limited to reinstatement, back pay with benefits, and/or expungement of the disciplinary action. The Chief Justice, pursuant to 7 N.N.C. § 371, shall automatically review the board decision for legal and factual sufficiency and sustain or overrule the board decision or remand the decision back to the JBGB for further action.
  - (6) After final review by the Chief Justice, the written decision shall be distributed to the JBGB, parties, and their representatives, and the Director of Judicial Administration.

**Rule 61: Judicial Branch Grievance Board  
Rules and Procedures**

- (A) The Judicial Branch Grievance Board (JBGB) will implement the following procedures in all cases:
- (1) The JBGB will hear all grievance complaints presented to the board.
  - (2) Grievance hearings will be conducted at the location of the grievant, unless the grievant requests otherwise.
  - (3) No hearing will be held without the presence of the full board.
  - (4) All three board members shall participate in full aspects of the decision-making process.
  - (5) Failure of the grievant to proceed with his or her grievance after filing with the JBGB shall be deemed as withdrawal of the grievance.
- (B) Board Rules.
- (1) The chairperson or designated board member will assign a number to each new grievance case.
  - (2) The chairperson or designated board member will mail hearing notices with the time, date, and location of the grievance hearing to all board members.
  - (3) The chairperson or designated board member will make hearing arrangements, such as identifying space to hold the grievance hearing, recording equipment, board accommodations, etc.
  - (4) All board members shall be present at hearings by 9:50 a.m. for roll call.
  - (5) Hearings shall begin promptly at 10:00 a.m. and continue through the afternoon, if necessary.
    - (a) The JBGB shall wait until 10:15 a.m. for grievant to appear. If the grievant is not present by 10:15 a.m., the complaint may be dismissed for lateness. Dismissal may be reconsidered for hearing if the grievant gives justifiable reason(s) for late appearance. Granting of request to proceed with hearing is at the discretion of the chairperson.
    - (b) The complaint may also be dismissed for non-appearance of the grievant. Such dismissal may be reconsidered for hearing if grievant presents, in writing, justifiable reason(s) for non-appearance and requests rescheduling of hearing. Granting of a request for rescheduling of hearing is at the discretion of the chairperson. The chairperson shall grant the request for rescheduling of hearing only if there are justifiable circumstances causing non-appearance.
  - (6) The chairperson shall open the hearing.
  - (7) The hearing shall proceed as follows:
    - (a) Roll call of board members or alternates.
    - (b) Introduction of all parties (grievant, counsel, witnesses, etc.)
    - (c) Brief statement of grievance case by board chairperson.
    - (d) Administration of oath to all who will testify and present evidence.
    - (e) Statements of issues by both parties or counsels.
    - (f) Exclusion of witnesses upon request.
    - (g) Presentation of case by the grievant with direct and cross-examination:



1. Calling first witness (and subsequent witnesses, if any);
  2. Direct examination;
  3. Cross examination;
  4. Redirect;
  5. Closing statement.
- (h) Presentation of respondent's case with direct and cross-examination:
1. Calling first witness (and subsequent witnesses, if any);
  2. Direct examination;
  3. Cross examination;
  4. Redirect;
  5. Closing statement.
- (8) The JBGB will go into executive session for a decision.
- (9) The JBGB will reopen the hearing to announce its decision to grievant, counsels, respondents, and the Judicial Branch.
- (10) Close grievance proceedings.
- (C) Either party may request reconsideration of the board's decision within fifteen (15) working days after receipt of the JBGB's decision by filing a written request and written arguments supporting the request.
- (1) The requesting party shall send the original documents to the JBGB chairperson and send copies to the rest of the board members and opposing party.
  - (2) The opposing party shall have ten (10) working days after receipt of reconsideration request to file written arguments in response. The responding party shall send the original documents to the chairperson and send copies to the rest of the board members and requesting party.
- (D) The JBGB will meet within thirty (30) working days after receipt of all documents to consider written arguments. No new evidence shall be admitted.
- (E) The written decision of the JBGB shall be mailed to all parties within ten (10) working days
- (F) The chairperson shall maintain grievance files for a duration of five (5) years from date the JBGB issues a written decision on a case.



**STUDENT ENRICHMENT FUND****POLICIES AND PROCEDURES FOR STUDENT ENRICHMENT FUND FOR EDUCATION EXPENSES**

*The policies and procedures are strictly for Student Enrichment separate from the policies and procedures set up for the Chapter Scholarship and Financial Assistance for Educational expenses. This policies and procedures are strictly for the Student Enrichment Fund, and the funds are obtained through fundraising.*

**I. What is the Student Enrichment Fund?**

- A. The current Navajo Nation Scholarship Budget for our Chapter is sufficient for the amount of students requiring financial assistance for their education expenses.
- B. Therefore, the Chapter is committed and dedicated to provide financial assistance to the community youth and members who desire to continue or pursue a higher education.
- C. The Student Enrichment Fund is an alternative action initiated by the Chapter to generate funds through various fundraising efforts.
- D. The goal of the Chapter is to provide an opportunity for all community youth and members to embrace and enrich their educational horizons and paradigms by pursuing and obtaining a higher education.
- E. The Student Enrichment Fund is also to assist High School Students who are pursuing outside Education of Career Oriented programs.

**I. How does the Student Enrichment Fund work?**

- A. The Chapter will host activities and events within the community to raise funds for the community youth and members educational expenses.
- B. The Chapter Staff will contact the students who are on the volunteer list to inform them of the upcoming events.
- C. Upon agreement on both parties, the student will be schedules to assist at events.
- D. Depending on the number of student volunteering and the amount of funds raised, the students who volunteered will get priority status and the funds will be equally awarded among the students.
- E. The ceiling award will be \$250.00 for each student.
- F. The Chapter Scholarship recipient can also volunteer if not other volunteers are available.
- G. The Chapter Staff will monitor the students while volunteering to ensure a safe and friendly environment.
- H. Students shall adhere to the following policies and procedures for this funding.

**III. Authorization**

- A. Pursuant to 26 N.N.C. Section 101 (A), the Leupp Chapter has formulate, implemented, and operates by the Five Management System to ensure accountability and has developed policies and procedures for the Student Enrichment Fund for Educational Expenses.

- B. Pursuant to the Leupp Chapter Resolution #LP06-046-2006, the Student Enrichment Fund Policies and Procedures are hereby approved.

#### **IV. Purpose**

The purpose of the Student Enrichment Fund Policies and Procedures is to provide the guidelines for the Chapter to administer the Student Enrichment Fund for education expenses for the community youth and members who are continuing or pursuing a higher education.

- A. Assist with education expenses such as tuition, books, school supplies, or room and board.

#### **V. Applicable Laws**

- A. The Leupp Chapter shall comply with all applicable State, Federal, and Navajo Nation Laws, such as, the Navajo Nation Privacy and Access to Information Act.

#### **VI. Amendments**

Any amendments to the Student Enrichment Fund Policies and Procedures may be recommended by any of the Chapter staff or community members in written format, and forward supportive and argumentative documentations to the Chapter Manager and Chapter Officials for assessment.

All proposed amendments would be presented by the Chapter President at a regular chapter meeting for final approval with a simple documentation to the Chapter Manager and Chapter Officials for assessment.

The foundations to add, delete, or revise any section(s) or provision(s) of the Student Enrichment Fund Policies and Procedures Manual would be subject to the following condition(s):

- A. The funding source has changed.
- B. The amount of the funding has tremendously increased or decreased.
- C. Procedures and Requirements for Submitting Amendments:
  - 1. Any proposed amendments to the Student Enrichment Fund Policies and Procedures Manual must be submitted in writing with supportive documentations to the Chapter Manager.
  - 2. The proposed amendments must be drafted in a legislative format. The new language underline and old language stricken
  - 3. The Chapter Manager in consultation with the Navajo Nation Department of Justice and the Office of Auditor general will review the proposed amendments to assure compliance with applicable Federal, State, and Navajo Nation Laws (necessity or realistic).
  - 4. If requirements 1, 2, & 3 above are met, the Chapter Manager will forward the proposed amendments to the Chapter Officials for review and discussion at a regular scheduled planning meeting.
  - 5. The Chapter Officials may instruct the Chapter Manager to set a public hearing date, time and location depending on whether the amendments are substantial and sufficient to warrant a public hearing

6. If the proposed amendment(s) are favorable by the public input process, the Chapter Officials will forward the recommendations to the Chapter membership for approval or disapproval at a regular scheduled Chapter meeting with a simple majority vote.
7. Upon approval, the Chapter Manager will make all recommended changes to the Student Enrichment Fund Policies and Procedures with a supporting resolution.

## **VII. Policy**

- A. The Student Enrichment Fund shall be obtained through fundraising activities or events.
- B. The Student Enrichment Fund shall be kept in reserve in the Chapter General Activities Fund.
- C. The Chapter shall reserve the right to refuse service to any student or parent of the student using vulgar or profanity language or behaving unprofessionally toward the Chapter staff and Chapter Officials.
- D. The Student Enrichment shall not require the students to attend Chapter Planning or Regular Meetings.
- E. The student shall be required to participate in a fund raising activity or event prior to award.
- F. The students shall submit all essential documentation as outlined in Section XII of this policies and procedures.
- G. The Chapter staff shall not accept any faxed applications.
- H. The student shall attend a mandatory orientation for the Student Enrichment Fund scheduled by the Chapter.

## **VIII. Role of the Students**

- A. The student shall be responsible for inquiring about fundraising events or activities for volunteering.
- B. The student shall visit the Leupp Chapter to obtain and submit all essential documents mentioned in Section XII.
- C. The student must be a volunteer at the Chapter hosted activity or event for fundraising.
- D. The student must volunteer for four (4) hours or more at a single event or combined hours at for (4) different events prior to award.
- E. The student shall attend the mandatory orientation meeting at the Chapter prior to award.
- F. The student shall inform the Chapter of all other scholarship or financial assistance awards.
- G. The student must maintain a grade point average (GPA) of 2.5 (C) or better.
- H. The student must sign-in with the Chapter staff at all events or activities.
- I. The student must submit a memorandum from the Chapter staff verifying attendance at a fundraiser activity (Section XII).



## **IX. Role of the Chapter Staff**

- A. The Chapter staff shall not be responsible to compile documents for the applicants.
- B. The Chapter staff shall not be responsible for lost or damage documents.
- C. The Chapter staff shall schedule fundraising activities or events for volunteering opportunities.
- D. The Chapter staff shall safeguard all essential documents and file them according to the Record Management Policies and Procedures.
- E. The Chapter staff shall announce fundraising events of activities at a Chapter meeting or shall post flyers and other notices.
- F. The Chapter staff shall make periodic and random verification on all Student Enrichment Fund recipients to verify adequate attendance and academic progress.
- G. The Chapter staff shall not accept faxed documentation unless prior arrangement has been made with scholarship committee.

## **X. Dates**

- A. There are no opening or deadline dates due to the variability of the fundraiser dates and schedules.

## **XI. Eligibility**

- A. The student shall perform mandatory volunteer work during a fundraising activity or events as scheduled by the Chapter.
- B. The student must be registered voter of the Leupp Chapter for at least 6 months or parent must be a registered voter for 1 year prior to applying.
- C. The student must be enrolled full-time or part-time in an accredited college, university, vocational institution, or technical school.
- D. The student must be a member of the Navajo Nation with a census number.

## **XII. Required Documents**

- A. Accurately completed Student Enrichment Application
- B. Memo from the Chapter staff regarding the volunteer time
- C. Sign-in sheet from the event or activity
- D. Census number
- E. Voter Registration card
- F. Original High School Transcript of College Transcript
- G. Class schedule

H. Original letter of acceptance from the school

### **XIII. Award Amounts**

- A. Regardless of the enrollment status, full-time or part-time, the students who volunteered for a fundraiser will receive priority award.
- B. The students shall receive an equal amount of award due to limited revenues generated per activity or event.
- C. The award amount shall be according to budget amount for the Fiscal Year.
- D. The Chapter staff shall have ten (10) working days to process the check from the date the completed documents are submitted.

### **XIV. Student Obligation**

Upon the award, the student must meet the following conditions:

- A. The student must inquire about fundraiser activities or events.
- B. The student must utilize the awarded funds toward educational needs and goals.
- C. The student must submit requested transcripts at the end of each awarding semesters.

### **XV. Probation/ Repayment**

- A. If student withdraws from school.
- B. The student's lack of attendance.
- C. The student drops below the reported credits hours amount such as 12+ credits for full-time or under 3 credits for part-time.
- D. The student does not maintain 2.5 GPA or C average, equivalent.
- E. The student fails to submit an official transcript at the end of the awarding semester.
- F. If the student fails to complete their registered semester, the student will be obligated to repay the funds back to the Chapter and he or she will be put on probation.



## LEUPP CHAPTER

C.P.O. Box 5428 • Leupp, Arizona 86035 • (928) 686-3227 • FAX: (928) 686-3232

### MEMORANDUM

**Date:**

**TO:** Chapter Manager  
Chapter Officials

**FROM:** Office Specialist/ Chapter Staff

**SUBJECT:** VOLUNTEER TIME

Volunteer time for \_\_\_\_\_ (student's name)

This memo is to verify that the student, \_\_\_\_\_ has volunteered at the following event:

\_\_\_\_\_ (name of event or activity) on this \_\_\_\_ of \_\_\_\_\_ for this number of

hours, \_\_\_\_\_. This sign-sheet is attached.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chapter Staff

\_\_\_\_\_  
Date





## LEUPP CHAPTER

C.P.O. Box 5428 • Leupp, Arizona 86035 • (928) 686-3227 • FAX: (928) 686-3232

### MEMORANDUM

**DATE:**

**TO:** All Student Enrichment Fund Recipients

**FROM:** Leupp Chapter

**SUBJECT:** Understanding of Obligation of the Student Enrichment Fund Policies and Procedures

\_\_\_\_\_, have read and understood the Student Enrichment Fund Policies and Procedures.

I, \_\_\_\_\_, understand that upon my award of the Student Enrichment Fund, I am obligated to utilize the funds for my educational expenses as specifies in the Student Enrichment Fund Policies and Procedures. I also understand that as specified in the Student Enrichment Fund Policies and Procedures, I am obligated to repay the awarded funds if I misuse the funds or if I unofficially withdraw from school.

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent Signature (if minor)

\_\_\_\_\_  
Date

**STUDENT ENRICHMENT FUND**  
**POLICIES AND PROCEDURES FOR PROCEDURES**

*This policies and procedures are separate from the policies and procedures set up for the Chapter Scholarship. This policy and procedure are strictly for the Student Enrichment Fund and the funds are obtained through the fund raising.*

**WHAT IS THE STUDENT ENRICHMETN FUND?**

1. The current Navajo Nation Scholarship Budget for our Chapter is insufficient for the amount of student requiring financial assistance for their educational expenses.
2. Therefore, the Chapter is committed and dedicated to provide financial assistance to the community to provide financial assistance to the community youth and members who desire to continue or pursue a higher education.
3. The Student Enrichment Program is an alternative action initiated by the Chapter to generate funds through various fund raising efforts.
4. The goal of the Chapter is to provide an opportunity for all community youth members to embrace and enrich their educational horizons and paradigms by pursuing a higher education.

**HOW DOES THE STUDENT ENRICHMENT FUND WORK?**

1. The Chapter will host various activities and events within the community to raise fund for the community youth member's educational expenses.
2. The Chapter staff will contact the students on the volunteer listing to inform the students of the events and develop a schedule for the students.
3. Depending on the number of students and the amount of funds raised, the students who volunteered will get priority status and the funds will be equally awarded among the students.
4. The Chapter staff will monitor the students while volunteering to ensure a safe and friendly environment.
5. Students shall adhere to by the following policies and procedures for this funding.

**HOW ARE FUND OBTAINED?**

1. Since the funds are obtained from various fund raising efforts, the applicants are not required to attend the Chapter meeting and there will be no resolutions passed for the Student Enrichment Fund.
2. Students are encouraged to sign-up to volunteer their time and the Chapter staff will contact them when an activity or an event is scheduled.

**DATES:**

The opening and closing dates will depend on the fund raising dates, which will vary depending on fund availability.

**ELGIBILITY:**

1. Must help with the fund raising activity.
2. Must be registered voter of the Leupp Chapter for at least six (6) months or parent must be registered voter for one (1) year prior to applying.
3. Must be enrolled full-time or part-time in an accredited college, university, vocational institution, or technical school.
4. Must be a member of the Navajo Nation with a Census number.

**REQUIRED DOCUMENTS:**

1. Accurately completed Student Enrichment Application
2. Census Numbers
3. Voter Registration card
4. Original High School Transcript or College Transcript
5. Class schedule
6. Original Letter of Acceptance from the School
7. Memorandum from the Chapter staff verifying volunteer work.

**AWARD AMOUNTS:**

The listed amounts are based on fund availability and based on the annual Navajo Nation Student Enrichment Fund allocation. If funds are limited, the award amounts shall be reduced to benefit more students and /or the number of students.

**STUDENT RESPONSIBILITIES:**

Before any application is accepted, all essential documents must be present of the application will be considered incomplete and denied.

1. Obtain and submit all essential documents to the Chapter.
2. Be a volunteer for an event.
3. Submit an official transcript at the end of each awarded semester to the Chapter.
4. Maintain a GPA of 2.5 or C average.

**CHAPTER STAFF RESPONSIBILITIES:**

It will be the responsibility of the Chapter staff to compile documents for the applicant. Also, the Chapter staff is not responsible for lost or damaged documents.

1. Schedule activities or events for volunteer opportunities.
2. Safeguard all essential documents and file them according to the Records Management Policies and Procedures.
3. Make periodic and random follow-ups on all scholarship recipients to check on attendance and academic progress.
4. Post announcement of event of activities.

**PURPOSE OF FUNDRAISING:**

1. Assist with educational expenses such as tuition, books, school supplies, or room and board.

**STUDENT OBLIGATIONS:**

Upon the award, the student must meet the following conditions:

1. Utilize the award fund toward educational needs and goals.
2. Submit requested transcripts at the end of each awarding semesters.

**PROBATION:**

Probation will only apply when the student fails to complete the semester as per registration. The Probation Period will be one (1) full school year for any of the following reasons:

1. Withdrawal from school
2. Lack of attendance
3. Dropping below the reported credit hours amounts such as 12+ credits for full-time or under 3 credits for part-time.
4. Dropping below 2.5 GPA or C average.
5. Failure to submit an official transcript
6. If the student fails to complete his or her registered semester, the student will be obligated to repay the funds back to the Chapter and he or she will be put on probation.

The Chapter is always open to hear innovative ideas regarding our community improvements, so please do not hesitate to contact the Chapter with any suggestion by mail or telephone.



NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**LEUPP CHAPTER  
STUDENT ENRICHMENT FUNDS**

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- ☐ Current Leupp Chapter Scholarship Application
- ☐ Letter of Application
- ☐ Verification of Voter Registration
- ☐ Class Schedule or Registration
- ☐ Memo for Chapter Staff for Volunteer Time

☐ Documents Checked By: \_\_\_\_\_

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If completed, the application and documentations will be presented to the Chapter Manager for approval.

- ☐ APPROVED
- ☐ DENIED

\_\_\_\_\_  
Chapter Manager Signature

---

**Completed Application**

- ☐ Memo for Chapter Staff on Volunteer Time
- ☐ Check for Signatures
- ☐ Copy of Check

\_\_\_\_\_  
Office Specialist

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**COMMENTS**

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**LEUPP CHAPTER**  
**PUBLIC EMPLOYMENT**  
**PROJECTS**  
**POLICIES**  
**AND**  
**PROCEDURES**

**PUBLIC EMPLOYMENT PROJECT**  
**POLICIES AND PROCEDURES FOR PROCEDURES EXPENDITURES**

*The following policies and procedures will supersede the policies and procedures set by the  
TCDC Resolution #TCDCD111-00*

**I. Authorization**

- A. Pursuant to 26 N.N.C. Section 101 (A), the Leupp Chapter has formulate, implemented, and operates by the Five Management System to ensure accountability and has developed policies and procedures for the Chapter Public Employment Program.
- B. Pursuant to the Leupp Chapter Resolution # LP06-046-2006, the Chapter Public Employment Program Policies and Procedures are hereby approved.

**II. Purpose**

- A. The purpose of these policies and procedures are to install a guideline for the Chapter to administer the Public Employment Project for Chapter Expenditures.
- B. Provide short-term employment for chapter membership or residence to work on prioritized chapter projects.
- C. Help reduce the unemployment rate at the Chapter and Navajo Nation level.
- D. Provide on-the-job training to selected Chapter residence so they could obtain permanent and competitive employment with non-chapter employers.

**III. Applicable Laws**

- A. The Leupp Chapter shall comply with all applicable State, Federal, and Navajo Nation laws such as the Navajo Preference in Employment Act.

**IV. Definitions**

- A. Chapter Administration: the employee of the chapter which includes, but is not limited to, the Chapter Manager and Office Specialist.

- B. Chapter Manager:** chapter employee who performs the duties as prescribed in 26 N.N.C. Section 1004 (B), 1004 (C), and 2003 (B), and include those employees referred to as Community Service Coordinators.
- C. Local Governance Act:** 26 N.N.C. Section 1-2005
- D. Participants:** Chapter members participating in Chapter approved Public Employment Project.



## **Fund Origin**

- A. The Pubic Employment Project fund originated or comes from the Navajo Nation Central Office annually. Once the funds are disbursed to the Chapter, a budget is developed per projects.**
- B. The budgets consist of specific Chapter projects with specific time frame due to the workman's compensation compliance. The project and time frames are prioritized by the Chapter Manager based on emergency needs.**

## **VI. Policy**

- A. The Leupp Chapter has discretion in selecting which Public Employment Project (PEP) to pursue, subject to the applicable Five Management System Policies and Procedures and Navajo Nation Laws. The Chapter has the discretion to determine the length of each project and when to begin.**
- B. All projects shall be approved by the Chapter Manager in consultation with Chapter Officials according to Chapter budget.**
- C. All projects shall be completed within the annual budget cycle, or an extension shall be made with a Chapter Manager in consultation with Chapter Officials according to the Fiscal Year Operating Budget.**
- D. The chapter administration shall make proper accounting and bookkeeping entries for all PEP allocations.**
- E. For each project, the chapter administration may employ one or more participants subject to the availability of funds and provide job description per trade type.**
- F. Proper workman compensation liability insurance shall be filed and only hired participants shall be able to work.**
- G. The Chapter administration shall select project supervisor and skilled participants based on experience, skills, and qualifications for the designed project.**
- H. The Chapter administration shall set the salary wages of the participants.**
- I. The Chapter manager shall hire and terminate participants in compliance with Personnel Management Policies and Procedures**

- J. The Chapter shall uphold the Navajo Preference in Employment Act.
- K. Participants shall not work more than eight (8) hours per day, 40 hours per week, or 80 hours per pay period. Participants shall not make up missed hours.
- L. The Chapter shall allow participants to get on-the-job training. The employment is temporary for the participants to obtain training to obtain permanent jobs with private organizations,
- M. When there are positions available, the Chapter will post opening for two weeks to accept applications.
  - 1. Post announcement on Chapter bulletin board.
  - 2. Announcement at Chapter Meetings.
  - 3. Workforce Development bulletin board
  - 4. Post Office bulletin board.

#### **VII. Participant Qualifications and Employment Notice**

- A. Adult participant must be 18 years or older.
- B. Adult participants shall be registered voters of the Chapters and not employed by another Chapter.
- C. All participants shall be members of the Navajo Nation with a census number.
- D. Immediate supervisor shall not be a relative.
- E. Must not be employed at the time of applying for employment.

#### **VIII. Project Documents Requirements**

- A. Accurately completed Chapter Employment Application
- B. Voter Registration Card of Verify in Voter Registry Book
- C. Social Security Number
- D. Driver's Licenses of Identification
- E. W-4 Form

**F. New Arizona Hire Form**

**G. Employment/Termination Notice Form**

**H. Signed Policies and Procedures, Alcohol & Drug Free, Job Description and Prohibition of Sexual Harassment Understanding acknowledgement form**

**IX. Tour of Duty**

**A. Monday through Friday, except Navajo Nation Recognized Holidays**

**B. 8:00 AM to 5:00 PM with one hour lunch from 12:00 PM to 1:00 PM**

**C. No overtime allowed**

**X. Wages**

**A. The PEP funds are restricted budgeted funds, therefore, the hourly wages shall start at a minimum wage.**

**B. The Chapter shall grant wage increase based on job performance evaluation and funds availability.**

**XI. Payroll, Timesheets, and Deduction**

**A. The timesheets are due on Wednesday prior to the payroll date.**

**B. The timesheets are due on Wednesday to the actual payroll date with all proper signatures and time. Timesheets are done as per Pay Period Ending.**

**C. Upon receipt, the Chapter Manager and Office Specialist/ Housing Supervisor shall check and verify the hours worked for each participant.**

**D. Bi-weekly progress reports mileage report from the Project Supervisor are due with the time sheets.**

**E. Payroll checks are signed as per Fiscal Management Policies and Procedures.**

**F. Payroll checks are disbursed at the end of work day on Fridays.**

- G. If the participants are not available for check pick-up, he or she may authorize a person to pick up his or her check with a written permission and original signatures with no exception.

## **XII. Taxes**

- A. For all participants, FICA and MEDICARE taxes are automatically deducted at each payroll.
- B. The Federal Tax and State Tax will be deducted based on the W-4 form.
- C. At the end of each month, the Chapter Manager shall submit payment to the Internal Revenue Services for the taxes deducted.
- D. At the end of each calendar year, the Chapter shall issue W-2 or 1099 to all participants. The Chapter shall submit W-3 and 1096 to proper agencies.

## **XIII. Benefits**

- A. Since all participants are employed under the PEP as temporary employees, the participants are ineligible for any type of health, dental, pharmacy, or vision benefits.
- B. However, the participants are covered through Navajo Nation Workers Compensation Program, if applicable.
- C. The participants are also ineligible for holiday, personal leave of absence, or compensatory-time pay and ineligible for merit pay or bonus pay.
- D. The Leupp Chapter shall comply with the Chapter's Personnel Management Policies and Procedures.

## **XIV. Grievance**

- A. Since all participants are employed under the PEP as temporary employees, the participants are ineligible for any type of grievance process.
- B. The Leupp Chapter shall comply with the Chapter's Personnel Management Policies and Procedures.

## **XV. Sexual Harassment**



The workplace shall be free of sexual harassment; therefore, such action is prohibited and will result in immediate termination.

**XVI. Hostile Environment**

The workplace shall be free of hostile behavior or environment; therefore, such action is prohibited and will result in immediate termination.

**XVII. Safety Environment**

The Chapter shall provide a safe and friendly workplace or environment for all workers.

**XVIII. Illegal Drug and Alcohol Free Workplace**

The workplace and environment shall be free of illegal Alcohol & Drug; therefore, such usage will result in immediate termination.

**XIX. Code of Conduct**

- A. The participants will conduct themselves with respect towards co-workers, chapter staff, chapter officials, community member, project clients, and any other persons.
- B. The participants will conduct themselves with trustworthiness and produce quality work.

**XX. Dress Code**

- A. Participants shall report to work with proper attire for the job and with proper personal hygiene.
- B. Participant with long hair shall braid or tie back for hair safety reasons.

**XXI. Tools**

Since the Chapter does not provide tools or transportation, the participants must have a reliable transportation and the participants must have own tools such as hammer, saw, level, tool belt, etc.

**XXII. Oversight**

The Chapter Manager shall have the daily and overall oversight responsibilities for the PEP carried out by the Chapter.

#### **XXIII. Personnel Management Policies and Procedures**

- A. The Chapter shall comply with all Five Management System which includes the Personnel Management Policies and Procedures for the Public Employment Program Participants in addition to these policies and procedures.
- B. For more in-depth information regarding Personnel Management, please refer to the Five Management System Personnel Management Policies and Procedures.
- C. The Personnel Management Policies and Procedures are available upon request at the Chapter for review or copy, for a fee of \$7.00.

#### **XXIV. Amendments**

Any amendments to the Public Employment Project Policies and Procedures may be recommended by any of the Chapter staff or community members in written format, and forward supportive and argumentative documentation to the Chapter Manger and Chapter Officials for assessment.

All proposed amendments shall be presented by the Chapter President, in consultation with the Navajo Nation Department of Justice, at a regular Chapter meeting for final approval with a simple majority vote of the Chapter membership.

The foundations to add, delete, or revise any section(s) or provision(s) of the Public Employment Project Policies and Procedures Manual would be subject to the following condition(s):

- A. The funding source has changed.
- B. The amount of the funding has tremendously increased or decreased.
- C. Procedures and requirements for submitting amendments:
  - 1. Any proposed amendments to the Public Employment Project Polices and Procedures Manual must be submitted in writing with supportive documentation to the Chapter Manger.

2. Any proposed amendments must be drafted in legislative format. The new language underline and old language stricken.
3. The Chapter Manager, in consultation with the Navajo Nation Department of Justice and the Office of Auditor General, will review the proposed amendments to assure compliance with applicable State, Federal, and Navajo Nation Laws (necessity or realistic).
4. If requirements 1, 2, & 3 above are met, the Chapter Manager will forward the proposed amendments to the Chapter Officials for review and discussion at a regular scheduled planning meeting.
5. The Chapter Officials may instruct the Chapter Manager to set a public hearing date, time, and location depending on whether the amendments are substantial and sufficient to warrant a public hearing.
6. If the proposed amendment(s) are favorable by the public input process, the Chapter Officials will forward the recommendations to the Chapter membership for approval or disapproval at a regular scheduled Chapter meeting with a simple majority vote.
7. Upon approval, the Chapter manager will make all recommended changes to the Public Employment Project Fund Policies and Procedures with a supporting resolution.

Thomas L. Cody, President  
Traine Jones-Noline, Vice President  
Kosita Ann Kelly, Secretary/Treasurer



Johnny K. Thompson, Sr., Grazing Officer  
Leonard Chee, Council Delegate  
Thomas Walker, Jr., Council Delegate

## LEUPP CHAPTER

Telephone: (928) 686-3227 or 3229

CPO Box 5428 Leupp, Arizona 86035

Facsimile: (928) 686-3232

### MEMORANDUM

**DATE:**

**TO:**

All Chapter Public Employment Program  
Recipients

**FROM:**

**Leupp Chapter**

**SUBJECT:**

Understanding the Chapter Public Employment  
Program  
Policies and Procedures

**RE:**

**Job Description, Alcohol & Drug Free,  
Prohibition of Sexual Harassment, and Policies  
and Procedures**

I, \_\_\_\_\_, have read and understood the Chapter Public  
Employment Program Policies & Procedures.

I, \_\_\_\_\_, understand my job description and copy of the job  
description was given to me. I also received information from the Chapter Public  
Employment Project Policies and Procedures regarding the alcohol & drug free  
work place and environment. Furthermore, I understand that the work place shall  
be free of Sexual Harassment and Hostile Environment as outlined in the Personnel  
Management Policies and Procedures under the Five Management System.

**SIGNATURE:**

\_\_\_\_\_  
Public Employment Project Worker

\_\_\_\_\_  
Date



## **PUBLIC EMPLOYMENT PROJECT**

### **POLICIES AND PROCEDURES FOR PROCEDURES EXPENDITURES**

*The following policies and procedures will supersede the policies and procedures set by the TCDC.*

#### **PURPOSE**

The purpose of this policies and procedures are to install a guideline for the Chapter to administer the Public Employment Project for Chapter Expenditures.

1. Provide short-term employment for chapter membership to work on prioritized Chapter projects
2. Reduce the employment rate at the Chapter and Navajo Nation level.
3. Provide on-the-job training to selected Chapter membership so they could obtain permanent and competitive employment with non-chapter employers.

#### **FUNDS SOURCE**

The Public Employment Project fund's source is the Navajo Nation Central Office annually. Once the funds are disbursed to the Chapter, a budget is developed per projects.

The Budget consists of specific Chapter projects with specific time frame due to the workman's compensation compliance. The Projects and time frames are prioritized by the Chapter Manager based on needs.

#### **ELIGIBILITY**

1. Must be a Chapter registered voter
2. Must be a member of the Navajo Nation with a census number
3. Must be 18 years or older.

#### **REQUIRED DOCUMENTS**

1. Accurately completed Chapter Application
2. Voter Registration Card
3. Social Security Card
4. Drivers Licenses or Picture ID
5. W-2 Form
6. New Arizona Hire Form
7. Employment/ Termination Notice
8. Signed Policies and Procedures, Alcohol and Drug Free, Prohibition of Sexual Harassment, and Job Description Acknowledge Form

#### **TOUR OF DUTY**

The workdays are Monday through Friday, except Navajo Nation recognized holidays.

The workday begins at 8:00 AM to 12:00 PM, then 1:00 PM to 5:00 PM with a one hour lunch.

## **WAGES**

Since the Public Employment Project Funds are restricted budgeted funds, the hourly wage shall be according to the budget. Raises may be granted based on job performance and approved through a Chapter Meeting for budget adjustments/transfer.

## **TAXES**

FICA and MEDICARE taxes shall be automatically deducted from each payroll. The Federal Tax and State Tax will be deducted based on the W-2 Form.

## **TIMESHEETS**

The payroll periods will be the same as the Navajo Nation Payroll Periods. The Payroll will be drawn every two weeks.

The timesheets are due on Wednesday on the actual payroll date with all proper signatures and time approved.

## **BENEFITS**

Since all participants are employed under the PEP as temporary employees, the participants are ineligible for Chapter sponsored fringe benefits.

However, all participants are covered through Navajo Nation Workers Compensation Program, when applicable.

The participants are also ineligible for holiday, personal leave of absence, or compensatory time off and ineligible for merit pay or bonus pay.

## **GRIEVANCE**

Since all participants are employed under the PEP as temporary employees, the participants are ineligible for any type of grievance process.

## **SEXUAL HARASSMENT**

The workplace shall be free of sexual harassment; therefore, such action is prohibited and will result in immediate termination.

## **HOSTILE ENVIRONMENT**

The workplace shall be free of hostile behavior or environment; therefore, such action is prohibited and will result in immediate termination.

## **SAFETY ENVIRONMENT**

The Chapter shall provide a safe and friendly workplace and environment for all workers.

## **ILLEGAL DRUG AND ALCOHOL FREE WORKPLACE**

The workplace and environment shall be Alcohol & Drug free; therefore, such usage will result in immediate termination.

## **CODE OF CONDUCT**

The participant shall conduct themselves with respect towards co-workers, chapter staff, chapter officials, community members, project clients, and all other persons.

The participants will conduct themselves with trustworthiness and produce quality work.

## **DRESS CODE**

The participants shall report to work with proper attire for the job and with proper personal hygiene.

Participants with long hairs shall braid or tie back hair for safety reasons.

## **TOOLS**

Since the Chapter does not provide tools or transportation, the participants must have a reliable transportation and the participants must have own tools such as hammer, saw, level, tool belt, etc.

## **PERSONNEL MANAGEMENT POLICIES AND PROCEDURES**

The Chapter shall comply with all Five Management System Manual which includes the Personnel Management Policies and Procedures for the Public Employment Project Participants.

For more in-depth information regarding Personnel Management, please refer to the Five Management System Personnel Management Policies and Procedures.

The Personnel Management Policies and Procedures are available upon request at the Chapter for review or copy for a fee of \$7.00.

The Chapter is always looking for innovative ideas for community improvements; therefore, do not hesitate to contact the Chapter to share any innovative ideas.

**LEUPP CHAPTER**  
**SUMMER YOUTH**  
**EMPLOYMENT**  
**POLICIES**  
**AND**  
**PROCEDURES**



## **SUMMER YOUTH EMPLOYMENT TRAINING PROGRAM**

### **POLICIES AND PROCEDURES FOR CHAPTER EXPENDITURES**

*This policy and procedures set by the TCDC Resolution #TCDCMY-43-01.*

#### **I. Authorization**

- A. Pursuant to 26 N.N.C. Section 101 (A) Leupp Chapter has formulated, implemented, and operated by the Five Management System to ensure accountability and has developed policies and procedures for the Chapter Summer Youth Employment Training Program.
- B. Pursuant to the Leupp Chapter Resolution # LP06-046-2006, the Chapter Summer Youth Employment Training Program Policies and Procedures is hereby approved and adopted.

#### **II. Purpose**

- A. The purpose of this policies and procedures are to install guidelines for the Chapter to administer the Summer Youth Employment Training Programs (SYETP) for Chapter Expenditures.
- B. The SYTEP shall provide a short-term employment for Chapter membership youth to work on prioritized Chapter projects or within the private sector of the local businesses.
- C. The SYTEP shall provide a short-term employment for Chapter membership youth during the summer, after school, or between classes to obtain employable skills and knowledge,
- D. The SYTEP shall help reduce the unemployment rate at the Chapter and Navajo Nation level among the employable youth.
- E. The SYTEP shall provide on-the-job training for the youth so they could obtain permanent and complete employment with other employers.

## **Applicable Laws**

- A. The Leupp Chapter shall comply with all applicable State, Federal, and Navajo Nation Laws, such as Navajo Preference in Employment Act.

## **IV. Definitions**

- A. Chapter Administrator: the employee of the chapter, but is not limited to the Chapter Manager or Office Specialist.
- B. Chapter Manager: Chapter employee who performs the duties as prescribed in 26 N.N.C. Section 1004 (B), 1004 (C), and 2003 (B), and included those employees referred to as Community Service Coordinators.
- C. Local Governance Act: N.N.C. Section 1-2005
- D. Participations: Chapter members participating in Chapter approved Summer Youth Employment Training Programs
- E. Summer Youth Employment Training Programs: appropriations made by the Navajo Nation Council and referred to in the Chapter disbursement line items as 'Summer Youth Employment Training Programs'. Notwithstanding the title of the line item, funding is not limited to 'summer' and can be used throughout the year.

## **V. Funds Source**

- A. The Summer Youth Employment Training Programs originates or comes from the Navajo Nation semi-annually.
- B. Once the funds are disbursed to the Chapter, the budget is developed per projects.
- C. The Budgets consists of specific Chapter Projects with specific time frame due to the workman's compensation compliance.
- D. The projects and time frames are prioritized by the Chapter Manager based on emergency or priority needs.
- E. The SYETP are disbursed during the summer months or when the TCDC passes the funds with a resolution or based on fund availability.

## **Policy**

- A. The Leupp Chapter shall have discretion in selecting the SYETP to pursue, subject to applicable Five Management System Policies and Procedures and Navajo Nation Laws.
- B. The Chapter shall have discretion to determine the length of each project and when to begin.
- C. The Chapter Administration shall make proper accounting and bookkeeping entries for all SYETP allocations.
- D. For each project, the Chapter Administration shall employ one or more participants subject to the availability of funds and provide job descriptions per trade type.
- E. Proper workman compensation liability insurance shall be filed and only hired participants shall be able to work
- F. The Chapter Administration shall select project supervisor and skilled participants based on experience, skills, and qualifications for the designed project.
- G. The Chapter Administration shall set the salary and wages of the participants.
- H. The Chapter Manager shall hire and terminate participants in compliance with Personnel Management Policies and Procedures.
- I. The Chapter shall adhere to the Navajo Preference in Employment Act.
- J. Minor participants shall not work more than six (6) hours per day, 32 hour per week, or 64 hours per pay period. Participants shall not make up missed hours.
- K. Non-minor participants shall not work more than eight (8) hours per day, 40 hour per week, or 80 hours per pay period. Participants shall not make up missed hours.
- L. The Chapter shall allow participants to get on-the-job training. The employment is temporary for the participants to obtain training permanent jobs with non-Chapter employers.
- M. When there are positions available, the Chapter will post job opening for two weeks to accept applications on Chapter bulletin board or announcement at the Chapter meetings.

## **VII. Participant Qualifications and Employment Notice**

- A. Participant must be between ages 14 to 25
- B. Adult participant shall be registered voters of the Chapter and not be employed by another Chapter.
- C. All participants shall be members of the Navajo Nation with a Census Number.
- D. Immediate supervisor shall not be a relative.
- E. Enrolled in a high school, college, university, vocational or technical institution.
- F. Returning to a high school, college, university, vocational or technical institution within six (6) months of applying and willing to provide supporting documents.
- G. Unemployed at the time of applying.
- H. Not expelled or on probation status from a high school, college, university, vocational or technical institution.

## **VIII. Project Document Requirements**

- A. Accurately completed Chapter and Summer Youth Employment Application.
- B. Must be a registered voter for six (6) months or more. If minor, the parent must be a registered voter for one year.
- C. Social Security Card
- D. Drivers Licenses or Identification
- E. W-4 Form
- F. New Arizona Hire Form
- G. Project Application (Chapter budget and Resolution)
- H. Employment/ Termination Notice Form



- I. Signed Policies and Procedures, Alcohol and Drug Free Form, Prohibition of Sexual Harassment and Job Understanding Acknowledgement Form.
- J. Letter of Interest, which describes career goals.

#### **IX. Tour of Duty**

- A. Monday through Friday, except Navajo Nation recognized Holidays.
- B. 8:00 AM to 5:00 PM with one hour lunch from 12:00 PM to 1:00 PM.
- C. No overtime allowed
- D. High School students shall not work over 32 hours per week
- E. College student shall not work over 40 hours per week.

#### **X. Wages**

- A. The SYETP are restricted budgeted funds; therefore, the hourly wages shall start at the Federal minimum wage.
- B. The Chapter shall grant wage increase based on job performance evaluations and fund availability.

#### **XI. Payroll, Timesheets, and Deduction**

- A. The payroll periods will be the same as the Navajo Nation payroll periods. Payroll will be drawn every two weeks.
- B. The timesheets are due on Wednesday on the actual payroll date with all proper signatures and time. Timesheets are done as per Pay Period Ending.
- C. Upon receipt, the Chapter Manager shall review and verify the hours worked for each participant.
- D. Bi-weekly progress reports from the Project Supervisor are due with the time sheets.
- E. Payroll checks are disbursed at the end of workdays on Fridays.
- F. If the participants are not available for check pick-up, he or she may authorize a person to pick up his or her check with a written permission and an original signature.

- G. On the final payroll, the participants shall submit a letter describing his or her employment experiences and what was learned.

## **XII. Taxes**

- A. FICA and MEDICARE taxes shall be automatically deducted at each payroll.
- B. The Federal tax and State tax will be deducted based on the W-4 form.
- C. At the end of the month, the Chapter Manager shall submit payment to the Internal Revenue Services for the taxes deducted and unemployment taxes, if applicable.
- D. At the end of each calendar year, the Chapter shall issue W-2 or 1099 to all participants. The Chapter shall submit W-3 and 1096 to proper agencies.

## **XIII. Benefits**

- A. Since all participants are employed under the Summer Youth Employment as temporary employees, the participants are ineligible for any Chapter sponsored fringe benefits.
- B. However, all participants are covered through the Navajo Nation Workers Compensation Program, is applicable.
- C. The participants are also ineligible for holiday, personnel leave or absence, or compensatory time off and ineligible for merit pay or bonus pay.
- D. No work related travel shall be authorized for SYETP participants unless the Chapter Manager in consultation with Chapter Officials approves the travel according to SYETP.

## **XIV. Grievance**

- A. Since all participants are employed under the Summer Youth Employment as temporary employees, the participants are ineligible for any type of grievance.
- B. Participants may be terminated for excessive tardiness and absences.
- C. Leaving worksite without authorization before tour duty is completed.

D. Inadequate job performance

E. Insubordination

**XV. Sexual Harassment**

The workplace shall be free of sexual harassment; therefore, such action is prohibited and will result in immediate termination.

**XVI. Hostile Harassment**

The workplace shall be free of hostile behavior or environment; therefore, such action is prohibited and will result in immediate termination.

**XVII. Safety Harassment**

A. The Chapter shall provide a safe and friendly workplace or environment for all workers by selecting and reviewing all worksites or participating programs.

B. Workers practicing unsafe working habits will be counseled at the first offense and then terminated after a second offense.

**XVIII. Illegal Drug and Alcohol Free Workplace**

The workplace and environment shall be free of Illegal Drug and Alcohol; therefore, such usage will result in immediate termination.

**XIX. Code of Conduct**

A. The participants shall conduct themselves with respect towards co-workers, Chapter staff, Chapter Officials, community members, project clients, and all other persons.

B. The participants shall conduct themselves with trustworthiness and produce quality work.

**XX. Dress Code**

A. The participants will report to work under proper attire for the job and proper personal hygiene.

B. Participants with long hairs shall braid or tie back their hair for safety reasons.

## **XXI. Applicable Laws**

- A. The Chapter shall comply with child labor Laws of Arizona.
- B. There shall be no-work related travel unless prior approval by the Chapter Manager in consultation with Chapter Officials.
- C. Parental consent is obtained using standard consent form, prior to the start of employment.
- D. Youth employments participating under close supervision at all times and do not work in hazardous occupations.
- E. The Navajo Occupational Safety and Health Administration (NOSHA) have assured that the working conditions and environment are safe.

## **XXII. Oversight**

- A. The Chapter Manager shall have the daily and overall oversight responsibilities for the Summer Youth Employment carried out by Chapter.

## **XXIII. Personnel Management Policies and Procedures**

- A. The Chapter shall comply with all aspects Five Management System that included the Personnel Management Policies and Procedures for the SYETP participants in addition to this policy and procedures.
- B. For more in depth information regarding Personnel Management please refer to the Five Management System Personnel Management Policies and Procedures.
- C. The Personnel Management Policies and Procedures are available upon request at the Chapter for review or print. For print, there is a fee of \$7.00 plus tax.

## **XXIV. Amendments**

Any amendments to the SYETP Policies and Procedures may be recommended by any of the Chapter staff or community members in written format, and forward supportive and argumentative documentation to the Chapter Manager and Chapter Officials for assessment.



All proposed amendments shall be presented by the Chapter President, in consultation with Navajo Nation Department of Justice, at a regular Chapter meeting for final approval with a simple majority vote of the Chapter membership.

The foundation to add, deletes, or revise any section(s) or provision(s) of the SYETP Policies and Procedures Manual would be subject to the following condition(s):

- A. The funding source has changed.
- B. The amount of the funding has tremendously increased or decreased.
- C. Procedures and Requirements for submitting amendments:
  - 1. Any proposed amendments to the SYETP Policies and Procedures Manual must be submitted in writing with supportive documentation to the Chapter Manager.
  - 2. The proposed amendments must be drafted in a legislative format. The new language underline and old language stricken.
  - 3. The Chapter Manger in consultation with the Navajo Nation Department of Justice and the Office of Auditor General will review the proposed amendments to assure compliance with applicable Federal, State, and Navajo Nation Laws, necessity or realistic.
  - 4. If requirements 1, 2, & 3 above are met, the Chapter Manager will forward the proposed amendments to the Chapter Officials for review and discussion at a regular scheduled planning meeting.
  - 5. The Chapter Officials may instruct the Chapter Manager to set a public hearing date, time and location depending on whether the amendments are substantial and sufficient to warrant public hearing.
  - 6. If the proposed amendment(s) are favorable by the public input process, the Chapter Officials will forward the recommendations to the Chapter membership for approval or disapproval at a regular scheduled Chapter meeting with a simple majority vote.
  - 7. Upon, approval, the Chapter Manager will make all recommended changes to the SYTEP Policies and Procedures with a supporting resolution.

**LEUPP CHAPTER**  
**STUDENT FINANCIAL**  
**ASSISTANCE**  
**POLICIES**  
**AND**  
**PROCEDURES**

## SCHOLARSHIP AND FINANCIAL ASSISTANCE

### POLICIES AND PROCEDURES FOR CHAPTER EXPENDITURES

#### EDUCATIONAL EXPENSES

*This policy and procedures will supercede the Resolution TCDC policies and procedures for the Chapter Scholarship and Financial Assistance for Educational Expense.*

#### **I. Authorization**

1. Pursuant to 26 N.N.C. Section 101 (A) Leupp Chapter has formulated, implemented, and operated by the Five Management System to ensure accountability and has developed policies and procedures for the Chapter Scholarship and Financial Assistance for Educational Expenses.
2. Pursuant to the Leupp Chapter Resolution # LP08-106-2010, the Chapter Scholarship and Financial Assistance Policies and Procedures is hereby approved and adopted.

#### **II. Mission Statement**

1. The mission of the Leupp Chapter is to provide assistance in form of scholarships to the community youth and members for their educational needs and goals utilizing the Navajo Nation Budgeted Scholarship Funds.
2. The Leupp Chapter will make the initial investment to educate our youth and provide an opportunity for each student to obtain employment in the area of study.
3. The Leupp Chapter is pledging a sincere commitment to provide information regarding scholarship assistance, employment, and making the initial investments in the youth to build a strong foundation for the leadership for the Community and the Navajo Nation.
4. The major objective of the Leupp Chapter is to encourage the community youth and members to obtain a degree in respective field of study and obtain employment within the Navajo Reservation to enrich every aspect of the community and the Navajo Nation.

5. The goal of the Leupp Chapter is to pave a path and provide an opportunity for all community youth and members to embrace and enrich their educational horizons and paradigms by pursuing a higher education.

### **III. Applicable Laws**

1. The Leupp Chapter shall comply with all applicable State, Federal, and Navajo Nation Laws such as the Navajo Nation Privacy and Access to Information Act.

### **IV. Purpose**

1. The purpose of the Chapter Scholarship and Financial Assistance Policies and Procedures is to provide the guidelines to the Chapter in administering the Chapter Scholarship or Financial Assistance for education expenses for the community youth and members who are continuing and pursuing a higher education.
2. The student to be assisted with educational expenses such as tuition, books, school supplies, or room and board.

### **Amendments**

Any amendment to the Chapter Scholarship and Financial Assistance Policies and Procedures may be recommended by any of the Chapter staff or community members in written format, and forward supportive and argumentative documentation to the Chapter Manager and Chapter Officials for assessment.

All proposed amendments would be presented by the Chapter President at a regular Chapter meeting for final approval with a simple majority vote of the Chapter membership and with consultation with the Navajo Nation Department of Justice.

The foundations to add, delete, or revise any section(s) or provision(s) of the Chapter Scholarship and Financial Assistance Policies and Procedures Manual would be subject to the following condition(s):

1. The funding source has changed.
2. The amount of the funding has tremendously increased or decreased.
3. Procedures and requirements for submitting amendments:



1. Any proposed amendments to the Chapter Scholarship and Financial Assistance Policies and Procedures Manual must be submitted in writing with supportive documentation to the Chapter Manager.
2. The proposed amendments must be drafted in a legislative format. The new language underline and old language stricken.
3. The Chapter Manager in consultation with the Navajo Nation Department of Justice and the Office of Auditor General will review the proposed amendments to assure compliance with the applicable state, Federal, and Navajo Nation Laws (necessity and realistic).
4. If requirements 1, 2, & 3 above are met, the Chapter Manager will forward the proposed amendments to the Chapter Officials for review and discussion at a regular scheduled planning meeting.
5. The Chapter Officials may instruct the Chapter Manager to set a public hearing date, time, and location, depending on whether the amendments are substantial and sufficient to warrant a public hearing.
6. If the proposed amendment(s) are favorable by the public input process, the Chapter Officials will forward the recommendations to the Chapter membership for approval or disapproval at a regular Chapter meeting scheduled Chapter meeting with a simple majority vote.
7. Upon approval, the Chapter Manager will make all recommended changes to the Chapter Scholarship and Financial Assistance Policies and Procedures with a supporting resolution.

## **VI. Policy**

1. All potential applicants that are requesting scholarship assistance for educational purposes shall oblige by these policies and procedures.
2. Before a potential applicant can be eligible for scholarship assistance, they must be on the Chapter planning and regular meeting agenda with completed and accurate documents.
3. If the student cannot make it to the meeting, they can be represented by a family member

4. The Chapter membership shall approve the scholarship resolution before any award is rendered to the student.
5. The resolution can be drafted individually or collectively for all student who are being awarded on one resolution.
6. The applications for the Chapter Scholarship and Financial Assistance will not be available until the opening dates. No applications will be available prior to the opening dates.
7. The Chapter shall not accept any early applications or faxed applications due to the first-come-first serve basis
8. The student shall submit all essential document to the Chapter as described in Section XI of this policies and procedures or it shall be considered incomplete or denied.
9. The student shall volunteer to Leupp Chapter in their field of study when awarded Chapter Scholarship and Financial Assistance.

#### **I. Role of the Students**

1. The student shall come to the Chapter to obtain and submit all essential documents in a timely manner.
2. The student shall conduct themselves in a professional matter as well as the parent(s) who are representing their student.
3. The student shall be present at the Chapter planning and regular meeting as scheduled.
4. The student shall inquire about the scheduled Chapter meeting.
5. The student shall submit an official transcript at the end of each awarded semester to the Chapter.
6. The student shall inform the Chapter of all other scholarships and financial assistance awards.
7. The student shall maintain a GPA of 2.5 (C) or above.
8. The student shall maintain the credit hours reported on the application and adequate attendance.

## **VIII. Role of the Chapter Staff**

1. The Chapter staff shall not be responsible to compile documents for applicants.
2. The Chapter staff shall not be responsible for lost or damaged documents.
3. The Chapter staff shall not be responsible to contact students regarding their status.
4. The Chapter staff shall announce at the Chapter meeting regarding the availability of Chapter Scholarship and Financial Assistance funds or post notices on application and fund availability.
5. The Chapter shall not accept faxed documents unless prior arrangement has been made with the applicant.
6. The Chapter staff shall provide applications upon opening dates to all requesting students.
7. The Chapter staff shall inform the students of the Chapter meeting dates.
8. The Chapter staff shall safeguard all essential documents and files them according to the Record Management Policies and Procedures.
9. The Chapter staff shall prepare the resolution for each applicant for the upcoming Chapter meetings or combine all students on one resolution.
10. The Chapter staff shall make periodic and random verification on all scholarship recipients to for attendance and adequate academic progress
11. The Chapter staff has five (5) days after the Chapter meeting to process checks for the students.
12. The Chapter staff will write the check payable to the student, unless the Chapter Administration deems it necessary to draft the check payable to the school.

## **IX. Dates**

The date will vary based on the Fund Availability for Scholarships.

1. Opening dates:

- A. Fall Semester – August 1<sup>st</sup>
- B. Spring Semester – January 1<sup>st</sup>
- C. Summer Semester – June 1<sup>st</sup>

**2. Deadline dates:**

- A. Fall Semester – August Chapter Meeting Date or August 15<sup>th</sup>
- B. Spring Semester – January Chapter Meeting Date or January 15<sup>th</sup>
- C. Summer Semester – June Chapter Meeting Date or June 15<sup>th</sup>

**X. Eligibility**

- 1. The student must be registered voter of the Leupp Chapter for at least 6 months or a parent must be registered voter for 1 year to apply.
- 2. The student must be enrolled full-time or part-time in an accredited college, university, vocational or technical school.
- 3. The student must a member of the Navajo Nation with a Census Number.

**XI. Required Documents**

- 1. Accurately completed Chapter Scholarship Application and date stamped by the Chapter Administration.
- 2. Census Number and Social Security Number on the application
- 3. Voter Registration Card
- 4. High School Transcript
- 5. Current Class Schedule
- 6. Original Letter of Acceptance from the school
- 7. Photo Identification

**XII. Award Amounts**

The listed amounts are based on fund availability and based on the annual Navajo Nation Scholarship Allocations. If the funds are limited, the award amounts shall be reduced to benefits more students and/or the number of students accepted/ awarded reduced.



1. University students shall be eligible according to Leupp Chapter allocated budget per Fiscal Year.
2. Community College, Vocational and Technical students shall be eligible according to Leupp Chapter allocated budget per Fiscal Year.

### **XIII. Student Obligations**

Upon the award, the student must meet the following conditions.

1. Utilize the awarded funds toward educational needs and goals.
2. Submit requested transcript at the end of each awarded semester.
3. Student shall volunteer their time to Leupp Chapter in their field of studies.

### **XIV. Probation/ Repayment**

The Probation Period shall be one (1) full school year for any following reasons:

1. The student withdraws of school.
2. The students lack of attendance
3. The student drops below the reported credit hours amount per classification, such as less then 12 credits for full-time or less then 3 credits for part-time.
4. The students GPA falls below 2.5 or C grade equivalent.
5. The student fails to submit an official transcript at the end of the awarded semester.
6. The student fails to complete their registered semester. The student will then be obligated to repay the funds back to the Chapter and they will be put on probation.

Thomas L. Cody, President  
Traine Jones-Noline, Vice President  
Rosita Ann Kelly, Secretary/Treasurer



Johnny K. Thompson, Sr., Grazing Officer  
Leonard Chee, Council Delegate  
Thomas Walker, Jr., Council Delegate

## LEUPP CHAPTER

Telephone: (928) 686-3227 or 3229

CPO Box 5428 Leupp, Arizona 86035

Facsimile: (928) 686-3232

### MEMORANDUM

**DATE:**

**TO:** Chapter Scholarship Recipients

**FROM:** Leupp Chapter

**SUBJECT:** Understanding of Obligations for:  
Scholarship and Financial Assistance Awards  
Chapter Scholarship  
Financial Assistance Policies and Procedures

I, \_\_\_\_\_, have read and understand the Chapter Scholarship and Financial Assistance Policies and Procedures.

I, \_\_\_\_\_, understand that upon my award of the Chapter Scholarship and Financial Assistance, I am obligated to utilize the funds for my educational expenses as specified in the Chapter Scholarship and Financial Assistance Policies and Procedures. I also understand that as specified in the Chapter Scholarship Policies and Procedures that I will be obligated to repay the awarded funds if I misuse the funds or if I withdraw from the school unofficially and without notification to the Leupp Chapter.

I, \_\_\_\_\_, understand that upon my award of the Chapter Scholarship and Financial Assistance, I am to volunteer my time to Leupp Chapter for my field of studies.

Student Signature

Date

Parent Signature (if minor)

Date

## **SCHOLARSHIP AND FINANCIAL ASSISTANCE**

### **POLICIES AND PROCEDURES**

*This policies and procedures will supercede the TCDC Resolution for the Chapter Scholarship/*

#### *Financial Assistance*

#### **MISSION STATEMENT**

The mission of the Leupp Chapter is to provide assistance in form of scholarships to the community youth and members for their educational needs and goals utilizing the Navajo Nation Budgeted Scholarship Funds.

#### **GOALS**

The goal of the Leupp Chapter is to pave a path and provide an opportunity for all community youth and members to embrace and enrich their educational horizons and paradigms by pursuing a higher education.

#### **OBJECTIVES**

The major objective of the Leupp Chapter is to encourage the community youth and members to obtain a degree in respective field of study and obtain employment within the Navajo Reservation to enrich every aspect of the community and the Navajo Nation.

#### **COMMITMENT**

The Leupp Chapter is pledging a sincere commitment to provide information regarding scholarship assistance, employment, and making the initial investments in the youth to build a strong foundation for the leadership of the community of the Navajo Nation.

Before the potential applicant can be eligible for scholarship assistance, he or she must be on the Chapter planning and regular meeting agenda with completed and accurate documents.

Applicants will not be available until the opening dates listed below. The Chapter will not accept any incomplete application or supporting documents. The deadline date will be the week of the identified date of the regular Chapter meeting, which ever comes first. The deadline dates will vary also based on Fund Availability for Scholarship.

#### **OPENING DATES**

1. Fall Semester – August 1<sup>st</sup>
2. Spring Semester – January 1<sup>st</sup>
3. Summer Semester – June 1<sup>st</sup>

## **DEADLINE DATES**

1. Fall Semester – August Chapter Meeting Date or August 15<sup>th</sup>
2. Spring Semester – January Chapter Meeting Date or January 15<sup>th</sup>
3. Summer Semester – June Chapter Meeting Date or June 15<sup>th</sup>

## **ELIGIBILITY**

1. The student must be registered voter of the Leupp Chapter for at least 16 months or a parent must be registered voter for 1 year to apply.
2. The student must be enrolled full-time or part-time in an accredited college, university, vocational or technical school.
3. The student must a member of the Navajo Nation with a Census Number.

## **REQUIRED DOCUMENTS**

1. Accurately completed Chapter Scholarship Application and date stamped by the Chapter Administration.
2. Census Number and Social Security Number on Application
3. Voter Registration Card
4. High School Transcript
5. Current Class Schedule
6. Original Letter of Acceptance from the school

## **STUDENT RESPONSIBILITIES**

Before any application is accepted, all essential documents must be present or the application will be considered incomplete and denied.

1. Come to the Chapter to pick-up and turn in all essential documents mentioned above in a timely manner.
2. Be present at the Chapter planning and regular meeting as scheduled.
3. Submit an official transcript at the end of each awarded semester to the Chapter.
4. Maintain a GPA of 2.5 (C) or above.

## **CHAPTER STAFF RESPONSIBILITIES**

It will not be the responsibility of the Chapter staff to compile documents for the applicants. Also, Chapter staff is not responsible for lost or damaged documents.

1. Provide applications upon opening dates.
2. Inform the students of the Chapter meeting
3. Safeguard all essential documents and file them according to the Records Management Policies and Procedures.
4. Prepare resolution for each applicant for the upcoming Chapter meeting.
5. Make periodic and random follow-ups on all scholarship recipients to check on attendance and academic progress.



## **AWARD AMOUNTS**

The listed amounts are based on fund availability and based on the semi-annually Navajo Nation Scholarship Allocations. If the funds are limited, the award amounts shall be reduced to benefits more students and/or the number of students accepted/ awarded reduced.

1. University students shall be eligible according to Leupp Chapter allocated budget per Fiscal Year.
2. Community College, Vocational and Technical students shall be eligible according to Leupp Chapter allocated budget per Fiscal Year.
3. GED and Certification in Heavy Equipment, Plumbing and Electric work students shall be eligible according to Leupp Chapter allocated budget per Fiscal Year.

## **STUDENT OBLIGATIONS**

Upon the award, the student must meet the following conditions.

1. Utilize the awarded funds toward educational needs and goals.
2. Submit requested transcript at the end of each awarded semester.

## **PROBATION/ REPAYMENT**

The Probation Period shall be one (1) full school year for any following reasons:

1. The student withdraws of school.
2. The students lack of attendance
3. The student drops below the reported credit hours amount per classification, such as less then 12 credits for full-time or less then 3 credits for part-time.
4. The students GPA falls below 2.5 or C grade equivalent.
5. The student fails to submit an official transcript at the end of the awarded semester.
6. The student fails to complete their registered semester. The student will then be obligated to repay the funds back to the Chapter and they will be put on probation.

The Chapter is always open to hear innovative ideas regarding our community improvements, so please do not hesitate to contact the Chapter with any suggestion by mail or telephone.

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

**LEUPP CHAPTER  
SCHOLARSHIP AND FINANCIAL ASSISTANCE FUNDS**

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- ☐ Current Leupp Chapter Scholarship Application
  - ☐ Letter of Application
  - ☐ Verification of Voter Registration
  - ☐ Class Schedule or Registration
  - ☐ Documents checked By: \_\_\_\_\_
- 

If completed, the application and documentations will be presented to the Chapter Manager for approval.

- ☐ APPROVED
- ☐ DENIED

\_\_\_\_\_  
Chapter Manager Signature

---

**Completed Application**

- ☐ Resolution (attached)
- ☐ Check for Signatures
- ☐ Copy of Check

\_\_\_\_\_  
Office Specialist

---

**COMMENTS:**

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**LEUPP CHAPTER HOUSING DISCRETIONARY FUNDS****POLICIES AND PROCEDURES**

*The following policies and procedures will supersede the policies and procedures set by the TCDC Resolution #TCDCMA-20-01*

**I. Authorization**

- A. Pursuant to 26 N.N.C. Section 101 (A), the Leupp Chapter has formulate, implemented, and operates by the Five Management System to ensure accountability and has developed policies and procedures for the Chapter Housing Discretionary Funds.
- B. Pursuant to the Leupp Chapter Resolution # LP06-046-2006, the Chapter Housing Discretionary Funds Policies and Procedures are hereby approved.

**II. Purpose**

- A. The purpose of these policies and procedures is to provide guidance to Chapter in administering the Chapter Housing Discretionary Funds.
- B. The Leupp Chapter receives these funds to provide eligible Chapter membership or local community members who are registered voters of the Chapter with housing assistance in the form of minor repair, major repairs, renovation, addition, electrical wiring, and new construction costs.
- C. Provide short and long-term relief for the housing demand in the community.

**III. Applicable Laws**

- A. The Leupp Chapter shall comply with all applicable State, Federal, and Navajo Nation Laws.

**IV. Definitions**

- A. Chapter Administration: the employee of the Chapter which includes, but is not limited to, the Chapter Manager and Office Specialist.
- B. Chapter Manager: a Chapter employee who performs the duties prescribed in 26 N.N.C SS 1004 (B), 1004 (C), and 2003 (B), and includes those employees referred to as Community Service Coordinators.
- C. Handicapped: a person who is legally blind, physically disabled due to the loss of one or more limbs, chair or bed bound, unable to walk without crutches or walker, a mentally disabled adult who requires a companion to aid in basic needs, or prevented from a minor physical exertion such as housework due to severe health or respiratory problems.
- D. Houses: framed construction (conventional prefab, modular, steel, etc.) block and brick construction, log construction, Hogan construction (log or framed), Adobe construction (traditional Pueblo adobe, stabilized or semi-stabilized adobe, compressed adobe block, adobe as a filler material, rammed earth, etc.) solar energy construction (passive, active, and appropriate technology).

## Types of Assistance

- A. Minor Repair: is for minor repairs and maintenance type work for occupied existing houses which might include repairs to windows, doors, and walls.
- B. Major Repair: is for major maintenance type work for occupied existing homes which might include roof repairs, plumbing repairs, exteriors or interior repairs to bring the structure up to safe and livable conditions.
- C. Renovation: is when there are major repairs and maintenance type work to occupied existing homes which might include breaking down walls, roof, or plumbing.
- D. Addition: when there is new construction being added to an existing occupied home like a bathroom addition or additional bedroom added.
- E. Electrical Wiring: is when an electrician inputs electrical wiring for electrical input such as electrical wiring, lights, meters, outlets, etc.
- F. New Construction: is when there is not existing home. The construction is started from ground up with footing, floor, walls, etc.

## VI. Policy

- A. To prevent backlog, as per annual budget/fund disbursement, the Chapter shall have a two week period to disbursement to collect ten (10) applications to consider based on the ranking system
- B. After the two week period or collection of ten (10) applications, the Chapter shall not accept anymore applications to keep records current and accurate.
- C. The Community Member shall only be helped once with the Housing Discretionary Funds.
- D. The Chapter shall determine the type of housing membership and prepare a budget for each project or expenditures.
- E. All expenditures shall approved by the membership and prepare a budget for each project and expenditures.
- F. All expenditures or purchases shall comply with the Leupp Chapter Procurement Policies and Procedures.
- G. The Chapter Administration shall maintain accurate and updated record of all expenditures and projects as specified in the Leupp Chapter Records Management Policies and Procedures.
- H. The Housing Discretionary fund does not cover costs associated with obtaining home site leases, archeological survey, environmental clearances, and land surveys; unless approved during a Chapter meeting.
- I. Prior to commencing any work or project, the Chapter Manager or the project manager shall prepare a Scope of Work to be undertaken which lists the construction expenditures and a brief description of the construction plan.
- J. Upon completion of the work or project, the chapter manager or project manager shall prepare a brief description of the accomplishments as they relate to the Statement of Work.



## **VI. Eligibility**

- A. Member of the Leupp Chapter and a voter registration of Leupp Chapter for six (6) months.
- B. Member must have extreme need of housing assistance
- C. The Chapter will prioritize the housing needs based on the assessment.
- D. Must attend the Planning and Chapter Meeting on a regular basis, not just when help is needed.

## **VIII. Required Documents**

- A. An accurately completed Chapter Housing Discretionary Assistance Application
- B. Record of Running Ledgers
- C. Signed Permission to Enter Premises Form
- D. Signed Release of Information Form
- E. A Map of the Property Location
- F. Social Security Card
- G. Voter Registration Card or Verify in the Official Voter Registry
- H. Navajo Nation Census Number (copy of Certificate of Indian Blood)
- I. Point System Form Signed
- J. Documentation from other Agencies verifying housing need (optional)
- K. Referrals from Physicians, Social Services, Community Health Representative or entity

## **IX. Selection Process**

- A. The Chapter Manager and Chapter Officials shall make the selection by reviewing, evaluation, and ranking each application and referring to the Point System Sheet.
- B. The Chapter shall only accept ten (10) applications with severe need of housing assistance.
- C. The Six Basic Factors are as such (refer to Form 8 of 8):
  - 1. Annual Household Income
  - 2. Family Size
  - 3. Overcrowded Living Conditions
  - 4. Unsanitary or Unsafe Living Conditions
  - 5. Elderly, Handicapped, or Disable
  - 6. Referral from other Agencies
- D. The point of allocation sheet shall be kept in each applicants folder and record the points given to the applicant for each of the above-mentioned factors.

## **X. Monitoring**

- A. The Chapter Officials and Chapter Manager shall have the daily oversight responsibility for the administration of all Chapter activities involving the Housing Discretionary Funds.

## **XI. Project**

- A. The Chapter shall define the number of projects to be conducted during the year and prepare a budget accordingly.
- B. The project shall be prioritized by the Chapter.
- C. The Chapter shall select and hire the workers for the project.
- D. The Chapter encourages the family members to help with minor work on the project to reduce cost.
- E. The Housing Supervisor shall inform the Chapter Manager if the client is requesting additional materials/supplies or work for the project.
- F. The Chapter shall invoice the cost of additional materials/supplies or work on the family members who demand more work than that was approved.
- G. The Chapter will reserve the right to refuse service to clients who are not willing to work with the Chapter on their project or when the clients are displaying vulgar and profanity languages, and non-respectful behavior towards the workers and the Chapter Administration.

## **XII. Amendments**

- A. Any amendments to the Leupp Chapter Housing Discretionary Fund Policies and Procedures may be recommended by Chapter staff or community members in written format, and forward supportive argumentative documentation to the Chapter Manager and Chapter Officials for assessment. All proposed amendments would be presented by the Chapter President at a regular chapter meeting for final approval with a simple majority vote of the Chapter membership and with consultation with Navajo Nation Division of Justice.
- B. The foundation to add, delete, or revise any section(s) or provision(s) of the Leupp Chapter Housing Discretionary Fund Policies and Procedures Manual would be subject to the following condition(s):
  - 1. The administrative has grown in size due to additional regular full-time staff position(s) added, which would require further segregation of duties and responsibilities.
  - 2. A change in the Leupp Chapter's organizational structure.
  - 3. The present Housing Discretionary Fund Policies and Procedures Manual are no longer adequate to address the needs of the Leupp Chapter.
- C. Procedures and Requirements for submitting Amendments:
  - 1. Any proposed amendments to the Housing Discretionary Fund Policies and Procedures Manual must be submitted in writing with supportive documentations to the Chapter Manager.

2. The proposed amendments must be drafted in a legislative format. The new language underline and old language stricken.
3. The Chapter Manager in consultation with the Navajo Nation Department of Justice and the Office of Auditor General will review the proposed amendments to assure compliance with applicable federal, state, and Navajo Nation Laws necessity or realistic
4. If requirements 1, 2, & 3 above are met, the Chapter Manager to set a public hearing date, time and location depending on whether the amendments are substantial and sufficient to warrant a public hearing.
5. The Chapter Officials may instruct the Chapter Manager to set a public hearing date, time, and location depending on whether the amendments are substantial and sufficient to warrant a public hearing.
6. If the proposed amendment(s) are favorable by the public input process, the Chapter Officials will forward the recommendations to the Chapter membership for approval or disapproval at a regular scheduled chapter meeting with a simple majority vote.
7. Upon approval, the Chapter Manager will make all recommended changes to the Housing Discretionary Fund Policies and Procedures with a supporting resolution.

### **XIII. Compliance**

- A. The Chapter will comply with the Five Management System Policies and Procedures for Procurement, Fiscal, Records, Personnel, and Property.

# Ya' ah' tee from LEUPP CHAPTER



Thomas L. Cody, President  
Lorraine Jones Noline, Vice President  
Rosita Ann Kelly, Secretary/Treasurer  
Johnny K. Thompson Sr., Grazing Official  
Walter Phelps, Council Delegate  
Clara Tsosie, Community Service Coordinator  
Arlene Jensen, Office Specialist  
Tiffany Yazzie, Office Assistant  
Ben C. Johnson, Building Maintenance Worker  
Martha Hanley, Post Mistress  
Tyler Begaye, Laborer



# HISTORY:



- ❧ 1901-President Theodore Roosevelt issues Executive Order establishing Leupp a reservation.
- ❧ 1902 - BIA Boarding School was established.
- ❧ 1905 - Community named after Francis E. Leupp, Commissioner of Indian Affairs
- ❧ 1908 - Leupp was established as an Agency. Mr. Joseph Maxwell was appointed as an Agency Superintendent from 1908 - 1911.
- ❧ February 10, 1927 - First official Chapter meeting held in Leupp by John Hunter.

# *History Continue:*



- ❧ During World War II, an abandoned BIA Boarding School was used as the Isolation Center “HOLDING CAMP” for Japanese American
- ❧ 1935 (July) – Leupp was consolidated Western Navajo Agency
- ❧ 1966 – Bennett Freeze impacts residents in Northern portion of Leupp.
- ❧ 2005 – Leupp adopts the Community Land Use Plan

# Binder Contents



The following will be covered

- œ Fiscal
- œ Procurement
- œ Records
- œ Personnel
- œ Property



# Fiscal Policy & Procedures Manual



- ☞ Pursuant to 26 N.N.C. §101 , (A)
- ☞ The Chapter is required to adopt and operate and ensure Fiscal accountability.
- ☞ Chapter adopted policies





# FMS: Fiscal Policy

## Roles & Responsibility

- ❧ Chapter Officials, Chapter Manager, and Administrative Assistant have Fiscal responsibility.
- ❧ Chapter Officials ensures the Chapter Administration is adequately meeting objectives consistent with Navajo Nation budget objectives.
- ❧ Chapter uses a cash basis method accounting system
- ❧ All Chapter funds have an approved budget and no expenditures exceed the budgeted amounts.



# FMS: Fiscal Policy

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## Internal Controls

- ∞ Chapter utilizes the excel software to manage funds.
- ∞ Internal control policy & procedures include Cash Receipts, Cash Receipts Control Procedures, Cash Disbursements, Bank Reconciliation Control Policy, Bank Accounts Control Policy; Certificate of Deposit and Other investments; Capital Assets; Chart of Accounts, Payroll, Travel; Resale Inventory; Financial Assistance; Financial Statements



# FMS: Fiscal Policy



## Reporting Requirements

- ❧ Chapter produces 3 Financial Statements and submits to LGSC monthly
  - ❖ Combined Statement of Revenues, Expenditures & Changes in Fund Balance
  - ❖ Combined Statement of Revenues, Expenditures & Changes in Fund Balance - Budget & Actual
  - ❖ Combined Balance Sheet - All Fund Types and Account Groups
- ❧ Chapter Secretary/Treasurer provides a financial report to the community at Chapter Meetings monthly.
- ❧ Chapter will receive an audit every two years by the Office of the Auditor General or contract with an independent licensed CPA.

# Procurement Policy & Procedures Manual

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- ❧ Pursuant to 26 N.N.C. §101 , (A)
- ❧ The Chapter is required set for the authority, principles and policies governing the procurement of goods and services by the Chapter.



# FMS: Procurement Policy



## Transition

- ❧ Chapter will participate in the Navajo Nation Employee Insurance Services.
- ❧ Including; medical, dental, vision, Life, accidental death and Dismemberment, and disability insurance, and retirement plans.
- ❧ Chapter will work with DOJ and OAG to implement.

# FMS: Procurement Policy



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## Purchasing by Chapter

- ❧ Chapter treats all vendors equally and fairly therefore uses the competitive bid process for purchases of common goods and services.
- ❧ Chapter complies with; Navajo Business Opportunity Act; Navajo Business and Procurement Act, Navajo Nation Privacy Act, Navajo Nation Ethics and Government Law, and Navajo Uniform Commercial Code, and all applicable laws and regulations.

# FMS: Procurement Policy



## Purchasing Requirements

- ❧ Chapter shall abide by the purchasing limits and obtain 3 price quotes for all purchases.
- ❧ Chapter will expend funds in accordance with applicable funding guidelines such as Emergency Funds, Financial Assistance, and other fund sources.
- ❧ All professional services and any procurement exceeding \$50,000 will use the competitive bid process.

# Records Management Policy & Procedures Manual

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- œ Pursuant to 26 N.N.C. §101 , (A)
- œ The Chapter is required set for the authority, principles and policies governing the creation, classification, maintenance, retrieval, disposal and safeguarding of all records.







# FMS: Record Policy



## Purpose

- œ Set forth authority, principles, and policies and procedures governing records management and its creation thereof.
- œ Chapter utilizes the alphabetical system, numerical, and color coding system.
- œ All information is protected by the Navajo Nation Privacy Act, 2 N.N.C. § 81, *et seq.*
- œ All Chapter documents are kept safe and secure, key financial information is locked daily, and checks are locked safely.



# FMS: Record Policy

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## Responsibilities

- Chapter staff are responsible for monitoring, safeguarding all Chapter records.
- The Public may access Chapter information, there is a request form that is available. Except those records that are specifically defined and treated as protected pursuant to 2 N.N.C. § 85 of the Navajo Nation Privacy Act.

# Personnel Policy & Procedures Manual

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- ☞ The Chapter is required to adopt and operate and personnel manual to deal with human resource matters consistently .
- ☞ Chapter adopted policies

# FMS: Personnel Policy



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## Purpose

- ❧ Process designed to manage human resource issues and outline rights, benefits of Chapter employees.
- ❧ Policy applies to all Chapter employees regardless of funding source or status.
- ❧ The Chapter complies with applicable laws that govern employment relationships within the administrative process.
- ❧ Abides by applicable Navajo Nation law with respect to employment practice. (Navajo Preference)



# FMS: Personnel Policy



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## Transition of Chapter staff

- ❧ Administrative employees (CSC and OS) will retain their positions after LGA certification.
- ❧ CSC and OS shall resign as Navajo Nation employees and transition as Chapter employees the following day, however this process will be completed within the Fiscal Year 2011.
- ❧ This process will be used to assure continuity of services to the Chapter for transitioning purposes.

# FMS: Personnel Policy



## Policy covers

- ❧ Chapter Personnel Policies Manual
- ❧ Management and Supervisory Responsibilities
- ❧ Employment Practices
- ❧ Recruitment and selection process.
- ❧ Employment Status
- ❧ Classification of Positions
- ❧ Salary and Wage, Overtime, Employee Benefits, Leave Administration, Employee Performance Appraisal.
- ❧ Change in Assignment
- ❧ Discipline of Employees, Employee Grievance,
- ❧ Termination of Employment
- ❧ Conduct of Employees
- ❧ Office & Workstation Regulations, Personnel Records, Veterans Preference, and Military Leave.

# Property Management Policy & Procedures Manual



☞ The Chapter has set forth authority, principles and policies governing the accounting for all Chapter property in terms of dollar values, units, and their location.

# FMS: Property Policy



## General Policy

- ⌘ Chapter staff are responsible for all property that belongs to the Chapter.
- ⌘ Chapter will maintain adequate insurance coverage for the Chapter assets.
- ⌘ All Chapter property shall be identified by a tag.
- ⌘ Excess property will be properly disposed of, resold, or excess in accordance with Navajo Nation Law.
- ⌘ Policies are in place for sale, resale, property disposition, equipment and insurance.



Thank You!



Ahee' hee'

Questions and Answers?