

RESOLUTION OF THE  
HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE  
of the 24th NAVAJO NATION COUNCIL -- Second Year, 2020

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING LEAVE ADMINISTRATION PROVISIONS OF SECTION X OF NAVAJO NATION PERSONNEL POLICIES MANUAL FOR PURPOSES OF ADDRESSING COVID-19

BE IT ENACTED:

SECTION ONE. AUTHORITY

The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). Among various responsibilities, it has oversight authority over employment policies. 2 N.N.C. §§ 400(C) and 401(C)(6). Further, the committee has the enumerated power to establish Navajo Nation policy governing human services and general governmental services. 2 N.N.C. § 401 (B)(1).

SECTION TWO. FINDINGS

Leave provisions of the Navajo Nation Personnel Policies Manual must be amended to address COVID-19, a serious pandemic virus. The virus is extremely contagious. It is necessary that the Personnel Policies be amended to protect the health of employees and their families.

SECTION THREE. AMENDING NAVAJO NATION PERSONNEL POLICIES MANUAL

The Health, Education and Human Services Committee of the Navajo Nation Council hereby amends leave policies of Section X of the Navajo Nation Personnel Policies Manual as follows:

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X. Leave Administration

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B. Paid Leave

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3. Annual Leave

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## h. COVID-19 Leave

The Navajo Nation recognizes that an employee may have a need to be absent from work due to health issues that arise from the COVID-19 pandemic. COVID-19 leave may be approved for employees who are in need of personal leave due to COVID-19 to care for themselves or a family member, or to be away from the work place as required by his or her employer. Such leave will not require an employee to utilize his or her accrued sick or annual leave. The maximum amount of leave allowed under this policy is 120 work hours. For any additional leave, the employee must request to use his or her accrued annual or sick leave, be approved for Leave Without Pay, or seek Family Medical Leave under Section X(D) of this Manual. This leave will remain available through the duration of any Declaration of Emergency by the Commission on Emergency Management and the Navajo Nation President concerning the COVID-19 pandemic. Such leave is available to employees required to be on duty during the pandemic, and not to employees already on Administrative Leave under Section X(B) (3) (b) of this Manual.

- 1) An employee may request COVID-19 leave under the following circumstances:
  - a. When a family member has tested positive for the virus and requires assistance from the employee,
  - b. When the employee has tested positive for the virus,
  - c. When the employee is required by his or her supervisor to be away from the work place due to 1) exposure to an individual who has tested positive or is suspected to be positive for COVID-19, or 2) if the employee shows symptoms consistent with COVID-19.

- 2) All employees, regardless of length of service with the Navajo Nation, are eligible for leave that meet any of the COVID-19 circumstances listed in Subsection 1). Such approved leave will be paid.
- 3) A request for special COVID-19 leave must be made in writing, for a specified period of time and submitted to the employee's supervisor. The employee shall submit the request, or, if incapacitated due to illness, an authorized family member may do so.
- 4) If proper documentation, as required by Subsection 5) is submitted, the supervisor cannot deny the leave within the maximum 120 work hours. The supervisor may limit the duration of the leave to less than the 120 maximum, in consultation with the employee and the employee's medical provider and as consistent with Center for Disease Control COVID-19 Guidelines. If COVID-19 leave is granted, an employee may not return to work without a doctor's statement or official medical document showing a negative result for a COVID-19 test.
- 5) All leave requests shall be accompanied by appropriate documentation.
  - a. For categories a. and b. under Subsection 1), the employee must submit official medical documents from a medical provider showing a positive COVID-19 test for the employee or a family member, which may include a doctor's note or document from a hospital or other testing facility.

- b. For category a. under Subsection 1), the employee must also submit a written document describing the assistance needed by the family member, and why that assistance cannot be provided by others.
  - c. For Category c. under Subsection 1), the employee must submit a written memorandum from his or her supervisor or program manager that requires the employee to be away from the work place and identifies the amount of time the employee must be away.
- 6) To verify the employee's eligibility for COVID-19 leave, it may become necessary to request information from the employee and/or his/her medical provider. The employee's supervisor can request additional medical information to confirm the employee's need to be absent, to show whether and how an absence relates to the infection, and to know that it is appropriate for the employee to return to work. When requesting COVID-19 leave, the employee must sign a release to allow the supervisor to make such requests to the employee's medical provider.

- 7) All requests for leave and all supporting documentation submitted by an employee must be kept strictly confidential, and information related to the reason for the leave will be restricted to other Navajo Nation employees with a need to know to process the leave, including the employee's supervisor, the Program Manager, and the Department of Personnel Management. Violation of this confidentiality requirement by those employees, or any other employee of the Navajo Nation, is a violation of the Navajo Privacy Act, 2 N.N.C. §§ 91 and 92, and can result in civil and criminal penalties. Such violation may also result in discipline of those employees by his or her supervisor under Offense Number 22 in the Table of Penalties of this Manual.

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**SECTION FOUR. SAVINGS CLAUSE**

Should any provision of these amendments be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those amendments that are not determined invalid shall remain the law of the Nation.

**CERTIFICATION**

I, hereby, certify that the following resolution was duly considered by the Health, Education and Human Services Committee of the 24<sup>th</sup> Navajo Nation Council at a duly called meeting at Window Rock, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 5 in favor, 0 opposed, on this 3<sup>rd</sup> day of June 2020.



Carl R. Slater, Vice Chairperson  
Health, Education and Human Services Committee  
Of the 24<sup>th</sup> Navajo Nation Council

Motion: Honorable Pernell Halona  
Second: Honorable Edison J. Wauneka

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE  
Special Meeting  
June 03, 2020

Roll Call  
Vote Tally Sheet

LEGISLATION NO. 0122-20

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; AMENDING  
LEAVE ADMINISTRATION PROVISIONS OF SECTION X OF NAVAJO NATION PERSONNEL  
POLICIES MANUAL FOR PURPOSES OF ADDRESSING COVID-19

(Note: Eligible for Committee Action May 26, 2020)


Sponsor: Honorable Daniel E. Tso  
Co-Sponsor: Honorable Pernell Halona

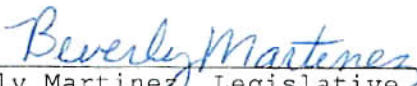
June 03, 2020 - Amendment One

Motion by: Honorable Edison J. Wauneka  
Seconded by: Honorable Paul Begay, Jr.  
Vote: 5 in favor; 0 Opposed; Vice-Chairperson Not Voting  
Yeas: Edison J. Wauneka; Paul Begay, Jr.; Pernell Halona  
Charlaine Tso; Daniel E. Tso  
Nays: None  
Absent (excused): all present

June 03, 2020 - Main Motion

Motion by: Honorable Pernell Halona  
Seconded by: Honorable Edison J. Wauneka  
Vote: 5 in favor; 0 Opposed; Vice-Chairperson Not Voting  
Yeas: Pernell Halona; Edison J. Wauneka; Paul Begay, Jr.;  
Charlaine Tso; Daniel E. Tso  
Nays: None  
Absent (excused): all present

  
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Carl Roessel Slater, Vice-Chairperson  
Health, Education and Human Services Committee

  
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Beverly Martinez, Legislative Advisor  
Health, Education and Human Services Committee