



NAVAJO TECHNICAL UNIVERSITY

ESTABLISHED 1979

Personnel Policies

Board Approved: July 15, 2023

Ya'at'eeh,

One of the greatest gifts anyone can give to those looking for a ladder that will allow them to climb into a future that will allow them to take care of themselves and their family while contributing to the society in which they live is a university education. Those individuals who help deliver that gift are among the most valuable people that Navajo Technical University (NTU) can imagine. Whether you are just starting as an employee or have been one of our employees for a long time, we want to welcome you to your Personnel Policy and thank you for deciding to make a difference in the lives of Navajo students.

NTU lives by the Diné Philosophy of Education (DPE). DPE is drawn from the traditional culture described in the teachings given to the Navajo, Diné people. NTU's Mission Statement says that "the University is committed to a high quality, student-oriented, hands-on learning environment based on the Diné cultural principles: Nitsáhákees (Thinking), Nááhátá (Planning), Íina (Living) and Sihasin (Assuring). If you are not familiar with DPE, we invite you to utilize NTU's cultural programs to learn about the powerful ideas that make up these important principles of Diné life.

The policy in this manual has taken shape over many years of practice and planning at NTU. DPE has been central to what has been developed and implemented over the years. The Board of Regents, employees, faculty, and administration have all played important roles in the effort.

This policy is designed to familiarize you with all of the University's policies, procedures, and benefits. We are hoping it will answer any questions you might have about employment at the University. If you have any questions or concerns that are not answered, please feel free to talk to your supervisor, or call Human Resources at (505) 387-7401. All employees are given a Personnel Policy when they first start their career at NTU. However, additional copies are available in the Human Resources office.

As you spend time working with our students, your fellow employees, and our Navajo communities, we hope you will join the Board of Regents, the President, and all of those who have helped us achieve the quality institution of higher learning that exists in continuing to move into a future where endless possibility are always shining on the horizon.

Dr. Elmer J. Guy, University President

**NAVAJO TECHNICAL UNIVERSITY
PERSONNEL POLICIES**

Table of Contents

SECTION 1 PURPOSE6

 1.1 Introduction6

 1.2 The Personnel Policy Purpose and Use6

SECTION 2 GOVERNANCE.....6

 2.1 Board of Regents6

 2.2 Administration..... 6

SECTION 3 PREFERENCE AND EMPLOYMENT.....7

 3.1 Overview7

 3.2 Preference and Employment7

 3.3 Seniority8

 3.4 Performance Evaluations8

SECTION 4 RECRUITMENT AND SELECTION8

 4.1 Categories of Employment.8

 4.2 Employee Groups.....10

 4.3 Hiring, Promotions and Transfers12

 4.4 Employment of Relatives13

 4.5 Recruiting New Applicants.....13

 4.6 The Interview Process.....13

 4.7 Hiring and Background Check.....13

 4.8 Orientation.....15

 4.9 Probationary Employee 90 Day Evaluation Period16

SECTION 5 EMPLOYEE CONDUCT16

 5.1 General Conduct and Ethics of University Employees16

 5.2 Drug Free Workplace Policy.....17

 5.3 Sexual Harassment.....20

 5.4 Personal Relationships in the Workplace21

 5.5 Workplace Violence Prevention22

 5.6 Unlawful Acts23

 5.7 Use of Technology Resources24

 5.8 Political Activities on Campus24

 5.9 Employment Outside of your University Contract.....24

 5.10 Safety and Security Issues on Campus.....25

SECTION 6	WORK HOURS, COMPENSATION, PAYROLL AND PERSONNEL FILES	25
6.1	Standard Work Schedules and Breaks.....	25
6.2	Flexible Work Schedule	25
6.3	Authorized Time Worked - Paid	25
6.4	Time Not Worked - Not Paid	26
6.5	Overtime.....	26
6.6	Pay Administration	26
6.7	Personnel Files	27
SECTION 7	BENEFITS	28
7.1	Insurance and Retirement Benefits.....	28
7.2	Unemployment Insurance.....	28
7.3	Worker Illness or Injury and Workers' Compensation	28
7.4	Tuition Waiver Policy (Employee Educational Benefit)	29
SECTION 8	LEAVE... ..	30
8.1	Paid Time Off (PTO)	31
8.2	Holidays	32
8.3	Family Medical Leave Act (FMLA)	33
8.4	Military Leave	35
8.5	Leave with Pay.....	35
8.6	Leave Without Pay (LWOP)	36
8.7	Sabbatical Leave	36
8.8	Telework Policy	37
SECTION 9	DISCIPLINARY ACTION	39
9.1	Management Rights	39
9.2	Corrective Discipline.....	39
9.3	Discharge	40
9.4	Table of Penalties for Selection of Appropriate Disciplinary Action	40
9.5	Rights to Appeal Suspension or Discharge	46
SECTION 10	GRIEVANCE PROCEDURE.....	46
10.1	Purpose and Definitions	46
10.2	Applicability.....	46
10.3	Grievance Committee	46
10.4	Grievance Procedure	47
10.5	Procedures Regarding Alleged University President Misconduct	48
SECTION 11	JOB SEPARATION	49
11.1	Types of Job Separation	49
11.2	Imposing a Penalty Fee for not giving required notice per contractual agreement	49

11.3 Notice of Termination	50
11.4 Supervisor Responsibility in Job Separations	50
SECTION 12 PROFESSIONAL CERTIFICATION	50
12.1 Certification and Recertification	50
12.2 Professional Growth	50
12.3 Professional Development Policy	51

APPENDIX

- **EXHIBIT A: NTU Personnel Policy Acknowledgment Form**
- **EXHIBIT B: NTU Faculty Sabbatical Form**
- **EXHIBIT C: NTU Addendum to Clearance - Penalty Fee Calculation Form**
- **EXHIBIT D: Professional Development Policy (NTU-MAR-2109-22)**
- **EXHIBIT E: Navajo Nation Ethics in Government Law**

Revised on March 5, 2018
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SECTION 1 PURPOSE

1.1 Introduction

- A. Mission Statement. Navajo Technical University honors Diné culture and language while educating for the future.
- B. Vision Statement. Navajo Technical University provides an excellent educational experience in a supportive, culturally diverse environment, enabling all community members to grow intellectually, culturally, and economically.
- C. Philosophy Statement. Through the teachings of Nitsáhákees (thinking), Nahátá (planning), liná (implementing), and Sihasin (reflection), students acquire quality education in diverse fields, while preserving cultural values and gaining economic opportunities.

1.2 The Personnel Policy Purpose and Use

This Personnel Policy provides Navajo Technical University (the University) employees with information regarding University guidelines, policies, and procedures. The Board of Regents recognizes that employees differ in their skills, goals, perceptions, and values. Thus, it is basic human nature that conditions may arise that are either incompletely addressed in this Policy or result in conflicts. In these cases, the University strives to make personnel decisions that are equitable while at all times ensuring that the University's best interests are served.

All Navajo Technical University employees shall receive a copy of the Personnel Policy and it will be the responsibility of the employee to read and understand the Personnel Policies. An Acknowledgment Form will be signed by the employee as a condition of employment. The signed acknowledgment form will be filed in the employee's Personnel File and shall be renewed annually (see **EXHIBIT A**).

This Personnel Policy is not a contract of employment. Only the University President, as authorized by the Board of Regents, has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement that differs from this Policy.

Upon the President's recommendation, the Board of Regents of the University may amend, suspend or rescind any provisions of this Personnel Policy as it deems appropriate, at its sole and absolute discretion.

SECTION 2 GOVERNANCE

2.1 Board of Regents

- A. The Board of Regents consists of six (6) members who oversee and direct the University in compliance with Navajo Nation laws, Board policies, and applicable Federal laws. The Board and Administration determine the University's mission, set standards, exercise discretion over the University's organization and operational efficiency, and take all necessary action to maintain uninterrupted service to its students and faculty.
- B. The Board of Regents, to maintain harmony and show an effort of goodwill, shall tour certain areas of the University Campus upon the conclusion or prior to the Board Meetings held on campus.

2.2 Administration

- A. President: The Board of Regents selects and employs the University President who serves at the discretion of the Board. The President is responsible for all University operations. Including approval of employment contracts for University employees for positions authorized under the budget process.
- B. Human Resources Director: The Human Resources Director is responsible for recruitment,

establishment, and timely review of the Professional Development Plan, and policies and procedures related to administration of employee benefits and programs in meeting staffing goals, employee training, and interpreting policy. The Human Resources Director supports employees and their supervisors to resolve disputes to promote effective working relationships.

- C. Formal and Informal Institutional Relationships: It is the intent of the University to utilize formal and informal relationships in the administration, management, and operation of the University. These relationships recognize the formal, informal, and cultural aspects of Diné Kinship.

Chain of Command

Definition: A chain of command is an organizational structure that documents how each member of an organization reports to one another. The chain of command is the official order in which authority is delegated down from top management to employees. It clarifies who is empowered to make decisions and who must be approached for permission to engage in an activity. The system is designed so that instructions are issued by management to employees, who are required to follow the mandated instructions. This hierarchy changes over time as employees join and leave. A chain of command exists to distribute accountability and responsibilities, keep employees aware of organizational news and create a system for sharing knowledge. It also ensures each employee is responsible for their own work but also has a more senior leader to offer support, encouragement and motivation.

It is the policy of the University to maintain an orderly system of management and administration by establishing a chain of command (line of authority) outlined in an organizational chart, designates formal primary responsibility and authority for the supervision and direction of the various departments and establishes supervisory hierarchies within each department.

Responsibility

The immediate supervisor and/or line of authority must comply with all aspects of this Personnel Policies, unless expressed exceptions are contained herein. Each employee is expected to follow the chain of command to resolve questions, issues, and disputes.

Delegation of Authority and Interim Acting Status

Delegation of Authority occurs when there is or will be an absence of a supervisor. The responsibility of the supervisor is delegated by that supervisor or the President to another employee of appropriate status.

Interim Acting Status occurs when an employee is assigned to a supervisor position during the extended absence of a supervisor or when an employee is assigned to a vacant supervisory position, and will temporarily assume the full or limited authority and responsibility of the assigned position.

SECTION 3 PREFERENCE AND EMPLOYMENT

3.1 Overview

The University strives to employ, retain, promote, terminate, and otherwise treat all employees and job applicants based on merit, qualifications, and competence, consistent with applicable laws and Board policies. The policy of the University is to comply with all applicable laws that govern the employment relationship between the University and its employees. Consistent with the provisions of applicable laws and board policies, the University will not discriminate against any applicant or employee.

3.2 Preference and Employment

- A. Policy: The University gives preference in employment to enrolled members of the Navajo Nation in

accordance with the Navajo Preference in Employment Act, a copy of which is available at the Human Resources Office. Upon employment, the University treats all of its employees in accordance with the requirements of the Navajo Preference in Employment Act.

- B. Navajo Veterans Preference: A Navajo veteran of the United States armed forces who has received an honorable discharge after more than 6 months of active duty shall be given employment preference. An individual applying for Veteran's Preference must submit a copy of DD Form 214 (Certificate of Release or Discharge from Active Duty) to Human Resources Office to receive preference. The Navajo Veteran's Preference policy is available at the Human Resources Office.
- C. Outside the Navajo Preference for both Navajos and Navajo veterans, Veterans of the Armed services that have been honorable discharge will have special consideration if they meet the minimum requirements of the position and no one described in section A or B is available or qualified for the position.
- D. Other: Whenever possible, the Navajo Technical University may offer Native American Preference for applicants representing other federally recognized Native American Tribal members. Employment offers to all applicants will be based on the funding source and accreditation requirements such as meeting educational degree requirements, licensure requirement, certification in the areas of subject matter expertise and considered high qualified credentials, however, in no case may preference supersede Navajo preference.

3.3 Seniority

- A. Overview: Seniority determines priorities in promotion and transfers when ability, skill, training and other relevant qualifications are equal as determined by the University. Nothing in this policy overrides the Navajo Preference in Employment Act and qualifications of employees as the primary consideration in such decisions. Seniority means the employee's length of continuous service. Seniority is computed from the first day of employment. Seniority considerations apply to all Regular Employees. Temporary Employees do not accumulate seniority.

(1) Special Provisions: A regular employee who has been laid off for lack of work and is reinstated within one year retains accumulated seniority to the date of termination.

3.4 Performance Evaluations

Each employee's job performance shall be evaluated prior to the end of the employee's contract. The assessment shall be done by the employee's supervisor using standards, procedures and forms approved by the Human Resources Director. Probationary employees shall be evaluated before the end of their first 90 days of employment. All probationary employees who pass their 90-day evaluation are subject to performance evaluation prior to April 30th.

SECTION 4 RECRUITMENT AND SELECTION

4.1 Categories of Employment.

- A. Regular Employees: Employees employed under Employment contracts are not automatically renewed. Employees have no expectation, express or implied, to continued employment beyond the contract end date. The University reserves the right whether or not to renew an employment contract at its discretion without cause or reason for its action. If an employment contract is renewed, the duration of service will be specified in the new agreement.

1. Regular Full-time Employees: Any employee scheduled to work over thirty-two (32) hours per week

during the term of their employment contract.

2. Regular Part-time Employees: Any employee scheduled to work less than thirty-two (32) hours per week during the term of their employment contract.
3. Emeritus/Emerita appointment: Emeriti Policy

Purpose

In recognition of distinguished and meritorious service to Navajo Technical University (NTU), a retired faculty member, president, or academic administrator may be conferred Emeritus/Emerita status. The Emeritus faculty or academic administrator is distinguished and designated according to the NTU Emeriti Policy. The Emeritus/Emerita recipient continues to be a member of the university community, and whether employed or not, is granted conditional privileges, services, and benefits.

Eligibility

The conferment for Emeritus/Emerita status is bestowed to a retired faculty member, president, or academic administrator, who served for ten (10) years or more at Navajo Technical University. The candidate must be in good standing upon retirement to receive the Emeritus/Emerita status and remain a contributing member of the university community upon retirement.

Procedure

Only faculty with Associate Professor Status or higher, and academic administrators can nominate or recommend conferring an Emeritus/Emerita status on a retiring faculty member, president, or academic administrator. All nominations must be received by December 31 by the academic department. The Promotion Committee of the department will review the nomination and make recommendations.

For the Professor Emeritus/Emerita designation, the department chair will forward the majority recommendation from the Promotion Committee and a nomination letter to the NTU's academic dean, provost, and president, acknowledging the recommendation of Professor Emeritus/Emerita. The recommendation report from the Promotion Committee must be received by March 31 by the Academic Dean's Office and should include the candidate's contributions to the university.

In the event that the faculty member, president, or academic administrator are denied the Emeritus/Emerita status, the nominating party may submit an appeal to the Faculty Promotion Appeal Committee. Confidentiality shall be maintained at all levels of the process, prohibiting all reviewers from divulging the results or their votes or recommendations.

The Professor Emeritus/Emerita designation is officially endorsed after the president's approval. 2

Benefits of Emeriti Status

Professor Emeriti are invited to remain involved in university life, and are entitled to the benefits listed below. The Professor Emeritus/Emerita may:

- write sponsored proposals and act as principal investigator (PI) for a grant;
- teach one or two classes per semester;
- serve as a guest speaker in areas of academic expertise;
- participate in academic department meetings;
- serve as a member of master's or doctoral committees;
- have an office space on campus (though preference will be given to current full-time faculty);

- continue to use NTU email account, library, laboratories, computer, athletic facility, etc.; and
- receive tuition waivers for self and family members.

The recipient is also encouraged to participate in NTU academic activities, such as convocation, graduation, and other events as deemed necessary

B. Temporary Employees: Employees employed pursuant to a limited term contract for a period of six (6) months or less including but not limited to adjunct faculty. Temporary employees have no expectation, express or implied to any continued employment beyond the contract end date.

1. Adjunct Faculty
2. Student Employees and Summer Students and/or Interns.

Note: all student employees have FICA withholding; will obtain documented acknowledgment of procedures

C. Newly hired full-time employees are placed on a 90-day evaluation period prior to hire for a regular position. An employee must complete the probationary period during their initial employment contract period. Probationary employees accrue limited benefits but are not entitled to the use of Paid Time Off.

D. Volunteers: Volunteers are not employees but will provide services pursuant to a separate contract/agreement. When working with an outside entity (example: Navajo Nation Workforce Development); the participant will complete the necessary paperwork to work with the entity and Navajo Technical University. If the volunteer wishes to work on campus without sponsorship from an outside entity, the volunteer is required to complete an employment application and the Human Resource Office will issue an agreement for the volunteer.

4.2 Employee Groups

A. Faculty

1. Faculty: Any employee who instructs students at the University and whose position is placed on the Faculty Salary Scale. Faculty who teach in the vocational-technical programs and who are placed on the General Salary Scale are considered faculty.
2. Adjunct Faculty: Temporary employees who instruct students for the University on a limited course assignment. Adjunct faculty are paid by the credit hour and are not placed on the Faculty Salary Scale.

B. Staff: Any employee other than faculty.

1. Professional: Exempt employees, usually at managerial level such as the President, directors, managers, supervisors, accountants, counselors, and skilled computer professionals (i.e., programmers, etc.). Employee status is indicated in the job description.

Exempt employees are not granted the protections of the Fair Labor Standards Act (FLSA) and are, therefore, not entitled to overtime pay. For most professions, an individual is an exempt employee if they meet the following three criteria's:

- a. Is paid a salary of at least \$ 35,568 per year (or \$ 684 per week) or as amended by FLSA.
- b. Is paid on a salary basis

- c. Performs exempt job duties
2. General: Non-exempt employees such as secretarial, clerical, maintenance and service worker, are usually paid on an hourly basis. Employee status is indicated in the job description.

A nonexempt employee must at least be paid the federal minimum wage and overtime pay for any time worked beyond forty (40) hours in a given week. Under FLSA rules, nonexempt employees are entitled to time and one-half of their regular pay rates for each hour of approved overtime. All overtime is dependent on prior immediate supervisor's approval.

3. Definition of Employee

“Employee” mean both non-probationary and probationary employees.

“Non- probationary employee” is an employee who has completed the probationary period.

“Probationary employee” means a newly appointed employee or an employee who is promoted into a new position with an increase in pay and who is subject to an initial ninety (90) calendar day period of probation.

“Temporary employee” means an employee who is hired on an immediate need basis.

I. Purpose and Scope

A. Purpose.

To define and clarify terminology used within all Human Resources Policies. The definitions and terms in this policy replace and override all other University Regulations language related to the term “Employee” and all related definitions, terms, and variations, unless otherwise specifically provided in a particular Regulation.

II. Definitions

A. Employee Categories defined:

1. Employee - An individual who meets both of the following qualifications:
 - a. receives compensation for work or services in which the University has the right (whether or not it exercises the right) to supervise and control the manner of performance as well as the result of the work or service and
 - b. receives compensation that has been appropriated from funds controlled by the University regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked.
2. Administrators – comprising the University President, Vice President of Operations, Provost, Directors, Deans, Department Chairpersons, and Instructional Site Directors.
3. Faculty or Faculty Member– An individual who is a member of the University Faculty in any of the categories of Tenure-line Faculty (Tenured or Tenure- track), or Adjunct, Visiting or Emeritus Faculty.
4. Staff or Staff Member – An employee employed and paid through the University in a position which is not included in the category of Faculty, Non-Faculty Academic Employee or Administrative Officer, as defined in this Policy.
 - A. Benefits-eligible Position – A position in which the employee is eligible to enroll in University benefits. Benefits eligibility is based on benefit plan, position and FTE percentage.
 - B. FTE or Full-time Equivalent Percentage– The percentage of workload of a position relative to the normal and expected working time and effort for a full- time equivalent position. For employees other than faculty members (as defined in this Policy), this is based on a normal full-time work week of 40 hours per week.
 - C. Full-time or Full-time Position - A position in which the Employee is expected to consistently work 75 percent or a greater percentage (.75 FTE or greater) of the normal and expected working time and effort. For employees other than faculty

members (as defined in this Policy), this equates to 30 or more hours per week of a 40-hour work week.

- D. Hourly or Non-exempt Position – A position paid based on number of hours worked. Employees in these positions are eligible for overtime pay in accordance with the Fair Labor Standards Act ("FLSA"); classified non-exempt from the overtime provisions of the FLSA.
- E. Part-time or Part-time Position - A position in which the Employee is expected to consistently work 74 percent or less of full-time equivalent (.74 FTE or less).
- F. Salaried or Exempt Position – A position paid based on an annual rate of compensation; classified as exempt from the overtime provisions of the FLSA.
- G. Temporary – A position which:
 - 1. is classified as Non-exempt or Exempt;
 - 2. in which the Employee may work Full-time or Part-time (1.0 to .01 FTE);
 - 3. is not Benefits-eligible;
 - 4. is classified as At-will Employment; and
 - 5. is not expected to exceed six (6) months of employment.

4.3 Hiring, Promotions and Transfers

- A. Basis: All hiring, promotion and transfer decisions are based on qualifications, ability, and performance.
- B. Position Descriptions: All positions shall have a formal, current, written position description that is approved by the relevant department head and the Human Resource Director. No new or open position may be posted or announced without an approved position description. All position descriptions are on file in the Human Resources office. All approved position descriptions are subject to an amendment with the supervisors' approval.
- C. Vacant Position Requisition (VPR) Submittal: A department with a new position or vacancy must submit a draft position description to the Human Resources Director and will be routed to a third-party to be evaluated and placed on the appropriate salary schedule.
- D. A Vacant Position Requisition (VPR) will not be required if the position is already established and has been vacated. To meet the requirement of posting a vacated position, the department supervisor will send an email authorizing the Human Resource Department to post vacated position. The name of resigning employee must be identified, the account code strand funding the position, the position number, and the pay schedule code. The Human Resource Director or Designee will post the position to be advertised widely.
- E. Preferences: Seniority shall be given substantial weight when two or more employees possess substantially equal qualifications, subject to the requirements of the Navajo Preference in Employment Act. (See 3.3)
- F. Posting: Upon approval by the Human Resources Director, posts all new positions and vacancies, except if a qualified Navajo, who is currently an employee, is selected for the position. All vacancies are posted internally for a minimum of five (5) business days prior to public postings.
- G. Acting Positions/Temporary Upgrades and Appointments: When employees are appointed to "acting positions" or receive temporary upgrades or appointments (either of which is for six (6) months or more), prior University President approval is required. The job posting is waived for such appointments if less than six (6) months in duration. If any acting or temporary position is to be filled on a permanent basis, it must be posted as described above in Section 4.3.E.
- H. Mandatory Federal background check: The Human Resources Department will conduct a federal

mandatory background check on all applicants for employment (criminal records, warrants, domestic violence). Employer is responsible in paying for the background check, as they become the University's employee. (See 4.7 F.)

- I. A 60-day provisional hire shall be in effect based upon the results of the Navajo Nation Department of Public Safety's background check. The background check request shall include traffic violations and misdemeanors committed on the Navajo reservation. The cost of the background check will be the responsibility of the applicant upon hire. If the new hire did not disclose prior violations; the new hire shall be subject to disciplinary action including termination of an employment contract.
- J. Any employee that is a child care worker or works with minors will be required to undergo a background check with a valid fingerprint clearance card from national database (AFIS). In addition, the employer will require a background check every two years for those employees who work with minors including student employees and student interns.
- K. Reclassification of an existing position: The EPA-025 Form (Request for Salary and FLSA Review for Filled Position) should be completed by the immediate supervisor and reviewed by the Human Resource Director; signatures will be obtained by the Human Resources Department. Signatures required on the form are the Department Head or Dean, the Finance Director and the University President. The Form EPA-025 should be accompanied by a new position description if the review is for a 1) position title change, 2) position upgrade/reclassification, or 3) promotion/demotion is being requested. Additionally, a justification letter must be attached to the request. The approval to reclassify a position will become effective as indicated on the request form.

4.4 Employment of Relatives

- A. 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.
- B. To promote consistency and equity in the treatment of all employees, to prevent breaches in confidentiality, to prevent improper influence in employment, and to prevent the perception of favoritism, the University will not employ, in any position, the relatives of current employees if:
 - 1. One is directly supervising the other on a regular basis.
 - 2. There is potential for creating an adverse effect on supervision, security, or morale, or the potential for a conflict of interest.
- C. All applicants for positions with the University 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. If an applicant knowingly answers questions untruthfully concerning the relationship, and this fact later becomes known, the employee will be terminated immediately.
- D. If 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, three (3) months will be allowed to resolve the matter voluntarily or by transfer of one of the employees. If that is not possible, the employee with the most recent date of continuous employment will be released.

4.5 Recruiting New Applicants

The Human Resources Department is responsible for actively soliciting new candidates to fill current and future vacancies. A new candidate's application packet shall include a completed University employment application form, letter of interest, a resumé or a curriculum vitae for faculty members, three (3) professional references issued within the current year provide copies of unofficial transcripts, copies of diplomas and/or certificates, licenses, vaccination record when required, Certificate of Indian Blood (CIB), and DD 214 Form if claiming Veteran Preference. All NTU student applications must include within their application packet a copy of their current class schedule, a copy of their State Identification Card or a Driver's License, and a copy of their Social Security Card. If hired, the employee has 30 calendar days to submit all official transcripts. The Human Resources Department shall screen and evaluate the candidate for the minimum position requirements and select candidates to be interviewed. The hiring supervisor and the Interview Panel shall compile relevant interview questions subject to the prior approval of the Human Resources Director. Candidates who do not meet minimum qualifications will be notified in writing. All University employees are encouraged to assist in referring qualified candidates to the Human Resources Department. Copies of all advertisements are submitted to: Office of Navajo Labor Relations, P.O. Drawer 1943, Window Rock, AZ 86515. In accordance with the Navajo Preference in Employment Act, applicants upon request will be given a copy of the position description for the position they are seeking.

4.6 The Interview Process

The Interview Panel shall be composed of at least three members: at least one (1) subject matter expert having a background in the subject matter related to the open position. Panel members shall be selected from within the hiring department or for their specific subject knowledge related to the open position. If the applicant is for a Cabinet member or Dean Position, a current cabinet member or Dean should be on the interview panel. Panel members shall not be related by blood or marriage to any applicant. The Human Resource department will prepare the interview packet to the panel and provide a brief orientation on the interview process. Interview questions are to be developed by the Interview Panel and will be the same questions for all applicants interviewing for a specific position, except for follow-up questions to clarify an answer. All interview questions must be reviewed and approved in working with the Human Resources Director prior to their use to ensure fairness, relevance, and legality.

4.7 Hiring and Background Check

- A. Selection and Offer. After each interview, each Interview Panel member shall complete and return an evaluation form to the Interview Panel Chair with the candidate's assessment and recommendation to hire or deny. The Interview Panel chair then completes a summary and submits all assessments to the Human Resource Director. If the Panel recommends extending an employment offer to the candidate, a memorandum shall be submitted by the Interview Panel chair to the Human Resources Office stating the candidate met all required criteria, and the Panel voted to extend an offer. Upon receipt, the Human Resources Office shall assemble a hiring packet including the salary determination for approval by the University President. After approval, the Human Resources Director may verbally discuss the employment offer with the candidate and agree on a start date. An offer of employment letter shall then be sent to the candidate for acceptance.
- B. Reimbursement of moving/relocation expenses for candidates who are located outside of a 500 mile radius may negotiate with the offer of employment being made. All approvals will be subject to availability of funds. Reimbursement limited up to \$1,500.00. No retroactive negotiation will occur after the Payroll Change Notice has been issued by Human Resource Department.
- C. Sign-on Bonus may be allowed for hard-to-fill positions and will be advertised with the position. Only those select positions will be authorized for a sign-on bonus payment. Subject to availability of funds and limited to \$8,000.00. Sign-on bonus amounts may vary and will be incrementally disbursed twice per year.

Internal Candidates: Internal candidate applications for a posted position will be processed, if possible, within 48 hours of receipt of completed paperwork. Internal postings are processed at a minimum of five (5) Business days prior to external posting to provide priority status in applying for positions.

- D. Transfer or Promotion: All transfers and promotions shall comply with the provisions of Section 4.3. If an employee is transferred from one position to another in the same grade (lateral), no pay adjustments will occur. On a lateral transfer, the employee does not have to re-apply to NTU and the job does not have to be posted. The transfer is subject to the approval of the current supervisor, the receiving supervisor, and coordinated with the Human Resources Director.
- E. Faculty: Human Resources Department requires official certified transcripts for all faculty members. If a faculty member provides an unofficial transcript upon submitting an employment application and is hired, will have thirty calendar days to submit the official certified transcripts. All Vocational Trades instructors will submit a copy of their certifications level in their specified fields.
- F. Background Check: All applicants for employment (excluding NTU student workers) shall be subject to a mandatory background check to verify application information to ensure the integrity of the University. The background check shall be completed prior to an offer of employment. The Human Resource Director shall determine the scope of the background check that will depend on the position descriptions. The University shall obtain and verify background checks in order to provide a work environment that is free from risk to the health and safety of University employees and to protect the University's funds, property, and other assets. Background checks shall be implemented in a manner that protects individuals' right to privacy. Consistent with the provisions of applicable laws and policies, the University shall not discriminate against any applicant or employee.

Exceptions and specifics to the background check procedure:

1. Student workers will not be required to submit a background check for initial employment unless if they work with children in the Childcare Center or as a Summer Youth Counselor.
2. Offers of employment for faculty, staff, and temporary employees will be contingent upon the successful completion of a background check.
3. The scope of the background check for faculty and staff including adjuncts and temporary employees will be determined by the Human Resources Director.

4.8 Orientation

The Human Resources Department shall schedule a new employee orientation within 30 days after hire. The Human Resource Department will schedule an annual employee orientation for all department personnel. Department Supervisors shall give the employee time off to complete the orientation program. Navajo Technical University uses an on-boarding checklist for all new employees to introduce them to their work at NTU, their supervisor, and the administrative team. An overview of the Personnel Policy, other required documents, employee training, and a tour of the NTU campus will be provided.

The Dean of Undergraduate Studies and the Dean of Graduate Studies will host the Faculty Convocation at the beginning of each semester for all faculty members. The different departments will be invited to present programs as it applies to each faculty to properly orientate them on the processes at NTU.

University employees are required to complete the following annual trainings as a part of their mandatory professional development: Sexual Harassment Prevention, Active Shooter Training, 1st Aid/CPR/AED Training, Mental Health Training, Financial Literacy, Title IX Training, FERPA Training, and Violence in the Workplace

Training, COVID-19 Training, Travel Authorization Procedures Training, Purchase Requisition Procedure Training, and Customer Service Training. Other trainings and certifications maybe recommended by the supervisor. The Security Personnel will receive additional training for administering Narcan and Naloxone as a part of their regular certifications serving as a security guard.

4.9 Probationary Employee 90 Day Evaluation Period

- A. A probationary employee may be terminated for cause at any time during the 90 days evaluation period. Promotions or transfers during the evaluation period are discouraged. If a promotion or transfer occurs during the evaluation period, the employee must serve a new 90 days evaluation period in the new position. If performance is deemed inadequate, the employee may return to their former position, if it has not been filled.
- B. Employees may make a written request to waive the 90 days hold on insurance coverage and other benefits. This written request must be directed to the Navajo Nation Employee Benefits Program Manager. The request should include reasons for the request and whether or not currently insured. The NTU Insured ID Number can be obtained from the Human Resources Benefits Coordinator. Decisions to grant or reject a waiver are taken on a case by case basis.

SECTION 5 EMPLOYEE CONDUCT

5.1 General Conduct and Ethics of University Employees

- A. Employees are expected to comply with all applicable laws and policies of the Navajo Nation with respect to their conduct. Employees shall be responsible and held accountable for adhering to all policies, rules, directives, and procedures prescribed by the Board of Regents. In general, the use of good judgment will guide employees with respect to lines of acceptable conduct.

Each employee of the University shall, among other things:

- Uphold, with integrity, the trust and confidence placed in the employee pursuant to employment.
- Show courtesy, respect, cooperativeness, diligence and tact in dealings with supervisors, fellow workers, students, and the general public at all times.
- Provide full, efficient, and industrious service to promote the goals and objectives of the University's programs.
- Maintain confidential information acquired in the performance of duties and refrain from disclosing any portion thereof, except in the manner and to the extent authorized.
- Refrain from using the employees' official position to influence transactions involving purchases, contracts, leases, or other business dealings, which advance personal interests or those of friends or relatives.
- Employees are expected to know the Navajo Technical University's Mission Statement, Vision Statement, and Philosophy Statement.
- All employees will comply with the University Vehicle Usage Policy which is for university business only.
- Adhere to the following that are available in the Human Resources Office:

- a. The Navajo Nation Ethics in Government Law, 2 NNC §§ 3741 *et seq.* (attached as **EXHIBIT E**)
- b. University catalogs, Governing Board Policies and Personnel Policy.

B. Limitations on Employee Activities

- While employed, an employee's private life is the employees' own, however, an employee's activities cannot disrupt the work or the workplace. Each employee is expected to comply with all applicable laws. An employee who engages in or is associated with illegal or immoral conduct, which adversely affects the University's reputation or the employee's ability to carry out job responsibilities may be subject to disciplinary action including dismissal.
- If an employee is indebted directly to the University, the employee will be required to make payment (including payroll deductions) subject to the specific terms of the indebtedness.
- Employees shall be held accountable for the loss of University funds or property for which they are responsible where the loss is due to negligence or carelessness. Employees with custodial responsibilities for University property will safeguard assigned property.
- Solicitation or receipt of gifts, favors, and/or gratuities is prohibited when such gifts constitute a conflict of interest.
- Correspondence, papers, drawings, sketches, documentation, computer programs, instructions, procedures, forms and all such items produced by an employee in the course of their tour of duty, they are considered property of the University. Unauthorized removal, reproduction, and/or disclosure are strictly prohibited.
- While employees may be authorized from time to time to speak on behalf of the University, no employee may declare, as policy, any statement that is contrary to the policies of the University.
- Use of the University's technology resources in any way, which would violate the University's Computer and Network Usage Policy, Disaster Recovery Plan and/or Technology Plan and/or procedures established by the University, is prohibited. A copy of the University's Computer and Network Usage Policy, Disaster Recovery Plan and Technology Plan are available at the Information Technology Department.

5.2 Drug Free Workplace Policy

- A. Introduction: This policy statement provides official notice to all employees about our maintenance of a drug-free workplace. This policy, as follows, states the:
- Dangers of workplace drug abuse;
 - Provisions of the University Drug-Free Workplace Policy;
 - Penalties to be imposed on University employees for drug abuse violations, and;
 - Availability of counseling and rehabilitation services.
- B. Dangers of Drug Abuse: Drug abuse is a pervasive problem in the United States workforce, to the extent that all which receive Federal government funding, are required by law to maintain a drug-free working environment. Drug abuse takes many forms, from use of hard drugs such as heroin, cocaine, fentanyl, xylazine, or crystal methamphetamine, to misuse of prescription drugs, and alcohol use. To enhance employee awareness of the dangers and extent of drug use, the University provides ongoing

information to its employees through literature, films, training seminars, and library holdings.

- C. Policy Details: Our goal is to create a drug-free workplace. The University pledges to support and uphold the laws of the Navajo Nation and the Federal Government. The University is located on land under Navajo Nation governance where it is unlawful to possess or hold “intoxicating liquors” or “controlled substances,” It is unlawful to manufacture, distribute, dispense, sell, possess, store, or use intoxicating liquor and controlled substances on any property owned by or on behalf of the University.

It is a condition of employment for any employee to:

1. Abide by this policy, and
 2. Notify the University President or designee of any conviction of themselves for a violation, occurring on or in and property owned by or on behalf of the University, of these laws within five (5) calendar days after conviction.
- a. Covered Substances and Prohibited Actions. Certain substances and related paraphernalia are prohibited from being brought onto the University’s premises or possessed by an employee while engaging in University business on or off the University’s premises. Moreover, all individuals who are impaired by lawful or illegal drugs and/or alcohol are prohibited from reporting to work, coming into the workplace, remaining on University premises, or otherwise engaging in University activities.

The following are substances covered by the policy:

- Alcoholic beverages of any kind.
- Controlled and/or illegal drugs or substances, including all forms of narcotics, hallucinogens, depressants, stimulants, or other drugs where use, possession or transfer is restricted or prohibited by law.
- Drugs prescribed by a physician, dentist or other person licensed by the state or federal government used pursuant to their instruction is NOT prohibited by this policy.

The following activities are prohibited while on University premises or otherwise engaged in University business:

- The manufacture, possession, use, sale, distribution, dispensing, receipt or transport of any controlled substance or illegal drug.
- The consumption of alcoholic beverages.
- Being under the influence of alcohol, illegal drugs, or substances in any manner during working hours whether or not consumed on University premises, and whether or not consumed outside of or during working hours. This includes being impaired by lawfully prescribed drugs that have been abused.
- Performing duties while under the influence of alcohol, controlled and/or illegal substances or drugs regardless of whether the employee is on or off the University’s premises.

Violation of this policy is misconduct, subject to disciplinary action up to and including immediate dismissal. Alternatively, as a condition of continued employment, the employee may be required to successfully complete drug or alcohol abuse counseling or a rehabilitation program.

- b. Testing on Reasonable Cause or Reasonable Suspicion: If there is any reasonable suspicion that an employee may be impaired by drugs and/or alcohol on the job, or if the employee is found with drugs and/or alcohol, testing may be ordered. Reasonable suspicion exists when one’s experience and training indicate a person is under the influence of alcohol or a controlled substance.

Acceptable indicators include, but are not limited to:

- Odor of alcohol on a person's breath
- Slurred or incoherent speech
- Staggering walk
- Loss of physical coordination
- Bloodshot eyes
- Inability to successfully complete a field sobriety test
- Erratic behavior
- Unexplained or uncharacteristic irritability
- Excessive tardiness
- Poor work performance
- Excessive and/or unexplained absences from work

c. Testing Procedures on Reasonable Cause

Step 1. If an employee has reasonable suspicion to believe that alcohol or drugs while on the job may impair another employee, the employee's supervisor must be notified immediately. The supervisor shall notify the Human Resources Director. The Campus Security, the Navajo Nation Police, the Supervisor, or the Human Resources Director shall together observe the employee's behavior and document any irregularities. If a test is ordered, each observer must document the specific indicators observed within 24-hours of the initial report. Notations should be taken to observe for medical impairment/emergency such as diabetes episode or other medical condition. Observer should immediately call 911 for medical emergencies. Observer must stay with the patient until the emergency medical team arrives to the scene.

Step 2. If reasonable suspicion exists, the employee will be asked to sign a written consent form for immediate alcohol and/or drug testing. Failure to consent to testing may be grounds for dismissal or termination. If the employee is a probationary or temporary employee, failure to consent to testing will be grounds for immediate termination for cause.

Step 3. If reasonable suspicion exists, and consent is given, the employee shall immediately be transported for appropriate testing. The immediate supervisor or the Human Resource Director will provide transportation. Testing may include the use of breath, blood, or urine testing. A laboratory selected by the University will perform the analysis of any samples collected.

Step 4. After testing is completed, the employee will be placed on paid Administrative Leave for Investigation and/or for Pending Serious Disciplinary Action until the test results are available. The employee will be transported home from the test facility.

Step 5. If testing indicates alcohol or drugs did not impair the employee at the time of the test, the employee shall return to work. If the test indicates the employee was not impaired at the time of testing, but did show trace amounts of alcohol or drugs, the employee shall be asked to return to work unless the presence of these substances violates an agreed-upon treatment and/or return to work agreement. If the test indicates alcohol or drugs impaired the employee at the time of the test, the University President may place the employee on unpaid leave pending a decision on continued employment.

- d. Consequences of a First Positive Test or Violation: If the drug or alcohol test result indicates the employee was impaired at work, the employee may be subject to immediate termination. An employee who is not terminated after a positive test result shall be required to participate in an approved drug or alcohol treatment program as a condition for continued employment. Any employee who participates in such a program will be paid their regular hourly wage or salary when completing the screening and assessment part of the program. The employee will be placed on

unpaid leave for the rehabilitation or treatment portion of the program. However, an employee may be permitted to use accrued Paid Time Off instead of unpaid leave during treatment or rehabilitation. Upon successful program completion, the employee shall be permitted to return to employee's position. If the employee fails to complete the program for any reason, the employee will be dismissed for cause. If an employee has had a positive test for drugs and/or alcohol and has not been terminated, the employee will be subject, without notice, to random drug and/or alcohol testing for a two-subsequent year from the date of their initial positive test. The employee shall not be permitted to operate any University vehicle for a three years period from the positive test result subject to review by the Human Resource Director who may recommend restoring the employee's driving privileges after one year from the positive test result and at the University President's sole discretion. There is no right to a grievance to overturn a rejection of the driving privilege. No employee will be permitted to use a University vehicle until the 3 years have elapsed from the positive test result.

- e. Second Positive Test or Violation: Immediate dismissal shall result.
- D. Counseling and Rehabilitation Programs: Employees with drug or alcohol dependency or abuse problems are encouraged to voluntarily seek counseling and appropriate referral for treatment. Referral, treatment, and rehabilitation costs may be covered through the University group insurance policy or other available area programs such as the Crownpoint Indian Health Services, the Navajo Department of Behavioral Health Services, and other government agencies and organizations.
- E. A referral to use traditional healing services is available to employees through the Navajo Nation Employee Benefits Program.
- F. Information: Employees may obtain further information regarding this policy, referral programs, and other related information by contacting the Human Resources Director and/or the Substance Abuse Counselor at NTU.
- G. Policy Enforcement: The University is committed to making this a safe and Drug-Free Workplace and as such, has adopted a zero tolerance position on the illegal use and sale of drugs and alcohol. Accordingly, every employee is required to acknowledge in writing that they have read, understood and agree to abide by the University Drug-Free Workplace Policy.

5.3 Sexual Harassment

- A. It is the policy of the University to protect all employee(s), student(s), and visitors, 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.
- B. Definition: Sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature, whether verbal or physical when:
 - 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.
 - This conduct substantially interferes with an individual's employment performance on the job, or creates an intimidating, hostile, or offensive working environment.
 - Examples of sexual harassment may include, but are not limited to:
 - Nonverbal actions, leering, gesturing of a sexual nature;

- Unwanted sexual advances;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Repeated sexual jokes, flirtations, advances, or propositions;
- Verbal abuse of a sexual nature;
- Verbal commentary about an individual's body;
- Touching, rubbing, pinching, whistling, assaulting, suggestive insulting, coerced sexual acts or rape;
- Such as environmental harassment, display in the workplace of sexually suggestive objects or pictures;
- Unwanted Navajo clan teasing.

C. Reporting a Complaint

Sexual harassment complaints must be reported, regardless of the offender's identity or position. Reports of sexual harassment must be in writing and submitted to the Human Resources Director *or the appointed Title IX Coordinator*. Employees who believe they have experienced or witnessed harassment conduct should report it. If requested by the complainant or if a conflict exists for the Human Resources Director that inhibits him/her from conducting an impartial investigation, the President shall designate another University employee, trained in the sexual harassment complaint process, to review and investigate the sexual harassment complaint.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, please promptly report any concerns so that appropriate response is taken. An investigation concerning the alleged harassment will be conducted, and if confirmed, steps will be taken to correct the conduct. This is only possible with staff cooperation; we cannot correct conduct of which we are unaware. No one is exempt from this policy, including the President.

D. Retaliation is Prohibited

Retaliation against anyone who reports sexual harassment, or who participates in an investigation of a report is also prohibited. Retaliation against anyone for reporting sexual harassment, or for participating in an investigation of a claim of sexual harassment violates this policy. Like sexual harassment itself, retaliation will be subject to dismissal.

E. Investigation Procedures

Any reported claims of harassment or retaliation 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. The investigation may include individual interviews with the parties involved and, where necessary, with anyone who may have observed the alleged conduct or may have other relevant knowledge.

F. Discipline

Discipline for conduct constituting harassment or retaliation will be handled appropriately, based on the severity of the conduct. Discipline will include any steps to assure the conduct will not be repeated, such as training, referral to counseling, monitoring of the offender, a warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay, or termination, as the University deems appropriate under the circumstances. A person who knowingly makes a false or malicious report of harassment or retaliation may also be subject to discipline. However, any report made in good faith will not be subject to any discipline

5.4 Personal Relationships in the Workplace

Employment of relatives or individuals involved in a dating relationship in the same department may cause serious conflicts and problems with favoritism and morale. Moreover, personal conflicts from outside the work environment can interfere with work relationships. Therefore, these rules apply:

- A. No employee shall supervise a family member or relative. This promotes consistency and equity in the treatment of all employees, to prevent confidentiality breaches, prevent improper influences in employment and prevent the perception of favoritism.
- B. For purposes of this policy, the term “relative” is 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, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, half-brother, or half-sister. A dating relationship is defined as a relationship that may reasonably be expected to lead to the formation of a consensual romantic or sexual relationship.
- C. Individuals involved in a dating relationship with a current employee may not supervise the employee with whom they are involved in a dating relationship. The University reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions.
- D. Faculty and instructors shall not be involved in a dating relationship with a student. This constitutes a misuse of authority and conflict of interest.
- E. Staff may not be involved in a dating relationship with a student over whom the employee may have an influence in administration decisions, such as admissions, financial aid, housing and/or employment.
- F. If a relative relationship or dating relationship is established after employment and a conflict as described in the preceding paragraph is created; or, if a reorganization creates such a conflict, fifteen (15) calendar days will be allowed to resolve the matter voluntarily or by transfer of one of the employees to a different department. If after fifteen (15) days the matter is not resolved, the employee with less seniority may be released from employment.
- G. Where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment, transfer or termination from employment.
- H. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

5.5 Workplace Violence Prevention

The policy of the University is to prevent workplace violence and to maintain a safe work environment.

- A. Conduct that threatens, harasses, intimidates, or coerces another employee, a student, or a member of the public, will not be tolerated. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
- B. Employees are to refrain from fighting or other conduct that may be dangerous to others.
- C. Employees are prohibited from possessing or carrying a firearm while acting in the course and scope of

their employment, either on or off University property, regardless of whether the employee has a permit to carry a firearm, except law enforcement officers authorized by Navajo Nation laws to carry firearms.

D. All threats of, or actual violence, harassment, intimidation, coercion and/or any of the following indicators of increased risk of violent behavior should be reported to the immediate supervisor and/or campus security. One of the major components of any workplace violence program is prevention. No one is able to predict human behavior, so there is no specific “profile” of a potentially dangerous individual. However, there are indicators of increased risk of violent behavior available. These are some of the indicators:

- Direct or indirect threats of harm
- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior.
- Conflicts with supervisors and other employees.
- Drug/alcohol abuse or extreme changes in behavior.
- Bringing a weapon to the workplace or making inappropriate references to weapons.
- Statements exclaiming fascination with violence, or the use of violence to resolve a problem.
- Change in a person’s normal behavior.

Each of these behaviors is a clear sign that something is wrong, and none of these warning signs should be ignored. By identifying the problem and dealing with it appropriately, violence may be prevented from happening.

E. The supervisor shall document and be responsible for ensuring the prompt and thorough investigation of reports concerning threats of, or actual, violence harassment, intimidation, coercion and/or any of the indicators of increased risk of violent behavior.

F. 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 8 Leave.

G. Any employee determined to be responsible for threats of, or actual violence or other conduct that is a violation of these policies will be subject to disciplinary action up to and including termination of employment.

H. Employees are encouraged to bring their disputes or differences with other employees to the attention of their supervisors before the situation escalates.

I. Employees are required to attend the Workplace Violence Prevention Orientation on an annual basis.

5.6 Unlawful Acts

A. Any unlawful act committed by an employee of the University while on or off the job or University premises, can affect an employee’s status. 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 University’s Personnel Policies.

B. An employee convicted of a misdemeanor involving moral turpitude or a felony cannot be reemployed

by the University for a period of at least three (3) years.

5.7 Use of Technology Resources

- A. Employees shall comply with provisions regarding use of technology resources in this Personnel Policies and the NTU Computer and Network Usage Policy. A copy of the NTU Computer and Network Usage Policy is available at the Information Technology Department office.
- B. Employees sending mass emails across Navajo Technical University using the campus email system have to be used with discretion, purpose, and use of professional standards. No offensive communications should be sent out using the university intranet/internal email system. Violations of this policy shall be subject to disciplinary action. *Professional Standards* involves consistently achieving high quality standards that follow the eight core characteristics of professionalism: competence in the work that you are hired to do, obtain and maintain knowledge that pertains to your position with a broad understanding of higher education, conscientiousness to complete work assignments efficiently and accurately, making good decisions with integrity, promote mutual respect in the workplace, develop emotional intelligence, develop cultural intelligence, behave appropriately, and demonstrating confidence.

5.8 Political Activities on Campus

All employees have the right and obligation to be informed, active citizens and the right to exercise their political responsibilities including voting, discussing political issues, campaigning for candidates and running for and serving in political office. While all employees are free to express political opinions and engage in political activities, it is important that they do so only in their individual capacities and avoid even the appearance that they are speaking or acting for the University in political matters. However, campaign activities by employees on University property are not permitted except as provided herein. Candidates for elective office or their representatives may contact the University President's office to obtain information and policies.

- A. Employees taking political positions for themselves or groups with which they are associated, but not as representatives of the University, should clearly indicate, by words and actions, that their positions are not those of the University and are not being taken in an official capacity on behalf of the University.
- B. During election campaigns, auditoriums or other facilities of the University may be used by the university, or groups affiliated with the university, for public forums provided that all legally qualified candidates for a public office are invited and given equal access and opportunity to speak. No political fundraising is allowed on such an occasion.
- C. The University shall not endorse candidates for political office or make any contribution of money, goods, or services to candidates. No employee shall intentionally or unintentionally cause the University or make such an endorsement or contribution.
- D. University office addresses and e-mail addresses may not be used as a return mailing address for partisan political mailings. University telephones may not be used for partisan political purposes. University services, such as interdepartmental mail, electronic mail, and mailing lists; equipment, such as duplicating machines, computers, facsimile machines; and supplies may not be used for partisan political purposes. No University employee may, as part of their job, be requested to perform tasks in any way related to partisan political purposes.

5.9 Employment Outside of University Contract

Employees may accept temporary, summer, or contract employment provided it does not interfere with their University work schedule. An example is the request for an employee to deliver the opening prayer for a meeting where an agreement provides that a fee would be paid for to the employee for this function. Instructors that teach the summer session are also covered in this section. Any employee who works outside the University must seek payment for the work from the outside organization and not through the University. An employee requested to provide services for a University or Board related function, or under the terms of a grant will receive payment through the University payroll department under mutually agreed upon terms. Full-time employees must notify the University of Outside Employment that will be performed during their employment contract period.

5.10 Safety and Security Issues on Campus

Issues related to safety and security shall be addressed in accordance with the NTU Emergency Response Manual which is located with the Safety and Human Resources Department.

SECTION 6 WORK HOURS, COMPENSATION, PAYROLL AND PERSONNEL FILES

6.1 Standard Work Schedules and Breaks

Standard work hours are generally from 8 a.m. to 5 p.m. with one hour for lunch. The standard work day consists of two, four-hour increments with an hour off for lunch or dinner, depending on the start of the employee's work day, along with two (2) non-cumulative breaks of 15 minutes each. Breaks are normally taken in the middle of each four (4) hour period. The standard work week begins on Sunday and ends on the following Saturday and consists of 40 hours. Prior Authorization for time worked over 40 hours is required.

6.2 Flexible Work Schedule

Flexible work schedules may or may not add up to 8 hours per day. Flexible schedules are designed to give an employee latitude to work a 40-hour week as the department requires for the benefit of the University which may not conform to the general 8-5 work day must be pre-approved in writing by the employee's supervisor. Flexible work schedule employees are also entitled to a one-hour lunch break with two 15-minute breaks as their schedules allow.

6.3 Authorized Time Worked - Paid

- A. Actual time worked at an employee's job location as required by their position description.
- B. Meal periods when included within the employee's standard work schedule. For non-exempt employees where meal periods are less than 30 minutes, or when an employee is not completely relieved of duties is also considered time worked.
- C. Authorized rest periods not to exceed 15 minutes. Breaks may not be accrued, taken as time off, or used at the beginning or end of a shift.
- D. Attendance at meetings, conferences, training courses, etc., when attendance is during the work day and is mandatory or requested by the employee's supervisor.
- E. Travel time during the work day when required and authorized by the employee's supervisor.
- F. Time lost at the employee's job location due to fire, machine breakdown, power failure, or other unforeseen problems that require the employee to be sent home.
- G. Time not worked when charged to leave, or paid holidays, or accrued flex time used by non-exempt

employees authorized by the employee's supervisor.

- H. Time off for voting, jury duty, or appearance as a witness for University pursuant to the Leave with Pay policy.

6.4 Time Not Worked - Not Paid

- A. Time spent traveling to and from the employee's workplace (i.e., commuting);
- B. Time spent before or after an employee's scheduled work day on University grounds that is considered nonperformance based time.
- C. All other times not specifically authorized by the University.

6.5 Overtime

- A. Overview: While the Fair Labor Standards Act does not apply to the Navajo Nation, the University opts to extend overtime compensation to its employees in accordance with the Act; Exempt employees are exempt from overtime compensation; non-exempt employees are eligible for overtime compensation. Exempt positions are executives, managerial, supervisory, professional, faculty, administrative, and skilled computer positions. Overtime is time worked beyond 40 hours in a standard work week.
- B. General Policy: General workloads and work schedules are arranged so that duties can be accomplished in a normal 40-hour workweek. In an emergency or unique situations, overtime may be authorized and worked.
- C. Authorization: Overtime must be preauthorized and documented by the supervisor or designee.
- D. Payment: Non-exempt employees are paid for all overtime hours at 1½ times the standard hourly rate. Paid time off or holidays are not considered time worked when calculating overtime.

6.6 Pay Administration

- A. Salary Scale: The University has adopted a consolidated salary scale applicable to all positions except for those positions identified as negotiated salary. The scale is based on hourly or hourly-equivalent pay rates so employees with the same qualifications, job responsibilities, and successful experience will be paid the same rate per hour whether employed full-time or part-time, or for a full or partial calendar year. The series of sequential grade levels relate University positions to each other based on increasing degrees of responsibility, complexity, and qualification requirements. Within each grade level, a series of sequential step levels set increased pay rates based on years of successful job experience at the University position or in closely comparable positions prior to hiring. Provisions allow systematic placement of particular positions at grade levels on the scale relative to other positions and to credit individual employee job experience for placement at a particular step level both prior to hiring and while employed at the University. Provisions allow for phasing in the scale to minimize initial negative impacts on either the University budget or the individual employee. Financial management information provisions exist to accurately project the cost of proposed scale changes on each of the University's funding source budgets.
- B. With the availability of the University's funding source budgets for the particular fiscal year, full time employee's salary scale will be increased based on their annual performance in administrative activities, teaching, and research. (Includes annual evaluation reports by the Department Chairs, Deans and President, and total research grants). Performance-based pay and merit-based pay increases will be subject to availability of funding.

- C. Pay Disbursement Policies: Pay disbursement policies are established by the University, a copy of which is available at the University Finance Office. Paydays are bi-weekly on Fridays. Direct deposit of pay is encouraged. The employee shall authorize direct deposit at the beginning of their contract period. If a payday falls on a holiday, payroll will be disbursed the day preceding the holiday. If an employee wishes to authorize another person to receive their pay check, the employee's written authorization shall be submitted to the University Payroll Office on or before 12:00 p.m., Thursday before the payday.
- D. Navajo Technical University will follow the "Institutional Base Salary" (IBS) to compute annual compensation. The University pays for activities performed (including, as applicable, research, teaching, and clinical practice) as a part of an employee's university appointment(s), specifically and including: regular salary, endowed chair or professional stipends, and paid professional leave. Institutional Base Salary is the annual compensation for an individual's appointment (9, 10, 11 or 12 months), and covers individual time spent on research, teaching, administration or other activities. Institutional Base Salary does not include bonuses, one-time payments, or incentive pay. Institutional Base Salary (IBS) is used as the "base salary" on all grant proposals, and is the basis for time and effort reporting. At no time should the Institutional Base Salary exceed 100% compensation even if additional duties are specified in grant research duties performed by the Principal Investigator, Co-Investigators, or Key Personnel who are conducting grant research during a regularly contracted period. Regularly contracted appointment is the contractual agreement between Navajo Technical University and the employee. The annual salary establishes the Institutional Base Salary that caps additional pay named in a grant during a contractual period. Principal Investigators, Co-Investigators or Key Personnel named in a grant to conduct work during their regular contracted period (i.e. academic contract period) will be allocated (posted to the general ledger) to the grant and will not exceed the 100% annualized salary. Summer salary will not be included in the Institutional Base Salary calculations for 9, 10, 11, or 12 month employees (see 4.2 for definition of employee groups).
- E. Stipend Payment Administration: Stipend payments for employees will be paid according to the approved grant line items and narratives. In consideration of the Institutional Base Salary (IBS), stipend payments will follow the Federal Uniform Guidance [https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#p-200.430\(h\)](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#p-200.430(h)). Additional Compensation Work outside the work year or outside the normal workload is not compensated with a stipend. Such additional effort should be compensated using earnings code 5102 for additional compensation or the appropriate earnings code for overload teaching. Additional compensation is appropriate in situations including summer research work paid for by a grant, work for a department other than the employee's primary department, work outside the regular position, or teaching of a non-credit course outside of normal work hours. For example, an employee who works in an academic department may serve as a timekeeper for athletics events; an employee in an administrative office may agree to write or edit a manual for a different department outside of normal work hours; an employee may agree to teach a non-credit course related to a hobby or interest. Such work is generally sporadic or short term. If the work is for a department other than the primary department, approval of the primary department is required to ensure that there is no conflict between the regular position and the additional effort. Each department should periodically monitor stipend payments and additional compensation to ensure consistent application of these guidelines. If the university finds that additional compensation is continuing over a long period, the situation should be reviewed to determine whether it is appropriate or whether an adjustment to the base salary should be considered.

6.7 Personnel Files

- A. Contents: An employee's official personnel file shall include information such as, access log, employment application, interview information, employee hire packet, background investigations, letters of recommendations, payroll change notices, employment contracts, Official transcripts,

diploma, certificates, licenses, professional development, benefits performance evaluations, disciplinary notices, and other necessary information as specified by the Human Resources Office. Anonymous, unsigned or second-party information shall not be placed in the employee's personnel file. An Employee has the right to respond in writing to anything placed in the personnel file. The response must be made within 30 days of notice of the materials placed in their personnel file. No documents may be removed from an employee's file. The official file shall be maintained by Human Resources Office.

- B. 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 that includes the employee, any member of the Human Resources Office, or any supervisor in the employee's chain of command.
- C. Examination of Personnel File by Employee: Employees may examine their personnel file upon written request to the Human Resources Office. The employee must provide evidence of their identity. Examination of records shall be in the presence of the Human Resources Director or authorized representative.
- D. Release of Information: Upon submittal of a notarized Authorization for Release of Information to the Human Resources Office, the Human Resources Director will verify (but not furnish) information concerning the employee's length of service and job title to a third party. Any further information shall require the employee's written request and release. Under no circumstances will the Human Resources Office or any supervisor or manager furnish negative or derogatory information on an employee unless the information is fully documented in the employee's personnel file and only with the approval of the Human Resources Director.

SECTION 7 BENEFITS

7.1 Insurance and Retirement Benefits

The University currently provides the following benefits, as set by the Navajo Nation benefits plan:

- A. Health Insurance that includes dental and vision care.
- B. Basic Life Insurance
- C. Accidental Death and Dismemberment
- D. Short Term Disability Indemnity
- E. Retirement Benefits. A 401(k) Plan may be available to employees after one year of service. A voluntary contribution to a ROTH IRA is available to the employee beginning June 1, 2022.

Copies of the benefit plans are available at the Human Resources Office and at the website: <https://benefits.navajo-nsn.gov/>.

7.2 Unemployment Insurance

The University provides unemployment insurance coverage for its employees at the University's sole expense as provided by the New Mexico State Unemployment Program or Arizona Department of Economic Security. Eligibility is determined by the appropriate state unemployment insurance program.

7.3 Worker Illness or Injury and Workers' Compensation

The University provides medical treatment and wage compensation for work-related illness and injury as provided by the Navajo Nation Council under the Navajo Nation Workers Compensation Act. A copy of the Act and procedures are available at the Human Resources Office.

7.4 Tuition Waiver Policy (Employee Educational Benefit)

A. Employee Educational Benefit (credit class)

Regular full-time employees may have tuition waived for up to four (4) credit hours per semester. Unused tuition waivers cannot be accumulated from one semester and used in another semester. The employee must secure supervisor's written approval if the course is to be taken during normal working hours and arrangements made for any time that is to be made up. Regularly contracted employees are limited to taking six (6) credits per semester provided that it is not taken during working hours. If the credit hours exceed the six credit limit, the employee may be subject to becoming a part-time employee allowing the employee to pursue a full-time course load.

If the employee decides not to complete the course, employee must drop the class during the posted withdrawal period. No administrative appeal, unless extreme circumstances exist, will be available to remove the department charge. The employee will not be able to retake a course using the Tuition Waiver Benefit.

Records related to the use of the NTU Tuition Waiver shall be maintained by the Human Resources Department.

The employee is required to submit an official transcript to the Human Resources Department after each semester closes. The Human Resources Department will determine if the employee is eligible to continue to use the Tuition Waiver Benefit.

Refer to the Professional Development Plan for additional guidance.

The employee education benefit is subject to the availability of funds.

B. Family Educational Benefit (credit class)

A qualified family member may have tuition waived for up to four (4) credit hours per semester. Proof of family member status is required and must be verified by the Human Resources Office.

C. NTU Tuition Waiver requirements

1. Enrollment by NTU employees

Approval of enrollment in courses using the NTU tuition waiver, which is described in the NTU Personnel Policies, will include consideration of the following:

- a. The relevance of the degree or coursework to the employee's contracted employment responsibility and alignment with NTU's strategic plan.
- b. Direct financial cost and hidden cost will need to be considered (hidden cost includes the amount of time that an employee may need to undertake coursework and therefore, decrease employees' NTU contracted work time).
- c. An employee cannot take courses during scheduled work time, unless the employee takes leave to do so, or works a flex time schedule that ensures the employee covers their full contracted work time and that their supervisor and the HR Director approve of. No more than

six (6) credits per semester can be taken by a regularly contracted employee.

- d. Employee may take a continuing education course if the course is after hours and does not interfere with employees' scheduled work time. The continuing education course must be recorded on their Professional Development Plan.

An employee who wishes to use the NTU Tuition Waiver should discuss their academic plan with their supervisor. Usually, the employee will include this activity in their Professional Development Plan (PDP). The employee should also seek academic counseling to ensure that they have the appropriate certificate or degree checklist completed.

The employee must successfully complete each course to continue to qualify for an NTU Tuition Waiver. Successful completion of any coursework for undergraduate and graduate degree programs shall mean a grade of "B" or better. The NTU Tuition Waiver cannot be continued when an employee earns a grade below "B". The NTU Tuition Waiver cannot be used for any courses that are being retaken. Any individual that earns a "C" grade or lower will not be granted tuition waiver approval to take further courses until that individual provides an official transcript showing successful completion of the course which the employee pays for without NTU support.

The employee receiving a tuition waiver must report to their supervisor on their progress toward a certificate or degree, for each semester or summer term of enrollment. Approval for continued tuition waiver will be contingent on the progress reporting.

2. Enrollment by an NTU Employee's Family Member

Employees whose family members use the Tuition Waiver for Family Educational Benefit described in the NTU Personnel Policies must ensure the following is completed:

- a. The family member receiving a tuition waiver must receive academic counseling prior to his or her course enrollment to ensure that they receive appropriate academic benefits.
 - b. Approval for continued tuition waiver will be contingent on the progress reporting. Approval for continued tuition waiver also requires successful completion of any coursework; this shall mean a grade of "C", or better. Future tuition waiver will not be granted when course grades fall below a "C", nor will tuition waiver be granted for any courses that are being retaken. An individual that does not receive "C" grade will not be granted tuition waiver until that individual provides evidence of successful completion of the failed course plus another degree checklist course that he or she pays for without NTU support.
3. Employees and family members are not permitted to use tuition waiver to retake a course that has already been paid for with the NTU Tuition waiver policy. To retake a course, employees and family members shall pay out of pocket.

SECTION 8 LEAVE

8.1 Paid Time Off (PTO)

- A. Overview: Staff, Professional Staff, Faculty, and 9-month Employees are credited leave time under a "blanket plan" called Paid Time Off (PTO).

The use of Paid Time Off (PTO) is subject to supervisory approval. Employees should keep in mind that the use of PTO is granted as a privilege rather than a right. It should also be clearly understood that PTO is granted to employees at such times as they can be conveniently spared from work. Use of PTO may be subject to verification and improper use of PTO may be denied. PTO may be denied due to the requirements of the workload.

If leave is for illness or medical reasons, the employee must call their supervisor within two (2) hours

of the start of their shift to state leave is taken for that day. The employee must complete the PTO form immediately upon returning to work.

Except in emergency circumstances, application for PTO of any kind or duration must be initiated by the employee in writing and presented to the authorized supervisor for approval prior to taking PTO. If an employee is incapacitated, the supervisor may place the employee on appropriate leave

The following charts indicate the PTO credited each year for Staff, Professional Staff, Faculty and 9-month Employees:

All full time 12-month Staff (Non-Exempt):

Years of Service	Yearly PTO
First Year	96 hours (48 hours on June 1; 48 hours on December 1)
Second Year	144 hours (72 hours on June 1; 72 hours in December 1)
Third Year	192 hours (96 hours on June 1; 96 hours in December 1)
Fourth Year and over	248 hours (124 hours on June 1; 124 hours on December 1)

If an employee terminates their employment with NTU, the employee's PTO will revert to a per pay period accrual rate calculation. The accrual will be less than what is reflected above. The Human Resources Director is available to answer any questions.

Full Time 12-month Professional Staff (Exempt):

Years of Service	Yearly PTO
First and Second Year	192 hours (96 hours on June 1; 96 hours on December 1)
Third Year and over	248 hours (124 hours on June 1; 124 hours on December 1)

Faculty and 9-month Employees (Exempt and Non-Exempt):

Years of Service	Yearly PTO
First Year and over	64 hours (32 hours fall semester; 32 hours spring semester)

If an employee terminates their employment with NTU, the employee's PTO will revert to a per pay period accrual rate calculation. The accrual will be less than what is reflected above. The Human Resources Director is available to answer any questions.

Designation or classification of overtime status (Exempt/Non-Exempt) will be made in accordance to the Fair Labor Standards Act.

- B. Time Charges: Time charged to PTO may not exceed the employee's credited PTO. It shall be charged in one-hour increments.
- C. Leave Accrual: PTO is accrued at the rate indicated in the above chart for Staff, Professional Staff, Faculty, and 9-month Employees on the dates listed. Employees are encouraged to use their PTO during their contract period to meet their personal needs.
 - 1. Termination/Resignation: An employee who has indicated an intent to terminate may not take leave which would extend the termination date beyond the last day actually worked. The termination day

shall be the last day actually worked. Employees shall schedule all earned leave prior to the last day actually worked.

- Any leave time up to forty (40) hours not used by the last day worked will be calculated by the Payroll Office and paid at the employee's straight time rate. Leave time in excess of 40 hours shall be lost if not taken by the employee's last day of work.
 - If an employee terminates their employment with NTU, the employee's PTO will revert to a pay period accrual rate calculation. The accrual will be less than what is reflected above.
2. Payment of PTO at end of Contract Period: Subject to availability of funds, payment of unused PTO may be made to the employee at the end of their contract period up to a total of 40 hours. Any leave in excess of the 40 hours that is not taken by the end of the employee's contract term will be lost.

Payment for PTO paid out at the end of an employee's contract term is at the employee's regular time rate of pay.

- D. Probationary Employees: Employees on their 90-day evaluation period are not credited PTO until completion of the evaluation. Any absence during this period will be charged as leave without pay. Employees terminated before the end of their first 90 days of employment will not be paid for any PTO. PTO is credited on a pro rata basis for probationary employees upon satisfactory completion of the evaluation period.
- E. Leave Approval: While leave is normally scheduled based on the employee's wishes, the University reserves the right to deny, change or reschedule leave based on its needs. Leave must be requested on the PTO leave form and approved by the employee's immediate supervisor before it is taken.
- F. Rehire or Reinstatement: While leave does not accrue during layoff or leave without pay, employees reinstated before the end of their employment contract will resume PTO at the same rate in effect at the time of their layoff or authorized leave without pay.
- Employees rehired before the end of their employment contract for any reason other than layoff will resume PTO at the rate in effect at the time of termination.
 - Employees offered a new employment contract after their prior contract expiration are considered new employees for the purpose of PTO accrual.

8.2 Holidays

A. Observed holidays

The University observes the following paid holidays:

1. New Year's Day - January 1
2. Martin Luther King Day - Third Monday in January
3. President's Day - Third Monday in February
4. Memorial Day - Last Monday in May
5. Navajo Nation Memorial Day – June 1
6. Juneteenth – June 19
7. Independence Day - July 4
8. Code Talker's Day – Second Tuesday of August
9. Labor Day - First Monday in September
10. Veteran's Day - November 11

11. Thanksgiving - Fourth Thursday in November
12. Navajo Nation Family Day - Fourth Friday in November
13. Christmas Day - December 25
14. Any other days designated as holidays by the Navajo Nation will need approval by the University President

B. Eligibility: Only regular employees are eligible for holiday pay. Temporary employees are not eligible for holiday pay. To receive holiday pay, an employee must be on paid work status (either working on-the-job or on approved PTO) on the days both immediately before and after the holiday.

1. When a holiday falls on a week day, employees who normally have that day off will be given time off on the day before or the day following their regular day off, with written approval from the immediate supervisor.
2. Regular non-exempt employees required to work on a holiday will be paid at the rate of two (2) times their regular rate of pay. Temporary workers required to work on a holiday will be paid at their regular rate of pay.

8.3 Family Medical Leave (FML)

Family and Medical Leave

This policy is adopted to implement the Family and Medical Leave pursuant to the terms, conditions, and limitations. The Family and Medical Leave provides certain employees with up to 12 weeks of unpaid, job-protected leave per year. It also requires that the employees' group health benefits be maintained during the leave. Family Medical Leave is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. In the event of any conflict between the provisions of this or any other leave policy of NTU and the provisions of the FML, the latter will prevail.

Employees are permitted up to 12 work weeks of unpaid leave per year during any 12-month period.

Spouses employed by the University are limited to a combined total of 12 work weeks per year for the birth or placement of a child, or to care for a parent.

Each spouse may take up to 12 weeks a year for covered leaves, to care for a spouse or child, or for treatment of the employee's own serious health condition.

Family and medical leave can be requested for the following reasons:

1. Childbirth and infant care.
2. Placement of a child with the employee for adoption, or placement of a child with the employee by a state agency for foster care (entitlement to leave for birth or placement of a child expires 12 months after the birth or placement of the child).
3. Care of the employee's spouse, son or daughter or parent with a serious health condition; and
4. The inability of an employee to perform employees' job duties due to employees' own serious health condition, or the necessary absence from work of an employee to receive medically necessary treatment.
5. A "serious health condition" is an illness, injury, impairment, or physical or mental condition that:
 - a. Requires in-patient care in a hospital, hospice, or residential medical care facility; or
 - b. Requires continuing treatment by a health care provider and which, if left untreated, would likely result in an absence from work of more than three days; or

- c. Involves pre-natal care.
- d. A “serious health condition” does not include voluntary cosmetic treatments unless inpatient care is required, or routine physical examinations.

Employees who take family medical leave must first utilize all available paid time off leave. The reason for leave must correspond with the basis for leave under the leave policy.

An employee seeking leave on the basis of serious medical condition of the employee, the employee's spouse, son, daughter, or parent, must provide certification issued by a licensed health care provider of the employee, or of the employee's spouse, son or daughter, or parent, stating:

- a. The date the condition began.
- b. It's probable duration.
- c. Appropriate medical facts,
- d. and that, for a specified time, either:
 - a. The employee is unable to perform their job functions; or
 - b. Will be unavailable to do so while receiving necessary medical treatment, or
 - c. The employee will be needed to care for the sick family member.

Eligibility

To be eligible for family medical leave, an employee must have worked for NTU for a total of 12 months, during which the employee must have worked a total of 1250 hours.

Application Process

- A. An employee requesting leave will submit a written request to their immediate supervisor.
 - B. All requests for Family Medical Leave must be approved by the employee's supervisor and the Human Resources Director.
 - C. An employee seeking leave will explain the reasons for the needed leave.
 - D. It will be NTU Human Resource's responsibility to identify the requested leave as covered by the FML and as unpaid on the basis of leave time accrued under other NTU leave policies.
 - E. Such identification will be made at the time leave is requested or during such leave, on the basis of information provided by the employee.
1. Employee status and benefits during leave: The University will continue eligible employee health benefits during the leave at the same level and under the same conditions as if the employee continued to work. If the employee chooses not to return to work for reasons other than a continued serious health condition or if the employee or the employee's family member or circumstances beyond the employee's control, the Employer will require the employee to reimburse the University for the amount it paid for the employee's health insurance premium during the leave period.

If the employee pays a portion of the health care premium, while on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the NTU Finance Department by the 1st day of each month. If the payment is more than 30 days late, the employee's healthcare coverage may be dropped for the

remainder of the leave. The University will provide 15 day's notice prior to the employee's loss of coverage.

2. **Fitness-to-Return/Employee Status after Leave:** At the time leave is designated, an employee may be notified that a fitness-to-return clearance will be required from the licensed healthcare provider before returning to work. This notice will be included in the University's response to the FML request. Generally, an employee who takes FML leave will be able to return to the same or equivalent position in terms of status, pay, benefits (including unconditional pay increases, such as cost of living increases), and other employment terms, except the University may exempt key employees, (i.e., President – top executives).
3. **Use of Paid and Unpaid Leave:** An employee on FML due to the serious health condition of the employee or the employee's family member must use all paid time off leave prior to eligibility for unpaid leave. Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (if it qualifies), will be designated as FMLA leave and will run concurrently with FML leave. For example, if the University provides six weeks of disability leave, the six weeks will be designated as FML and substitute accrue paid leave as appropriate before eligibility for unpaid leave for what remains of the 12-week entitlement.
4. **Maternity Leave:** Maternity leave shall be treated as an unpaid leave of absence up to twelve (12) weeks per the Navajo Nation Family Medical Leave provisions and in accordance with the Navajo Nation Employee Benefits. Any accrued PTO may be used. PTO hours are not accrued while on pregnancy leave without pay. A pregnant employee who is temporarily unable to perform her job duties are treated the same as a person with a disability on a temporary basis who meets the Navajo Nation Medical Leave provisions.

8.4 Military Leave

Employees requesting for a leave of absence for military training must submit a copy of their military orders for field training or other activities.

- a) Leave without pay for compulsory military service shall be granted for the period of compulsory military service.
- b) The employee whose absence from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other benefits as required by the U.S. Department of Labor's Uniformed Services Employment and Reemployment Rights Act (USERRA). Please contact the Human Resource Department.

8.5 Leave with Pay

Leave with Pay is limited to the following circumstances, which are not included in calculating overtime:

- A. **Inclement Weather Leave:** Occasions when the University President declares all or part of the campus closed due to severe weather conditions or a local or national emergency.
- B. **Jury or Court Leave:** An employee summoned for jury duty or as a witness for the University is granted time off with pay for such duty.
- C. **Voter Leave:** An employee registered to vote may take leave to vote in a government election within the daily work schedule, paid at straight time for up to 4 hours.
- D. **Professional Leave:** Leave for professional development may be granted after presentation of a detailed, written explanation in compliance with the University Development Program requirements,

contingent upon fund availability. Final approval rests with the Professional Development (PDP) Committee.

- E. Paid Administrative Leave for Investigations or for Pending Serious Disciplinary Action: When an employee is under official investigation or if it is determined that the presence of the employee would be disruptive to University operations, employee may be placed on Paid Administrative Leave. This requires the University President's approval. If the President is unavailable and action is necessary, the employee's supervisor may place the individual on Administrative Leave until the President's approval is obtained. Paid Administrative Leave for any reason shall not exceed 10 working days unless the University President provides special authorization. Leave beyond ten (10) working days shall be charged as LWOP.
- F. Bereavement Leave: All regular full-time employees are entitled to take up to four (4) days of bereavement leave for members of their immediate family. For purposes of this policy, the term "immediate family" is defined as an individual who is related to the employee as a spouse, father, mother, son, daughter, brother, sister, grandmother or grandfather.

8.6 Leave Without Pay (LWOP)

After all, PTO is exhausted, the University may grant LWOP for up to 15 days per year for extended illness or injury of the employee or relative (other than as provided by FML), personal reasons, school attendance, and other bona fide reasons. Only full-time employees are eligible for LWOP. The amount of LWOP that may be granted is based on the business needs of the University, approved by the employee's immediate supervisor and the University President.

8.7 Sabbatical Leave Policy

Faculty Sabbatical Policy

Purpose

A sabbatical is a temporary leave for the purpose of enhancing teaching competence, conducting research, publishing, undergoing occupational and professional development, traveling for the purpose of improving professional competence, acquiring new skills, Diné culture and language studies, volunteering, and other related activities.

Terms and Conditions

A full-time faculty member or academic administrator who has spent at least seven (7) years of unbroken service to Navajo Technical University may be granted a sabbatical for professional development or research activities for a maximum of two semesters. This may be granted once in the seventh year of service to increase the value of the faculty to the university.

The university may pay up to 50% of the regular annual salary to a faculty member who is on sabbatical. A faculty member on sabbatical cannot take a full-time employment from another organization while continuing to be paid by NTU.

If a faculty member is granted a sabbatical, the faculty member must sign a sabbatical contract. A faculty member on sabbatical must be available by email or telephone in case information is needed from the faculty member regarding NTU matters. To minimize disruption of instructional activities, no more than one faculty member from the same program can take a sabbatical at the same time.

As part of the approval process, the faculty member must describe the scope of the project, research, and other professional activities to be performed during the time of sabbatical.

When a faculty member who is granted a sabbatical for one semester is required to work for NTU for at least one

year after the sabbatical, or two years if granted two semesters of sabbatical. If an employee who is granted a sabbatical does not return to NTU after the sabbatical, the employee must pay back to NTU the salary earned during the period of the sabbatical.

Upon completion of a sabbatical, the faculty member is required to submit a report to the Department Chair, the Academic Dean, and the Provost. The report shall include accomplishments and developments relevant to increasing the value of the faculty member's department and the university.

Procedure:

The requestor shall complete the Sabbatical Leave Request Form attached as Exhibit D. Employee shall obtain all the necessary signatures listed on the form. The requestor shall submit all supporting documents of the activity being performed while on Sabbatical Leave.

8.8 Telework Policy and Procedure

Objective

Telework allows employees to work at home, on the road, or in a satellite location for all or part of their workweek. Navajo Technical University considers telework to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telework may be appropriate for some employees and jobs but not for others. Telework is not an entitlement, it is not a companywide benefit. It does not change the terms and conditions of employment with Navajo Technical University and will be granted on a case-by-case basis.

Procedures

Telework can be informal, such as working from home for a short-term project or on the road during business travel, or it can be formalized to accommodate a set schedule of working remotely as described below. Either an employee or a supervisor can suggest telework.

All telework arrangements will begin on a trial basis for three (3) months and may be discontinued at the request of either the telecommuter or the University. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, child care, and other issues that may arise from the termination of a telework arrangement. There may be instances, however, when no notice is possible.

Eligibility

Individuals requesting formal telework arrangements must be employed with Navajo Technical University for a minimum of 12 months of continuous, regular employment, must have a satisfactory performance record, and must be eligible for benefits (*temporary* employees are not eligible unless it is approved by the University President). Any employees who have not reached the twelve (12) months of continuous, regular employment requirement will be evaluated on a case-by-case basis with approval by the University President.

Before entering into any telework agreement, the employee and Supervisor, with the assistance of the human resource department, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and Supervisor will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and Supervisor will discuss the job responsibilities and determine if the job is appropriate for a telework arrangement.
- Equipment needs, workspace design considerations, and scheduling issues will also be considered. The employee and Supervisor will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and Supervisor agree, and the human resource department concurs, a draft telework agreement will be prepared and signed by all parties, and a three-month trial period will commence.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone and e-mail between the employee and the Supervisor, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and Supervisor will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with on-campus responsibilities. This includes work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After the conclusion of the trial period, the Supervisor and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

Equipment

Navajo Technical University will determine equipment on a case-by-case basis involving appropriate equipment needs (including hardware, software, modems, phone and data lines, and other office equipment) for the telework arrangement. The Human Resource department and Information Technology departments will serve as resources. Equipment supplied must be checked out according to Information Technology's protocols and must be properly maintained by the employee.

Equipment supplied by the employee, if deemed appropriate by the University, will also be maintained by the employee. Navajo Technical University accepts no responsibility for damage or repairs to employee-owned equipment. Equipment supplied by the University is to be used for business purposes only. The telecommuter must sign an inventory of all Navajo Technical University property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of remote work or employment, all university property will be returned to NTU officials, unless other arrangements have been made.

Navajo Technical University will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. Navajo Technical University will limit reimbursement to the employee for business-related expenses, such as phone calls and shipping costs that are reasonably incurred in carrying out the employee's job to an agreed dollar amount. Prior approval will need to be received before incurring the costs. The responsibility for requesting and reporting costs lies with the employee. Every attempt should be made to ensure that telecommuters stay within a budget agreed upon. When claiming reimbursement, all claims will follow the NTU Fiscal Policy and Procedures.

Navajo Technical University will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

Security

Information security is expected of all employees working remotely. Telework employees will be expected to ensure the protection of university, student, vendor and proprietary information accessible from their remote office space. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Navajo Technical University will provide each telecommuter with a safety checklist that must be completed at least twice per year. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are covered by the university's workers' compensation policy. Telework employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained

by visitors to his or her home worksite.

Telework is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telework with family members prior to entering a trial period.

Time Worked

Telework employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using Navajo Technical University's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telework agreement.

Each employee is afforded a 15-minute break in the morning and afternoon as stated in NTU's policies and procedures. Any changes to work schedules that include emergency errands, must be reported to a supervisor.

Ad Hoc Arrangements

Temporary telework arrangements may be approved for circumstances such as inclement weather, special projects, business travel or local or national emergency including global pandemics and emergencies. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

All informal telework arrangements are made on a case-by-case basis, focusing first on the business needs of the University.

SECTION 9 DISCIPLINARY ACTION

9.1 Management Rights

The University strives to be fair before imposing disciplinary action. Pursuant to applicable Federal and Navajo Nation Laws and Board policies, the University has the right to direct, hire, promote, transfer, assign and retain University employees; discipline, or discharge employees for just cause, and relieve employees from duties due to lack of work..

9.2 Corrective Discipline

- A. Selection of Appropriate Corrective Disciplinary Action: University discipline is both corrective and cumulative. Repeated violations of the same standard of conduct may result in increasingly severe discipline. Violations of different conduct standards may also be considered in selecting the appropriate disciplinary action. Each case of inadequate performance or misconduct is judged individually and the type of corrective action depends on the severity of the infraction, the employee's work record, and prior history.
- B. Types of Corrective Discipline: Corrective discipline results from unsatisfactory performance or misconduct. It provides the employee with an opportunity to become aware of and correct their performance or misconduct. Types of corrective action include:
 - 1. Warning/Reprimand: For minor infractions or to correct minor performance deficiencies. Written reasons will accompany the warning or reprimand, a copy of which is given to the employee and placed in their personnel file.
 - 2. Suspension: An employee may be suspended without previous warnings for serious offenses or for continued low performance or misconduct after previous attempts to correct the action have failed. An employee who receives three (3) written warnings for any offenses within a contract period shall be subject to suspension or discharge. Suspensions shall not exceed thirty (30) days

and shall be in writing, and shall state the reasons for the action. The employee shall be given the written statement, a copy of which shall also be placed in the employee's personnel file.

- C. Approvals for Corrective Discipline Any supervisor may take corrective action with an employee under their authority, consistent with University policies. Before disciplinary action is taken, it shall be reviewed by the Human Resources Director to ensure that there is just cause for the action. The Human Resources Director will review the employee's work history and verify that the proposed course of disciplinary action is not discriminatory and is consistent with past practices. Corrective discipline or discharge shall be approved by the President of the University prior to issuance.

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

1. An appropriate identification of the employee, including position title and department.
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.
3. A reference to the Table of Penalties regarding the offense(s) committed and the penalty imposed.
4. A clear and concise statement of the facts constituting the alleged violation(s).
5. An explanation of the employee's right to appeal the disciplinary action pursuant to the Grievance Procedures.
6. If hand delivered, the employee's acknowledgement of receipt of the notice in writing or, if employee refuses to acknowledge, a notation with a witness signature that employee refused to sign and date their notice.

9.3 Discharge

An employee may be discharged when the seriousness of the matter requires that the employee may not be permitted to remain on the work force or corrective actions have failed. Grievance and due process rights do not apply to probationary employees who may be terminated for cause before the end of the probationary period. The University reserves the right to restrict the discharged employee from coming onto campus, property, and sites to participate in campus activities. Prior approval from the Human Resource Director with consultation from Legal Counsel will be needed if discharged employee would like to come onto campus (i.e. family member graduation, etc.). A minimum of a one (1) year restriction may be imposed depending upon the seriousness of the infraction.

9.4 Table of Penalties for Selection of Appropriate Disciplinary Action

In the interest of administering discipline 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 warning may also be appropriate for minor infractions or to correct minor performance deficiencies. Written reasons will accompany the warning, a copy of which is given to the employee.
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 employees to remain away from the workplace during the period of suspension.
5. 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.

TABLE OF PENALTIES

OFFENSE	FIRST PENALTY	SECOND PENALTY	THIRD PENALTY
1 Solicitation or acceptance of bribes or kickbacks	Discharge		
2 Falsification or unauthorized alteration of any University record	Discharge		
3 False statement(s) of material fact in employment application or related documentation	Discharge		
4 Fraud and/or conspiracy to commit fraud	Discharge		
5 Concealing, removing, mutilating, obliterating, or destroying University records or documents without authorization	Discharge		
6 Perjury in court or before an official Navajo Nation body or tribunal	Discharge		
7 Absent from work for 3 or more consecutive days without notice to supervisor permission except in an emergency situation	Discharge		

OFFENSE	FIRST PENALTY	SECOND PENALTY	THIRD PENALTY
8 Sexual harassment as described in section 5.4	Discharge		
9 Operating a University vehicle under the influence of alcohol or other controlled substance (except when controlled substance is used as medically prescribed)	Discharge		
10 Intentionally jeopardizing the health and/or safety of any individual(s).	Discharge		
11 Possession of unauthorized weapon(s) and/or firearm(s) in violation of Section 5.5	Discharge		
12 Theft of University property	Suspension (up to 30 days) or discharge	Discharge	
13 Misuse of University funds and resources	Suspension (up to 30 days) or discharge	Discharge	
14 Abuse of position	Suspension (up to 30 days) or Discharge	Discharge	
15 Egregious misconduct which calls into question one's fitness for continued employment in that position with the University	Suspension (up to 30 working days) or Discharge	Discharge	
16 Operating a vehicle during working hours, under the influence of alcohol or other controlled substance (except when controlled substance is used as medically prescribed)	Suspension (up to 30 working days) or Discharge	Discharge	

OFFENSE	FIRST PENALTY	SECOND PENALTY	THIRD PENALTY
17 Malicious damage to University property including, but not limited to, graffiti, vandalism, etc.	Suspension (30 working days) or Discharge	Discharge	
18 Violation of any provision contained in Section 5.1 Drug Free Workplace Policy, 5.2 Tobacco- free University Policy	Referral to approved drug or alcohol treatment program or Discharge	Discharge	
19. Failure to abide by policies governing employee conduct in Section 5	Suspension (up to 30 working days) or Discharge	Discharge	
20. Endangering the physical well-being of any individual including but not limited to threats of, or actual violence	Suspension (up to 30 working days) or Discharge	Discharge	
21 Disclosing confidential University information to unauthorized person(s)	Suspension (up to 30 working days) or Discharge	Discharge	
22 Display of intoxication on the job (including use of restricted drugs not in conformance with a medical prescription)	Alcohol and/or drug testing and Suspension (up to 30 working days) or Discharge	Discharge	
23 Habitual use of intoxicants to excess which affects job performance	Referral to approved drug or alcohol treatment program or Discharge	Discharge	
24 Misuse of University property or services	Suspension (up to 15 working days)	Suspension (up to 30 working days)	Discharge
25 Insubordination includes violation of any policy contained in the University Personnel Policies	Suspension (up to 15 working days)	Suspension (up to 30 working days)	Discharge

OFFENSE	FIRST PENALTY	SECOND PENALTY	THIRD PENALTY
26 Neglect of duty	Suspension (up to 15 working days)	Suspension (up to 30 working days)	Discharge
27 Unauthorized absence	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Discharge
28 Excessive absenteeism, including tardiness	Suspension (up to 15 working days)	Suspension (up to 30 working days)	Discharge
29 Unsatisfactory work performance	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Discharge
30 Failure to complete performance assessment as required	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Discharge
31 False witness against employee(s)	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Discharge
32 Violation of safety regulations which endangers oneself or others	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Discharge
33 Failure to comply with University's motor vehicle regulations including, but not limited to, use of a University vehicle for personal reasons	Suspension (up to 10-15 working days)	Suspension (up to 30 working days)	Discharge
34 Creating discord among fellow employees leading to decreased productivity or a hostile working environment	Suspension (up to 10-15 working days)	Suspension (up to 30 working days)	Discharge
35 Use of abusive or vulgar language and/or gestures	Suspension (up to 10-15 working days)	Suspension (up to 30 working days)	Discharge

OFFENSE	FIRST PENALTY	SECOND PENALTY	THIRD PENALTY
36 Abuse of leave	Suspension (up to 10-15 working days)	Suspension (up to 30 working days)	Discharge
37 Failure to comply with the provisions governing leave under Section 8	Suspension (up to 10-15 working days)	Suspension (up to 30 working days)	Discharge
38 Abuse of NTU email system	Written Warning	Suspension (up to 10-15 working days)	Discharge

9.5 Rights to Appeal Suspension or Discharge

A decision to discharge or suspend a regular employee may be appealed under the Grievance Procedures. The grievance must be in writing and filed with the Human Resources Office within 5 working days of the action.

SECTION 10 GRIEVANCE PROCEDURE

10.1 Purpose and Definitions

The grievance procedure's purpose is to secure, at the lowest possible level, solutions to employee grievances that may arise regarding employment terms and conditions. A grievance is a written complaint by an employee who has been adversely affected by a perceived violation of University policies or practices regarding employment terms and conditions.

The grievance letter must include:

- a. Name and position of the grievant;
- b. Nature of the grievance (i.e. how the employee believes the employee has been adversely affected);
- c. Statement of facts, including the dates and alleged events or conditions which form the basis of the grievance;
- d. Identification of individuals (if known) whose actions or omissions resulted in the situation giving rise to the grievance;
- e. Identification of University policy or policies allegedly violated;
- f. Grievant arguments supporting their claim;
- g. A list of witnesses (if any) to the alleged grievance;
- h. The remedy requested by the grievant;
- i. All grievance claims filed with the Human Resource Department must be signed.

10.2 Applicability

The grievance procedures are NOT applicable to:

- A. Disputes whether an established University policy or practice is fair or reasonable. Substantive allegations that University policies violate Navajo Nation and/or applicable Federal or State laws or regulations may be grieved;
- B. Matters where another review method is mandated by law or by any University policy, rule or regulation;
- C. Alleged misconduct by the University President, governed by Section 10.5 below;
- D. Matters outside the University's authority to act or inability to provide a remedy;
- E. Contract expiration

10.3 Grievance Committee

Within fourteen (14) business days of the start of the fall semester, the Grievance Committee shall be formed as follows:

- A. President shall meet and select five representatives, from the following: two (2) faculty, two (2) staff, and, one (1) administrator, to serve on the Committee, and one (1) alternate who shall serve if the representative has a conflict of interest in a particular grievance.

The committee shall select a presiding officer and alternate from among its members. Three (3) members of the Committee shall constitute a quorum needed for a valid committee decision. The Committee may select a member or reliable third party to document its proceedings. All grievance hearings shall be recorded. Committee members shall serve a one-year term or until their successor is selected the following fall semester. If a committee member resigns or is unable to serve due to summer recess, etc., the selecting body may replace that member.

10.4 Grievance Procedure

A. Step 1 of Grievance Procedure.

1. Submittal: The employee must submit their written grievance to the supervisor one step above the employee's immediate supervisor and a copy shall be submitted to the Human Resources Office and the employee's immediate supervisor, unless the grievance is against him/her. If the grievance is against the University President not governed by the misconduct procedures of Section 10.5 below, it shall be submitted directly to the Human Resource Director, which, after due Deliberation with the grievance committee, the Human Resource Director shall report its findings and recommendations directly to the University Board of Regents Chairperson. If the grievance is brought against an employee whose immediate supervisor is the University President, it shall be submitted directly to the Human Resource Director and after deliberation with the grievance committee render a decision. The employee must submit the grievance within five (5) business days of the alleged adverse action. Temporary employees may only grieve under Step 1 of the Grievance Procedure, the decision of which shall be final.

The grievance letter must include:

- a. Name and position of the grievant;
 - b. Nature of the grievance (i.e. how the employee believes the employee has been adversely affected);
 - c. Statement of facts, including the dates and alleged events or conditions which form the basis of the grievance;
 - d. Identification of individuals (if known) whose actions or omissions resulted in the situation giving rise to the grievance;
 - e. Identification of University policy or policies allegedly violated;
 - f. Grievant arguments supporting their claim;
 - g. A list of witnesses (if any) to the alleged grievance;
 - h. The remedy requested by the grievant;
 - i. All grievance claims filed with the Human Resource Department must be signed.
2. Human Resources Office Response: The Human Resources Director shall determine if the elements of the grievance are applicable under this policy. The determination of the Human Resources Director is final and not appealable. If the grievance is determined to be applicable, the Human Resource Director shall turn the report over to the Grievance Committee Chair. The investigation shall be completed in no more than ten (10) working days after receipt of the grievance. The investigation shall begin with an informal conference with the aggrieved employee to review and clarify the nature of the grievance. The result of the investigation shall be based on findings of fact and documented in writing, and witness testimony. A written decision shall be submitted to the employee within ten (10) business days after the conclusion of the investigation. It shall include at a minimum:
 - a. A statement whether the Grievance Committee found in favor of or against the Grievant, either in part or in full, giving details of any portion for which the Grievance Committee found against the Accused citing the evidence upon which this finding is based.
 - b. If a finding is made in favor of the grievant, a statement of what action will be taken to correct the conditions grieved, and the time period to do so by the Human Resource Director and a copy of this judgment will be sent to the accused and grievant.

- c. If the judgment is found to be an act of retribution against the accused than a letter of reprimand shall be entered into the grievant personnel file

B. Step 2 of Grievance Procedure

1. Filing of the Appeal to Grievance Committee

If the Human Resources Director finds against the employee in whole or in part, that portion of the grievance may be appealed to the Grievance Committee. The appeal must be filed in writing within five (5) working days after receipt of the Step 1 decision by submitting it to the Human Resources Office. The Human Resources Director shall refer the appeal to the Grievance Committee. The employee may refuse any action offered for findings in employees' favor and not further grieve that part of the decision.

2. Hearing before Grievance Committee

- a. The Committee will conduct an evidentiary hearing concerning the grievant appeal.
- b. The Committee shall conduct the hearing within ten (10) working days from the timely filing of the appeal.
- c. The hearing shall be informal and conducted to achieve substantial fairness and justice. All parties to the grievance shall have the right to be represented by counsel and to present evidence and witness testimony. Witnesses shall testify under oath. The Grievance Committee shall conduct the direct examination of witnesses. Witnesses may be cross-examined by the parties. Members of the Grievance Committee may ask additional questions of a witness. Formal rules of evidence, applicable in court proceedings, shall not apply. Evidence, including copies of documentary evidence that is reliable is acceptable. Upon completion of the parties' presentation of testimony and evidence, the parties shall have the right to make a closing statement.
- d. Hearings will be electronically recorded. The cost for any transcriptions or tape copies will be paid by the requesting party. Tapes will be retained for one (1) year in the office of Human Resource Department.

3. Decision of Grievance Committee

The Committee shall issue a written decision within five (5) business days of completion of the hearing that shall include findings of fact citing the evidence upon which each finding is based. The decision of the Committee is final. The grievance committee can recommend the disciplinary action to be taken, however, it is only a recommendation.

10.5 Procedures Regarding Alleged University President Misconduct

A. Types of Misconduct

1. Fiscal misconduct;
2. Harassment including but not limited to sexual harassment;
3. Failure to work cooperatively with University staff in implementing an adopted University policy;

B. Complaint Procedures

All complaints by employees alleging misconduct by the University President shall be submitted in writing to the Human Resources Director detailing the nature of the alleged misconduct. The Human Resources Director shall refer a copy of the complaint to the University Board of Regents and the President. The Board Chairperson shall confer with the members of the Board to determine if the alleged misconduct is included within those

identified in Section 10.5 A. If so, the Board shall appoint an investigative team comprised of a Board member, the University's legal counsel, and if determined appropriate, a disinterested third party, to conduct an investigation of the complaint and prepare a written report to the Board with their findings and recommendations. A copy of the report shall be provided to the University President. All other complaints against the University President shall be addressed under the applicable procedures provided in this Personnel Policies and University Student Handbook. The Board of Regents shall give the President an opportunity to refute the report findings and recommendations during a Board executive session. The President may also respond to the report in writing. The President shall have the right to counsel. The Board of Regents shall consider the investigative team's report and the President's response, and determine by majority vote whether misconduct occurred. The Board's decision shall be issued in writing to the President and shall include an evaluation of the report, the President's response, finding of fact, the course of action to be taken, and the reasons supporting the decision. The decision of the Board shall be final.

SECTION 11 JOB SEPARATION

11.1 Types of Job Separation

A. Resignation

The employee gives written notice of resignation to their supervisor in accordance with the terms of their employment contract.

11.2 Imposing a Penalty Fee for not giving required notice per contractual agreement

A resigning employee is subject to a penalty fee that may be imposed if sufficient notice is not given per their contractual agreement in increments of 10 days prior notice or a 60-day prior notice as indicated on their employment contract. The 60-day prior notice shall be required for all key positions as administrators, faculty members, and hard-to-fill exempt positions. The penalty fee calculation will be completed by the Human Resource Benefits Coordinator. A Penalty Fee Waiver can be requested through a letter to the University President. Only the University President may waive the Penalty Fee for not giving proper notice to allow for a transition period to ensure the vacated position will have ample time to recruit and train new employees by the employee resigning from the position. The calculation worksheet is attached as **Exhibit C**.

A penalty fee will not be assessed for employees who resign or are discharged within the 90-day probationary period. If a full-time employee is resigning and transitioning into a temporary position, the penalty fee will not be assessed.

A. Job Abandonment

1. The employee is absent for three (3) or more consecutive days without permission. Workdays are considered consecutive even if separated by weekends or holidays.
2. The employee fails to return to work following authorized leave and is absent for a period of no less than three (3) consecutive days following the last day of authorized leave.

B. Release: Completion of employment contract

C. Discharge: Termination of a probationary or temporary employee during the 90-day evaluation period and termination of an employee before the end of their employment contract.

D. Layoff: Termination due to a reduction in force because of lack of funds, lack of work, or for other compelling reasons. Selection of employees for layoff status shall be based on qualifications and

performance as determined by the University in accordance with Navajo Preference in Employment Act. If several employees are substantially equal, years of service will then be the determining factor.

- E. Discharge for Cause: Termination after corrective discipline has failed or the seriousness of the infraction warrants immediate discharge.
- F. Retirement: The employee resigns and is eligible to receive retirement benefits.
- G. Death

11.3 Notice of Termination.

- A. The University will make a good faith effort to provide a minimum of two (2) weeks' notice for layoffs. The University will comply with applicable provisions of the Worker Adjustment and Retraining Act. All layoff and/or discharges will be approved by the President. All employees discharged for cause will be given written notice of the discharge and the reasons for it.
- B. Pay in Lieu of Notice: Pay in lieu of notice may be given at the employee's regular rate of pay if notice is not practical. Payment must be approved by the President. Pay in Lieu of notice should not be given in cases of termination during probation, discharge for cause, or discharge immediately following suspension for a serious infraction.
 - 1. If an employee terminates their employment with NTU, the employee's PTO will revert to a per pay period accrual rate calculation. The accrual will be less than what is reflected above. The Human Resources Director is available to answer any questions.

11.4 Supervisor Responsibility in Job Separations

The Human Resources Office shall complete a Payroll Change Notice on or before the last day of employment or as soon thereafter as practical. The supervisor shall confirm that the employee does not take time off which would extend the termination date beyond the last day actually worked. Supervisors shall provide the Human Resources Office with the employee's forwarding address and all proper exiting documentation.

SECTION 12 PROFESSIONAL CERTIFICATION

12.1 Certification and Recertification

- A. Requirement
All faculty members must be qualified for instruction in Associate, Bachelor or Certificate programs in the field or related field being taught. All general education faculty Instructors must have a master's degree in the field or related field in which they are teaching, doctorate or equivalent degree unless they possess a record of publications or specialized knowledge in the field being taught. Faculty Instructors teaching at the baccalaureate level must possess a master's degree. Trade faculty Instructors must have at a minimum, an associate's degree plus seven years in the field being taught.
- B. Re-Certification
All instructors required to hold vocational-technical certifications will maintain certification through participation in the Professional Development Plan. Recommendations for certification will be made by the University on the basis of Satisfactory Progress on the individual Professional Development Plan.

12.2 Professional Growth

Navajo Technical University is strongly committed to a campus environment in which all members of the university community are encouraged to pursue opportunities for learning and professional growth and to draw on the

university's own intellectual resources as well as external sources in seeking those opportunities. Such an environment is fundamental to employee morale and retention and to the character of a premier educational institution. While responsibility lies with the employee to seek appropriate learning activities, it is essential for this to occur within a supportive institutional climate. The leadership of the university places particular importance on the role of supervisors in enabling employees to achieve their educational goals and expects those in supervisory positions to support and encourage the participation of employees in learning activities as fully as possible within the framework of an effective workplace. Employees are encouraged to seek the assistance of their supervisors and other university employees as they formulate a career development plan.

- a) NTU will support full-time employees for all the eligible course works, continuing education units required to keep up with licensure requirements, trainings offered at NTU, and in other academic institutions through the internal Professional Development Plan Policy. All employees are encouraged to review the policy and follow the protocols.
- b) NTU will support all the training/workshops required for the full time employees to keep them on current trend/track in their field expertise. Subject to the availability of funds.
- c) NTU will support full-time employees to participate in the national and international conferences to present their academic, and research activities. Subject to the availability of funds.
- d) Organizing national, international conferences, invited speaker/researcher positions at national, international conferences, and workshops are always encouraged by NTU. All the related expenditures, and travel costs will be supported by NTU. Subject to the availability of funds.
- e) All the full-time employees are encouraged to register, and maintain their memberships in the appropriate professional associations. NTU will support to renew, and maintain their memberships every year. Each department should budget the cost associated with licensure cost or paid membership to the Budget Committee on an annual basis. Subject to the availability of funds.
- f) All the career development, professional growth will be the responsibility of the employee. Employees are encouraged to use the Professional Development Plan Policy to guide them as they consider what professional development activities they plan to accomplish. If an employee resigns within two years of them joining the professional development activity and for any reason, the employee will be required to pay back NTU 90% of the total cost spent for their career development, and professional growth. The Human Resource Director in working with the Professional Development Committee, will calculate the cost and years of service for payback purposes. The information will be placed on a Payroll Change Notice if there is a determination of money owed to the University. The amount will be entered and remain in cue, in the event the employee is rehired at a future date. The amount owed is to be paid back through payroll deduction.

12.3 Professional Development Policy

Refer to the University approved NTU-MAR-2109-22 Professional Development Plan Policy adopted by the NTU Board of Regents on March 20, 2023. Attached as **EXHIBIT D**.

APPENDIX

- **EXHIBIT A: NTU Personnel Policy Acknowledgment Form**
- **EXHIBIT B: NTU Faculty Sabbatical Form**
- **EXHIBIT C: NTU Addendum to Clearance - Penalty Fee Calculation Form**
- **EXHIBIT D: Professional Development Policy (NTU-MAR-2109-22)**
- **EXHIBIT E: Navajo Nation Ethics in Government Law**

NTU Personnel Policy Acknowledgement Form

I hereby acknowledge that it is my responsibility to read and understand these Personnel Policies, and to ask questions that I may have about the policies and benefits. By signing below, I indicate my receipt of the Personnel Policy, and my understanding of the benefits, policies, and procedures outlined in this manual; I do understand that other policies may subsequently be adopted by Navajo Technical University and that I will be required to abide by those policies during my employment with Navajo Technical University.

The NTU Personnel Policy Acknowledgment Form shall be renewed on an annual basis.

Employee (Print)

Position Title

Employee Signature

Date

Human Resource Director Signature

Date

cc: Personnel File

NTU Faculty Sabbatical Request Form

To meet the review and consideration guidelines, all request forms must be signed and submitted to the Human Resources by the deadline. The timeframe must be sufficient for the university to recruit adjunct faculty to teach the course(s) during the absence of the faculty member. There are two scheduled leave terms that are scheduled, only one may be selected. The deadline indicates the date and time to submit all signed documents:

- Spring Semester Sabbatical Leave Request Deadline: **September 1 at 5 p.m.**
- Fall Semester Sabbatical Leave Request Deadline: **May 1 at 5 p.m.**

Upon the completion of the granted sabbatical, the faculty member is advised to report back to his or her regular duties prior to the commencement of the upcoming semester.

NTU Department: _____

Name and Title of Faculty Member: _____

Faculty Member's Signature: _____ Date: _____

Anticipated Course(s) Semester: Fall _____ Spring _____

Course Title: _____ Course Number: _____ Credit Hours: _____

Course Title: _____ Course Number: _____ Credit Hours: _____

Course Title: _____ Course Number: _____ Credit Hours: _____

NTU Administration Endorsement

Chair's Signature: _____ Date: _____

Academic Dean's Signature: _____ Date: _____

HR's Signature: _____ Date: _____

Provost's Signature: _____ Date: _____

President's Signature: _____ Date: _____

EXHIBIT C

**ADDENDUM TO SEPARATION CLEARANCE FORM
PENALTY FEE WORKSHEET**

Employee Name: _____ **Employment/FLSA Class:** _____ **Separation Date:** _____
Date of Notice: _____ **Last day of work:** _____ **Reason for Leaving:** _____

Type of Employment Contract	Written Notice of Resignation received	Penalty Rates	Annual Salary / Penalty Rate	Times the No. of Remaining Pay Periods	Amount Owed to NTU
Fac9 - Exempt	90 days; And/or 30 days prior to the start of the semester Met / Not Met	1/180	\$ / 180 =	_____ * _____ (PP) =	
Gen12 - Exempt	90 days Met / Not Met	1/260	\$ / 260 =	_____ * _____ (PP) =	
Gen12 - Non-exempt	30 days Met / Not Met	1/260	Hrly _____ x 2080 = _____ / 260 =	_____ * _____ (PP) =	
Gen9 - Exempt	10 days Met / Not Met	1/210	\$ _____ / 210 =	_____ * _____ (PP) =	
Gen9 - Non-exempt	10 days Met / Not Met	1/210	Hrly _____ x 1640 = _____ / 210 =	_____ * _____ (PP) =	

Penalty Waiver APPROVED

NTU President Date

Acknowledged on/by: _____
Director of Human Resources Date

Authorized on/by: _____
Director of Finance Date

Additional notes: _____

**RESOLUTION OF THE
BOARD OF REGENTS OF
NAVAJO TECHNICAL UNIVERSITY**

EXHIBIT A

Approving the Navajo Technical University (NTU) Professional Development Plan (PDP) Policy, attached hereto as Exhibit A

WHEREAS:

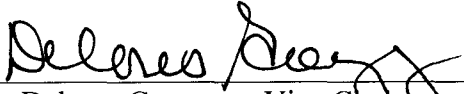
1. The Board of Regents of the Navajo Technical University is responsible for the administration, operations and the development of policy as stated in Navajo Nation Council Resolution CO-58-16, enacted on November 10, 2016, that amended the University's enabling legislation, codified at 15 N.N.C. §§1201-1210; and
2. Pursuant to the University's enabling legislation, Navajo Technical University (NTU) is organized as an institution of higher learning for the primary purpose of providing post-secondary and post-graduate education programs that serve both the academic and vocational/technical needs of the Navajo Nation and its citizens, 15 N.N.C. §1203(A); and
3. Pursuant to the University's enabling legislation, the Board of Regents of Navajo Technical University is authorized to review and approve course curricula, assessment structures, program plans, research, and development projects, in accordance with established program priorities and policies of the University, 15 N.N.C. §1205(F), and to review and approve contracts, 15 N.N.C. §1205(R); and
4. The Administration and the Faculty of the Navajo Technical University have reviewed the Professional Development Plan (PDP) Policy to assist employees to improve their job skills, obtain job-related knowledge and information, increase productivity and efficiency, enhance classroom skills, increase knowledge in academic areas, and comply with licensure and membership requirements; and
5. The Administration of the Navajo Technical University hereby recommends to the Board of Regents of Navajo Technical University to approve the NTU PDP Policy, to retain qualified, certified, trained, informed, and motivated employees.

NOW THEREFORE BE IT RESOLVED THAT:

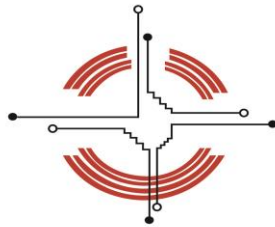
1. The Board of Regents of the Navajo Technical University hereby approves the NTU PDP Policy.
2. The President of Navajo Technical University is hereby authorized, directed and empowered to do all things necessary to effectuate the purpose of this resolution.

CERTIFICATION

I hereby confirm that this resolution was discussed and considered by the Board of Regents of the Navajo Technical University at a duly called meeting held in Crownpoint, New Mexico at which a quorum was present, and that this resolution was passed by a vote of **5** in favor, **0** opposed and **0** abstained on the 20th day of March 2022.



Dr. Delores Greyeyes, Vice Chairperson
NTU Board of Regents



Professional Development Plan Policy

March 2022

Table of Contents

I. Policy2

II. History.....2

III. Purpose.....2

IV. Professional Development Plan Committee3

V. Requirements.....4

VI. Procedures.....5

 A. Individual Professional Development Plan.....5

 B. Professional Development Plan5

 C. Prior Approval of Professional Development Plan Activities6

 D. Progress and Evaluation.....6

 E. Reimbursement of Fees.....6

 F. Training and Professional Development Not Covered in E.....9

 G. Appeals Regarding Disputes or Disagreements.....10

 H. Storage and Record Keeping10

VII. Amendments10

VIII. FORM: Individual Professional Development Plan11

Navajo Technical University Professional Development Plan Policy

I. Policy

Navajo Technical University (NTU) encourages its personnel to participate in Professional Development Plan (PDP) activities. The objectives of professional development are to assist employees to improve their job skills, obtain job-related knowledge and information, increase productivity and efficiency, enhance classroom skills, increase knowledge in academic areas, and comply with licensure and membership requirements.

II. History

In 2006, Navajo Technical University, then known as the Crownpoint Institute of Technology, first established the Professional Development Plan to increase its quality of teaching as the institution sought accreditation and began developing academic degree programs. The Board of Regents first approved a PDP policy in 2006 to assist instructors and staff with their acquisition of appropriate degrees, vocational teacher, and other pertinent certifications. At the time, vocational and trade programs were the institution's focus. Eventually, the Crownpoint Institute of Technology became Navajo Technical College and, in 2013, became Navajo Technical University. As the institution changed, its training priorities also changed for staff employees and qualified faculty to ensure the highest quality of instruction and service to the Navajo Nation.

NTU's rapid growth has impacted PDP. When the program was first developed, NTU had a small number of faculty and staff to serve an enrollment of a few hundred students. At that time, PDP funding required to assist each employee was sufficient. As NTU grew, there was a concurrent need to reprioritize the activities that were supported by PDP funds to maximize the impact of the program.

III. Purpose

Professional development involves the continuous process of acquiring new knowledge and skills that relate to specific professions and employment responsibilities and maintaining a high level of respectability in respective professions and employment positions. It plays a key role to retain qualified, certified, trained, informed, and motivated employees.

Navajo Technical University employees participating in the Professional Development Plan Program must develop and submit an updated Professional Development Plan for every current fiscal year. The primary objectives in the plan are as follows:

- Productive job performance
- Accountability
- Quality instruction and support services
- Accreditation
- Professional growth
- Sharing of ideas and dissemination of good practice
- Building strong and effective teams
- Practicing with proper licensure
- Liability coverage
- Memberships to ensure compliancy

The Human Resources Department will perform a comprehensive assessment of employee professional development, training, and certification by the end of each semester and use it to develop future Professional Development Plans that will address the specific needs of all NTU employees.

IV. Professional Development Plan Committee

A. The Professional Development Plan Committee shall be comprised of seven (7) members appointed by the Navajo Technical University President and shall include:

1. Human Resource Director - Serves as the Chairperson of the committee.
2. Faculty Representative – three (3) Faculty members
3. Staff Representative – three (3) Staff members

B. Term of Chairperson and Committee Members:

The Human Resources Director shall serve as the Chairperson. All other appointed members will serve a two-year term. If the Chairperson cannot be present for regularly scheduled meetings, he/she will designate an "acting" chair and will be responsible to provide that person with all needed information to conduct the meeting(s).

C. Quorum:

Four (4) committee members will constitute a quorum for meetings.

D. Functions of the Professional Development Plan Committee:

1. Consider, establish, and implement criteria for Professional Development Plan, review, and revise criteria annually.
2. Oversee the implementation and review of individual PDPs that involve pursuit of advanced higher education degrees, coursework, obtaining relevant skills, certification, membership, or licensure, to ensure compliance with the PDP guidelines approved by the NTU Board of Regents.
3. Review individual progress reports at the end of each fiscal year and create an annual report to be presented to the Administration and Board of Regents.
4. Coordinate with the Human Resource Department for proper submission of required documents and progress reports.
5. Collaborate with the Human Resource Department to develop a university-wide training needs analysis and recommend a centralized training plan for all personnel.
6. Establish an appeal policy for personnel use.
7. Meet once a month and when a meeting is called by the Chairperson.
8. Provide an orientation during annual fall convocation regarding the required Professional Development Plan.

V. Requirements

The Professional Development Plan for full-time employees' documents how each employee will update his or her current job knowledge and skills, to ensure that employees remain qualified for their respective positions. All faculty members must maintain their qualifications to teach in their respective fields. Faculty teaching in certificate programs and in associate degree programs must maintain current and appropriate credentials including minimal requirements such as associate degrees, journeymen licenses or vocational-technical certificates. All general education faculty must have a master's degree in the field or related field in which they are teaching, preferably, a doctorate degree. Faculty teaching at the baccalaureate level must possess a master's degree in their field of instruction. Faculty teaching at the graduate level must possess a doctorate degree or an applicable terminal degree. Where appropriate, faculty must maintain current licensure in good standing and memberships, as necessary.

All full-time employees shall submit a PDP with their annual evaluation. This plan can include training, certification, membership, licensure, or other activities that will better prepare an individual for his/her current job and maintain a high-level of qualification in their field of instruction.

VI. Procedures

A. Individual Professional Development Plan

Faculty must design their annual Individual Professional Development Plan (IPDP) to align with the academic and licensure requirements set forth in their contract or as required by the University to meet its accreditation requirements. Staff must design their annual IPDP in alignment with their contracted employment responsibility.

The IPDP consists of a plan designed for one year of activity that will be accomplished in the current contract year. Each IPDP is developed to meet the current needs of the University. The supervisor, and Director of Human Resources, must approve each PDP submittal. Each activity on an employee's IPDP must be submitted and approved separately on a "Prior Approval" form.

Forms are available on the NTU website in the employee resource section and in the Human Resource Office:

<http://www.navajotech.edu/images/facultyStaff/employeeResources/docs/pdpPlanFacultyAndGeneralStaff.pdf>

B. Professional Development Plan

In both the development and approval of a PDP, the following must be considered:

- The activity is aligned with the NTU Mission and strategic plan, furthermore with the Higher Learning Commission standards
- The activity in the PDP is relevant to the professional development needs and/or professional license needs of the participant's position, or to a documented specific employment need within the University.
- The cost of the PDP activity must be reasonable and supported by the PDP budget.

For each required activity, an employee individual assessment shall be developed with the immediate supervisor. If the activity is not aligned with an employee's specific job requirements, other courses of training are to be recommended by the immediate supervisor.

C. Prior Approval of Professional Development Plan Activities

Any PDP activity that requires payment by NTU must have prior approval from the employee's supervisor or the appropriate oversight dean, and the Human Resource Director. Prior approval is required for courses taken under the NTU Tuition Waiver Policy referenced in the NTU Employee Handbook. Prior approval is also required for vocational and professional licensure, certification, and membership fees.

1. Documentation and Validation of Activities

Completion of each activity will be validated by an official transcript, and/or other relevant form of documentation provided by the employee, which will be placed in the employee's personnel file as a permanent record. Employee shall submit an activity completion report immediately after each training or development activity (forms are available through the employee resource website). Participate has up to 45 days to submit your official transcript after completing a college/university course.

D. Progress and Evaluation

The employee's supervisor will monitor the progress and evaluation of the PDP. In addition, the Human Resource Director will evaluate all personnel PDP on an annual basis.

If specific expectations are not met in a timely manner, the employee's supervisor, department chair, or dean may recommend administrative action to the Human Resource Director including probation, suspension, or termination according to the Employee and/or Faculty Handbook.

E. Reimbursement of Fees

1. Reimbursement for Trades, Vocational, or Professional Faculty Credentials
Faculty in the Trades, Vocational, and Applied Science programs are required to have journeyman's licenses, certifications, liability coverage, professional memberships, and/or other licenses for their employment and to maintain currency in the profession as may be required by the tribal, state, or federal governments. Annual costs to maintain these credentials, licenses, certifications, insurance, memberships, etc. will be covered by the University. The supervisor and Human Resource Director will review requests for reimbursement of these costs. Each employee is responsible for maintaining these requirements.

2. Reimbursement for Credit Courses

- The extent to which a request for undertaking a degree program or college coursework can be monetarily supported by NTU will depend on several factors including the following:
 - The relevance of the degree or coursework to achieving NTU's strategic plan.
 - Direct financial cost and hidden cost will need to be considered (hidden cost includes the amount of time that an employee may need to undertake coursework and therefore, decrease his or her NTU contracted work time).
 - The amount of degree or coursework support that is reasonable for any one faculty member to receive from NTU.
 - Priority will be given to requests for pursuit of degree programs offered by NTU.
 - The availability of funds in the NTU budget.
- An employee earning college credits toward an associate's, bachelor's, master's degree program, or a doctoral degree program, upon proof of successful completion of a course or courses, may be reimbursed tuition, fees, and book costs, up to the designated amount for the specific degree. To qualify for reimbursement, an employee must show proof of preapproval for each course taken and provide an official transcript for the courses requested for reimbursement to the Office of Human Resources. Continuing students must also report on progress to completion.
- The cost of credits that shall be reimbursed may not exceed six credit hours per an employee's contract year for an associate's, a bachelor's degree, a master's degree, or a doctoral degree. Reimbursement by NTU per contract year will be allowed up to **\$1,500** for an associate degree program, **\$2,500** for a bachelor's degree program, **\$3,500** for a master's degree program, and **\$4,500** for a doctoral degree program. These amounts can cover tuition, fees, and books. These amounts are not meant to cover full costs of attendance; each employee is responsible for supplementing the cost of his or her education.
- **Employees that enroll in a degree program paid for by NTU during their contract term are required to sign an agreement at the time of enrollment that they will continue with the university for two additional years for each degree earned.**
- A full-time employee cannot be a full-time student at the same time during business hours, Monday through Friday between 8:00 a.m. and 5:00 p.m.

- An employee must secure supervisor's written approval, as part of approved annual professional development plan, if a course is to be taken during normal working hours and arrangements must be made for any time that is to be made up, or the employee can use a flexible work schedule. In addition, an employee may take paid time off (PTO) during class times.
- Refer to the Faculty Sabbatical Policy for additional information.
- If an employee leaves before the additional year of service, he or she will be legally responsible for the repayment of all tuition, fees, books, and other costs on a pro-rata basis. If an employee's contract is not renewed for any reason, or he/she is released before or during the contract year for any reason other than cause, the repayment agreement shall be considered null and void. If the employee is released for cause, the agreement will remain in force, and he/she will be responsible for the repayment of all reimbursed costs on a pro-rata basis.
- Successful completion of any coursework for degree programs shall mean a grade of "B" or better. Grades below "B" will not be reimbursed, nor will any other related costs for such coursework be reimbursed. NTU will not reimburse for any courses that are being retaken. Any individual that earns a "C" grade or lower will not be granted preapproval to take further courses until that individual provides an official transcript showing successful completion of the failed course plus another degree checklist course that he or she pays for without NTU support.
- Other Sources of Scholarships. Employee is required to apply to other scholarships prior to requesting for a refund on professional development activity that is related to earning a degree, such as
 - Office of Navajo Nation Scholarship and Financial Aid (ONNSFA)
 - American Indian College Fund
 - American Indian Graduate Center
 - Pell Grant
 - Chapter Scholarship

3. Unallowable PDP Costs

Employees who receive scholarships, fellowships, or other forms of financial aid from other sources, such as from the Navajo Nation, Pell, American Indian College Fund, American Indian Graduate Center, Mellon Foundation, may not also request for concurrent reimbursement from the Navajo Technical University. If an employee is receiving funding from two sources for the same academic activity, the employee shall reimburse Navajo Technical University for the amount received.

PDP expenses for university or college courses are solely for tuition, fees, and books; other related expenses such as for transportation, lodging, meals, and time off from work are not covered.

F. Training and Professional Development Not Covered in E.

Training and staff development can be defined as an activity designed to help individual employees to become more effective at their work by improving, updating, or refining their knowledge and skills. This encompasses a range of activities, including, for example, attendance or presentation at conferences or seminars, participation in centrally organized training offered by the NTU Human Resource office, visits to other institutions, participating in webinars, work shadowing, coaching, or mentoring. The responsibility for identifying training and development needs is shared between the supervisor and employee.

The approval of requests for training and other development activity, not addressed will be made by supervisors and senior management based on departmental budgets. How the training or development activity is necessary for an employee to enhance his/her job and the level of benefit to NTU must be documented and verified. The extent to which a training and development activity can be supported by NTU will depend on several factors including the following:

- The relevance of the training and development need to support the NTU Mission and be tied to the Strategic Plan.
- Direct financial cost and hidden cost will need to be considered (hidden cost could include the amount of work time needed for a specific activity).
- The amount of training and development support that is reasonable for anyone staff person to undertake in each period.
- The availability of funds in the NTU budget.

Costs associated with an employee's training, professional development, and/or degree coursework irrelevant to their current job description will not be covered by NTU. Furthermore, an employee's training, professional development, and/or degree coursework above the minimum job requirements upon hire will not be covered by NTU.

It is the employee's responsibility to update their supervisor and Human Resource Director of their progress upon completion of their training or development activity by submitting an activity completion report, certificate, or other verification of completion.

G. Appeals Regarding Disputes or Disagreements

Disputes or disagreements over the PDP policy or process between an employee and their supervisor should be resolved at the lowest level, if possible. Issues that cannot be resolved at the Dean or Director level shall be treated as grievances and shall follow the Grievance Policy as outlined in the Employee Handbook.

H. Storage and Record Keeping

- Employees requesting for copies of their IPDP from their personnel file will follow the guidelines from the Employee Handbook.
- All completed PDP files are placed in the employee's personnel file and are available in the Human Resources Department. It is recommended that faculty and staff maintain a copy of their approved IPDP as well.

VII. Amendments

The Navajo Technical University Board of Regents may amend any part(s) of these policies upon recommendation from the Professional Development Plan Committee and the Navajo Technical University President.

The terms of this Professional Development Plan Policy are subject to an annual review and revision by the Professional Development Plan Committee and approval by the University's Board of Regents. The policy shall be effective June 1st every other year.

The forms required for submittal and documentation of IPDP for both faculty and staff can be obtained from the Human Resources Office or in the employee resource section at www.navajotech.edu

**NAVAJO TECHNICAL UNIVERSITY
INDIVIDUAL PROFESSIONAL DEVELOPMENT PLAN Form
(ONE-YEAR PLAN for FACULTY AND GENERAL STAFF)**

Last Name	First/Middle Int.	Title	DEPARTMENT	Certificate	Length	Endorsement
My goal is (select one or more)	<input type="checkbox"/> Initial Licensure/Certificate	<input type="checkbox"/> Re-Licensure	<input type="checkbox"/> Technical Skills	<input type="checkbox"/> AA/AAS	<input type="checkbox"/> BA/BS	<input type="checkbox"/> MA/MS
<input type="checkbox"/> DOCTORAL						

Comments:

Current Year Action Plan From: ___/___/___ To: ___/___/___ Date Prepared: ___/___/___ Revision # _____

*NOTE: Faculty employee must design his/her annual Professional Development Plan (PDP) to align with the academic requirements set forth in their employment contract or as required by the University to meet its accreditation requirements. Staff employee must design their annual PDP Plan in alignment with the academic requirements set forth in their contracted employment responsibility. The PDP consists of a plan designed for **one year of activity** that will be accomplished in the current contract Fiscal year.*

Objectives:	Methods of Attainment:	Projected Completion Date	Units	
			Proposed	Awarded

*For employees on a degree track, include a copy of the degree requirements.

Signatures: _____
 Employee Date Reviewed by Supervisor Title Date
 Next date to re-new PDP (mm/dd/yyyy) ___/___/___

QUESTIONNAIRE:

What is the highest degree required for your current position: _____

Identify which Strategic Priority IPDP is linked to: _____

Employee is required to submit all transcripts for courses being paid for by the University (Approved Tuition Waiver and Approved Professional Development) _____

Navajo Nation Ethics in Government Law

Ethics and Rules Office Plan of Operation

Garnishment Act



November 2007

Important Notice and Disclaimer: Provisions of the *Ethics in Government Law*, the Ethics and Rules Office *Plan of Operation* and the 2005 *Garnishment Act* contained herein were compiled by the Ethics and Rules Office. Resolutions regarding these laws, including any amendments subsequent to this compilation, are available upon request at the Central Records Office of the Navajo Nation. There are also rules and regulations adopted by the Ethics and Rules Committee; these are not contained herein. The Navajo Nation Code, an official publication of all Navajo Nation law, can be purchased from the Navajo Nation Office of Legislation Counsel. The compilation made available herein by the Ethics and Rules Office is not intended to replace any portion of the official version of the law. As with all laws, references or citations should be based on official publications.

Navajo Nation Ethics in Government Law

Table of Contents

	<u>Page</u>
Chapter 6. Ethics in Government Law.....	
Subchapter 6. Ethics and Rules Office (Plan of Operation).....	
Chapter 7. Navajo Nation <i>Ethics in Government Law</i> <i>Garnishment Act of 2005</i>.....	

Chapter 6. Ethics in Government Law

Subchapter 1. Title and Purpose; Definitions

Section

- 3741. Title
- 3742. Legislative purpose and intent
- 3743. Definitions

Subchapter 2. Standards of Conduct and Restricted Activities of Public Officials and Employees

- 3744. Conduct in conformity with applicable rules and laws
- 3745. General prohibitions; conflicts of interests
- 3746. Use of confidential information for private gain
- 3747. Restrictions against incompatible interests or employment
- 3748. Abstention from official action
- 3749. Navajo Nation government contracts; restrictions and bid requirements
- 3750. Restrictions on assisting or representing other interests before governmental bodies for compensation
- 3751. Restrictions on assisting or representing other interests subsequent to termination of public office or employment
- 3752. Unauthorized compensation or benefit for official acts
- 3753. Unauthorized personal use of property or funds of the Navajo Nation
- 3754. Staff misuse prohibited
- 3755. Anti-nepotism
- 3756. Restrictions against gifts or loans to influence official acts
- 3757. Permitted gifts, awards, loans, reimbursements and campaign contributions
- 3758. Adoption of supplemental codes of conduct for officials and employees of governmental entities of the Navajo Nation

Subchapter 3. [Repealed]

Subchapter 4. Implementation and Compliance with Ethics in Government Law; Duties and Responsibilities; Investigation, Hearings, Findings, Reports and Recommendations

- 3766. Ethics and Rules Committee of the Navajo Nation Council Powers and duties
- 3767. Retaliation prohibited
- 3768. Dismissals
- 3769. Statute of limitations
- 3770. Administrative hearings
- 3771. Appeals to Supreme Court
- 3772. Deliberations by the Committee
- 3773. [Repealed]

- 3774. Committee's power as quasi-judicial body
- 3775. Committee conflict of interest
- 3776. Independent legal counsel
- 3777. Special prosecutors
- 3778. [Repealed]
- 3779. Other relief not barred

Subchapter 5. Sanctions and Penalties

- 3780. Administrative sanctions; collection of judgments
- 3781. Other civil damages
- 3782. Misdemeanor violations; punishments
- 3783. Severability
- 3784. Effective date
- 3785. Prior inconsistent law superseded

Subchapter 6. Ethics and Rules Office

- 3786. Establishment
- 3787. Purpose
- 3788. Personnel and organization
- 3789. Duties, responsibilities and authority
- 3790. Political practices prohibited
- 3791. Office location and hours
- 3792. Construction
- 3793. Amendments

Subchapter 1. Title and Purpose; Definitions

§ 3741. Title

This Chapter may be cited as the Navajo Nation *Ethics in Government Law*.

§ 3742. Legislative purpose and intent

- A. Purpose. Where government is founded upon the consent of the governed, the people are entitled to have complete confidence in the loyalty and integrity of their government. The purpose of the Navajo Nation *Ethics in Government Law*, therefore, is to require accountability to the people of the Navajo Nation by their elected, appointed and assigned public officials and employees in exercising the authority vested or to be vested with them as a matter of public trust, by:
1. Establishing and requiring adherence to standards of conduct to avoid such conflicts of interest as the use of public offices, employment or property for private gain, the granting and exchange of favored treatment to persons, businesses or organizations; and the conduct of activities by such officials and employees which permits opportunities for private gain or advantage to influence government decisions;
 2. Requiring public officials and employees to abstain from using any function of their office or duties in a manner which could place or appear to place their personal economic or special interests before the interests of the general public.
- B. Intent. It is the intention of the Navajo Nation Council that the provisions of this Navajo Nation *Ethics in Government Law* be construed and applied in each instance, so as to accomplish its purposes of protecting the Navajo People from government decisions and actions resulting from, or affected by, undue influences or conflicts of interest.

§ 3743. Definitions

As used in this Chapter:

- A. "Business" includes any enterprise, organization, trade, occupation or profession whether or not operated as a legal entity for profit, including any business, trust, holding company, corporation, partnership, joint venture, or sole proprietorship, consultant or other self-employed enterprise.
- B. "Business with which the person is associated" includes any business in which the person or a member of the person's immediate family is a director, officer, partner, trustee or employee, holds any position of management or receives income in any form such as wages, commission, direct or indirect investment worth more than one thousand dollars (\$1,000) or holds any ownership, security or other beneficial interest, individually or

combined, amounting to more than ten percent (10%) of said business.

- C. "Candidate for public office" means any person who has publicly announced such intent, authorized promotion for, or filed a declaration of candidacy or a petition to appear on the ballot for election as a public official; and any person who has been nominated by a public official or governmental body for appointment to serve in any public capacity or office.
- D. "Committee" means the Ethics and Rules Committee of the Navajo Nation Council.
- E. "Compensation" or "income" means any money or thing of value received, or to be received as a claim on future services, whether in the form of a fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof.
- F. "Confidential information" means information which by law or practice is not available to the public at large.
- G. "Conflict of interest" means the reasonable foreseeability that any personal or economic interest of a public official, or employee, will be affected in any materially different manner from the interest of the general public, by any decision, enactment, agreement, award or other official action or function of any governmental body or political subdivision of the Navajo Nation.
- H. "Dependent business" means any business, as defined herein, in which the person or members of the person's immediate family, individually or combined, have any direct or indirect ownership, investment, security or other beneficial interest amounting to more than twenty percent (20%) of such business.
- I. "Employee" means any person or entity working for, or rendering or exchanging any services or performing any act for or on behalf of another person, organization or entity in return for any form of pay or other compensation or thing of value received or to be received at any time temporarily, permanently or indefinitely, in any capacity; whether as agent, servant, representative, consultant, advisor, independent contractor or otherwise.
- J. "Employment" means the status or relationship existing or created by and between a person designated or acting as an "employee" as defined herein and the person, organization, group or other entity for whom or on whose behalf any such work, acts, services or other benefit has been, is being or will be rendered or performed for pay or any other form of compensation.
- K. "Economic interest" means an interest held by a person, members of the person's immediate family or a dependent business, which is:
 - 1. Any ownership, income, investment, security or other beneficial interest in a business, or

2. Any employment or prospective employment for which negotiations have already begun.
- L. "Gift" includes any gratuity, special discount, favor, hospitality, payment, loan, subscription, economic opportunity, advance, deposit of money, services, or other benefit received without equivalent consideration and not extended or provided to members of the public at large.
- M. "Governmental body" means any branch, entity, enterprise, authority, division, department, office, commission, council, board, bureau, committee, legislative body, agency, and any establishment of the Executive, Administrative, Legislative or Judicial Branch of the Navajo Nation, and certified Chapters of the Navajo Nation.
- N. "Immediate family" includes spouse, children and members of the household of public officials, public employees and candidates for public office, as defined in this Chapter.
- O. "Ministerial action" means an action that a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to, or in the exercise of, the person's own judgment upon the propriety of the action being taken.
- P. "Official discretionary action" means any official function of public office or employment, including any vote, decision, opinion, allocation, recommendation, approval, disapproval, finding, delegation, authorization, contract, commitment, settlement, disbursement, release or other action which involves the exercise of discretionary authority, for, on behalf of or in any manner affecting any interest or property of the Navajo Nation, including any governmental body, political subdivision or member thereof.
- Q. "Public employee" means any employee, as defined herein, temporarily, periodically, permanently or indefinitely in the employment of the Navajo Nation, and/or any governmental body thereof as defined herein, including intergovernmental personnel.
- R. "Public office" means any elected or appointed office or position of permanent or temporary employment in any governmental body of the Navajo Nation as defined herein.
- S. "Public official" means any person holding an elective or appointed office in any governmental body of the Navajo Nation as defined herein, including grazing committee members.

Subchapter 2. Standards of Conduct and Restricted Activities of Public Officials and Employees

§ 3744. Conduct in conformity with applicable rules and laws

Public officials and employees shall at all times conduct themselves so as to reflect credit upon the Navajo People and government; and comply with all applicable laws of the Navajo Nation with respect to their conduct in the performance of the duties of their respective office or employment.

§ 3745. General prohibitions; conflicts of interest

- A. No public official or employee shall use, or attempt to use, any official or apparent authority of their office or duties which places, or could reasonably be perceived as placing, their private economic gain or that of any special business interests with which they are associated, before those of the general public, whose paramount interests their office or employment is intended to serve.
- B. It is the intent of this Subsection (B) that public officials and employees of the Navajo Nation avoid any action, whether or not specifically prohibited by the Standards of Conduct set out herein, which could result in, or create the appearance of
 - 1. Using public office for private gain;
 - 2. Giving preferential treatment to any special interest organization or person;
 - 3. Impeding governmental efficiency or economy;
 - 4. Losing or compromising complete independence or impartiality of action;
 - 5. Making a government decision outside official channels; or
 - 6. Adversely affecting the confidence of the people in the integrity of the government of the Navajo Nation.

§ 3746. Use of confidential information for private gain

No public official or employee shall use or disclose confidential information gained in the course of or by reason of their official position or activities, to further their own economic and personal interest or that of anyone else.

§ 3747. Restrictions against incompatible interests or employment

- A. Public officials and employees shall not:

1. Have direct or indirect financial or other economic interests nor engage in such other employment or economic activity which, as determined in accordance with the provisions of this Chapter and other applicable laws of the Navajo Nation, necessarily involve inherent substantial conflict, or appears to have such substantial conflict, with their responsibilities and duties as public officials or employees of the Navajo Nation; nor
 2. Engage in, directly or indirectly, financial or other economic transactions as a result of, or primarily depending upon, information obtained through their public office or employment; nor
 3. Acquire any economic or other financial property, contractual or other economic interest at a time when they believe or have reason to believe, that it will directly and substantially affect or be so affected by their official actions or duties.
- B. Subject to the restrictions and conditions set forth in this Chapter, public officials and employees are free to engage in lawful financial transactions to the same extent as the general public. Governmental bodies and agencies of the government of the Navajo Nation may, however, adopt further approved restrictions upon such transactions or employment as authorized herein and by other applicable laws of the Navajo Nation, in light of special circumstances or their particular duties.
- C. No business or other entity shall employ a public official or employee if such employment is prohibited by or otherwise violates any provision of this Chapter.
- D. The term "employment", within the meaning of this Section, includes professional services and other services rendered by a public official or employee, whether rendered as an employee, consultant or other independent contractor.

§ 3748. Abstention from official action

- A. When a public official or employee is required to take official action on a matter in which such public official or employee has a personal economic interest, they should first consider eliminating that interest. If that is not feasible nor required under § 3747 above, such public official or employee shall:
1. Prepare and sign a written statement describing the matter requiring action and the nature of the potential conflict, as soon as such public official or employee is aware of such conflict and they shall deliver copies of such statement to the responsible party for inclusion in the official record of any vote or other decision or determination and also to the Ethics and Rules Committee;
 2. Abstain from voting, sponsoring, influencing or in any manner attempting to influence any vote, official decision or determination which would favor or advance such person's personal economic interest in such matter; and

3. Abstain from voting or otherwise participating in the official decision or determination of such matter, unless otherwise directed by the authorized presiding official of the governmental body making such decision or determination, or otherwise legally required by law, (such as the vote of an elected representative delegate which is cast on behalf of his or her electorate constituents), or unless such person's vote, position, recommendation or participation is contrary to their personal economic interest.
- B. Unless otherwise provided by applicable law, the abstention by such person from voting or otherwise participating in the official determination or decision shall not affect the presence of such person for purposes of establishing a quorum necessary for a governmental body, agency or commission to take such action or vote upon such matter.
 - C. Public employees shall also deliver a copy of such statement to the Committee and to their immediate superior, if any, who shall assign the matter to another. If such employee has no immediate superior, he or she shall take such steps as the Committee shall prescribe or advise, to abstain from influencing actions and decisions in the matter.
 - D. In the event that a public official's or employee's participation is otherwise legally required for the action or decision to be made, such person and the presiding official or immediate superior requiring such participation shall fully report the occurrence to the Committee.

§ 3749. Navajo Nation government contracts; restrictions and bid requirements

- A. No public official or employee or any member of such person's immediate family shall be a party to, nor have an interest in the profits or benefits of, any governmental contract of the Navajo Nation or of any investment of funds of the Navajo Nation, unless the contract or the investment meets the following requirements:
 1. The contract is let by notice and competitive bid or procurement procedures as required under all applicable laws, rules, regulations and policies of the Navajo Nation, for necessary materials or services for the governmental agency or entity involved;
 2. If the continuous course of a business commenced before the public official or employee assumed his or her current term of office or employment;
 3. The entire transaction is conducted at arm's length, with the governmental agency's full knowledge of the interest of the public official or employee or a member of his or her immediate family;
 4. The public official or employee has taken no part in the determination of the specifications, deliberations or decision of a governmental agency with respect to

the public contract; and

5. The public official or employee is not a member, office holder, employee or otherwise directly associated with the same governmental agency or entity primarily responsible for letting, performing, receiving, regulating or otherwise supervising the performance of the contract.
- B. The requirements of §3749(A) shall not apply to the negotiation, execution, award, transfer, assignment or approval of mineral or non-mineral leases, permits, licenses and like transactions other than contracts involving the investment, award or payment of government funds; provided, that such leases, permits, licenses and like transactions shall be subject to all other provisions of this Section and to all other applicable laws, rules and regulations of the Navajo Nation and its governmental bodies; and provided further that §3749 (A) shall likewise fully apply to all contracting and other activities, conducted thereunder, which are subject to this Chapter. Provisions in accordance with the purposes and intent of this Chapter shall be incorporated as part of the rules, regulations and guidelines applicable to the negotiation, approval and assignment of such leases, permits, licenses and like transactions.
 - C. In the absence of bribery or a purpose to defraud, a public official or employee or a member of his or her immediate family shall not be considered as having an interest in a public contract or the investment of public funds, when such a person has a limited investment interest of less than ten percent (10%) of the ownership of net assets, or an interest as creditor of less than ten percent (10%) of the total indebtedness of any business or other entity which is the contractor on the public contract involved or in which public funds are invested, or which issues any security therefor.

§ 3750. Restrictions on assisting or representing other interests before governmental bodies for compensation

No public official or employee except an employee of a governmental body duly established and authorized for such purposes by the Navajo Nation shall represent or otherwise assist any person or entity other than the Navajo Nation or a governmental body or political subdivision thereof, for compensation, before any governmental body where the matter before the governmental body is of a non-ministerial nature. This Section shall not be construed to prohibit the duties of elected or appointed public officials to represent their constituents' interests before government agencies or entities nor the performance of ministerial functions, including but not limited to the filing or amendment of tax returns, applications for permits and licenses, and other documents or reports. It does, however, prohibit representation of such other interests for any fee or compensation in seeking to obtain any legislation, contract, payment of any claim or any other governmental benefit.

§ 3751. Restrictions on assisting or representing other interests subsequent to termination of public office or employment

- A. No former public official or employee nor partner, employee or other associate thereof

shall, with or without compensation, after the termination of such public office or employment, knowingly act as agent or attorney for or otherwise represent any other person or entity (except the Navajo Nation, its governmental bodies or political subdivisions) by formal or informal appearance nor by oral or written communication, for the purpose of influencing any governmental body of the Navajo Nation or any officer or employee thereof, in connection with any proceeding, contract, claim, controversy, investigation, charge or accusation, in which such former public official or employee personally and substantially participated, through approval, disapproval, recommendation, rendering of advice, investigation or otherwise, while so acting or employed.

- B. With respect to any such matter which was actually pending among such former public official's or employee's responsibilities, but in which such person did not participate as set forth in Subsection (A), the prohibitions set forth hereunder shall apply for the period of two years following the termination of such public office or employment.
- C. Nothing in this Chapter shall prevent a former public official or employee from appearing and giving testimony under oath, nor from making statements required to be made under penalty of perjury, nor from making appearances or communications concerning matters of a personal and individual nature which pertain to such former public official or employee or are based upon such person's own special knowledge of the particular subject involved, not otherwise privileged from disclosure by other applicable law; and provided further, that no compensation is thereby received other than that which is regularly provided for witnesses by law or regulation.
- D. The Navajo Nation, its governmental bodies and political subdivisions shall not enter into any contract with, nor take any action favorably affecting or economically benefitting in any manner differently from members of the public at large, any person, business, governmental or other entity, which is assisted or represented personally in the matter by a former public official or employee whose official act, while a public official or employee, directly contributed to the making of such contract or taking of such action by the Navajo Nation or any governmental body or political subdivision thereof.
- E. Nothing contained in this Subsection shall prohibit a former public official or employee from being retained or employed by the governmental entity which he or she formerly served.

§ 3752. Unauthorized compensation or benefit for official acts

- A. No public official or employee shall accept or receive any benefit, income, favor or other form of compensation for performing the official duties of their office or employment, beyond the amount or value which is authorized and received in his or her official capacity for performing such duties.
- B. This Section shall not be construed to prohibit the receipt of authorized compensation for

the performance of other distinct and lawful public duties by public officials or employees.

- C. No public official or employee, however, shall accept any benefit, income, favor or other form of compensation for the performance of the duties of any other office or employment not actually performed or for which such official or employee is not otherwise properly authorized or entitled to receive.

§ 3753. Unauthorized personal use of property or funds of the Navajo Nation

No public official or employee shall use any property of the Navajo Nation or any other public property of any kind for other than as authorized and approved for official purposes and activities. Such persons shall properly protect and conserve all such property, equipment and supplies which are so entrusted, assigned or issued to them.

§ 3754. Staff misuse prohibited

No public official or employee shall employ, with funds of the Navajo Nation, any unauthorized person(s) nor persons who do not perform duties commensurate with such compensation, and shall utilize authorized employees and staff only for the official purposes for which they are employed or otherwise retained.

§ 3755. Anti-nepotism

No public official or employee shall employ, appoint, or otherwise cause to be employed, nor nominate, nor otherwise influence the appointment or employment to any public office or position with the Navajo Nation or any governmental or political subdivision thereof, any person or persons related by consanguinity or affinity within the third degree, nor any member of the same household as said public official or public employee. Assignment of such persons to duties, positions, governmental offices or other entities shall in all instances be made in strict compliance with the current provisions of the Personnel Policies and Procedures of the Navajo Nation, as amended from time to time.

§ 3756. Restrictions against gifts or loans to influence official acts

Except as otherwise provided herein or by applicable rule or regulation adopted hereunder by the Ethics and Rules Committee of the Navajo Nation Council, or by other applicable law, no public official or employee shall solicit or accept for himself/herself or another, any gift, including economic opportunity, favor, service, or loan (other than from a regular lending institution on generally available terms) or any other benefit of an aggregate monetary value of one hundred dollars (\$100.00) or more in any calendar year, from any person, organization or group which:

- A. Has, or is seeking to obtain, contractual or other business or financial relationships or approval from any governmental office or entity with which the public official or employee is associated or employed; or

- B. Conducts operations or activities which are regulated or in any manner supervised by any governmental office or entity with which the public official or employee is associated or employed; or
- C. Has any interest which, within two years, has been directly involved with, or affected by, the performance or non-performance of any official act or duty of such public official or employee or of the government office or entity with which the public official or employee is associated or employed or which the public official or employee knows or has reason to believe is likely to be so involved or affected.

§ 3757. Permitted gifts, awards, loans, reimbursements and campaign contributions

Section 3756 shall not be construed to prohibit:

- A. An occasional non-pecuniary gift, insignificant in value;
- B. Gifts from and obviously motivated by family or social relationships, as among immediate family members or family inheritances;
- C. Food and refreshments customarily made available in the ordinary course of meetings where a public official or employee may properly be in attendance;
- D. An award or honor customarily and publicly presented in recognition of public service; and/or
- E. A political campaign contribution, in accordance with all applicable election laws and provided that such gift or loan is actually used in the recipient's political campaign for elective office of a governmental body or political subdivision thereof and provided further that no promise or commitment regarding the official duties of office or employment is made in return for such contribution.

§ 3758. Adoption of supplemental codes of conduct for official and employees of governmental entities of the Navajo Nation

- A. The chief executive or administrator of every governmental entity of the Navajo Nation which is subject to the provisions of this Chapter is authorized to submit for approval and adoption by the Committee such supplemental rules, regulations and standards of conduct for the public officials and employees of such entity, which are necessary and appropriate to the special conditions relating to their particular functions, purposes and duties and not in conflict with the purposes and other provisions of this Chapter. Upon adoption, such supplemental standards, rules and regulations shall be implemented in the same manner and to the extent applicable, as are all other standards, rules and regulations provided and adopted in accordance with the provisions of this Chapter.

- B. The Ethics and Rules Committee is also authorized to adopt supplemental rules, regulations, and standards of conduct for all elected officials as defined by the Navajo Nation Code.
- C. Other Navajo Nation Political Governing Bodies.
 - 1. Other political governing bodies of the Navajo Nation are authorized and directed to draft, adopt, implement and administer standards of conduct, disclosure requirements and other procedures, rules and regulations in conformity with the purposes and provisions of this Chapter.
 - 2. Any lawful authorization for any sponsorship or conduct of participation or involvement in any business activity by any political subdivision of the Navajo Nation shall be conditioned upon its prior adoption of such provisions, and enforcement thereof, as approved by the Committee.
- D. The Committee and the Navajo Nation Department of Justice shall provide such assistance as needed and requested by such governmental entities and political governing bodies of the Navajo Nation, in the preparation and drafting of such supplemental and implementing provisions as authorized and which are not in conflict with the purposes and provisions of this Chapter.

Subchapter 3. [Repealed]

Subchapter 4. Implementation and Compliance with *Ethics in Government Law*; Duties and Responsibilities; Investigation, Hearings, Findings, Reports and Recommendations

§ 3766. Ethics and Rules Committee of the Navajo Nation Council - Powers and duties

In accordance with all powers and authority as provided in 2 N.N.C. §§ 831–835 and in addition, the Committee shall have the specific duties, responsibilities and authority to:

- A. Adopt, amend and publish rules and regulations to implement all provisions of this Chapter. Before such rules and regulations are enacted a 45-day public notice and comment period shall be allowed.
- B. Ensure that all appropriate measures are taken for protecting the confidentiality of all statements, records, documents, other materials and information designated as such by this Chapter or by any other applicable rules or regulations of the Navajo Nation or other competent jurisdiction.
- C. Provide written advisory opinions to guide the conduct and address specific questions when requested by officials and employees who are subject to this Chapter.
 - 1. All opinions shall be confidential and maintained on record within the Ethics and

Rules Office;

2. All opinions shall be binding upon the Committee, with regard to matters related to the specific request, until amended or revoked by the Committee.
- D. The Committee may initiate and/or receive, review and/or investigate complaints filed with the Ethics and Rules Office.
- E. The Committee shall conduct Administrative Hearings to determine violations or noncompliance with this Chapter. All Committee hearings shall follow Rules of Procedures established and adopted by the Committee. The director shall be charged with the responsibility of representing the Navajo Nation in bringing forth all complaints filed under this Chapter.

§ 3767. Retaliation prohibited

- A. Retaliation against any party or witness to a complaint shall be prohibited. Retaliation shall include any form of adverse or punitive action. This protection shall also be afforded to any person(s), including Ethics and Rules Office staff, offering testimony or evidence or complying with directives of the Committee.
- B. Any violations shall be subject to penalties under this Chapter, as well as obstruction and contempt violations of both the civil and criminal codes of the Navajo Nation.

§ 3768. Dismissals

Upon recommendation of the Ethics and Rules Office, the Committee may dismiss any complaint which the Committee determines has insufficient facts to constitute a violation or noncompliance to this Chapter; or if there is insufficient evidence to support the allegations; or if the Committee lacks personal and subject matter jurisdiction.

§ 3769. Statute of Limitations

No action shall be brought under this Chapter more than four years after cause of action has accrued.

§ 3770. Administrative hearings

- A. The Committee, in the capacity of a quasi-judicial body, shall conduct administrative hearings on any alleged violation or noncompliance.
- B. The Ethics and Rules Office shall act in the capacity of complainant on matters to be heard by the Committee.
- C. The Hearing body may impose or recommend any sanctions, civil damages, restitution,

or other penalties provided in this Chapter, or refer their findings to other appropriate entities for action.

§ 3771. Appeals to Supreme Court

- A. The Supreme Court of the Navajo Nation shall have jurisdiction to hear appeals from final decisions. Appeals shall be limited to questions of law.
- B. A notice of appeal shall be filed within 10 working days of the issuance of a written decision.

§ 3772. Deliberations by the committee

In any complaint where the accused is the President, Vice-President, Chief Justice, or other judges of the Navajo Nation, Chapter official or a Council Delegate, the Ethics and Rules Committee, upon completion of the administrative hearing, shall deliberate in executive session and by resolution render its findings of facts, conclusions of law and recommendations for sanction.

§ 3773. [Repealed]

§ 3774. Committee's power as a quasi-judicial body

- A. The Committee shall hold in contempt any person found disobeying any lawful order, process writ, finding or direction of the Committee.
- B. The Committee is authorized to administer oaths and issue subpoenas to compel attendance and testimony of witnesses, or to produce any documents relevant to the matter before the Committee.
- C. The Committee shall maintain a complete record of all hearings, including all testimony and documents presented as evidence.
- D. The Committee shall not be bound by formal rules of evidence.
- E. The Committee shall conduct all hearings in open session. All records, transcripts, and other documents in the possession of the office shall remain confidential unless such information are submitted by the office as evidence.
- F. The Committee shall cause a copy of any order or decision to be delivered to the appropriate branch of the government.

§ 3775. Committee conflict of interest

No Committee member shall hear matters before the Committee which involve a member

of his/her immediate family and/or personal economic interest.

§ 3776. Independent legal counsel

Subject to all applicable laws, the Committee may obtain independent legal counsel to assist and advise the Committee.

§ 3777. Special prosecutors

- A. Notwithstanding any provision in this Chapter, any Special Prosecutor appointed pursuant to 2 N.N.C. §§ 2021 - 2024 shall have the following powers and authority in connection with any administrative proceeding under this Chapter, exercisable in the name of the Navajo Nation, with respect to any matter within such Special Prosecutor's jurisdiction:
1. To file a complaint with the Committee alleging a violation of this Chapter by any person subject thereto;
 2. To prosecute the complaint and represent the Navajo Nation's interest in any and all proceedings thereon;
 3. To exercise an unconditional right to intervene and be substituted as the complainant in any proceeding pending under this Chapter, without regard to the stage of such proceedings; and
- B. In the event of any administrative proceeding under this Chapter in which the Navajo Nation, through a Special Prosecutor, is a complainant against a person, any other complaint filed against such person hereunder (whether filed before or after the date on which the Navajo Nation became complainant) shall abate and shall be dismissed without prejudice, as to any common allegation of prohibited conduct.

§ 3778. [Repealed]

§ 3779. Other relief not barred

Nothing herein shall be construed as foreclosing the right of the Navajo Nation, through a Special Prosecutor or otherwise, to initiate proceedings to secure the relief and sanctions referred to in §§ 3781 or 3782 of this Chapter.

Subchapter 5. Sanctions and Penalties

§ 3780. Administrative sanctions; collection of judgments

- A. Upon finding that there has been violation of any provision of this Chapter, the Committee may impose any or all of the following penalties or sanctions:

1. Removal, discharge or termination from public office or employment in accordance with applicable Navajo Nation law and procedure.
 2. Disqualification for all elective public offices of the Navajo Nation and/or appointment to or employment in any public office of the Navajo Nation, for five years from the effective date of removal, discharge or any other termination of public office or employment of the Navajo Nation.
 3. Suspension from public office or employment and forfeiture of all compensation and benefits accruing therefrom, for not less than 30 days nor for more than one year.
 4. Accordingly, any public employee of the Navajo Nation shall be subject to discipline, including suspension without pay or other benefits and dismissal as provided by other laws, regulations and personnel policies or procedures applicable thereto.
 5. Issuance of a written public reprimand, which shall be entered into such person's permanent record of employment or office and upon the permanent record of the public office or entity of which such person is a member or employee, according to provision of applicable Navajo Nation law and procedures.
 6. Issuance of a private reprimand to such person, with or without suspension of any or all other sanctions provided herein.
 7. Imposition of restitution or such other civil penalties as hereinafter provided under §3781.
- B. Any person who is found to have violated any provisions of this Chapter shall forfeit any elective public office. This forfeiture provision shall not apply to any person against whom the only sanction imposed under §3780(A) is for a suspension from public office, or a written public reprimand, or private reprimand, or restitution of less than one thousand dollars (\$1,000).
- C. No sanctions or penalty provided herein shall limit any other powers of the Navajo Nation Council, Navajo Nation Courts, Judicial, Executive or Legislative Branches of the Navajo Nation, nor of any other entity or administrative officials or employees under other applicable law, rules, regulations or procedures.
- D. Judgments issued pursuant to the *Ethics in Government Law* which include the payment of money may be collected in any manner authorized for recovery of debts owed the Navajo Nation, including but not limited to garnishment proceedings as authorized by Navajo Nation law and offset provisions of the Navajo Nation Business and Procurement Act, 12 N.N.C. §1501 *et seq.*

§ 3781. Other civil damages

- A. A person found in violation of this mandate shall be further subject to, and personally liable for the following provisions, without regard to the imposition of any administrative sanction or criminal conviction:
 - 1. Any public official or employee who violates any economic disclosure or reporting requirement of this Chapter may be held liable to the Navajo Nation for civil damages in an amount not to exceed the value of any interest not properly reported.
 - 2. Any public official or employee who realizes an economic benefit as a result of violation of any prohibition or restriction set forth in Subchapter 2 and 3 of this Chapter shall be liable to the Navajo Nation for civil damages in an amount not exceeding three times the amount or value of the benefit or benefits so obtained.
- B. If two or more persons are responsible for any violation, each of them shall be liable to the Navajo Nation for the full amount of any civil damages prescribed herein, the full amount of which may be imposed upon and collected from each of them individually.
- C. Any civil penalties imposed hereunder shall be collected in any manner authorized for recovery of debts or obligations owed to the Navajo Nation and shall be paid into the General Fund of the Navajo Nation.
- D. No imposition of any or all civil damages provided herein shall be a bar to institution of any civil, criminal or misdemeanor action, liability, judgment, conviction or punishment otherwise applicable hereto, nor shall determination of any such civil damages be barred thereby.

§ 3782. Misdemeanor violations; punishments

The Navajo Nation, through the Office of the Prosecutor or Special Prosecutor shall be responsible for the enforcement of the following Subsection.

- A. Any person who is convicted or found guilty of knowingly and willfully violating any provision of Subchapter 2 of this Chapter is guilty of a misdemeanor and for a first offense shall be fined not more than five hundred dollars (\$500.00) and may be sentenced to imprisonment for not more than 180 days, or both.
- B. Any person knowingly and willfully filing any complaint authorized under this Chapter or by any other applicable law, without just cause and with malice or other improper purpose, including personal, political or other harassment or embarrassment, shall be guilty of a misdemeanor and for a first offense shall be fined not more than five hundred dollars (\$500.00) and may be sentenced to imprisonment for not more than 180 days, or both.

- C. Upon conviction of any subsequent offense prescribed in Subsection (A) or (B) of this Section, such person shall be fined not less than five hundred dollars (\$500.00) and shall be sentenced to imprisonment of not less than 30 days nor more than 180 days.
- D. A person convicted of a misdemeanor under this Chapter shall not be a candidate for elective public office, nor be eligible for any appointive office of the Navajo Nation, nor any of its governmental entities or political governing bodies; for five years following the date of conviction.
- E. A plea of *nolo contendere* shall be deemed a conviction for purposes of this Chapter.
- F. No criminal or misdemeanor action, judgment, conviction or punishment hereunder shall operate to bar any action for civil damage or penalty or imposition of any administrative sanction provided hereunder, nor be barred thereby.

§ 3783. Severability

If any provision of this Chapter or the application of such provision to any person, firm, association, corporation or circumstances shall be held invalid, the remainder of the Chapter and the application of such provision to persons, firms, associations, corporations or circumstances other than those as to which it is held invalid shall not be affected thereby.

§ 3784. Effective date

The effective date of all provisions of this Navajo Nation *Ethics in Government Law* shall be October 8, 1984.

§ 3785. Prior inconsistent law superseded

Upon the effective date of this Navajo Nation *Ethics in Government Law*, all prior inconsistent enactments, laws, rules, policies, ordinances and regulations of the Navajo Nation and all branches, divisions, departments, offices and political subdivisions thereof, are superseded hereby and/or amended to comply herewith.

Subchapter 6. Ethics and Rules Office

§ 3786. Establishment

There is hereby established the Ethics and Rules Office within the Navajo Nation government.

§ 3787. Purpose

The purpose of the Ethics and Rules Office shall be to:

- A. Provide administrative assistance to the Ethics and Rules Committee of the Navajo Nation Council in ensuring adherence to legislative mandates under the Navajo Nation *Ethics in Government Law*, Ethics and Rules Committee Plan of Operation, and other applicable laws of the Navajo Nation;
- B. To represent the interests of the Navajo Nation in maintaining the highest standards of ethical conduct by the elected and appointed public officials, officers and representatives of the Navajo Nation, in the performance of their public and official duties and functions, (includes candidates and public employees);
- C. To maintain and make available for official information, complete and current written records of all laws, resolutions, rules, regulations and other official enactments, rulings, decisions or opinions relating to requirements, prohibitions or standards of ethical conduct or disclosure by elected and appointed public officials, officers, employees and representatives of the government of the Navajo Nation; together with current and complete records of such written disclosures as may be required by the laws of the Navajo Nation; and
- D. To protect the interest of the Navajo People in fair, honest and efficient conduct of the government of the Navajo Nation, in accordance with the laws of the Navajo Nation and the will of the Navajo People, through review, recommendation and sponsorship of projects, legislation, rules and standards in furtherance of these ends.

§ 3788. Personnel and organization

- A. There is established the position of Director for the Ethics and Rules Office and administrative/secretarial staff as may be budgeted by the Navajo Nation Council.
- B. The Ethics and Rules Committee and the Executive Director of the Office of Legislative Affairs shall have the authority to employ the Director of the Ethics and Rules Office.
- C. The Director shall have the authority to hire the administrative/secretarial staff, pursuant to Navajo Nation Personnel Policies and Procedures.

- D. All Ethics and Rules Office personnel shall be subject to the Navajo Nation personnel compensation, benefits, and policies and procedures
- E. The Director of the Ethics and Rules Office shall be administratively responsible to the Executive Director, Office of Legislative Services, in carrying out policies authorized and directed by the Ethics and Rules Committee of the Navajo Nation Council, as provided under Section 3787 of this Subchapter.

§ 3789. Duties, responsibilities and authority

- A. The Director shall have the authority necessary and proper to carry out the purpose set forth in §3787 of this Chapter.
- B. Under general direction, the Director of the Ethics and Rules Office shall have the duties, responsibility, and authority to assist the Ethics and Rules Committee of the Navajo Nation Council to:
 - 1. Provide recommendations to the Ethics and Rules Committee concerning rules and regulations necessary to implement provisions of the Navajo Nation *Ethics in Government Law* and to publish same after proper approval;
 - 2. Prescribe and make available appropriate forms for economic disclosure statements and distribute such forms to all persons required to complete and file with the Ethics Rules Committee of the Navajo Nation Council;
 - 3. Establish policies and procedures for completing and filing economic disclosure statements and provide training as deemed necessary,
 - 4. Maintain current list of all persons required to file economic disclosure statements;
 - 5. Provide for the preservation of economic disclosure statements filed with the Ethics and Rules Committee and ensure their confidentiality in accordance with the Navajo Nation *Ethics in Government Law* and all applicable rules and regulations;
 - 6. Audit, review and evaluate all economic disclosure statements and make available for public access those deemed public records during regular office hours;
 - 7. Provide and maintain written advisory opinions on the requirements of the Navajo Nation *Ethics in Government Law*, upon request from persons whose conduct is subject thereto and who have specific need to use such opinions;
 - 8. Receive, examine and investigate complaints and conduct such hearings, in accordance with rules and regulations lawfully adopted and authorized to determine facts of allegations or noncompliance with provisions of the Navajo

Nation *Ethics in Government Law*;

9. Implement, facilitate and require compliance with all provisions of the Navajo Nation *Ethics in Government Law* in accordance with stated purposes and intent, together with lawfully adopted rules and regulations, and the provisions of the Ethics and Rules Committee, Plan of Operation; and
10. Assist in instituting and conducting hearings on any matter which cannot be resolved by voluntary compliance and/or remedial action.

§ 3790. Political practices prohibited

The staff shall not, for the purpose of personal gain, use any information or conduct any proceedings for the intent of causing harm or injury to the political standing or reputation of any member of the Navajo Nation Council, the President and Vice-President of the Navajo Nation, or any other employee, or officer of the Navajo Nation.

§ 3791. Office location and hours

- A. The administrative office of the Ethics and Rules Office shall be located in Window Rock, Arizona. Mailing address is as follows: P.O. Box 3390, Window Rock, Arizona 86515.
- B. The office shall be open Monday through Friday, between 8:00 a.m. and 5:00 p.m., in the absence of any directive to the contrary from the Director, Ethics and Rules Office.

§ 3792. Construction

Nothing contained in this Plan of Operation shall be construed to limit the authority of the Ethics and Rules Committee of the Navajo Nation Council and/or their representatives in ensuring adherence to and carrying out the legislative intent of the Navajo Nation *Ethics in Government Law* and the Ethics and Rules Committee's Plan of Operation, and all applicable laws of the Navajo Nation.

§ 3793. Amendments

This Plan of Operation may be amended by the Ethics and Rules Committee of the Navajo Nation Council subject to the approval of Intergovernmental Relations Committee of the Navajo Nation Council.

Chapter 7. Navajo Nation *Ethics in Government Law Garnishment Act of 2005*

Section

- 3800. Title
- 3801. Purpose
- 3802. Findings
- 3803. General
- 3804. Definitions
- 3805. Issuance of writ of garnishment; answer; objection; order
- 3806. Limitations upon transfers by garnishee
- 3807. Possession by judgment debtor
- 3808. Restrictions on discharge from employment by reason of garnishment
- 3809. Exemptions and restrictions
- 3810. Maximum allowable earnings subject to garnishment

§ 3800. Title

This Act shall be entitled and referred to as the Navajo Nation *Ethics in Government Law Garnishment Act of 2005*.

§ 3801. Purpose

The purpose of this Act is to allow the remedy of garnishment in the collection of judgments issued by the Ethics and Rules Committee pursuant to the Navajo Nation *Ethics in Government Law*, 2 N.N.C. §3741 *et seq.*

§ 3802. Findings

The Navajo Nation Council finds that:

- A. The Ethics and Rules Committee of the Navajo Nation Council conducts hearings for alleged violations of the Navajo Nation *Ethics in Government Law*, 2 N.N.C. §3741 *et seq.* These hearings involve public elected officials and Navajo Nation employees.
- B. Sanctions for violations of the Navajo Nation *Ethics in Government Law* include removal from or disqualification for elected office, termination of employment, payment of fines and restitution, reprimand and other penalties.
- C. Nonpayment of fines and restitution ordered pursuant to the *Ethics in Government Law* is a growing concern.

§ 3803. General

- A. The remedy of garnishment shall be available for only collection of civil damages,

restitution, fines, and/or penalties pursuant to a judgment, *i.e.*, order or decision, duly issued under the Navajo Nation *Ethics in Government Law*.

- B. The remedy of garnishment is applicable to any of the following:
1. Nonrestricted earnings owing to a judgment debtor by a garnishee.
 2. Nonrestricted assets, including nonrestricted monies, held by a garnishee on behalf of a judgment debtor.
 3. Personal property of a judgment debtor that is in the possession of a garnishee.
 4. Shares and securities of a corporation or a proprietary interest in a corporation belonging to a judgment debtor, if the garnishee is a corporation.
- C. A judgment creditor, or the Navajo Nation Office of Ethics and Rules on behalf of a judgment creditor, in whose favor a money judgment is awarded by the Ethics and Rules Committee of the Navajo Nation Council for violations of the Navajo Nation *Ethics in Government Law* may apply for writ of garnishment for its enforcement at any time within 10 years after entry of the judgment.
- D. A judgment creditor may apply for as many writs of garnishment as are necessary to collect the entire amount of the judgment.
- E. Jurisdiction over garnishment actions initiated pursuant to a judgment issued under the Navajo Nation *Ethics in Government Law* shall lie solely with the courts of the Navajo Nation.

§ 3804. Definitions

For the purpose of garnishment under this Act, the following words shall have the following meanings, unless the context otherwise requires:

- A. **Assets.** Interests in personal property and monies including, among other items, chattels, cash, bank accounts, securities, notes, and accounts receivable, but not including earnings or interests in real property.
- B. **Disposable Earnings.** That part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be exempted or withheld, *e.g.*, FICA, Medicare, federal income tax.
- C. **Earnings.** Compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus or otherwise.
- D. **Federal Minimum Hourly Wage Rate.** The highest federal minimum hourly wage rate for

an eight-hour day and a 40-hour week. It is immaterial whether the garnishee is exempt from paying the federal minimum hourly wage rate.

- E. Garnishee. The third person or entity, including Navajo Nation enterprises, entities, authorities, and corporations, in control or possession of the earnings or assets which are the subject of the garnishment proceeding.
- F. Garnishment. Legal procedure through which the earnings or any other asset of a judgment debtor are required to be withheld by a third party and, upon subsequent court order, released to a judgment creditor for payment of a debt which has been reduced to judgment under the Navajo Nation *Ethics in Government Law*.
- G. Judgment Creditor. A person or entity, including the Navajo Nation and its branches, divisions, departments, programs, enterprises, boards, commissions, and chapters, that has a money judgment in its favor pursuant to an order or decision duly issued under the Navajo Nation *Ethics in Government Law* that is due and unpaid.
- H. Judgment Debtor. A person against whom a money judgment has been awarded pursuant to an order or decision duly issued under the Navajo Nation *Ethics in Government Law*.
- I. Order of Garnishment. Court order directing the garnishee to pay, transfer and/or release nonrestricted earnings or assets of the judgment debtor in the amount or a portion of the amount stated in the writ of garnishment plus costs and fees to the judgment creditor in a specified manner and at a specified time.
- J. Restricted Earnings and Assets. That portion of earnings and/or assets that are exempt from attachment in a garnishment proceeding, including those earnings and assets deemed exempt and restricted by this Act.
- K. Writ of Garnishment. Preliminary court order issued through the Clerk of Court directing the garnishee not to pay, transfer and/or release nonrestricted earnings or assets of the judgment debtor in the amount or a portion of the amount stated in the writ of garnishment and directing the garnishee to file an answer to the writ of garnishment and directing the garnishee to serve the writ of garnishment on the judgment debtor.

§ 3805. Issuance of writ of garnishment; answer; objection; order

In accordance with the rules for garnishment proceedings, as enacted pursuant to 7 N.N.C. §601:

- A. Upon the filing of a proper petition, a writ of garnishment in the amount of the judgment or portion thereof as stated in the petition shall be issued by the Clerk of Court and directed to the garnishee.
- B. The garnishee shall file an answer to the writ of garnishment and serve the writ of garnishment, as well as the answer, on the judgment debtor.

- C. The judgment debtor or other interested person or entity may file an objection to the writ of garnishment or the answer of the garnishee.
- D. If the answer shows that the garnishee was holding nonexempt monies or personal property of the judgment debtor or that the judgment debtor is an employee of the garnishee entitled to future earnings and if no objection to the writ of garnishment is filed, the court will, without hearing issue an order of garnishment.
- E. If an objection to the writ of garnishment is filed and/or the conditions precedent of Subsection (D) are not met, the court will hear the matter without a jury prior to issuing an order of garnishment or ordering the garnishment stopped.

§ 3806. Limitations upon transfers by garnishee

- A. From and after service of the writ of garnishment and until the court issues the garnishment stopped, the garnishee shall not pay, transfer or release any unrestricted asset in the garnishee's possession or under the garnishee's control to which the judgment debtor has an interest or pay and/or release unrestricted earnings owing to the judgment debtor.
- B. The garnishee shall be liable to the judgment creditor for any such payment, transfer, or release prohibited above.

§ 3807. Possession by judgment debtor

- A. At any time before an order of garnishment is issued, the judgment debtor may take possession of any earnings or assets withheld by the garnishee by filing with the court (1) a bond payable to the garnishee in the amount, including costs and fees, set forth in the application for the writ of garnishment, or (2) a bond payable to the garnishee for the value of the earnings and assets to be garnished. The bond shall be conditioned upon the payment of any judgment that may be given against the garnishee or for payment of the value of the property garnished.
- B. When the judgment debtor provides a bond, he may make any objection which the garnishee could make in such action. With or without bond, the judgment debtor may assert any legal objections he may have to the writ of garnishment.
- C. If judgment debtor takes possession of property under this Section and judgment on garnishment is given in favor of the judgment creditor, it shall be against the judgment debtor and the sureties on the judgment debtor's bond for the amount of such judgment.

§ 3808. Restrictions on discharge from employment by reason of garnishment

- A. No employer may discharge any employee by reason of the fact that his or her earnings

have been subject to garnishment.

- B. An employer who willfully violates Subsection (A) of this Section shall be assessed a civil liability of not more than one thousand dollars (\$1,000) payable to the employee.

§ 3809. Exemptions and restrictions

The following earnings and assets shall be restricted and exempt from garnishment:

- A. Benefits paid by the Social Security Administration;
- B. Railroad retirement benefits under the Railroad Retirement Act of 1974, 45 U.S.C. §231;
- C. Retirement benefits, including Civil Servant's Retirement benefits under 5 U.S.C. §8331 *et seq.* and benefits payable by the Navajo Nation pursuant to Navajo Nation defined contribution and/or defined benefit retirement plans;
- D. Military annuities under 10 U.S.C. §1440;
- E. Social welfare benefits including, but not limited to:
 - 1. Aid to Families with Dependent Children, or its successor; and
 - 2. General Assistance;
- F. All monies received by or payable to the judgment debtor pursuant to a child support order;
- G. Earnings payable by the judgment debtor pursuant to a child support order;
- H. Earnings and assets restricted or excepted under 15 U.S.C. §1671 *et seq.*; and,
- I. Interests in real property.

§ 3810. Maximum allowable earnings subject to garnishment

The maximum amount of earnings subject to garnishment shall not exceed the lesser of:

- A. Fifteen percent (15%) of the judgment debtor's disposable income for any pay period; or
- B. The amount by which the judgment debtor's disposable income exceeds 30 times the federal minimum wage (based on a 40 hour work week) in effect at the time the earnings are payable.