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THE NAVAJO NATION

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TSAYATOH CHAPTER

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TSAYATOH CHAPTER

APPROVING AND ADOPTING THE TSAYATOH CHAPTER REVISED PUBLIC EMPLOYMENT PROGRAM FUND POLICY AND PROCEDURES.

Resolution No. TSA2024-11-005

WHEREAS:

1. Tsayatoh Chapter is a Local Governance Certified Chapter of the Navajo Nation, 26 NNC § 101 et seq. with delegated authority and responsibility to promote, to receive, to act upon and protect the interest and general welfare of its constituents and to interact with other entities of the Navajo Nation, Federal and Local Government Agencies that serve and affect the Tsayatoh Chapter; and
2. Tsayatoh Chapter has a Heavy Equipment Policy in place, however, has received a copy of a Department of Justice (DOJ) approved policy; and
3. The proposed change is to adopt the Revised Public Employment Program Fund Policy issued by DOJ and Division of Community Development; and
4. Tsayatoh Chapter community is supporting the action to approve the Revised Public Employment Program Fund Policy and Procedures to be put into action upon approval.


NOW THEREFORE BE IT RESOVED THAT:


1. Tsayatoh Chapter approves and adopts the DOJ-approved the Revised Public Employment Program Fund Policy and Procedures.
2. Tsayatoh Chapter reviewed the revised policy on November 17, 2024, and determined it is in the best interest of the Chapter to adopt.

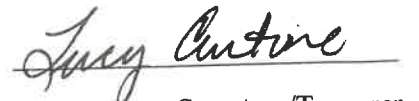
CERTIFICATION

WE HEREBY CERTIFY that the foregoing Resolution was duly considered by Tsayatoh at a duly called chapter meeting at Tsayatoh, Navajo Nation, at which a quorum is present and that the same passed by a vote of 5 in Favor, 3 Opposed and 8 Abstain this 17th day of November 2024.

MOTION: Elizabeth Mosley
SECOND: Ernest John


Ramona J. Nelson, President

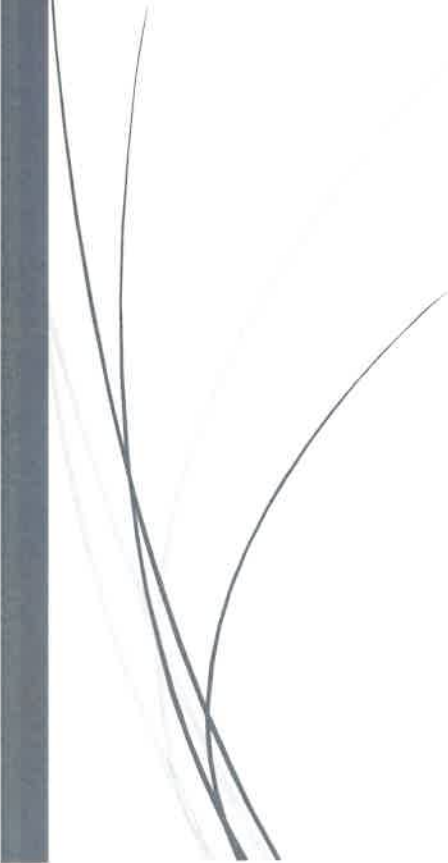

Ellen Young-Thomas, Vice President


Lucy Antone, Secretary/Treasurer



Public Employment Program

Tsayatoh Chapter



Tsayatoh Chapter
Public Employment (PEP) Policies and Procedures
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Tsayatoh Chapter
Public Employment Program Policies and Procedures

I. Authorization

- A. Pursuant to 26 N.N.C. Section 101 (A), the Tsayatoh Chapter has formulated, implemented, and operates by the Five Management System to ensure accountability and has developed policies and procedures for the Chapter Public Employment Program (PEP).
- B. Pursuant to the Tsayatoh Chapter Resolution # **TSA2024-11-005**, the Tsayatoh Chapter Public Employment Program Policies and Procedures is hereby approved.

II. Purpose

The purpose of this policy and procedure are to provide guidelines for the Chapter to administer the Public Employment Program for Chapter Expenditures.

- A. Provide short term employment for chapter residents to work on prioritized chapter projects.
- B. Reduce the unemployment rate at the chapter and Navajo Nation level, and
- C. Provide on-the-job training to select chapter residents so they may obtain permanent employment with non-chapter employers.

III. Applicable laws

The Tsayatoh Chapter shall comply with all applicable State, Federal, and Navajo Nation laws.

IV. Definitions

- A. “Chapter Administration” means the employee of the chapter which includes but is not limited to Community Service Coordinator, Accounts Maintenance Specialist, and Office Assistant.
- B. “Chapter Manager” means a chapter employee who performs the duties prescribed in 26 N.N.C. § 1004 (B), 1004 (C), 2003 (B) and includes those employees referred to as Community Service Coordinators
- C. “Local Governance Act” means 26 N.N.C. §§ 1-2005.
- D. “Participants” means chapter member participating in chapter-approved public employment projects.

V. Policy

- A. The Tsayatoh Chapter has discretion in selecting which public employment project (PEP) to pursue, subject to applicable Federal, State, and Navajo Nation laws. The chapter has the discretion to determine the length of each project and when to begin.
- B. All projects will be duly approved by the chapter membership and set out in the annual budget.

- C. All projects shall be complete within the annual budget cycle, or an extension shall be reflected in the ensuing year's budget and approved by the membership.
- D. The chapter administration shall make proper accounting and bookkeeping entries for all PEP allocations and expenditures.
- E. For each project, the chapter administration may employ one or more participants subject to the availability of funds.
- F. The chapter administration may not hire members of the same household families such as parent and child or sibling for the period involved in on approved chapter project.
- G. The chapter administration shall develop appropriate job description(s) for each of position(s) per approved Chapter PEP projects.
- H. Proper workmen's compensation liability insurance shall be on file.
- I. The chapter administration shall select a project supervisor and participant(s) based on an approved budget.
- J. The chapter administration shall set the salary and wages of the participants per project.
- K. The chapter community service coordinator shall hire and terminate participants in compliance with PEP Policies and Procedures.
- L. The Chapter gives preference in employment to enrolled members of the Navajo Nation in accordance with the provisions of the Navajo Preference in Employment Act (15 N.N.C §§601-19).
- M. Participants shall not work more than eight (8) hours per day, forty (40) hours per week or eighty (80) hours per pay period. Additionally, participants may not make up hours missed.
- N. The Chapter may allow participants to receive on the job training with an employer other than the chapter per approval by the Chapter.
- O. The Chapter Administration shall post job vacancies for two weeks at the following locations.
 - i. Post announcement on the chapter bulletin board(s) and other public buildings.
 - ii. Announce on the media such as Facebook and Radio Stations.
 - iii. Announce at Chapter Planning and Regular meetings.

VI. Participant qualifications and employment notices

- A. Adult participants shall be registered voters of the Tsayatoh Chapter and not employed by other chapter or other entities.
- B. All participants shall be a member of the Navajo Nation with a census number.
- C. A supervisor shall not supervise an immediate family member.

- D. The Chapter shall assure all approved work sites are in compliance with Navajo Nation Safety/Loss Program or Navajo Occupational Safety and Health Administration (NOSHA).
- E. Applicant must have the ability, knowledge, experience and are capable to perform the position advertised as specified on the job description.

VII. Project Application and Procedures

- A. For each project, the chapter administration shall properly develop project application (See Sample forms attached hereto as Attachment B). The chapter administration shall also include a copy of the chapter budget resolution. The administration shall keep all of the above-mentioned documents on file in accordance with the chapter record management policies and procedures. All documents shall be completed and finalized prior to commencing the project.
- B. The project application shall include:
 - 1. The name of the project
 - 2. The name of the project supervisor
 - 3. The project location
 - 4. The projects start and end dates
 - 5. The total number of project days
 - 6. The total estimated cost of the project
 - 7. The total amount of PEP funds to be utilized
 - 8. The total number of personnel to be employed
 - 9. The contact person (usually the Account Maintenance Specialist or Community Service Coordinator).
 - 10. The chapter telephone number
 - 11. The description of the project which should include a description of the benefits to be derived from the project, the tasks to be performed under the project, the resources required for the project, how the project will be monitored and a description of any alternate projects the crew will work on should they finish before the designated date of completion.
 - 12. Authorized signatures: Chapter President and Chapter Community Service Coordinator.
- C. The Project Folder will include:
 - 1. Personnel Roster
 - 2. Project Application
 - 3. Copy of timesheet for each participant
 - 4. Bi-weekly report form for each participant

5. Any rejected individual's application packet
6. Public Service Announcement for Job Vacancy Announcement

VIII. Application Requirements

- A. Accurately completed Chapter Employment Application
- B. Voters Registration Card, Verified in the Office Voter Registry
- C. Social Security Card
- D. Valid Driver's License or Identification Card
- E. Certificate of Indian Blood
- F. W-4 Form
- G. New Mexico Hire Form
- H. Personnel Action Form
- I. Signed Policies and Procedures, Alcohol, and Drug Free, Job Description and Prohibition of Sexual Harassment Understanding Acknowledgement form.
- J. Vaccination Card or submit a "Negative" COVID Test result every 2 weeks

IX. Wages

The PEP funds are restricted budgeted funds; therefore, the hourly wages shall start at the federal minimum wage.

X. Tour of Duty

- A. Monday through Friday, except Navajo Nation Recognized Holidays.
- B. 8:00am to 5:00pm with one-hour lunch from 12:00pm to 1:00pm. PEP will work for no more than a year, beginning in October when the fiscal year begins.
- C. No over-time, compensatory, and no make-up time allowed.

XI. Payroll, Timesheets, and Deductions

- A. The payroll period will be the same as the Navajo Nation Payroll Periods. Payroll will be drawn every two weeks.
- B. Participant time sheets are due Friday per pay period ending schedule with all proper authorized signatures. If a time sheet due date falls on a Holiday, then time sheets are due prior to Holiday unless otherwise instructed from the Chapter Administration.
- C. Upon receipt the chapter administration shall check and verify the hours worked for each participant.
- D. After payroll checks are completed, the Community Service Coordinator and Secretary/Treasurer shall sign the payroll checks. If the Secretary/Treasurer is not available, the Community Service Coordinator and Chapter President shall sign the payroll checks. If the Chapter President is not available, the Vice President will sign the payroll checks.

- E. Payroll checks are distributed at the end of workday on Friday when the pay period end date.
- F. If the participants are not available for check pick up, he or she may authorize a person to pick up his or her check with a written permission and an original signature.

XII. Taxes

- A. For each participant, FICA, Medicaid, Federal Tax Withholding are automatically deducted at each payroll. Federal Tax Withholding will be deducted based on the W-4 form.
- B. By the 10th of each month, the Accounts Maintenance Specialist shall submit the monthly 941 payment to the Internal Revenue Services via the Electronic Forms Transfer Payment System (EFTPS) for the taxes deducted in the previous month.
- C. At the end of each quarter, the Chapter shall pay the Workers Compensation Tax and the SUTA for each participant based upon the MIP report.
- D. By the end of each calendar year, the Chapter Administration shall issue W-2 Form to all participants who worked during the year and shall submit W-3s to the Social Security Administration.

XIII. Expenditure Reporting

- A. The Chapter Administration shall prepare a written expenditure reports in accordance with the Tsayatoh Chapter FMS (Five Management System) policies and procedures.
- B. At the completion of each project, the Chapter Administration shall prepare a final project evaluation report describing the completed project and have the report signed by the Chapter President.

XIV. Benefits

- A. Since all participants are employed under the PEP as temporary employees, the participants are ineligible for any of health, dental, pharmacy, or vision benefits.
- B. All participants are covered through Navajo Nation Workers Compensation Program.
- C. The participants are also ineligible for holiday, sick or annual leave of absence, or compensatory time pay and ineligible for merit pay or bonus pay.

XV. Grievance

All participants who are employed under the PEP are temporary employees; As temporary employees, an employee is entitled to file a grievance according to the Navajo Nation Personnel Policies Manual.

XVI. Disciplinary Actions and Termination Of Public Employment Program Participants

Supervisor and Community Service Coordinator shall have just cause of terminating participants with documentation and close out participant's file in accordance with the

Navajo Nation Personnel Policies Manual. The Table of Penalties shall be followed in accordance with disciplinary action.

- A. A supervisor may terminate a PEP temporary employee with just cause. The termination must be in writing and include an explanation for the termination, consistent with Navajo Nation law.
- B. A temporary employee who is terminated is not entitled to reemployment or layoff rights.

XVII. Sexual harassment

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

XVIII. Hostile Environment

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

XIX. Illegal drug and Alcohol-Free Workplace

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

XX. Code of Conduct

- A. The participants will conduct themselves with respect towards co-workers, Chapter Administration, Chapter Officials, Community Members, project clients, and all other persons.
- B. The participant will conduct themselves with trustworthiness and produce quality work.

XXI. Dress Code

- A. All participants shall report to work with proper attire for the job and proper personal hygiene.
- B. Participants with long hair shall braid or tie back hair as a safety precaution.

XXII. Tools

- A. Since the Chapter does not provide tools or transportation,
 - i. The participants must have a reliable transportation with auto insurance; and
 - ii. If necessary, the participant must have own tools such as hammer, saw, level, tool belt, etc.

XXIII. Safety Environment

- A. The Chapter shall provide a safe and friendly workplace or environment for all workers in accordance with the Navajo Nation Safety/Loss Program or Navajo Occupational Safety and Health Administration (NOSHA).

- B. Workers practicing unsafe working habits will be counseled at the first offense and then terminated after a second offense.
- C. For safety reasons participants must refrain from using earphone plugs, cellular phone, and other electronic devices. Violation will result in the Community Services Coordinator following the Table of Penalties under the Navajo Nation Personnel Policies Manual.

XXIV. Oversight

The Chapter Community Service Coordinator shall have the day-to-day oversight responsibility for the administration of all Public Employment Project activities.

XXV. Amendments

Any amendments to the PEP Policies and Procedures may be recommended by the Chapter Administration to the Chapter Officials. Amendments shall be approved by the community membership.

XXVI. Exhibits

- A. **Employment Application**
- B. **W-4 Form**
- C. **I-9 Form**
- D. **Drug & Alcohol Policy and signature form**
- E. **Personnel Roster**
- F. **Project Application Form**
- G. **Table of Penalties**