

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACT

RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES,
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING
15 N.N.C. § 303(B), NAVAJO NATION LABOR COMMISSION ORGANIZATION
SECTION

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council established the Law and Order Committee (LOC) as a Navajo Nation standing committee; as such empowered LOC to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments and empowered LOC with oversight authority over the Navajo Nation Labor Commission. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(14) and (C)(1) (2012) see also CJA-03-13.
- B. The Navajo Nation Council established the Health, Education and Human Services Committee (HEHS) as a Navajo Nation standing Committee; as such empowered HEHS to review and recommend resolutions relating to employment and labor. *Id.* at §§ 400(A) and 401(B)(6)(a).
- C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. *Id.* at §§ 164 (A)(9), 700 (A) (2012).
- D. The Navajo Nation Council must review and approve enactments or amendments of positive law. *Id.* at § 164 (A) (2012).

Section Two. Findings

- A. The Navajo Nation Labor Commission's purpose is to 1) hear and adjudicate cases as the quasi-jurisdictional hearing body under the Navajo Preference in Employment Act; 2) conduct and hold quasi-judicial hearings in accordance with applicable Navajo Nation laws concerning Navajo employment; 3) process and decide all formal complaints/petitions; and 4) adopt rules and regulations for Commission hearings. 15 N.N.C. §302.
- B. Several Navajo Nation Labor Commission authorities, duties and responsibilities require legal training, i.e.: rule on motions or other procedural matters; receive, rule on, exclude, and limit evidence, lines of questioning, or testimony which are irrelevant, immaterial, or unduly repetitious; examine witnesses; issue findings of fact, conclusions of law and order, and impose appropriate damages, sanctions, fines and other relief for non-compliance. *Id.* at §§ 304(E), (H), (I) and (K).
- C. Requiring the Navajo Nation Labor Commissioners to be licensed attorneys is in the Navajo Nation's best interest because the Navajo Nation Labor Commission's purpose and duties would benefit from individuals who have the appropriate legal background to sufficiently decide a case.

Section Three. Amending Navajo Nation Code Title 15

The Navajo Nation Council amends 15 N.N.C. §303(B) as follows:

NAVAJO NATION CODE ANNOTATED**TITLE 15. LABOR****CHAPTER 4. NAVAJO NATION LABOR COMMISSION**

§ 303. Organization

The Commission shall consist of five members.

- A. Membership. The Commission shall consist of: (2) two members ~~of~~ appointed by the Health, Education and Human Services Committee of the Navajo Nation Council ~~to be~~

~~designated by that Committee; and (3) three members appointed by the President of the Navajo Nation with the concurrence of the Government Services Naabik'iyáti' Committee of the Navajo Nation Council.~~

- B. ~~Commission Members Qualifications. The two members of the Human Services Committee and the three members of the Commission appointed by the President of the Navajo Nation shall be familiar with labor practices, human resources and employment of the Navajo Nation. One appointed member shall be a Navajo worker familiar with human resources and employment practices. Neither the Executive Director of the Division of Human Resources ("DHR"), the Directors of any department within DHR, nor any person employed by DHR or its departments shall be eligible to serve as a member of the Commission.~~

The five Commission members shall be 1) familiar with the Navajo Nation's labor practices, human resources and employment; 2) member of the Navajo Nation Bar in good standing, and; 3) two Commission members shall be licensed to practice law in either Arizona, New Mexico, or Utah.

Section Four. Codification

The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions into the next codification or supplement of the Navajo Nation Code.

Section Five. Savings Clause


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

Section Six. Effective Date

The provisions of this Act shall become effective October 1, 2017, in accord with 2 N.N.C. § 221(B).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 5 opposed, this 21st day of July 2016.




LoRenzo Bates, Speaker
Navajo Nation Council

July 28 2016
Date

Motion: Honorable Walter Phelps
Second: Honorable Lee Jack, Sr.

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this 4th day of August 2016.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2016 for the reason(s) expressed in the attached letter to the Speaker.

Russell Begaye, President
Navajo Nation

NAVAJO NATION

RCS# 538

Summer Session

7/21/2016
11:54:28 AM

Amd# to Amd#

Legislation No. 0166-16

PASSED

MOT Phelps

Navajo Labor Commission

SEC Jack

Organization Section

Yea : 13

Nay : 5

Not Voting : 3

Yea : 13

Begay, K
Brown
Chee
Crotty

Daniels
Hale
Jack

Perry
Phelps
Shepherd

Slim
Smith
Tso

Nay : 5

Bennett
Damon

Filfred

Tsosie

Yazzie

Not Voting : 3

Bates
Begay, NM

BeGaye, N

Pete

Witherspoon