

JUDICIAL BRANCH OF THE NAVAJO NATION

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ADMINISTRATIVE ORDER 26-2020

IN THE MATTER OF COURT OPERATIONS IN THE COURTS OF THE NAVAJO NATION DURING THE COVID-19 STATE OF EMERGENCY

The Navajo Nation continues to experience the devastating effects of COVID-19. Peacemaking explains that we are facing a *Naayee*, a monster, which kills through invisibility. It hides in cold places and in the dark and harms us lingering on and building its strength. Therefore we must prepare for a longer term of remote operations, and prepare our courts, our programs and our staff to work safely.

Even as our communities struggle against the current pandemic, the Judicial Branch has not lost sight of the obligations to the community. We must never lose sight of our mission to provide access to justice for our Navajo People and general public. This is of particular importance to our most vulnerable members of our community.

The Judicial Branch must continue to protect our employees and the public while providing essential services. Our staff members have skills and abilities that are necessary to accomplish our mission even in this time of challenge. We respect our staff and appreciate their hard work. We hold them in high regard, and have obligations to treat them in a way that shows our compassion. We must find a way to balance our duties to the People and our duties and obligations to our staff.

For many of our employees, the stress of COVID-19 is compounded by isolation. We have spent time over our careers building relationships with those around us. Many employees view their workplace relationships as rewarding and family-like. Those employees are suffering from isolation and grieving the loss of these emotional rewards, with no certainty of when they might come back to work.

The Judicial Branch has long attempted to provide certainty and stability even when circumstances were uncertain. Recognizing a need for stability now, the leadership of the Judicial Branch developed and adopted the Judicial Branch Continuity of Operations Plan

(COOP). As this process continues, we must find innovative ways to more fully open the services of the courts to the People, while keeping our doors locked for the protection of our staff and the public.

The Judicial Branch has and continues to augment the COOP with more detailed policies and procedures for staff and public safety, balanced with our responsibilities for essential services. As this crisis continues, we cannot simply wait months and years to resume court operations. We must explore new ways to meet our obligations to those seeking an end to conflict and disharmony. It is our sacred obligation to find solutions over that which confronts us. Our commitment to our work and our obligations to the People cannot stop.

We must work safely, looking out for one another, and we must move forward. We cannot simply withdraw to the safety of our homes. We have an obligation to our People and our Nation to provide services even now.

In the interest of stability, we must extend our remote operations, stretching to reach the vulnerable in our communities, and expanding the scope of our remote operations to let our staff and our People know they are still important to us, and we are still a community.

THEREFORE, IT IS ORDERED that the following individuals are deemed to be Executive Staff for the purpose of this Administrative Order:

Chief Justice of the Navajo Nation, Associate Justices of the Navajo Nation, District Court Judges, Judicial Hearing Officers, Court Administrators, Judicial Staff Assistant, Government Relations Officer, Administrative Service Officer, Supreme Court Clerk, Administrative Director of the Courts, Grants Administrator, Director of Human Resources, Human Resources Specialist, Financial Services Manager, Financial Technicians, Attorneys including Staff Attorneys, Chief Probation Officer, Senior Probation Officers, Peacemaking Coordinator, Bi-Cultural Training Specialist, Automation & Information Technology Manager, Systems & Programming Manager, Programmer Support Specialist, Computer Operations Analyst, Automation & Information Services Specialist, and Senior Building Maintenance Worker;

IT IS FURTHER ORDERED that pursuant to the COOP and in consultation with the COOP Coordinator, the Executive Staff are authorized to continue to telecommute for the safety of the employees and the public until July 31, 2020 at 5:00 pm;

IT IS FURTHER ORDERED that all other Judicial Branch employees are placed on administrative paid leave, including temporary and part-time employees for the safety of employees and the public until July 31, 2020 at 5:00 pm;

IT IS FURTHER ORDERED all Judicial Branch employees on administrative paid leave may be called upon to return to work to assist in providing essential services during this time period, as needed and directed by their immediate supervisor;

IT IS FURTHER ORDERED that all Judicial Districts and Judicial Branch Programs submit a complete listing of equipment on hand, equipment on order, and equipment needed in order to achieve telecommuting for all employees;

IT IS FURTHER ORDERED that those called upon are subject to the directive for minimal staffing as laid out in Administrative Order 14-2020 and Administrative Order 21-2020, Judicial Branch Continuity of Operations Plan, and current guidance from public health organizations;

IT IS FURTHER ORDERED all Judicial Branch employees telecommuting will continue to submit daily reports to their immediate supervisor during this time period;

IT IS FURTHER ORDERED that the COOP Coordinator shall develop an information technology plan that increases the services of the courts, and provides training to further expand public services while keeping facilities locked;

IT IS FURTHER ORDERED that the COOP Coordinator shall use the period between now and June 30, 2020 to work with the Court Administrators and Program Managers to assess the facilities for physical changes and modification that increase the safety of the facilities. These assessments must be conducted in terms of the safety of our staff as well as the public;

IT IS FURTHER ORDERED that each court and program shall fully assess the ability to begin providing additional services beyond essential services. Each program and court shall provide a report to the COOP Coordinator by July 30th on the feasibility of providing these additional services, even if in telecommuting mode.

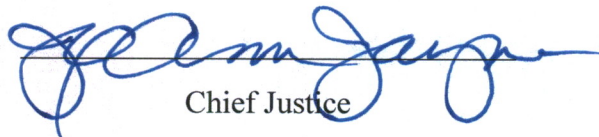
IT IS FURTHER ORDERED that employees shall continue to wear masks or cloth face coverings consistent with current guidance from the Center for Disease Control (CDC) while in Judicial Branch Facilities at all times, with no exceptions;

IT IS FURTHER ORDERED that facilities shall continue to remain locked at all times, the only exception is for essential employees. Employees shall continue to provide essential services to the People through electronic and teleconference means to maximize safety for the public and Judicial Branch employees;

IT IS FURTHER ORDERED that this order shall remain in effect until amended or withdrawn;

IT IS HEREBY ORDERED that, pursuant to 7 N.N.C. § 371, this Administrative Order is approved.

Dated this 19 day of May, 2020.


Chief Justice