

I. TSAILE/WHEATFIELDS CHAPTER PERSONNEL POLICIES MANUAL

A. Purpose

These policies are designed to assist Chapter Managers to deal consistently with human resources issues and to outline the rights, benefits, and what is expected of Chapter administrative employees.

1. Role of the Chapter Manager

The Chapter Manager, at times in consultation with the Chapter Officials, determines jobs to be performed, offers employment, and compensates employees for the work performed.

2. Role of Chapter Manager

Chapter Managers are responsible for utilizing and applying the personnel policies consistently in dealing with human resources issues. They are encouraged to seek advice from Department of Personnel Management and Department of Justice (or legal counsel) on the interpretation of the Personnel Policies Manual and in addressing employment issues. Chapter Managers are expected to provide leadership in implementing the policies and to set a positive example for employees.

3. Role of the Employee

Employees shall read, understand, and comply with policies and procedures that affect or apply to their employment.

4. Role of the Department of Personnel Management and Legal Counsel

The Chapter Manager shall develop and implement procedures, as necessary, consistent with the policies contained in this manual. Department of Personnel Management or legal counsel (private or the Department of Justice) may also provide guidance to Chapter Managers on the interpretation and intent of the manual and assist in addressing employment issues.

B. Application

These Personnel Policies apply to all Chapter employees, regardless of funding source or employment status, except where they are specifically excluded. These policies do not create an employment contract by implication and the rights and privileges granted employees are only those specifically stated.

C. **Exceptions**

1. Certain categories of employees may be affected by policies and regulations that may take precedence or may supplement these policies.
2. To the extent that the Chapter is required to develop policies or procedures that take precedence over or supplement this manual, they shall be reviewed and approved, if necessary, by the Department of Justice (or private legal counsel) prior to implementation by the Chapter.

II. **MANAGEMENT AND SUPERVISORY RESPONSIBILITIES**

Chapter Managers are responsible for:

1. Developing and maintaining the highest possible level of performance in their Chapter.
2. Developing and maintaining good employee working relationships and conduct in their Chapter.
3. Planning, organizing, directing, coordinating and supervising all functional activities and responsibilities within their Chapter.
4. Preparing budgets, performance reports, and other documents as required.
5. Submitting required reports to the Navajo Nation Council, Standing Committees, Commissions and Boards as specified by the Chapter's Five Management System ("FMS") or Navajo Nation law.
6. Implementing personnel policies and procedures as outlined in this manual.
7. Implementing and maintaining internal operating policies, procedures, and control.
8. Safeguarding and accounting for all assets, including but not limited to, funds and property for which there is a custodial responsibility.
9. Representing the Chapter in official functions as directed.
10. Approving or disapproving all documents in accordance with functional responsibilities.
11. Managing employee performance in accordance with established policies and procedures.
12. Maintaining reporting relationships consistent with the chain of command.

13. Coordinating activities with other governmental agencies.
14. Upholding the laws and regulations of the Navajo Nation and adherence to the Chapter's FMS.
15. Monitoring the presence of unauthorized individuals at the worksite and taking appropriate action.

III. EMPLOYMENT PRACTICES

A. Policy

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

B. Navajo Preference

The Chapter gives preference in employment to enrolled members of the Navajo Tribe in accordance with the provisions of the Navajo Preference in Employment Act (15 N.N.C. §601 - 19).

C. Other

Whenever necessary, the Chapter may offer preference in employment to other applicants based on funding source requirements. However, in no case may this preference supersede Navajo preference.

D. Second or Outside Employment

1. Full-time employment with the Chapter shall generally be the sole employment of any employee. However, it is recognized that personal situations do occur that might make it necessary for employees to seek supplementary employment.
2. A Chapter employee shall not engage in outside or self-employment if such outside or self-employment creates a conflict of interest. A conflict of interest is defined as a real or seeming incompatibility between one's private interests and one's public or fiduciary duties.
3. A Chapter employee who secures outside or self-employment that creates a conflict of interest may be subject to dismissal.
4. A Chapter employee may not concurrently hold two full-time positions with the Chapter and the Nation.

5. Additional employment should not impair job performance with the Chapter. This includes conflicts of interest, neglect of duty, absence from or tardiness to the workstation, and performing duties associated with additional employment during normal working hours.
6. If a Chapter employee is absent from his/her job due to outside or self-employment, the employee shall be required to take leave.
7. Chapter Managers are responsible for determining whether additional employment adversely affects job performance with the Chapter.
8. Honoraria and/or compensation received for occasional seminars, speeches, or presentations are not deemed to be second or outside employment and are not subject to these provisions.

E. Hiring of Relatives

1. To promote consistency and equity in the treatment of all Chapter employees, to prevent breaches in confidentiality, to prevent improper influences in employment and to prevent the perception of favoritism, the Chapter will not employ, in any position, the immediate relatives of current employees or elected officials if:
 - a. one is directly supervising the other on a regular basis or
 - b. there is potential for creating an adverse effect on supervision, security, or morale, or the potential for a conflict of interest.
2. For purposes of this policy, the term "relative" is defined as an individual who is related by blood or marriage to the employee as a father, mother, son, daughter, brother, sister, grandmother, grandfather, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half brother or half sister.
3. If Chapter employees become related after employment and a conflict such as described in the above paragraph is created; or, if a re-organization creates such a conflict, 90 calendar days will be allowed to resolve the matter voluntarily or by transfer of one of the Chapter employees. If this is not possible, the Chapter employee with the most recent date of continuous employment will be released.
4. Employees, Chapter officials, members of the Navajo Nation Council, or other committees capable of influencing hiring, evaluation, or other employee actions, and who are related to employees covered by these policies, shall refrain from influencing all actions having to do with such relatives.

5. All applicants for positions with the Chapter shall indicate on the official application form whether they are related to any employee. This information will be used to determine possible conflicts of interest involving the position.
6. If an applicant knowingly answers questions untruthfully concerning the relationship, and this fact later becomes known, the employee will be terminated immediately.

IV. RECRUITMENT AND SELECTION

A. Policy

In general, the Chapter's employment process, which is carried out by the Chapter Manager in consultation and with the approval of the Chapter officials, will ensure competitive practices in recruitment, selection, and placement of qualified applicants based on the applicant's knowledge, skills, abilities, and overall qualifications for employment with the Chapter. The Chapter's employment process shall comply with applicable laws of the Navajo Nation.

B. Responsibilities

1. The Chapter Manager shall be responsible for:
 - a. complying with the employment, recruitment and selection policies and the requirements of applicable Navajo Nation, state, and federal laws,
 - b. notifying the Chapter of all vacant positions to be filled,
 - c. defining the duties and responsibilities of the vacant position and, with the consultation of the Chapter Officials, the position requirements, and
 - d. making the final selection from among applicants for a particular position after Chapter approval.
2. The Chapter Manager shall be responsible for:
 - a. establishing, implementing and monitoring effective recruitment and selection policies and procedures,
 - b. assisting programs in defining job-related position requirements and determining the most effective recruitment and selection policies and procedures,
 - c. advertising vacant positions,

- d. establishing selection procedures,
- e. conducting qualification assessments and referring qualified applicants to the program,
- f. advising employees on personnel policies and procedures, interpretation of requirements, and professional standards for selection methods,
- g. consulting with employees on the availability and qualifications of applicants for specific positions, reviewing, monitoring and evaluating the effectiveness of selection processes.
- h. Ensuring that all actions taken are consistent with the Chapter's Five Management System and Navajo Nation law.

C. Advertising of Vacant Positions

1. All vacant positions must be advertised a minimum of 10 working days. Job vacancy announcements may be within the Chapter, or within the community, or outside the Chapter and the community, or outside the Navajo Nation, or submitted to the Department of Personnel Management to be published on the weekly job vacancy listing.
2. Chapter requests for job vacancies that are included on the weekly vacancy listing published by Department of Personnel Management are to be submitted on Job Vacancy Announcement forms complete with all required information and signatures.
3. The Chapter may collect all responses to a vacancy published on the weekly job vacancy listing by the Department of Personnel Management from the Department and then make its decision in accordance with these personnel policies. This is only if the Chapter has elected to post a vacancy through the Department of Personnel Management.
4. Administrative Employees of the Chapter shall retain their positions after the Chapter's transition to Local Governance Act certification. The Chapter's Administrative Employees shall resign as Navajo Nation employees only to **transition** into the same positions as Chapter employees. The Employees shall amicably resign with the understanding that they will be reconstituted as Chapter Administrative employees the following work-day. This shall not be placed within the Employee's permanent employment file as an adverse action.

The Chapter may elect to advertise, interview and re-hire for these Administrative Employee positions. However, it should be understood that this is extremely inefficient and that the Chapter's administrative functions will cease to be performed for the time period the Chapter takes

to re-hire administrative employees. The Chapter may elect to do this, but it is discouraged.

D. Applications for Employment

1. Chapter employment application forms may be made available at the Chapter or online. The Chapter shall also accept standard Navajo Nation applications for employment that are from the Department of Personnel Management, which may be downloaded from the website at www.nndpm.navajo.org. The application form solicits information from the applicant relating to education, experience, training, residence and other pertinent information. Applicants are required to sign the application which includes a statement that they are certifying to the truth and accuracy of all information provided therein.
2. Applications may be hand delivered, mailed, faxed, or delivered by other acceptable methods, but they must be received by the Chapter on or before the closing date specified on the job vacancy announcement. If mailed, date stamp on mailed application must be on or before closing date.
3. Applicants shall be required to furnish, at their own expense, evidence of character, education, physical condition, or other qualifications, which are job-related as may be deemed necessary.
4. In order to receive full credit for education, certification, or licensure, transcripts, copies of degrees, certificates, and other appropriate documents must be submitted along with the employment application.
5. Any misrepresentations, falsifications, or material omissions in any of this information or any other materials used in the application process, or information offered during the interviews, may result in the exclusion of the individual from further consideration for employment for that position; or if the person has been hired, termination of employment.

E. Interview Expenses

1. An applicant interviewed for a key position may be reimbursed for interview expenses subject to the Chapter's availability of funds. The Chapter Manager will be responsible for designating key positions jointly with the Chapter Officials.
2. A key position is a professional or highly technical position that requires specialized training, experience, licensure or certification.
3. Reimbursement of interview expenses will be limited to one trip to the interview site and actual reasonable expenses, including commercial fare, car rental, personal vehicle mileage, meals, lodging and other incidental costs.

4. Reimbursements shall not exceed the current travel expense rates established by the Navajo Nation and must be supported by receipts.

F. Referrals

1. The Chapter Manager shall consider applicants in the following order of priority:
 - a. Enrolled Navajos with reemployment preference
 - b. Enrolled Navajo veterans
 - c. Other enrolled Navajo applicants
 - d. Non-Navajo spouses of enrolled Navajos
 - e. Non-Navajos

However, the applicant possessing the best qualifications to perform the duties of the position should be selected.

2. Anytime a lower priority applicant is selected over higher priority applicants, the Chapter Manager shall provide written justification to the Chapter Officials and Membership setting forth the reasons for the selection.

G. Reemployment Preference

1. A regular status Chapter employee separated from employment due to a reduction-in-force will be eligible for reemployment preference.
2. Reemployment preference will not be granted to employees who have not attained regular status at the time of layoff.
3. Reemployment preference continues for a period of six months from the date of layoff provided the employee does not decline Chapter employment when offered.

H. Selection Methods and Criteria

All selection methods and criteria shall be job related. Selection methods include any assessment or technique used as qualifying mechanisms; physical, education, work experience requirements, formal and informal interviews; and application forms.

1. Age Requirements

- a. Applicants under sixteen years of age will not be considered for regular employment unless an exception has been made by applicable law or regulation.
- b. Age is not a factor in employment except for those positions in which bona fide occupational qualifications are required.

2. Physical Qualifications

A person selected shall possess and maintain the minimum physical qualifications necessary to perform essential duties of the position. The Chapter Manager, in consultation with the Chapter Officials, shall designate those positions for which medical examinations shall be required prior to employment. Whenever the Chapter Manager, in consultation with the Chapter Officials and legal counsel (private or the Department of Justice), has reason to believe that an employee's health is adversely affecting his/her job performance, the employee may be required to undergo a medical examination by a licensed physician. The results shall be used to determine continued employment.

3. Polygraph Tests

No applicant or employee shall be requested or required to take a polygraph test as a condition of employment.

4. Background Checks

The Chapter Manager shall designate certain positions as sensitive, such as commissioned personnel, bus drivers, or those working with children and those involving the handling of money, inventories, or security of buildings.

Job-related background checks, which may require fingerprinting of applicants, shall be conducted prior to appointment of a person to a sensitive position. If the background check cannot be completed until after placement, the results shall be used to determine the employee's suitability for continued employment.

- a. Applicants who have been charged with a misdemeanor involving moral turpitude or a felony shall not be eligible for employment unless the charges are dismissed or they are found not guilty.
- b. Applicants who have been convicted of a misdemeanor involving moral turpitude or a felony or who enter pleas of guilty or no contest shall not be eligible to be considered for employment for a period of at least three years following completion of sentence. The number of years may be controlled by other standards if the position is funded pursuant to a grant or contract.

5. Work and Education Reference Checks

To verify information about an applicant's knowledge, skills, abilities, character, and other qualifications that will be important to successful performance in a new position, job-related inquiries may be made of current and former supervisors and other persons who can supply relevant information. Information provided by an applicant to obtain employment, which later proves false, shall be grounds for termination.

J. Offer of Employment

1. The authority to offer employment is vested in the Chapter Manager, after consultation and approval by Chapter Officials.
2. The offer of employment will be extended by the Chapter Manager to the individual selected for the job if the selection is consistent with existing policies and criteria established for the job.
3. The Chapter Manager shall also approve the proposed pay rate before an offer of employment is made to an applicant.
4. The Chapter Manager shall not offer or approve employment if selection was done contrary to these Personnel Policies or Navajo Nation law.

K. Moving Expenses

Subject to the Chapter's availability of funds, moving expenses, in whole or in part, may be paid by the Chapter.

V. EMPLOYMENT STATUS

Employment status varies with the position and conditions of employment. Chapter Managers, working jointly with the Chapter Officials (and review/advice from private legal counsel or the Department of Justice) shall ensure that employees are properly designated.

A. The Navajo Nation has six categories of employment status, of which the Chapter has elected to adhere to five:

1. Regular full-time

Employees who are hired to work the regularly established 40-hour workweek and who remain employed full-time upon completion of the introductory period.

2. Regular part-time

Employees who work less than the regularly scheduled 40-hour workweek but not less than 20 hours per week and who remain employed part-time upon completion of the introductory period.

3. Seasonal

Employees who work less than one year on a full or part-time basis due to the nature of the position and/or funding level. Seasonal employment is usually applicable to jobs that occur on an intermittent or seasonal basis.

4. Temporary

a. Temporary employees are those who are hired as interim replacements or to supplement the work force, or to assist in the completion of a specific project.

b. Employment of a temporary to fill a vacant regular status position is limited to a maximum of six consecutive months in a program's fiscal year.

c. Employment of a temporary in a temporary Chapter account may be extended as necessary, except that if a temporary is employed continuously for one year, the program must justify maintaining the position as temporary or budget the position as regular status.

d. Employment of a temporary beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change.

e. While temporary employees receive mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for Navajo Nation benefit programs including annual and sick leave accrual.

5. Volunteers

Persons who offer and provide unpaid assistance or services to the Navajo Nation for a specified time period. Supervisors must arrange for appropriate coverage under workers' compensation.

B. Introductory Period

The Introductory Period is intended to give employees the opportunity to demonstrate the capability to perform assigned job duties at a satisfactory level of performance and to determine whether the position meets their expectations. The Chapter uses this period to evaluate employee capabilities, work habits, and

overall performance. The Table of Penalties (Section XIII below) does not apply during the Introductory period.

1. Immediate supervisors will provide performance standards for successful completion of the introductory period.
2. These policies do not apply to temporary employees.
3. The three types of introductory periods are:
 - a. 90-day Introductory Period
All new employees, hired in a regular or seasonal position will work on an introductory basis for the first 90 calendar days after their date of hire. The introductory period shall begin on the first day of employment and end at the end of the work day on the 90th calendar day. For those employees who work on a Monday through Friday tour of duty and the 90th day falls on a Saturday, Sunday or holiday, the 90th day will carry over to the next working business day. A regular status employee will be subject to only one new employee introductory period during any continuous term of employment.
 - b. Supervisory Introductory Period
A Chapter employee promoted or transferred to a higher level supervisory position, will be subject to a supervisory introductory period of 90 calendar days. An employee promoted or transferred to a supervisory position continues to utilize leave benefits during the supervisory introductory period.
4. Periods of temporary employment cannot be used to satisfy the introductory period requirement. Leave benefits accumulate but cannot be used during the 90-day introductory period.
5. During the introductory period, new employees are eligible for those benefits required by law, such as workers' compensation and Social Security. After obtaining regular status, employees may also be eligible for other Chapter and Navajo Nation provided benefits, subject to the terms and conditions of each benefits program.
6. Unsatisfactory Performance or Conduct
 - a. If, during the 90-day introductory period, the employee's performance or conduct is found to be unsatisfactory, the immediate supervisor may terminate the employee for just cause, provided that the employee is given contemporaneous written notification citing the reason(s) for the termination.

- b. An employee terminated during any introductory period has no rights to grievance.
- c. Termination of new employees within the introductory period voids accrued annual and sick leave. Supervisory and transferred employees will receive payment for all accrued annual leave.

7. Failure to Complete Supervisory Introductory Period

- a. Employees failing to successfully complete their supervisory introductory period will be returned to their previous position, if it is available, at their prior rate of pay. If the previous position is not available, they will be considered for a comparable position. If a comparable position is not available, they will be laid off and placed on preferential status for reemployment.
- b. Employees failing to satisfactorily complete a supervisory introductory period will not be considered for another supervisory position for a period of 12 months. During the supervisory introductory period, an employee has no rights to grievance.

8. If any introductory period is interrupted by an employee's extended absence due to medical reasons, the introductory period may be extended the number of calendar days the employee was absent.

9. Conversion to Regular Status

- a. When an employee satisfactorily completes an introductory period, the immediate supervisor is required to submit a performance appraisal for him/her to the Chapter (either Chapter Manager or the Chapter's file with notice to the Chapter Officials) along with the personnel action form. This will convert the employee's introductory status to regular status.
- b. If the immediate supervisor fails to notify, in writing, the employee and the Chapter Manager or Chapter Officials of the conversion status at the end of any introductory period, the Chapter Officials are authorized to initiate action to convert the employee to regular status.

10. Reemployment after Break in Service

Former employees rehired after any break in service, are considered new employees and will be subject to another introductory period regardless of a previous completion. The exceptions are those reemployed after a layoff. They are eligible for reinstatement for a period of six months after layoff.

C. New Employee Orientation

1. New employees are required to attend an employee orientation within 90 calendar days of employment date. All supervisors shall allow new employees to attend the orientation as scheduled.
2. The new employee orientation shall include an overview of general Chapter operating policies and procedures, employee benefits, and an overview of the Chapter and Navajo Nation organizational structures, and reporting relationships.
3. All employees are required to read and affirm in writing that they are familiar with this Personnel Policies Manual.
4. Supervisors are required to provide an employee orientation to newly hired and transferred employees. This orientation shall include program specific topics, such as Chapter goals and objectives, office and workstation regulations, and job and performance expectations.

D. Basic Workweek

The basic workweek is seven days - Saturday through Friday. Standard hours of work for all employees are 40 hours per week.

E. Basic Tour of Duty

The basic tour of duty is from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday.

1. Breaks

Employees are entitled to a midmorning and a mid-afternoon break, each break time not to exceed 15 minutes. Employees cannot accumulate break time.

2. Standby Duty

Certain work operations require that employees be placed on standby and available for duty. If called, employees required to remain on duty during emergency situations for extended periods will receive rest and meal periods.

3. Time Records

Time records will be maintained for each employee to accumulate and report the following: hours worked, hours absent, hours on approved leave, type of approved leave, and hours of unauthorized absence. Time records must be submitted for payroll purposes.

F. Alternative Work Schedules

1. Exceptions to the basic tour of duty may be approved by the Chapter Manager upon written request from administrative employees. .
2. Alternative work schedules are generally dependent upon the specific working conditions and needs of the Chapter.
3. The Chapter Manager will be responsible for developing and issuing procedures on the types of alternative work schedules available (E.g. flextime, compressed workweek, shift work, job sharing, and telecommuting).

VI. CLASSIFICATION OF POSITIONS

A. Policy

It is the policy of the Chapter 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 Chapter Manager, in consultation with the Chapter Officials, will modify the position classification plan through establishing new classes, revising or abolishing existing classes, 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. A position must be officially classified before the Chapter Manager can take any personnel action with respect to employment, transfer, promotion, demotion or salary.

2. The Chapter Manager, in consultation with the Chapter Officials, 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.
3. The approved class title, as designated by Department of Personnel Management should be used for all official records.
4. The Chapter Manager and Administrative Assistant shall be responsible for maintaining the official class specifications and will provide each the Chapter a set of the relevant class specifications.

VII. SALARY AND WAGE ADMINISTRATION

A. Policy

It is the policy of the Chapter to pay wages and salaries that are commensurate with the type of work, the level of responsibility and the qualifications required for each job and that are comparable subject to budgetary constraints, to rates being paid for similar work within the Navajo Nation and in other comparable organizations, and to provide for salary adjustments for Chapter employees that are equitable and competitive.

B. Applicability

These policies apply to all positions and employees, regardless of the funding source, except employees whose rates of pay are specifically set by legislation.

C. Salary and Wage Limits

1. Each position in the Chapter is evaluated using a classification system that is determined by the Chapter Manager and is assigned a pay grade that establishes the value of the position in relation to other positions within the Chapter.
2. The Official Salary Schedule, which is produced by the Chapter Manager, shall provide a pay grade for all classes. Each class title shall be assigned a pay grade in the approved salary schedule. For every pay grade, there shall be a “salary range” progressing from minimum to a maximum.
3. The last step of the pay grade assigned to a position provides the maximum limit an employee will be paid for that job.

D. Salary and Wage Administration

1. Each position shall be reviewed by the Chapter Manager, classified, and assigned to a grade within the pay structure that reflects an equitable value relative to other classifications.

2. The Chapter Manager will annually establish an appropriate pay structure consistent with other pay structures to ensure internal equity based on the current market average. All pay is subject to availability of Chapter funds.
3. Certain occupations may command Special Pay Ranges (premium pay) based on prevailing market pay levels. The Chapter Manager is responsible for evaluating eligibility and determining the adjusted ranges.
 - a. The special ranges shall be effective for one fiscal year.
 - b. Continued eligibility for the special rate shall depend on an annual evaluation of market pay levels.
 - c. If the special pay range is lower than the standard range, and range reduction results in an employee being above the maximum step, that employee's pay will be frozen until such time that it falls within the established range.
4. The Chapter Manager will adjust the pay rates of employees at certain worksites to reflect the cost of labor difference using appropriate locality pay data.
5. The Chapter Manager may consider additional factors such as remoteness of worksite and hard to fill positions in determining and adjusting pay.

E. Appointment Rate

The Chapter Manager is responsible for reviewing appointment rates based on the qualifications of the applicant compared to the established minimum qualifications for the position.

1. New employees will generally be assigned to Step "A" of the pay grade (or the equivalent) to which the position is assigned. No employee will be paid below Step "A".
2. Applicants with qualifications greater than those required at entry level may be hired at a rate not to exceed the midpoint of the pay range assigned.

F. Special Recruitment Rates

When all recruitment and selection procedures have been followed and an applicant cannot be recruited, a special rate may be authorized by the Chapter Manager in consultation with the Chapter Officials. Special rates are subject to availability of Chapter funds.

G. Pay Adjustments

Pay adjustments resulting from a promotion, transfer or reclassification of a position are effective the pay period following the date of approval by the Chapter Manager and shall not be retroactive.

1. Transfer

If an employee is transferred from one position to another in the same grade (lateral) no pay adjustment will occur. If transferred to a position in a higher grade, see G.3 below. If transferred to a position in a lower grade, see G.4 below.

2. Reclassification

- a. If an employee's position is reclassified which results in the assignment of a higher pay grade, the employee's pay will be adjusted as outlined in G.3 below. If the reclassification results in the assignment of a lower pay grade, the employee's pay will be adjusted as outlined in G.4 below; or if the grade assignment remains the same, then no pay adjustment will occur.
- b. The eligibility date for the next step increase will be adjusted pursuant to G.6 below whenever a pay increase occurs.

3. Promotion

An employee is promoted when he/she is moved from one position to another that is in a higher grade. Pay adjustments can be made as follows:

- a. an employee meeting the minimum qualifications for the new position will be paid at Step "A" of the assigned pay grade.
- b. notwithstanding G.1 above, based on an employee's qualifications, an increase of up to two steps may be granted and shall not exceed the maximum of the pay range assigned. The employee's eligibility date for the next step increase will be adjusted pursuant to G.6 below.

4. Demotion

An employee is demoted when he/she is moved from one position to another in a lower grade. His/her rate of pay shall be reduced to the same step in the lower pay grade or the entry level rate of the lower pay grade. The salary adjustment shall not be to a rate below Step "A".

5. Step Increases

A regular status (full-time and part-time) employee whose performance is rated as “Significantly Exceeds Standards” or “Outstanding” will receive a step increase pursuant to the following:

- a. An employee must have been in his/her current position for at least six months during the current rating period.
- b. The step increase will be effective one year from the date of the last step increase or on the employee’s anniversary date, if the employee is at Steps “A”, “B”, “C”, “D”, or “E”, two years from the date of the last step increase or on the employee’s anniversary date, if the employee is at Steps “F”, “G”, “H”, or “I”, or three years at Steps “J” and “K”. If the employee is at Step “L”, no step increase will occur.

6. Acting Status Assignment

- a. An employee on acting status assignment must be compensated at the first step of the assigned grade for the duration of the assignment if he/she meets the requirements of the position.
- b. If an employee’s current salary equals or exceeds entry level for the acting status position, the employee may receive a one step increase for the duration of the assignment.

H. Holiday Pay

1. Any employee who is required to work on a holiday and does work shall be paid at twice his/her regular rate of pay for hours worked.
2. Holiday pay will cover only those hours worked in one day.
3. Early release of employees is not counted as a holiday when calculating holiday pay.

I. Merit Pay Bonus

Merit pay bonus payments are lump sum payments, excluding applicable taxes and deductions, awarded to employees for performance.

1. Cash awards may be given to eligible employees based on their overall performance during the applicable rating period.

a. Eligibility for Merit Pay

- 1) An employee must be regular status (full-time and part-time) with at least one year of continuous service with the Chapter and six months in his/her current position.

- 2) An employee must be recommended for merit pay by the immediate supervisor and approved by the Chapter Manager.
 - 3) An employee must have an overall performance rating of “Significantly Exceeds Standards” or “Outstanding”.
 - 4) An employee is deemed ineligible for merit pay if he/she terminates employment prior to the Chapter Manager’s approval.
 - 5) An employee must not have received a step increase or bonus for the same rating period.
2. Merit bonus payments will be processed in accordance with these procedures.

J. Shift Differential

Shift differential may be paid provided funds are available and a request is approved by the Chapter Manager. Shift differential will be consistent with local industry practices.

K. Pay Advances

1. An employee may request a pay advance in the following situations:
 - a. When an employee is required to travel on official business. Travel must be in accordance with existing travel policies.
 - b. Serious illness or death in the immediate family. See procedures for requesting “emergency” pay advances for serious illness or death in the immediate family issued by the Office of the Controller.
2. All pay advances will be deducted in accordance with current payroll processing.

VIII. OVERTIME

A. Policy

It is the policy of the Chapter to authorize overtime when necessary to meet essential operating needs of the Chapter subject to existing funding and contract requirements.

B. Exempt/Non-exempt Classification

All positions will be classified as either exempt or non-exempt to determine eligibility for overtime compensation.

1. Exempt: managerial, professional, and administrative positions. Employees assigned to exempt positions are not eligible for overtime compensation.
2. Non-exempt: nonsupervisory or office staff positions. Employees assigned to non-exempt positions are eligible for overtime compensation.

C. Authority to Approve Overtime

The Chapter Manager may authorize overtime consistent with these policies. However, prior to working overtime, non-exempt employees must agree to the type of compensation preferred, cash payment, compensatory time off, or a combination of the two.

D. Employee Notification

The Chapter Manager shall notify the employee in advance that overtime is necessary and the employee is expected to work. In assigning overtime, the Chapter Manager will take into account employee preference for overtime assignments. To the extent feasible, overtime shall be distributed equally among full-time employees of the same classification.

E. Compensation for Overtime Work

1. Cash Payment – Whenever an employee is approved to work overtime, payment for the overtime must be processed within the next pay period ending.
 - a. Non-exempt employees shall be paid for overtime at the rate of one and one-half times their regular rate for hours worked which exceed forty hours of actual work in a workweek. Exception: Employees engaged in public safety activities will be paid the overtime rate for hours worked which exceed eighty hours of actual work in a pay period.
 - b. Non-exempt employees shall be paid at their regular rate of pay when the actual hours worked is equal to or less than 40 hours in a workweek. Employees engaged in public safety activities shall be paid at their regular rate when the actual hours worked is equal to or less than 80 hours in a pay period.
 - c. A non-exempt employee shall be paid for any accrued and authorized overtime, including accrued compensatory time, upon transfer, change in funding source, or termination.

2. Compensatory Time Off

In lieu of cash payment, an employee may be eligible to earn compensatory time subject to the following:

- a. For non-exempt employees, compensatory time shall be calculated in the same manner as cash payment in E, above.
- b. Compensatory time off shall be arranged by the employee and the Chapter Manager. The Chapter Manager shall properly account for Compensatory time earned and taken by employees.
- c. For non-exempt employees, compensatory time off must be taken within 90 days of the time it was earned, otherwise the Chapter is required to compensate employees in cash payment.
- d. An employee may not accrue more than 120 hours of compensatory time, unless the employee is engaged in essential public safety activities or emergency response activities. These employees may accrue up to 240 hours of compensatory time. Any overtime hours worked in excess of these limits must be compensated in cash payment until the number of accrued hours of compensatory time falls below the limit.

F. Reporting of Overtime

All authorized and earned overtime and compensatory time must be recorded on the official time sheet. Only hours reported on the time sheet will be accepted and approved for cash payment or compensatory time off.

IX. EMPLOYEE BENEFITS

- A. The Chapter offers several benefit programs for employees. Eligibility may be based on length of service, employment status or salary. Specific descriptions of the benefits shall be made available at the Chapter by the Chapter Manager.

B. Paid Holidays

- 1. The following days shall be recognized as paid holidays:

| | |
|------------------------|--------------------------|
| New Year's Day | January 1 |
| Martin Luther King Day | Third Monday in January |
| President's Day | Third Monday in February |

| | |
|-------------------------------|-----------------------------------|
| Navajo Nation Sovereignty Day | Fourth Monday in April |
| Memorial Day | Last Monday in May |
| Navajo Nation Memorial Day | June 1 |
| Independence Day | July 4 |
| Navajo Code Talker Day | August 14 |
| Labor Day | First Monday in September |
| Veteran's Day | November 11 |
| Thanksgiving Day | Fourth Thursday in November |
| Navajo Nation Family Day | Friday following Thanksgiving Day |
| Christmas Day | December 25 |

Additional holidays include any day designated as a holiday by federal statute, Executive Order of the President of the United States, or action of the Navajo Nation Council, the President of the Navajo Nation, or the Speaker, Navajo Nation Council.

2. All employees except temporary employees are eligible for paid holidays.
3. Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on a Sunday will be observed on the following Monday.
4. If a holiday occurs when an eligible employee is on approved leave, the absence will not be charged against his/her accrued leave.
5. An eligible employee who is on a scheduled day off when a holiday is observed will be paid at his/her regular rate of pay.
6. An eligible employee required to work on a designated holiday who does not report to work and is not excused will forfeit the holiday pay.
7. Any employee who is required to work on a holiday and does work shall be paid at twice his/her regular rate of pay. (See Section VII. F). Employees working on a holiday will not be given equivalent time off before or after the holiday.

C. Leaves of Absence

Employee benefits include leaves of absence. See Section X for discussion on the types of leave.

D. Staff Development and Training

Employees are encouraged to participate in job related training to enhance job performance, develop and strengthen skills, and to keep current on specific developments and trends. The Chapter Manager in conjunction with the Chapter President and Vice-President are responsible for monitoring and administering training activities.

X. LEAVE ADMINISTRATION

A. General Leave Policies

1. Use of Leave

Employees will earn annual and sick leave, however, when and how these leave benefits are used is subject to supervisory approval. Employees should keep in mind that the use of leave is granted as a privilege rather than a right. It should also be clearly understood that leave is granted to employees at such times as they can be conveniently spared from work. Use of leave may be subject to verification and improper use of leave may be denied. Leave may be denied due to the requirements of the workload, except as provided herein.

2. Application for Leave

Except in emergency circumstances or as provided below, application for leave of any kind or duration must be initiated by the employee in writing and presented to the Chapter Manager for approval prior to taking leave. If the Manager is not available, employee shall submit her/his request for leave on the day they return to work. If an employee is incapacitated, the Chapter Manager may place the employee on appropriate leave.

3. Leave Year

The leave year shall consist of 26 pay periods and shall begin with the first complete pay period in any given calendar year and end with the 26th pay period.

4. Years of Service for Leave Benefits

Years of service shall include all periods of continuous employment with the Navajo Nation government and Chapter government. Years of service shall not include employment with entities, enterprises, or chapters of the

Navajo Nation. In addition, service prior to a break in service will not be included unless the break in service was the result of a reduction in force and the employee was reinstated within six months of the lay off.

5. All leave benefits, such as accrued annual leave and other paid leave time, shall be subject to the availability of Chapter funds.

B. Paid Leave

1. Annual Leave

Annual leave is authorized absence for rest, recreation or other purposes when approved by the supervisor.

- a. Eligibility

- 1) Regular status employees are eligible to accrue annual leave hours.
- 2) Temporary employees are not eligible.
- 3) Employees on any type of leave without pay are not eligible.

- b. Limitations

- 1) Employees serving a new employee introductory period can accrue annual leave but cannot use accrued annual leave until after they have been converted to regular status.
- 2) Termination within the new employee period voids all accrued annual leave hours.

- c. Accrual Rate

- 1) Eligible employees will accrue annual leave at the following rates:

| | Nonexempt Employees | Exempt Employees |
|---------------------------------|---------------------------|---------------------------|
| <u>Yrs of ServicePeriod</u> | <u>Per Pay Period</u> | <u>Per Pay Period</u> |
| Less than 3 years | 4 hours | 6 hours |
| 3 years to | 6 hours | 8 hours |

| | | |
|-----------------------|---------|----------|
| 12 years | 8 Hours | 10 Hours |
| More than 12 years | 8 Hours | 10 Hours |

- 2) Eligible regular part-time and seasonal part-time employees accrue annual leave on a pro rata basis.

d. Extension of Sick Leave

Annual leave may be approved as an extension of sick leave upon exhaustion of accrued sick leave.

e. Carryover

At the end of each leave year, all hours in excess of 320 hours shall be forfeited. Forfeited hours shall not be paid.

f. Change of Employment Status

- 1) An employee transferred to a position in which annual leave does not accrue will be paid for all accrued annual leave hours earned in his/her prior position.
- 2) An employee who transfers to another regular status position shall have all accrued annual leave hours transferred.

g. Liquidation of Annual Leave

Upon separation from employment, an employee shall be paid for all accrued annual leave hours. Payment will be included in the final paycheck subject to deductions for any indebtedness owed to the Chapter. This is subject to availability of Chapter funds.

2. Sick Leave

Sick leave is authorized time off from work granted an eligible employee due to: his/her own illness, injury, or disability or that of a spouse, children, or parents. This includes but is not limited to incapacitating, contagious, or chronic illness, disability caused by pregnancy, childbirth or related medical circumstances, illness or injury that requires examination, treatment or visits to a licensed practitioner, medicine man or health-related counselor. Employees referred by EAP for treatment, counseling or to other resources may also be eligible for sick leave.

a. Eligibility

- 1) Regular status employees are eligible to accrue sick leave hours.
- 2) Temporary employees are not eligible.
- 3) Employees on any type of leave without pay are not eligible.

b. Limitations

- 1) Employees serving a new employee introductory period can accrue sick leave but cannot use accrued sick leave until after they have been converted to regular status.
- 2) Illness or other medical conditions which exhaust an employee's sick leave may require that annual leave and leave without pay be used.

c. Accrual Rate

Eligible employees will accrue sick leave from the date of employment at the following rates:

| <u>Employee Status</u> | <u>Accrual Rate Per Pay Period</u> |
|----------------------------|--|
| Regular/Seasonal Full-Time | 4 Hours |
| Regular/Seasonal Part-Time | 2 Hours |

d. Physician's Statement

An employee is required to submit written proof of illness or disability from a physician for absences of three or more consecutive work days. If an employee's sick leave record warrants, a statement may be required for less than three days.

e. Traditional Healing Ceremonies

An employee must request and obtain prior approval for the absence. The employee may be required to submit a written statement from the medicine man performing the ceremony if the employee's absence due to traditional healing ceremonies warrants verification or if the ceremony is three or more consecutive work days.

f. Carryover

Eligible employees may carry over an unlimited number of unused sick leave hours from leave year to leave year. However, no

employee shall be paid for unused sick leave hours upon termination.

g. Change in Employment Status

- 1) An employee who transfers to a position in which sick leave does not accrue shall forfeit all sick leave hours.
- 2) An employee who transfers to another regular status position shall have all accrued sick leave hours transferred.

h. Reinstatement of Sick Leave

Sick leave hours shall only be restored when a former employee with reemployment preference is rehired within six months of separation from employment.

i. Forfeiture of Sick Leave

Termination within the new employee introductory period voids all accrued sick leave hours. Forfeited sick leave may not be restored.

3. Administrative Leave

Administrative leave is leave with pay and may be granted by the Chapter Manager in the following situations:

a. Early release

- 1) Early release of employees due to: extreme weather conditions, or any other reason determined by the Chapter President or his or her designee to be appropriate. Advance notice of early release shall be in writing and signed by the relevant authority or their designee.
- 2) Early release shall not apply to employees on leave, travel or whose tour of duty does not cover the period of the early release.

b. Temporary closure of employee work sites or facilities due to environmental health hazards or other safety or health reasons. Administrative leave shall not be granted when affected employees can reasonably be assigned to alternative work sites.

c. Investigations

The Chapter Manager--or when the Chapter Manager is the subject of the investigation or when otherwise appropriate, the

elected Chapter officials--may place an employee on administrative leave to investigate alleged misconduct sufficiently serious to bar an employee from the premises to protect persons or Chapter resources. Such leave may not exceed 20 total consecutive working days.

- 1) Immediate written notice shall be given to the employee of the leave, its purpose and duration, and specific reasons therefore. The employee shall be required to leave the premises immediately.
- 2) Upon conclusion of the investigation or the end of the administrative leave, whichever occurs first, if no disciplinary action is taken, the employee shall be allowed to return to work. However, this does not prevent disciplinary action after an employee returns to work.
- 3) When disciplinary action is deemed necessary, it shall be taken in conformance with the appropriate provisions of Sections XIII and XV herein.

d. Witness Summons

- 1) An employee summoned or subpoenaed by any party or tribunal, including the grievance hearing officer, to be a witness in an official capacity, shall not be required to take leave since the employee will be representing the Chapter. However, the employee must immediately inform the Chapter Manager of the proposed absence.
- 2) If an employee is summoned to be a witness as a private citizen, or as a witness for the aggrieved party in a grievance hearing, the employee will be authorized annual leave. If annual leave is exhausted, leave without pay will be used.

e. Jury Duty

Employees are required to notify their supervisor promptly upon receipt of a jury summons and subsequent notice to serve as a juror. Employees summoned for jury duty, including military jury duty, will receive their regular rate of pay for normal work hours, provided the employee submits evidence of the summons and selection notice. Employees will be allowed to retain any reimbursements for transportation, lodging, meals etc. paid by the respective court jurisdiction.

f. Time Off for Voting

- 1) Registered voters may receive authorization for up to two hours paid absence from work to vote in a Navajo Nation, local, state or federal election. The length of absence will be granted at the discretion of the Chapter Manager.
- 2) Employees required to vote at a poll remote from their workstations may request an extension of the two-hour limit. The extension, if granted, will be charged to the employee's annual leave. This extension includes travel time to the poll but may not exceed eight hours.

g. Professional Licensure and Certification

- 1) An employee may be authorized administrative leave to obtain appropriate job related professional licensure or certification or to satisfy continuing education requirements to retain such licensure or certification.
- 2) An employee will be given two opportunities to obtain the same licensure or certification. Thereafter, he/she will be required to take annual leave or leave without pay to obtain that same licensure or certification.
- 3) Any special conditions regarding the length of leave, payment of expenses, reimbursement, grades, employment status, service to the Navajo Nation, etc. will be arranged between the Chapter Manager and the employee.

C. Unpaid Leave

1. Approved Leave Without Pay

Leave without pay not to exceed 15 working days may be granted by the Chapter Manager. Except for family and medical leave, annual or sick leave, if applicable, must be exhausted before entering approved leave without pay status. Consideration shall be given to the merits and circumstances together with the Chapter operations.

2. Unauthorized Absence

When an employee is absent without authorization, the employee will be charged with absence without approved leave and may be subject to disciplinary action. If the absence is later approved, the charge to absence without approved leave may be changed to the appropriate leave.

3. Disciplinary Actions

An employee placed on suspension is considered to be on leave without pay status. Annual and sick leave do not have to be exhausted.

4. Educational Leave

Educational leave may be granted when an employee enrolls as a full-time student in an accredited educational institution.

- a. The purpose of educational leave is to enhance an employee's job performance and therefore must be job related. All requests shall be approved by the Chapter Manager.
- b. Educational leave shall be without pay unless the Chapter Manager and employee agree that annual leave may be used.
- c. Regular full-time employees are eligible for educational leave up to one semester (or equivalent) per academic year provided they have three years of continuous employment with the Chapter.
- d. An employee on approved educational leave shall maintain regular full-time status.
- e. Upon completion of educational leave, an employee shall return to his/her position.

D. Family and Medical Leave

Family and medical leave of absence is approved unpaid leave available to eligible employees for up to six months per year under particular circumstances that are critical to the life of a family.

1. Family and medical leave may be taken only in the following situations:
 - a. upon the birth of the employee's child;
 - b. upon the placement of a child with the employee for adoption or foster care;
 - c. when the employee is needed to care for his/her child, spouse, or parent who has a serious health condition; or
 - d. when the employee is unable to perform the functions of his/her position because of a serious health condition.
2. Limitations

- a. The first three months of leave are nondiscretionary; if the leave is requested consistent with these policies, the Chapter Manager must approve the leave.
- b. The second three month period is discretionary. The Chapter Manager has the authority to approve/disapprove the leave. Reason(s) for the additional leave requested must meet the criteria herein and be based on 1 a-d above.

3. Eligibility

Regular status employees who have been employed for one year are eligible for family and medical leave. The Chapter Manager may approve family and medical leave in extraordinary situations.

4. Basic Regulations and Conditions

- a. Employees are required to submit medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent.
- b. Spouses who are both employed by the Chapter may take a total of six months of leave (rather than six months each) for the birth or adoption of a child or the care of a sick parent, subject to the limitations in D.2 above.
- d. When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide notice as far in advance as practicable, and make efforts to schedule leave so as not to disrupt Chapter operations.
- e. In cases of illness, the employee will be required to report periodically to the immediate supervisor on his/her leave status and intention to return to work. A medical certification is required to resume work.
- f. Upon return from family and medical leave, an employee shall return to the same position.
- g. During the employee's absence, his/her position may be filled on a temporary basis.
- g. An employee's failure to return to work after the duration of approved family and medical leave and any other authorized leave shall be deemed a resignation.

5. Status of Employee Benefits During Leave of Absence

- a. Any employee who is granted an approved leave of absence under this policy shall provide for the retention of group insurance coverage by arranging to pay his/her premium contributions during the period of unpaid absence.
- b. An employee will not lose service credit with the Navajo Nation/Chapter as a result of the family and medical leave, but he/she will not accrue annual or sick leave and is not eligible for paid holidays.

E. Furlough

Furlough is the placement of a Seasonal employee into temporary non-duty non-pay (leave without pay) status due to lack of work, closure of facilities for a specific period of time, or closure due to circumstances beyond the control of the program.

1. Seasonal employees may be eligible for furlough status upon verification of continued funding for the next season or intermittent employment.
2. Employees will be provided written notice from the Chapter Manager of the furlough 15 calendar days prior to the beginning of the furlough period. The notice will include the effective date of the furlough, the date to return to duty (if known at that time) and pay status.
3. Each employee shall be provided a record of his/her accrued annual and sick leave hours before going on furlough status. This accrued leave will be maintained until the employee returns to active duty and pay status or is separated from employment.
4. To retain his/her regular status, a Seasonal employee on furlough may only obtain temporary employment with the Navajo Nation during the furlough period. If the employee does not wish to return to the Chapter placing him/her on furlough, a resignation must be submitted and processed to clear the employee to obtain other employment.
5. Employees provided written notification to return to work and who fail to report by the established return to duty and pay status date, may be subject to termination.
6. Insurance premiums must be paid for the furlough period. Upon notification of furlough, the Chapter and affected employees can make arrangements for payment of premiums with the Chapter Manager.
7. These policies do not apply to other categories of employees.
8. The period of furlough cannot exceed nine months from the date of furlough.

XI. EMPLOYEE PERFORMANCE APPRAISAL

A. Policy

The policy of the Chapter is to encourage and promote optimal employee performance using Chapter objectives. Every employee must receive a performance appraisal at least once a year.

B. Purpose

The purpose of the Employee Appraisal is to evaluate past job performance and set standards for future performance.

C. Duties and Responsibilities

1. Supervisors shall be responsible for evaluating past performance.
2. At the beginning of each review period, supervisors will be responsible for establishing specific objectives and performance standards consistent with Chapter objectives and current job descriptions.
3. Chapter Manager shall monitor the completion of employee performance appraisals.
4. Supervisors are responsible for ensuring that performance appraisals are submitted for all employees by the established deadline date. Failure to submit appraisals by established deadline date will result in disapproval of step increase and/or disciplinary action.

D. Unsatisfactory Performance

An employee whose job performance is unsatisfactory is subject to disciplinary action as set forth in the Table of Penalties.

E. Merit Pay

Performance evaluations serve as the basis for awarding merit pay. Merit pay provisions are set forth at Section VII. G. 1-2 herein.

XII. CHANGES IN ASSIGNMENT

A. Policy

The Chapter may, at its discretion, initiate or approve changes in assignment of employees from one position to another.

B. Transfers

All transfer decisions will be made in accordance with applicable laws and Navajo Nation policies, procedures, rules, and regulations. To the extent possible, Chapter Managers will make transfers that are voluntary. The Chapter Manager, upon written request by a regular status employee may transfer the employee to a position in the same pay grade. The Chapter Manager may transfer a regular status employee to a position in the same pay grade without a request by the employee.

1. Qualifications

An employee shall possess the knowledge, skills, and abilities required for the position as identified in the class specification for the position to which transferred.

2. An employee shall not be transferred during an introductory period.

3. These policies do not apply to Temporary employees.

C. Promotions

1. Job vacancies may be filled by promotion when practicable and in the best interest of the Chapter.

2. It is the employee's responsibility to pursue promotion by:

a. attaining the necessary skills, training, education, and professional certification; and

b. submitting a letter of interest to the supervisor of that position.

3. The supervisor is responsible for submitting a written justification for promotion to the Chapter Manager (or if the Chapter Manager, the elected officials).

4. The Chapter Manager or elected officials, upon determination that the employee meets the requirements of the position, will approve the promotion and the salary.

5. Promotions do not become effective until final approval is obtained.

6. These policies do not apply to Temporary employees.

D. Demotions

1. Involuntary - An employee may be demoted for cause or as a result of disciplinary action based on work performance pursuant to Section XIII.B

herein. Notwithstanding Section XIV.A involuntary demotions are grievable actions.

2. Voluntary Grade Decrease – An employee may request a change in assignment to a position with a lower pay grade. The employee shall possess the knowledge, skills, and abilities required of the new position. An employee is not eligible to grieve or appeal an approved voluntary demotion.
3. Demotions are permanent personnel actions unless stated otherwise.
4. These policies do not apply to Temporary employees.

E. Acting Status Assignment

An acting status assignment usually involves assigning a regular status employee to a supervisory position during the extended absence of an incumbent or a position vacancy. An acting status assignment shall not be less than 15 calendar days and shall not exceed 120 calendar days.

1. An acting status assignment must be voluntary. The employee must meet the requirements of the position to which he/she is being assigned.
2. The request for acting status assignment must be in writing and submitted to the Chapter Manager for approval. The request shall include the following:
 - a. the nature, time period, and expected results of the assignment;
 - b. assigned duties and responsibilities;
 - c. reporting relationships, signatures of the appropriate supervisors and the employee;
 - d. the appropriate salary adjustment for the period of assignment; and
 - e. an updated application and resume of the employee being considered for the acting status assignment.
3. The Chapter Manager upon determination that the employee meets the requirements of the position will approve the assignment and the effective date.
4. An employee who completes an acting status assignment will return to his/her previous position and resume regular duties at the previous grade/step.

5. Additional compensation for acting status assignments is covered under Section VII(E) herein.
6. These policies do not apply to Temporary employees.

F. Change in Worksite

1. A change in worksite is strictly limited to moving an employee from one location to another within the Chapter. There shall be no changes to the employment status, title, or salary.
2. A change in worksite may be voluntary or initiated by the supervisor to ensure effective and efficient operations.
3. A change in worksite shall not be used for disciplinary reasons.
4. A change in worksite may be temporary or permanent.
5. A request for change in worksite of an employee must be submitted to the Chapter Manager outlining the following:
 - a. the reason(s) for the change in worksite, the time period, and expected results of the assignment; and
 - b. reporting relationships; and
 - c. signatures of the supervisor.
6. These policies do not apply to Temporary employees.

XIII. DISCIPLINE OF EMPLOYEES

A. Policy

The policy of the Chapter is to establish and maintain standards of employee conduct and supervisory practices that will support and promote effective operations. Such practices include the administration of consistent and constructive employee discipline.

B. Guide for Disciplinary Action

Supervisors at all levels are expected to assume responsibility for reporting and initiating proper action regarding employee misconduct, unsatisfactory work performance, or violation of personnel policies or regulations.

1. Employees, including supervisors, whose job performance or conduct are unsatisfactory, or who violate the law, Nation policies, practices, rules, or

regulations are subject to disciplinary action consistent with the Table of Penalties.

2. Supervisors should refer to the Table of Penalties or the Department of Justice (or private legal counsel if retained) for assistance in initiating disciplinary action.

C. Authority to Administer Disciplinary Action

1. The Chapter Manager shall have the authority and responsibility to administer appropriate disciplinary action for violations of law, Nation policies, practices, rules, and regulations.

D. Documentation

1. All disciplinary actions shall be documented in writing by the supervisor or Chapter Manager. A copy of this documentation shall be turned over to the Chapter's legal counsel or the Department of Justice after adverse action has been taken.
2. Documentation of disciplinary actions will become part of the employee's personnel record subject to G.2 below.

E. Notice

Notice of disciplinary actions should be hand delivered whenever practicable or sent by certified mail. Notice by certified mail shall be effective upon delivery of notice by the U.S. Postal Service.

F. Contents of Disciplinary Notice

The disciplinary notice shall be in writing, directed to the employee, and shall contain:

1. an appropriate identification of the party, including position title ; and
2. the date(s) on which the violation(s) occurred, or where such acts are of a continuing nature and are the basis for the disciplinary action, the period of time when the acts occurred; and
3. a reference to the Table of Penalties regarding the offense(s) committed and the penalty imposed; and
4. a clear and concise statement of the facts constituting the alleged violation(s); and

5. an explanation of the employee's right to appeal the disciplinary action pursuant to Section XIV Employee Grievance; and
6. if hand delivered, the employee's acknowledgment of receipt of the notice, or if employee refuses to acknowledge, the notation that employee refused to sign and the date.

G. Table of Penalties

Those responsible for the administration of discipline must be firm, impersonal, and free from prejudice. In the interest of administering justice as uniformly as possible in accordance with the policies stated, a Table of Penalties is incorporated herein.

1. In cases of less serious performance and/or conduct issues, supervisors are encouraged to discuss such deficiencies with their employees before initiating any formal disciplinary action under the Table of Penalties.
2. A reprimand may also be appropriate for less serious offenses prior to taking formal action. Such action may not be grieved under this section of the Manual, nor will it be included in the employee's personnel file. However, a written reprimand may be maintained by the Chapter.
3. Supervisors shall be specific in describing the time period constituting an employee's suspension, and shall include both the dates and hours when the suspension begins and ends. Holidays shall be counted in computing the suspension period.
4. Suspensions imposed under the Table of Penalties are generally without pay, and require the employee to remain away from the workplace during the period of suspension. At the discretion of the supervisor, an employee may be placed on a working paid suspension. During the period of suspension, the employee shall continue to carry out his/her regular duties at the workplace. A paid suspension is grievable.
5. In addition to the penalties listed, employees are reminded that depending upon the offense(s) committed, they may be subject to prosecution under Navajo Nation or other applicable laws and/or be deemed ineligible for future employment with the Chapter and the Navajo Nation.
6. Employees who violate Navajo Nation or other applicable laws may also be subject to penalties provided for in those laws. Such violations may or may not lead to disciplinary action by the supervisor.
7. For those employees paid by a contract or grant, where the funding source requires greater disciplinary measures than those outlined in the Table of Penalties, or penalties other than those listed, such disciplinary action may be imposed consistent with the funding source requirement.

8. Where one set of circumstances warranting disciplinary action violates more than one offense listed in the Table of Penalties, supervisors must allocate the total penalty among each separate offense charged.

For example, if an employee is charged with three separate offenses, and the penalty for all three offenses totals ten working days suspension, the supervisor must allocate the ten days among all three offenses.

9. Employees shall not be penalized for multiple offenses arising from the same conduct or event.

TABLE OF PENALTIES

| OFFENSE | FIRST PENALTY | SECOND PENALTY | THIRD PENALTY |
|---|---|----------------|---------------|
| 1. Theft of property | Removal | | |
| 2. Misuse of Nation funds | Removal | | |
| 3. Solicitation or acceptance of bribes or kickbacks | Removal | | |
| 4. Falsification or unauthorized alteration of any Nation record | Removal | | |
| 5. False statement(s) of material fact in employment application or related documentation | Removal | | |
| 6. Maintaining second or outside employment without proper approval including, but not limited to, holding a salaried elected office, self-employment, etc. | Removal | | |
| 7. 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 | Removal | | |
| 8. Fraud and/or conspiracy to commit fraud | Removal | | |
| 9. Perjury in court or before an official Navajo Nation body or tribunal | Removal | | |
| 10. Concealing, removing, mutilating, obliterating, or destroying Navajo Nation records or documents without authorization | Removal | | |
| 11. Abuse of office or position | Removal | | |
| 12. Failure to directly call or report to the immediate supervisor for three (3) consecutive working days | Removal | | |
| 13. Planning, initiating participating in or otherwise aiding or assisting in the conduct of any riot or unlawful demonstration. | Removal | | |
| 14. Egregious misconduct which calls into question one's fitness for continued employment in that position with the Chapter. | Suspension (up to 30 working days), Demotion, or Removal | Removal | |
| 15. Sexual harassment | Suspension (up to 30 working days) or Removal | Removal | |

TABLE OF PENALTIES

| OFFENSE | FIRST PENALTY | SECOND PENALTY | THIRD PENALTY |
|---|---|--|----------------------|
| 16. a. Operating a Navajo Nation/Chapter vehicle under the influence of alcohol. | Removal | | |
| 16. b. Operating a vehicle under the influence of alcohol or other controlled substance (except when controlled substance is used as prescribed). | Suspension (up to 30 working days) or Removal | Removal | |
| 17. Malicious damage to Nation property including, but not limited to, graffiti, vandalism, etc. | Suspension (15 - 30 working days) or Removal | Removal | |
| 18. Violation of any provision contained in Section XVI.E, Drugs and Alcohol in the Workplace | Referral to EAP and/or Suspension (15 - 30 working days) or Removal | Removal | |
| 19. Failure to abide by policies and standards adopted in accordance with Section I.C | Suspension (up to 15 working days) or Removal | Suspension (up to 30 working days) or Removal | Removal |
| 20. Endangering the physical well-being of any individual including, but not limited to, threats of, or actual violence. | Suspension (up to 15 working days) or Removal | Suspension (up to 30 working days) or Removal | Removal |
| 21. Disclosing confidential Chapter information to unauthorized person(s) | Suspension (up to 15 working days) or Removal | Suspension (up to 30 working days) or Removal | Removal |
| 22. Misuse of Navajo Nation/Chapter property or services | Suspension (up to 15 working days) | Suspension (up to 30 working days) | Removal |
| 23. Insubordination, includes violation of any policy contained in this manual | Suspension (up to 15 working days) | Suspension (up to 30 working days) | Removal |
| 24. Neglect of duty | Suspension (up to 15 working days) | Suspension (up to 30 working days) | Removal |
| 25. Unauthorized absence | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 26. Excessive absenteeism, including tardiness | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 27. Unsatisfactory work performance | Suspension (up to 10 working days) | Suspension (up to 30 working days) or Demotion | Demotion or Removal |
| 28. Failure to complete performance evaluations as required | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |

TABLE OF PENALTIES

| OFFENSE | FIRST PENALTY | SECOND PENALTY | THIRD PENALTY |
|--|--|---|---------------|
| 29. Performing activities for personal gain when on the job including, but not limited to, campaigning for political office while on official tour of duty | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 30. Mistreatment of any individual(s) which jeopardizes health or safety | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 31. False witness against employee(s) | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 32. Offer of employment by unauthorized personnel | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 33. Violation of safety regulations which endangers oneself or others | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 34. Possession of unauthorized weapon(s) in the workplace | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 35. Failure to comply with motor vehicle regulations including, but not limited to, use of a tribal/Chapter vehicle for personal reasons | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 36. Creating discord among fellow employees leading to decreased productivity or a hostile working environment | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 37. Failure to treat the public or fellow employees with courtesy | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 38. Use of abusive or vulgar language and/or gestures | Suspension (up to 10 working days) | Suspension (up to 30 working days) | Removal |
| 39. Display of intoxication on the job (including use of restricted drugs not in conformance with a medical prescription) | Mandatory evaluation by Employee Assistance and Suspension (up to 30 working days) or Removal | Suspension (30 working days) or Removal | Removal |
| 40. Habitual use of intoxicants to excess which affects job performance | Mandatory evaluation by Employee Assistance and Suspension (up to 30 working days) or Removal | Suspension (30 working days) or Removal | Removal |

XIV. EMPLOYEE GRIEVANCE

A. Policy

An eligible employee who feels aggrieved as a result of an application of disciplinary action such as discharge, suspension, loss of pay or benefits, has a right to utilize the procedures available, except that layoffs in compliance with Section XV.D are not grievable.

B. Eligibility

All regular status employees are eligible. Temporary, new, and At-will employees are not eligible.

C. Grievance Process

1. Step One:

An employee must file a written request for reconsideration with the supervisor who initiated the action within five (5) working days of receipt of the disciplinary action, with a copy to legal counsel (or the Department of Justice). The supervisor must attempt to resolve the problem with the employee within five (5) working days after receipt of the request.

2. Step Two:

If the supervisor fails to address the reconsideration request or if the employee disagrees with the reconsideration decision, the employee must file a written appeal with the Department of Personnel Management within five (5) working days of the completion of Step One above for immediate transmittal to the Hearing Officer. A filing fee of \$25.00 must accompany this appeal. At this point both parties may be represented by legal counsel. The appeal shall include:

- a. the name and position of the Aggrieved Party,
- b. the name and position of the supervisor initiating the action,
- c. a statement of the underlying facts, including the dates and alleged events or conditions which form the basis of the appeal,
- d. the relief sought by the Aggrieved Party.

3. Step Three:

A Navajo Nation Hearing Officer will conduct the grievance hearing. The Hearing Officer will, whenever possible, hear the grievance within 30

working days and must render a decision within ten working days thereafter.

4. The decision of the Hearing Officer is the final administrative decision with the Chapter's resolution structure.

D. Refund of Filing Fee

If the grievance is withdrawn or resolved prior to commencement of the grievance hearing, the filing fee shall be refunded.

E. Grounds for Termination of Grievance

Abandonment of a case or noncompliance with required grievance deadlines and policies by the Aggrieved Party will be grounds for termination of the grievance. Department of Personnel Management will make such determination and inform all parties.

F. Withdrawal of Grievance

At any point in the grievance process, an employee may withdraw the grievance.

G. Status of Position Pending Grievance Outcome

Any changes regarding a position affected by a grievance will be placed on hold by the Chapter until such time the grievance is resolved or a final decision is rendered.

H. Status of Employee Pending Grievance Outcome

1. Notwithstanding the foregoing subsection G, disciplinary actions shall be effective immediately upon notice to the employee.
2. Notwithstanding an employee's involvement in a current grievance, subsequent violation(s) of the personnel policies by the employee may result in separate disciplinary action(s).
3. An employee that has filed a grievance shall be allowed reasonable use of available annual leave hours for the purpose of participating in the grievance process.

I. Grievance Hearing Officer

The Hearing Officer shall have the authority to uphold or reverse the disciplinary action of the supervisor, award back pay to the grievant, and when required, order that the employee's record be expunged. The Hearing Officer may also consider the appropriateness of the penalty imposed and if circumstances warrant, reduce

the penalty. However, in no case shall the hearing officer increase the penalty imposed by the supervisor.

XV. TERMINATION OF EMPLOYMENT

A. Responsibility

The Chapter Manager is responsible for establishing detailed procedures to address issues arising under this section.

B. Resignation

1. An employee may voluntarily terminate employment with the Chapter by submitting a letter of resignation.
2. The employee resigning shall give at least ten working days notice, unless the supervisor consents to the employee leaving sooner.
3. An employee who submits a written resignation may, with the supervisor's approval, withdraw the resignation and be restored to the vacated position provided the written request for withdrawal is submitted to the supervisor prior to the effective date of the resignation.

C. Discharge of Employees

1. A supervisor shall notify the employee, in writing, of the discharge and the specific reasons for the discharge. The notice shall include all requirements of Section XIII.F Contents of Disciplinary Notice.
2. These policies do not apply to At-will employees.

D. Layoff

An employee who is to be laid off shall be given 15-calendar days written notice. Notice of layoff may be less than the 15-calendar day requirement if stoppage of work results from circumstances beyond the control of the Chapter, e.g. funding is terminated, positions are not refunded, or funds are not available to continue operations. In all cases, however, the employee must be given as much notice as possible.

Subject to applicable law, a regular status employee who is laid off shall be entitled to reemployment preference. These policies do not apply to temporary employees or At-will employees.

1. Organizational restructuring.
2. A supervisor may lay off a regular status employee whenever it becomes necessary due to lack of work or funds or elimination of position.

3. Whenever layoffs are necessary, the Chapter Manager shall immediately notify the Chapter's elected officials.
4. No regular status employee shall be laid off while there are temporary, seasonal, or new employees employed in the same, equal, or lower level positions for which the regular status employee is qualified.
5. In determining the order of layoff of regular status employees, the supervisor shall consider such factors as seniority, performance appraisals, qualifications, work record, and conduct and whether employee is a veteran as set forth in Section III.C. The supervisor shall, if possible, retain the veteran.
6. If an employee's position is eliminated while he/she is on family medical leave, the employee shall be placed on layoff status immediately.
7. Physical Change and Incapacity

An employee may be terminated when, due to physical ailment or injury, the employee is no longer capable of performing the duties of the position. Before lay off:

- a. the employee must have seen a medical practitioner who has found the employee to be partially or totally disabled, or to be otherwise mentally or physically limited in work performance.
- b. The Chapter Manager must determine that even with reasonable accommodation(s) for the employee's physical condition, the employee is incapable of performing the duties required of the position.
- c. If a Chapter Manager believes that an employee is physically or mentally incapacitated but will not seek medical attention, the supervisor may require the employee to see a medical practitioner for an evaluation at the expense of the Chapter.
- d. An employee terminated under this section must receive written notice explaining the reason for layoff and is entitled to consideration for a transfer and reemployment preference consistent with the policies herein.

8. Subsequent Disqualification

If an employee, who was qualified for his/her position, subsequently becomes disqualified for the position due to a loss of license, certification, or reclassification of the position due to a reorganization of the program or material changes in duties, or for any other reason, the employee shall be

given a reasonable period to re-qualify. If after the period for re-qualification, the employee remains unqualified, he/she will be laid off.

E. Termination of Volunteers or Temporary Employees

1. A supervisor may terminate a volunteer or temporary employee at any time. The termination must be in writing and include an explanation for the termination, consistent with Navajo law.
2. A volunteer or temporary employee who is terminated is not entitled to reemployment, layoff, or grievance rights.
3. A volunteer or temporary employee may resign without prior notice. The resignation must be in writing.

F. Termination of New Employees

1. A supervisor may terminate a new employee for just cause at any time during the introductory period. The termination must be in writing and include an explanation for the termination, consistent with all Navajo Nation laws, rules and regulations.
2. A new employee who is terminated is not entitled to reemployment, layoff, or grievance rights.
3. A new employee may resign without prior notice. The resignation must be in writing.

G. Retirement

An employee who leaves Chapter employment in accordance with the Navajo Nation Retirement Plan is considered to have retired.

H. Death

1. Unless leave without pay was previously approved, an employee shall be compensated through the date of death.
2. The effective date of the separation shall be the date of death.
3. The supervisor shall take reasonable steps to assure that arrangements are made to provide payment to the employee's estate of any salary, overtime, or accrued annual leave payments due.

I. Final Pay

1. Upon receipt of all required documents, a final paycheck shall be issued to the terminated employee. The final check will include payment for hours worked, accrued annual leave, and any overtime as of the termination date.
2. All or part of the final pay check and/or annual leave payment may be withheld to satisfy any indebtedness to the Chapter.
3. The Chapter shall issue a final pay check within five (5) calendar days (including weekends). The Chapter shall pay the terminated employee twenty dollars per day for every day after the five days that a check is not issued. This amount may not to exceed two-hundred dollars.

XVI. CONDUCT OF EMPLOYEES

A. Business Ethics and Conduct

Employees are expected to comply with all applicable laws and policies of the Navajo Nation with respect to their conduct. In general, the use of good judgment will guide employees with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed with the appropriate supervisor and, if necessary, with the Office of Ethics and Rules for advice and consultation.

Each employee of the Chapter shall, among other things:

1. Uphold, with integrity, the trust and confidence placed in the employee pursuant to his/her employment.
2. Comply with and respond to the directions and instructions of the supervisor.
3. Show courtesy, respect, cooperativeness, diligence and tact in dealings with supervisors, fellow workers, elected officials and the general public at all times.
4. Provide full, efficient, and industrious service to promote the goals and objectives of the Chapter.
5. Maintain confidential information acquired in the performance of his/her duties and refrain from disclosing any portion thereof, except in the manner and to the extent authorized.
6. Refrain from using his/her official position to influence transactions involving purchases, contracts, leases, or other business dealings which advance personal interests or those of his/her friends or relatives. The existence of any actual or potential conflict of interest must be disclosed to

the Chapter Manager, who must then disclose this to the elected officials or the Chapter membership so that safeguards can be established to protect all parties.

B. Limitations on Employee Activities

1. While employed, an employee's private life is his/her own, however, an employee's activities cannot disrupt the work or the workplace. Each is expected to comply with all applicable laws.
2. If an employee is indebted directly to the Chapter or the Navajo Nation, he/she will be required to make payment (including payroll deductions) subject to the specific terms of the indebtedness and/or the Navajo Business and Procurement Act.
3. Employees shall be held accountable for loss of Chapter funds or property for which they are responsible where the loss is due to negligence, carelessness, or an *ultra vires* act. Employees with custodial responsibilities for Chapter property will safeguard assigned property.
4. Solicitation or receipt of gifts, favors, and/or gratuities is prohibited when such gifts constitute a conflict of interest or is in violation of the Ethics in Government Law.
5. Correspondence, papers, drawings, sketches, documentation, computer programs, instructions, procedures, forms and all such items produced by an employee in the course of his/her work are considered property of the Chapter or the Navajo Nation. Unauthorized removal, reproduction, and/or disclosure are strictly prohibited.
6. While employees may be authorized from time to time to speak on behalf of the Chapter or the Nation, no employee may declare, as policy, any statement that is contrary to the policies of the Navajo Nation.
7. Tribal vehicles are for official use only and employees are required to use them within the scope of their employment. Any accident involving a tribal vehicle must be reported by the employee involved in the incident as required by the Motor Vehicle Operator's Handbook.
8. Use of the Internet in any way which would violate policies and/or procedures established by the Division of General Services or other appropriate authority is prohibited.

C. Employees Pursuing Public Office

1. An employee pursuing any public office may, upon approval of the Chapter Manager, be granted a leave of absence not to exceed 60 calendar days.

2. Annual leave will be used until exhausted, then leave without pay will be used. However, funding source restrictions may require that an employee take only leave without pay.
3. Employees are prohibited from campaigning during work hours. The Chapter Manager shall monitor and enforce this policy.
4. Employees elected to the Navajo Nation Council or the office of the President or Vice President of the Navajo Nation must resign from Chapter employment before taking the oath of office.

D. Employees Appointed or Elected to Public Office

1. Employees who are elected to any public office other than those listed in C.4 above may be allowed to retain Chapter employment, unless the position is a full-time position.
2. If the employee's duties as a public servant interfere with his/her work performance or responsibilities, or otherwise create a conflict of interest in the workplace, the Chapter Manager may initiate appropriate disciplinary action. Public officials shall not perform public servant responsibilities while on their regular tour of duty as a Chapter employee.
 - a. Employees retaining tribal employment are expected to abide by all applicable policies including, but not limited to, these personnel policies, travel policies, and standards of conduct.
 - b. Decisions issued by the Ethics and Rules Committee must be complied with by all parties.
3. An employee who has been appointed or elected to serve on a board, commission, or committee which pays a stipend, or who has been elected to a public office, shall be required to take annual leave to attend to appointed or elected duties. The Chapter Manager will grant these leave requests whenever possible. If the employee has exhausted annual leave, then leave without pay will be used.

E. Drugs and Alcohol in the Workplace

1. The use of intoxicants during working hours or the lunch period is prohibited.
2. An employee unable to perform job duties as a result of alcohol or illegal drug intoxication will be excused from the worksite and charged leave without pay. In addition, the employee is subject to disciplinary action consistent with the Table of Penalties, offense #39.

3. Employees are prohibited from selling, purchasing, transferring, possessing, or using alcohol at the Chapter or during work.
4. Employees are prohibited from unlawfully manufacturing, selling, purchasing, transferring, possessing, or using controlled substances at the Chapter or during work.
5. Any employee violating the above policies will be disciplined, up to and including termination for the first offense.
6. Any employee convicted of violating a criminal drug or alcohol statute at the Chapter or during work must inform his/her supervisor and the Chapter Manager of such conviction, including pleas of guilty or no contest, within five working days of the conviction. Failure to do so will result in disciplinary action, up to and including termination for the first offense.
7. An employee convicted of violating a criminal drug or alcohol statute at the Chapter or during work may participate in a rehabilitation or treatment program. If such a program is made as a condition of employment, the employee must satisfactorily participate in and complete the program.
8. All employees are required to acknowledge that they have been informed of the above policy and agree to it in all respects. Acknowledgment and agreement are required as a condition of continued employment with the Chapter. Acknowledgment will be in writing and made a part of the employee's personnel file.
9. Employees may be subject to drug and alcohol testing consistent with Navajo law.

F. Sexual Harassment

1. It is the policy of the Navajo Nation generally and the Chapter specifically to protect all employees, male or female, against unwelcome and unsolicited behavior of a sexual nature. Such behavior is unacceptable in the workplace and other work-related settings such as business trips and business-related social events.

2. Definition

Sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature, whether verbal or physical, when:

- a. submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment;

- b. this conduct substantially interferes with an individual's employment, performance on the job, or creates an intimidating, hostile, or offensive working environment.
- c. Examples of sexual harassment may include, but are not limited to:
 - 1) nonverbal actions; leering; gesturing of a sexual nature;
 - 2) unwanted sexual advances;
 - 3) demands for sexual favors in exchange for favorable treatment or continued employment;
 - 4) repeated sexual jokes, flirtations, advances, or propositions;
 - 5) verbal abuse of a sexual nature;
 - 6) verbal commentary about an individual's body;
 - 7) touching, rubbing, pinching, whistling, assaulting, suggestive insulting, coerced sexual acts, or rape;
 - 8) environmental harassment; display in the workplace of sexually suggestive objects or pictures.

3. Reporting a Complaint

Sexual harassment complaints should be addressed to the immediate supervisor or the Chapter Manager. If insufficient, sexual harassment complaints should be made to the elected officials or the Navajo Nation Department of Justice. Reports of sexual harassment must be in writing.

4. Retaliation

The Chapter will not in any way retaliate against an individual or witness who makes a report of sexual harassment, nor will it permit any employee or elected official to do so. A person found to have retaliated against another individual for reporting sexual harassment shall be subject to disciplinary action provided for sexual harassment offenders.

5. Investigation

Any allegation of sexual harassment brought to the attention of the Chapter will be investigated in a manner that protects the privacy of all

persons involved and such privacy will be maintained throughout the investigatory process to the extent practical and appropriate.

- a. Individuals found to have engaged in misconduct constituting sexual harassment will be disciplined, up to and including discharge from employment.
 - b. If an investigation results in a finding that an employee has falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.
6. Further information concerning this policy is contained in the procedures governing complaints on sexual harassment.

G. Workplace Violence Prevention

The policy of the Navajo Nation generally and the Chapter specifically is to prevent workplace violence and to maintain a safe work environment.

1. Conduct that threatens, intimidates or coerces another employee, a client, or a member of the public, will not be tolerated.
2. Employees are to refrain from fighting or other conduct that may be dangerous to others.
3. Unauthorized firearms and weapons are prohibited on the premises of any Chapter property or site where Chapter or Navajo Nation business is conducted.
4. All threats of, or actual violence should be reported to the immediate supervisor. All suspicious individuals or activities should also be reported as soon as possible.
5. The Chapter Manager, in consultation with legal counsel (private or the Department of Justice), shall document and be responsible for ensuring the prompt and thorough investigation of reports concerning threats of, or actual violence and of suspicious individuals or activities.
6. In order to maintain workplace safety and to maintain the integrity of the investigation, employees may be placed on leave consistent with the provisions of Section X.B.3, Administrative Leave.
7. Anyone determined to be responsible for threats of, or actual violence or other conduct that is a violation of these guidelines will be subject to disciplinary action up to and including termination of employment.

8. Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisor or the Chapter Manager before the situation escalates into potential violence.

H. Unlawful Acts

1. Any unlawful act committed by an employee of the Chapter while on or off the job or Chapter premises, can affect an employee's status.
2. Notwithstanding any criminal prosecution initiated in a court of law, an employee may be disciplined, up to and including removal, if the conduct constitutes a violation of the FMS.
3. An employee convicted of a misdemeanor involving moral turpitude or a felony cannot be reemployed by the Chapter for a period of at least three years. The number of years may be determined by other standards if the employee's position is funded pursuant to a grant or contract.

XVII. OFFICE AND WORKSTATION REGULATIONS

- A. It is the policy of the Navajo Nation generally and the Chapter specifically to establish and maintain a safe working environment for all employees. Therefore, an employee's workstation or any other site where official business is conducted is declared to be a drug, alcohol, tobacco, and smoke-free environment.

B. Safety

Supervisors and employees have a responsibility to maintain a safe work environment by preventing conditions leading to injuries, accidents, and losses. This includes but is not limited to the posting of emergency evacuation plans at designated areas.

C. Workstation

1. Supervisors are responsible for establishing standards for:
 - a. food and drinks at workstations;
 - b. radios, tape players, and other devices; and
 - c. appearance of the work area.
2. Use of Chapter property or services, including but not limited to, telephones, computers, vehicles, machinery, credit cards, desks, office equipment, and supplies, are for official use only.
 - a. Supervisors have the right to inspect and/or access Chapter property;

- b. at the supervisor's discretion, personal items stored by the employee in Chapter property are subject to removal;
- c. the Chapter is not responsible or accountable for loss or theft of personal property of employees.

D. Dress Code and Personal Appearance

Dress, grooming, and personal hygiene contribute to the morale of all employees and affect the business image of the Chapter (and the Navajo Nation generally) to clients and the public. Therefore, during business hours or when representing the Chapter and the Nation, employees' dress, grooming and personal hygiene should be appropriate for the work they do.

- 1. Employees who have regular contact with the public are expected to dress in a manner that is normally acceptable in similar organizations and present a clean, neat, business-like appearance.
- 2. Dress and personal appearance of employees who do not regularly meet the public may be governed by the requirements of safety or comfort, but should still be as neat and business-like as working conditions permit.
- 3. Certain employees may be required to meet special dress, grooming, and/or hygiene standards depending on their job. In these situations, the Chapter Manager is responsible for establishing and issuing standards for appropriate dress and appearance.
- 4. The Chapter Manager may also designate a "casual day" for employees to dress in a more casual fashion than is normally required. On such occasions, employees are still expected to present a neat appearance.
- 5. Ripped, disheveled clothing, unkempt appearance, or other inappropriate clothing or appearance is not permitted. An employee may be asked to leave the workplace until properly dressed or groomed. Under such circumstances, the employee will not be compensated for the time away from work.

E. Child Care

- 1. Employees are responsible for making appropriate child care arrangements. Except when specifically permitted, employees are not to bring children to work or have their children loitering on the Chapter's premises after school hours.
- 2. The Chapter recognizes the importance of allowing mothers who choose to breast-feed their children the opportunity to continue after returning to

work. The employee and her supervisor shall make the necessary arrangements to accommodate this.

XVIII. PERSONNEL RECORDS

The Chapter Manager and Office Assistant shall maintain official personnel records for Chapter employees.

A. Location of Records

Employee records shall be located at the Chapter under restricted access. Employee files shall not be removed from the Chapter. .

B. Contents

Employee records shall include information such as, employment applications; background investigations; letters of reference; pay and benefits; training and education; performance evaluations; corrective or termination actions; and other necessary information.

C. Updating

Employees are encouraged to keep their personnel files current by submitting to the Chapter Manager or Administrative Assistant updated information on their experience, education, and training.

D. Confidentiality

Information in an employee's personnel file is considered confidential. However, the information may be disclosed in compliance with a lawful investigation or subpoena. Access to and release of information contained in the personnel records shall be limited to only those persons who have a legally recognized need to know.

E. Examination of File by Employee

Employees may examine their personnel file upon written request to his/her supervisor or the Chapter Manager. The employee must provide evidence of his/her identity. Examination of records shall be in the presence of the supervisor or the Chapter Manager.

F. Release of Information

1. Upon submission of a notarized Authorization for Release of Information, the employee information from that employee's personnel record may be released to a third party.

2. Certain information contained in the employee file is considered public information and therefore may be released without employee authorization. This includes, but is not limited to, title, department, and work site.

G. Record Retention

Upon termination, an employee's personnel record shall be considered inactive, but will be maintained for a period of three years beyond date of termination. After three years, the record will be returned to the employee or destroyed.

XIX. VETERANS PREFERENCE

A. Policy

The policy of the Navajo Nation generally and this Chapter specifically is to comply with all applicable laws that govern the employment relationship between the Nation and its employees. Consistent with the provisions of applicable laws and policies, the Chapter gives preference in employment to Veterans of the United States (U.S.) Armed Forces. Recognizing their sacrifice, Navajo Veterans' Preference recognizes the economic loss suffered by citizens who have served their country in uniform, restores Veterans to a favorable competitive position for Chapter employment and acknowledges the larger obligation owed to disabled Veterans.

Eligible Veterans receive preference for initial employment and a higher retention standing in the event of layoffs. However, the Veterans' preference does not guarantee the Veteran a job, nor does it give Veterans preference in internal personnel actions such as promotion, transfer, reassignment and reinstatement.

- B.** A Veteran discharged from the U.S. Armed Forces or the National Guard or Reserve under honorable conditions following more than 180 calendar days of active duty shall be given preference in employment.

1. Preference in employment on the initial hire and retention for those Veterans who were honorably discharged or the spouses of Veterans shall be provided in the following order:
 - a. A Veteran who has an existing compensable service-connected disability who is able to work.
 - b. A Veteran of any war or peacetime who has served on active duty for 181 calendar days or more or who has served 180 calendar days or more, other than for training, since January 31, 1955 **and** who was discharged or separated under honorable conditions from the U.S. Armed Forces.
 - c. A Veteran who sustained a service-connected disability prior to

completing the 180 calendar days of active duty.

- d. The spouse of a Veteran who cannot qualify for employment because of a total and permanent disability or the spouse of a Veteran killed in the line of duty or missing in action, captured by a hostile force(s); forcibly detained or interned by a foreign government/power.
 - e. The un-remarried surviving spouse of a Veteran who died of a service-connected disability.
2. An individual applying for Veterans Preference must complete an Application for Veterans' Employment Preference when submitting an Application for Employment along with a copy of DD Form 214 or DD Form 215 to receive preference.

C. Recruitment

1. Advertising of Vacant Positions

All vacancy announcements must be advertised for a minimum of 10 working days and include the phrase, "Veterans' Preference Applies" in the posting.

2. Application for Employment

- a. Each employment application will contain a general information document regarding Veterans' Preference and an Application for Veterans' Employment Preference.
- b. The Chapter's employment application shall require the applicant to indicate whether or not they are claiming Veterans' Preference. In those cases, the applicant will be asked to complete the Application for Veterans' Employment Preference requiring them to identify which of the eligibility criteria applies to them.
- c. The applicant will be required to furnish the documentation necessary to prove Veterans' Preference eligibility on or before the closing date of the position to be considered for preference. Proof of Veterans' Preference eligibility includes:
 - 1) Veterans and spouses of disabled Veterans must furnish a copy of the DD Form 214 and/or 215, military discharge papers, and/or other verification from the Department of Defense (DOD) or Military Branches.
 - 2) Spouses of disabled Veterans and un-remarried surviving spouse of a deceased Veteran must provide:

- i. Certification from DOD or Military Branches that the Veteran is totally and permanently disabled or documentation certifying the service-connected death of the Veteran.
 - ii. Evidence of marriage to the Veteran.
 - iii. A statement that the spouse is still married to the Veteran or that the spouse is not re-married at the time of the application for employment.
- d. Absence of required documentation invalidates the claim and the applicant is not eligible for Veterans' Preference. However, the Chapter Manager may—in his/her discretion—waive the above requirements in lieu of alternative evidence that is convincing.

D. Interview and Selection

1. Applicants who meet the qualification requirements shall be considered in the following order or priority:
 - a. Enrolled Navajos with reemployment preference
 - b. Enrolled Navajo Veterans
 - c. Other enrolled Navajo applicants
 - d. Non-Navajo spouses of enrolled Navajos
 - e. Non-Navajos
2. Preference is given at each step of the employment consideration process to preference eligible applicants, provided such individual possesses the minimum qualifications necessary to perform the duties of the position. Qualified Veterans receive the same level of preference despite disability status.
3. All qualified eligible Veterans must be granted an interview.
4. If the best qualified applicant, including a preference eligible Veteran are equally qualified, and no further evaluation occurs, the Veteran must be given selection preference. If there is a non-Veteran who is the best qualified for a position, the non-Veteran could be employed if an eligible Veteran does not possess the same level of qualifications. In such cases, reasons why and approval by the Chapter Manager is required prior to any offer of employment. Documentation of the hiring decision is

paramount. In cases where the Veteran is not selected, the Chapter Manager must be able to justify why the Veteran was not selected.

5. It is the Chapter Manager and Administrative Assistant's responsibility to ensure that a letter of non-selection is sent to all applicants, including Veterans, who were interviewed but not selected for a position. The letter of non-selection must be issued within three (3) working days from the time that the selected candidate signs the conditional offer of employment.

XX. MILITARY LEAVE

A. Policy

It is the policy of the Nation generally and the Chapter as well to grant leave as necessary for members of Uniformed Service or Armed Forces in compliance with applicable laws.

1. Activation for Military Service
 - a. A regular status employee who is an active member of the Army National Guard or Air National Guard, and/or member of the Army, Marine Corps, Navy, Air Force and Coast Guard Reserve, including retired and inactive reserve members shall be granted military leave upon request.
 - b. When a member is ordered to active duty status, he/she shall provide a copy of activation orders from their unit being activated when requesting military leave.
 - c. When a member is deactivated and discharged, he/she shall request for reemployment within time allowed in B. 1. below, submit a copy of orders, and shall return to the same position he/she was assigned to before going on leave with the same employer. At no time shall the Veteran be displaced in accordance with applicable laws regarding returning Veterans.
 - d. If his/her position was eliminated or transferred to another worksite location, he/she shall be offered an equivalent position within the same worksite location with the same seniority, status and pay as before he/she went on military leave.
2. State Activation and/or Ordered for Training for National Guard and Reserve, or as an intermittent disaster response appointment.
 - a. A regular status employee who is an active member of the Army National Guard or Air National Guard, and/or member of the Army, Marine Corps, Navy, Air Force and Coast Guard Reserve shall be granted military leave upon request.

- b. When the Governor of the State activates a National Guard unit where member is serving for State emergency, an intermittent disaster response appointment, and/or unit commander orders unit or individual training, he/she shall provide a copy of orders when requesting military leave.
- c. When the Reserve Branch or unit commander orders unit or individual training, he/she shall provide a copy of orders when requesting military leave.
- d. Employees requesting military leave are entitled to 15 calendar days a year with pay. Military leave shall be 15 calendar days in duration. All other leave requests longer than 15 calendar days for basic training, technical/tactical advance training or other specialized training in their career field shall also be granted without pay, and 2.a., above shall apply.
- e. An employee who is a member of the Reserves or National Guard serving an active military duty which extends into a second or succeeding leave year may accrue and use the 15 calendar days of military leave which accrue at the beginning of the second leave year and each succeeding leave year without return to civilian status.
- f. Monthly weekend training (drill) shall not be considered military leave. When a member has to make up their drill during weekdays, he/she shall request for annual leave or other form of leave, not military leave.
- g. There are two conditions under which an employee is entitled to an additional 22 workdays of military leave.
 - 1) Reservist or National Guard members who perform military duty in support of civil authorities in the protection of life and property are eligible for an additional 22 workdays of military leave.
 - 2) Employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation are entitled to 22 workdays of military leave.

B. Reemployment

- 1. Eligible National Guard and Reserve members shall be granted reemployment rights as follows:

- a. Service of less than 31 calendar days. Employee must report to work on the next regularly scheduled work period after discharge from active military duty.
 - b. Service of more than 30 calendar days but less than 181 calendar days. Employee must make a request for reemployment no later than 14 calendar days after he/she is discharged from active military duty.
 - c. Service of more than 180 calendar days. Employee must submit a request for reemployment no later than 90 calendar days from date of discharge from active military duty or within one (1) year of service-related hospitalization.
2. Failure to meet deadlines for reporting back to work.
- a. An employee who fails to report back to work or submit a written application for reemployment is subject to be separated from employment if absent without excuse for three (3) calendar days, except in instances where returning to work is unreasonable or impossible due to no fault of the employee.
 - b. Upon release from active military duty, an employee with services as outlined in 1.b. and c. above must provide written notice to their immediate supervisor of their intention to return to work within five (5) working days.
 - c. The employee must inform their immediate supervisor of extended active military duty within five (5) calendar days of receiving military orders.
3. The employee must not have been released with a dishonorable or less than honorable discharge.
4. The cumulative length of absence from work for active military duty and retain eligibility for reemployment rights is five (5) years (with some exceptions).
5. The reporting deadline may be extended up to two (2) years when a Veteran or service member is hospitalized or is convalescing from injuries received during military service or training, or an existing disability aggravated during military service or training.
6. Returning Veterans and service members shall be reemployed in the same job as if they had remained continuously employed, with the same seniority, status and pay as before he/she went on military leave.

C. Necessary Documentation

1. When an employee has been absent for more than 31 calendar days, the employer has a right to request documentation to prove that:
 - a. the employee's application is timely;
 - b. the employee has not exceeded the service limitation; and
 - c. that the employee did not leave the service for any disqualifying reason, such as dishonorable discharge.
2. The employer may not deny reemployment if the necessary documentation is not readily available. However, if reemployment documentation becomes available proving that the employee has not met the reemployment qualifications, the employee shall be terminated.

D. Job Protection and Reduction-In-Force

1. An employee performing active military duty is protected from reduction-in-force (RIF) and may not be discharged from employment, except for just cause. The length of protection is based on the length of military service.
 - a. If the employee's military service was more than 180 calendar days, the employee cannot be discharged within one (1) year after the date of reemployment.
 - b. If the employee's service was between 30 and 180 calendar days, the employee cannot be discharged within 180 calendar days after the date of reemployment.

E. Employees Voluntarily Enlisting or Re-enlisting in Military Service

1. A regular status employee who voluntarily enlists or re-enlists in the U.S. Armed Forces shall resign from Chapter employment.
2. Enlistment in the U.S. Armed Forces is considered full-time employment. Military leave does not apply and shall not be granted.

F. Military Funeral Honors Detail

1. A Veteran who is discharged under honorable conditions will be granted administrative leave with pay to perform Military Funeral Honors Detail during the workweek.

XXI. DEFINITIONS

ABUSE OF OFFICE OR POSITION: to make excessive or improper use of the authority associated with one's employment.

ACTIVE DUTY: active military service in the U.S. Armed Forces performed on a full-time basis with military pay and allowances.

ADMINISTRATIVE EMPLOYEE: any employee whose primary duties consist of non-manual work concerning management policies or business operations and who exercises discretion and independent judgment in assisting managerial employees (as defined herein), and in fulfilling special tasks assigned.

APPLICANT: a person who has submitted an application for a position with the Chapter. .

AT-WILL: a supervisor can discharge an employee under this employment status for any reason at all or no reason at all, with or without notice; and the employee can leave (resign) at any time for any or no reason at all, with or without notice.

BREAK IN SERVICE: an interruption in continuous employment.

CLASS SPECIFICATION: a written description of a class which includes a class title, a general statement of the level of work, a statement of the required knowledge, skills and abilities, some examples of work, and the qualification requirements for the class.

CLASSIFICATION: the process of grouping positions which are similar in duties and responsibilities, such that the same descriptive title may be used to designate each position and common requirements as to education, experience, knowledge, ability and other qualifications exist for all positions.

CONFLICT OF INTEREST: a real or seeming incompatibility between one's private interests and one's public or fiduciary duties.

DD FORM 214: a military discharge document issued by the Department of Defense.

DD FORM 215: a military discharge document issued by the Department of Defense utilized to correct errors on the DD Form 214 discovered after the original has been delivered and/or distributed.

DAYS: calendar days unless otherwise stated.

DEMOTION: a change in the assignment of an employee from a position in one class to a position in another class having a lower pay grade.

DISCHARGE: the involuntary removal of an employee from employment.

DISCIPLINARY ACTION: action taken by a supervisor in response to unsatisfactory conduct or performance by an employee.

DISHONORABLE DISCHARGE: dishonorable or bad conduct discharge from active duty in the U.S. Armed Forces.

EGREGIOUS: deplorable, outrageous, flagrant, outstandingly bad, blatant.

EMPLOYEE: an individual employed by the Chapter or the Navajo Nation .

EMPLOYER: for the purpose of this manual, employer is the Chapter. .

EXEMPT EMPLOYEE: an employee in a managerial, professional, or administrative position. Employees assigned to exempt positions are not eligible for overtime compensation.

FELONY: a crime of a graver or more serious nature than those designated as misdemeanors; under federal law, and many state statutes, any offense punishable by death or imprisonment for a term exceeding one year.

FOR CAUSE: reasons which law and public policy recognize as sufficient for removal, not merely a cause which the supervisor in the exercise of discretion may deem sufficient.

FRAUD: any intentional act designed to deceive and cause financial loss.

HIRING AUTHORITY: for purposes of these policies the hiring authority is the Chapter Manager or elected officials.

HONORABLE CONDITIONS: an honorable discharge from active duty in the U.S. Armed Forces.

INSUBORDINATION: willful or intentional refusal to obey any reasonable instruction or directive which a supervisor is entitled to give and have obeyed or which is set forth in established policies; to ridicule or undermine one's supervisor; condoning, encouraging, or engaging in conduct not within the chain of command.

LAYOFF: the involuntary separation from employment for nondisciplinary reasons, including, but not limited to, lack of funds or work, abolishment of position, or reorganization within program, department, or division.

LEAVE: authorized absence, with or without pay, granted to an employee to take time off from work.

MALICIOUS: wrongful and done intentionally without just cause or excuse.

MANAGERIAL EMPLOYEE: any employee whose primary duties consist of managing an office; who directs the work of one or more other employees or whose

recommendations in employment matters are given particular weight; and who otherwise exercises discretionary powers.

MINIMUM QUALIFICATIONS: a specification of the experience, training, education and/or licensure or certification and the minimum knowledge, skills and abilities that provides appropriate job related qualifications necessary to perform the duties.

MISCONDUCT: improper or unlawful behavior by an employee in regards to his/her position.

MISDEMEANOR: an offense lower than a felony and generally punishable by fine or imprisonment of one year or less.

MORAL TURPITUDE: gravely violating accepted moral standards of the community.

NATIONAL GUARD: a civilian reserve component of the U.S. Armed Forces comprised of guardsmen who serve during overseas peacekeeping missions, time of war and during local emergencies.

NAVAJO NATION: for the purposes of this manual, Navajo Nation includes all programs, departments, and divisions within the Executive and Legislative Branches of the Navajo Nation Government.

NEGLIGENT: the failure or neglect of any reasonable precaution, care, action; careless; failing to give proper attention.

NON-EXEMPT EMPLOYEE: an employee in a non-supervisory or office staff position. Employees assigned to non-exempt positions are eligible for overtime compensation.

OVERTIME: any time worked which exceeds the regularly scheduled tour of duty.

PEACETIME: a time when the U.S. is not at war which includes the years of: 1946 - 1950; 1955 - 1964; and May 7, 1975 – August 1, 1990.

PENALTY: a punishment imposed for violation of personnel policies or procedures.

PERFORMANCE MANAGEMENT PLAN: the formal system by which an employee is evaluated.

PROFESSIONAL EMPLOYEE: any employee whose primary duties consist of work requiring knowledge of a specific field including, but not limited to, law, teaching, medicine, architecture, engineering and other fields of science; work that is original and artistic in character, the result of which depends on the talent of the employee and whose work requires the exercise of discretion and judgment in its performance.

PROMOTION: a change in assignment of an employee from a position in one class to a position in another class having a higher pay grade.

REPRIMAND: written notice to an employee by the supervisor that a deficiency exists in the employee's work performance or conduct and improvement is needed.

RESERVIST: a reserve of the U.S. Armed Forces, including retired and inactive members.

SERVICE-CONNECTED DISABILITY: an injury or disease that was incurred or aggravated during active military service.

SOME EXCEPTIONS: with reference to Section XXI. B.4. (1) Service beyond 5 years that is required to complete an initial period of obligated service; (2) service from which a person, through no fault of their own, is unable to obtain a release within the five-year period; (3) required training for National Guard members and reservists and additional training certified by the Secretary of Defense and/or Governor of the State as necessary for professional development; (4) service under an order to report for or stay on active duty during a domestic emergency or situations related to national security; (5) service under an order to report for or stay on active duty (other than training) because of a war or national emergency declared by Congress or the U.S. President; (6) service under an order to active duty (other than training) by volunteers supporting operational missions for which selected reservists have been ordered to involuntary active duty; (7) service under an order to active duty by volunteers supporting a critical mission or requirement of the armed services; (8) federal service as a member of the National Guard called into action by the U.S. President to suppress an insurrection, repel an invasion, or carry out the laws of the United States.

SURVIVING SPOUSE: the spouse of a deceased Veteran.

SUSPENSION: the temporary removal of an employee from service without pay, for disciplinary reasons and for a specified period of time.

THEFT: any of the following acts done with intent: 1. Obtaining or exerting unauthorized control over property; 2. Obtaining by deception control over property; 3. Obtaining by threat control over property; 4. Obtaining control over stolen property knowing the property to have been stolen by another.

UNIFORMED SERVICE OR ARMED FORCES: the U.S. Armed Forces (the Army, Navy, Air Force, Marine Corps, Coast Guard and Reserve units for each such branch); the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; and any other category of persons designated by the U. S. President in time of war or national emergency.

VETERAN: an individual discharged from the U.S. Armed Forces under honorable conditions.

VOLUNTEER: an individual who performs hours of service for civic, charitable, or humanitarian reasons without promise, expectation, or receipt of compensation for services rendered except reimbursement for expenses, reasonable benefits, and nominal fees or a combination thereof.

VULGAR LANGUAGE: language that is obscene, indecent, or offensive to a reasonable person.

WEAPON: an instrument of offensive or defensive combat, or anything used, or designed to be used, in injuring a person, including but not limited to, firearms and knives.

WILLFUL: with intent; knowingly; deliberately; intending the result which actually comes to pass; not accidentally or involuntarily.

WORKPLACE: includes the Chapter, Navajo Nation buildings, property, parking areas, and any other location where Chapter or Navajo Nation business is conducted.