



**NAVAJO NATION DEPARTMENT OF JUSTICE**  
**OFFICE OF THE ATTORNEY GENERAL**

DOREEN N. MCPAUL  
Attorney General

KIMBERLY A. DUTCHER  
Deputy Attorney General

**DEPARTMENT OF JUSTICE**  
**INITIAL ELIGIBILITY DETERMINATION**  
**FOR NAVAJO NATION FISCAL RECOVERY FUNDS**

**RFS/HK Review #:** HK0693

**Date & Time Received:** 11/9/2023 16:01

**Date & Time of Response:** 11/22/23 17:00

**Entity Requesting FRF:** Nazlini Chapter

**Title of Project:** Hazard/Premium Pay

**Administrative Oversight:** Division of Community Development

**Amount of Funding Requested:** \$ 94,200

**Eligibility Determination:**

- ☐ FRF eligible  
☐ FRF ineligible  
☒ Additional information requested

**FRF Eligibility Category:**

- ☐ (1) Public Health and Economic Impact  
☐ (2) Premium Pay  
☐ (3) Government Services/Lost Revenue  
☐ (4) Water, Sewer, Broadband Infrastructure

**U.S. Department of Treasury Reporting Expenditure Category:** To be determined.

**Returned for the following reasons (Ineligibility Reasons / Paragraphs 5. E. (1) - (10) of FRF Procedures):**

- |   |  |
|---|--|
| <input type="checkbox"/> Missing Form   | <input type="checkbox"/> Expenditure Plan incomplete                     |
| <input type="checkbox"/> Supporting documentation missing   | <input type="checkbox"/> Funds will not be obligated by 12/31/2024       |
| <input type="checkbox"/> Project will not be completed by 12/31/2026  | <input type="checkbox"/> Incorrect Signatory                             |
| <input type="checkbox"/> Ineligible purpose   | <input type="checkbox"/> Inconsistent with applicable NN or federal laws |
| <input type="checkbox"/> Submitter failed to timely submit CARES reports  |  |
| <input checked="" type="checkbox"/> Additional information submitted is insufficient to make a proper determination |  |

Other Comments: Further information is needed to evaluate the project.

**Premium Pay:** To qualify as “premium pay” (also considered "hazard pay") there are several requirements that must be met. Under the American Rescue Plan and guidance issued by the U.S. Department of Treasury, Fiscal Recovery Funds (FRF) can be used for premium pay only in limited situations.

**Specifically, FRF can only be used to provide *premium pay to eligible workers that are performing essential work to respond to pandemic.***

The italicized terms are further defined as follows:

- Premium Pay = Up to \$13 per hour; no more than \$25,000 per employee in total. This must be paid in addition to the employee’s regular compensation.
- Eligible Workers = Are those employees needed to maintain continuity of operations of essential critical infrastructure sections and additional sectors as each government may designate as critical to protect the health and wellbeing of residents. This includes those providing vital services to Tribes.
- Essential Work = Is that work that requires interaction with people or things that have interacted with people. This definition would exclude hour that were teleworked.
- Respond = To be responsive, Treasury guidance indicates that one of the three conditions must be met:

Condition 1: The employee’s total pay (premium pay and regular compensation) must be less or equal to 150% the state’s or county’s average annual wages for all occupations; or

Condition 2: The employees who are eligible to receive premium pay must be eligible for overtime under the Fair Labor Standards Act (FLSA).

Condition 3: A justification must be submitted to Treasury explaining how the premium pay is responsive to the COVID-19 pandemic.

Finally, while premium pay can be paid for work retroactive back to March 3, 2020, it cannot be paid for work after April 10, 2023, the date on which the National Emergency ended.

**The Project should be resubmitted and answer the following questions:**

1. Are the workers eligible to receive payments employees of the Chapter or the Tribe?
2. Did the workers performed essential work, as defined above?
3. Did the workers all perform essential work in the time frame of March 2020 to April 10, 2023?
4. Based on the time frame to which the premium pay relates, confirm that the premium pay will be in addition to regular compensation and will not be more than \$13 dollars an hour. Stated differently, a worker cannot work have worked 10 hours between March 3, 2020 and April 10, 2023, and receive any more than \$130 dollars in premium pay.
5. Describe how the premium pay responds to the pandemic, specifically which of the three conditions outlined above is met.

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Name of DOJ Reviewer: MacArthur Stant

Signature of DOJ Reviewer: 

Disclaimers: If additional information has been requested and you wish to provide it, please resubmit all the required forms updated to include the additional information. Full resubmission will expedite the Initial Eligibility Determination process. Therefore, please include a new RFS form indicating resubmission, revised Appendix A, Budget Form 1, and other supporting documents. **Please email your resubmission to [arpa@nndoj.org](mailto:arpa@nndoj.org).** Please be aware that under Resolution BFS-31-21 a Project or Program can only be reviewed twice, therefore it is critical that you include all the requested additional information for your second submission.

**THE NAVAJO NATION  
FISCAL RECOVERY FUNDS REQUEST FORM & EXPENDITURE PLAN  
FOR GOVERNANCE-CERTIFIED CHAPTERS**

**Part 1. Identification of parties.**

Governance-Certified Chapter requesting FRF: Nazlini Chapter Government Date prepared: May. 1, 2023

Chapter's mailing address: P.O. Box 7387, Nazlini, Arizona 86540-7387 phone & email: (928) 755-5900  
website (if any): \_\_\_\_\_

This Form prepared by: Melissa Winney, Chapter Manager phone/email: (928) 755-5900

CONTACT PERSON'S name and title

CONTACT PERSON'S info

Title and type of Project: Hazard/Premium Pay

Chapter President: Lee V. Bigwater phone & email: lbigwater@naataanii

Chapter Vice-President: Joseph Dedman phone & email: josephdedman32@gmail.com

Chapter Secretary: JoAnn Dedman phone & email: asdzaaltsui@hotmail.com

Chapter Treasurer: JoAnn Dedman phone & email: asdzaaltsui@hotmail.com

Chapter Manager or CSC: Melissa Winney, Chapter Mgr. phone & email: mwinney@nnchapter.com

DCD/Chapter ASO: Edgerton Gene, Sr. Prog./Proj. Sp. phone & email: (928) 674-2251 egene@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): \_\_\_\_\_

☐ document attached

Amount of FRF requested: \$94,200.00 FRF funding period: May 1, 2023 - December 31, 2026

*Indicate Project starting and ending/deadline date*

**Part 2. Expenditure Plan details.**

(a) Describe the Program(s) and/or Project(s) to be funded, including how the funds will be used, for what purposes, the location(s) to be served, and what COVID-related needs will be addressed:

This Nazlini Hazard/Premium Pay for Employees project is for essential personnel whose duties were substantially dedicated to mitigating or responding to the COVID-19 Public Health Emergency. The project will provide hazard/premium pay for work performed since March 2020 at the start of the COVID-19 pandemic. This project expenditure for workers who provided logistical support & assistance in mitigating, preparing, responding & recovering from this emergency situations & expanded & improved community services. Access to utilities & government services facilitates sustainable economic & social growth & can drastically increase the quality of healthcare provided.

☐ document attached

(b) Explain how the Program or Project will benefit the Navajo Nation, Navajo communities, or the Navajo People:

Most rural communities on the Navajo Nation lack access to governmental services & COVID-19 impeded these operations. This project contributed & strengthened the local direct mitigation, preparedness, response & recovery of local governmental services & local emergency situations to address the needs for the community. This project assisted in promoting public health & economic stimulus & the Navajo people directly benefit from this project.

☐ document attached

(c) A prospective timeline showing the estimated date of completion of the Project and/or each phase of the Project. Disclose any challenges that may prevent you from incurring costs for all funding by December 31, 2024 and/or fully expending funds and completing the Program(s) or Project(s) by December 31, 2026:

## APPENDIX A

Based on the funding, the project end date will be December 31, 2026 with all funds being incurred before December 31, 2024. Navajo Nation Budget Form 2 are attached for phase goals per quarter of funding period.

☐ document attached

(d) Identify who will be responsible for implementing the Program or Project:

The Nazlini Chapter Government Chapter Manager will be implementing the NN ARPA Funding Act & Nazlini ARPA Chapter Hazard/Premium Pay for Employees project.

☐ document attached

(e) Explain who will be responsible for operations and maintenance costs for the Project once completed, and how such costs will be funded prospectively:

Nazlini Chapter Government will be responsible for executing payouts of the Chapter Hazard/Premium Pay for Employees, no additional cost or recurring cost will be incurred by Nazlini Chapter Government once project is completed.

☐ document attached

(f) State which of the 66 Fiscal Recovery Fund expenditure categories in the attached U.S. Department of the Treasury Appendix 1 listing the proposed Program or Project falls under, and explain the reason why:

Categories: Premium Pay: 4.1 - Public Sector Employees

Pursuant to the U.S. Treasury guidelines and funding objectives, this warehouse will address the conditions that contributed to poor public health & economic outcomes during the pandemic. By concentrating in areas with limited economic opportunities & inadequate or poor housing quality, the access to resources facilitates improved health outcomes including services connecting residents with healthcare resources, public assistance & build healthier environments such as: government & housing services to support healthy living environments & communities conducive to mental & physical wellness. The exacerbation of health disparities during the pandemic & the role of pre-existing social vulnerabilities are responsive to the public health impact of the pandemic. This warehouse will a build healthier environment. Access to government services that facilitates sustainable economic, social growth & can drastically increase the quality of healthcare provided

☐ document attached

### Part 3. Additional documents.

List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

☐ Chapter Resolution attached

### Part 4. Affirmation by Funding Recipient.

Funding Recipient affirms that its receipt of Fiscal Recovery Funds and the implementation of this FRF Expenditure Plan shall be in accordance with Resolution No. CJY-41-21, the ARPA, ARPA Regulations, and with all applicable federal and Navajo Nation laws, regulations, and policies:

Chapter's  
Preparer:

  
signature of Preparer/CONTACT PERSON

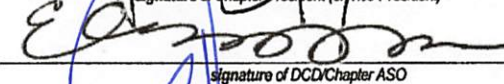
Approved by:

  
signature of Chapter President (or Vice-President)

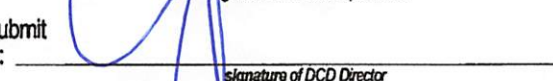
Approved by:

  
signature of Chapter Manager or OSC

Approved by:

  
signature of DCD/Chapter ASO

Approved to submit  
for Review:

  
signature of DCD Director



FY 2023

**THE NAVAJO NATION  
PROGRAM BUDGET SUMMARY**

Page 1 of 3  
**BUDGET FORM 1**

<b>PART I. Business Unit No.:</b> <u>NEW</u>		<b>Program Title:</b> <u>Nazlini Chptr Gov't - Hazard Premium Pay</u>		<b>Division/Branch:</b> <u>Executive / DCD</u>	
<b>Prepared By:</b> <u>Melissa Winney, Chapter Manager</u>		<b>Phone No.:</b> <u>(928) 755-9500</u>		<b>Email Address:</b> <u>mwinney@nnchapter.org</u>	


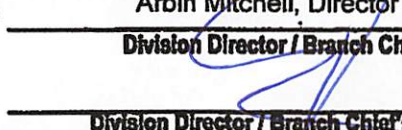
  

PART II. FUNDING SOURCE(S)	Fiscal Year /Term	Amount	% of Total	PART III. BUDGET SUMMARY	Fund Type Code	(A) NNC Approved Original Budget	(B) Proposed Budget	(C) Difference or Total
NN Fiscal Recovery Funds	5/1/23-12/31/26	94,200.00	100%	2001 Personnel Expenses				
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services	6	0	94,200.00	94,200.00
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				<b>TOTAL</b>		\$0.00	94,200.00	94,200.00

PART IV. POSITIONS AND VEHICLES	(D)	(E)
Total # of Positions Budgeted:	0	0
Total # of Vehicles Budgeted:	0	0

<b>PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.</b>			
<b>SUBMITTED BY:</b> <u>Melissa Winney, Chapter Manager</u> Program Manager's Printed Name  Program Manager's Signature and Date	<b>APPROVED BY:</b> <u>Arbin Mitchell, Director</u> Division Director / Branch Chief's Printed Name  Division Director / Branch Chief's Signature and Date		


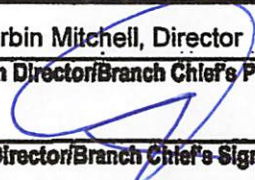
10/30/2023

Jaron Charley, Program Manager

FY 2023

**THE NAVAJO NATION  
PROGRAM PERFORMANCE CRITERIA**

**Page 2 of 3  
BUDGET FORM 2**

<b>PART I. PROGRAM INFORMATION:</b>									
Business Unit No.: <u>NEW</u>		Program Name/Title: <u>Nazini Chapter Gov't - Hazard/Premium Pay</u>							
<b>PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM:</b>									
The Navajo Nation Chapters Plan of Operations is reference in Title 26 of the Navajo Nation Code.									
<b>PART III. PROGRAM PERFORMANCE CRITERIA:</b>									
		1st QTR		2nd QTR		3rd QTR		4th QTR	
		Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
1. Goal Statement:									
Provide premium/hazard pay for essential workers									
Program Performance Measure:									
Pay premium/hazard pay to essential workers who worked throughout the COVID-19 Emergency		1		1		1		1	
2. Goal Statement:									
Program Performance Measure:									
3. Goal Statement:									
Program Performance Measure:									
4. Goal Statement:									
Program Performance Measure:									
5. Goal Statement:									
Program Performance Measure:									
<b>PART IV. I THEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED.</b>									
Melissa Winney, Chapter Manager					Arbin Mitchell, Director				
Program Manager's Printed Name					Division Director/Branch Chief's Printed Name				
									
Program Manager's Signature and Date					Division Director/Branch Chief's Signature and Date				
Jaron Charley, Program Manager					10/30/2023				



FY 2023

**THE NAVAJO NATION  
DETAILED BUDGET AND JUSTIFICATION**

Page 3 of 3  
BUDGET FORM 4

<b>PART I. PROGRAM INFORMATION:</b> Program Name/Title: <u>Nazlini Chapter Gov't - Hazard/Premium Pay</u> Business Unit No.: <u>NEW</u>			
<b>PART II. DETAILED BUDGET:</b>			
(A)	(B)	(C)	(D)
Object Code (LOD 6)	Object Code Description and Justification (LOD 7)	Total by DETAILED Object Code (LOD 6)	Total by MAJOR Object Code (LOD 4)
6960 Assistance 6990 Hazard Pay for essential personnel	Hazard/Premium Pay to essential workers who worked throughout the COVID-19 Emergency. 4 staff at \$500.00 each 5 staff at \$2,000.00 each 6 staff at \$6,000.00 each 3 staff at \$15,400.00 each  <b>Premium Pay: Public Sector Employees - ARPA Chapter Hazard/Premium Pay for Employees Project.</b> This Nazlini Hazard/Premium Pay for Employees project is for essential personnel whose duties were substantially dedicated to mitigating or responding to the COVID-19 Public Health Emergency. The project will provide hazard/premium pay for work preformed since March 2020 at the start of the COVID-19 pandemic. This project expenditures for workers who provided logistical support & assistance in mitigating, preparing, responding & recovering from this emergency situation & expanded & improved community services. Access to utilities & government services facilitates sustainable economic & social growth .	94,200	94,200
<b>TOTAL</b>		94,200	94,200



# THE NAVAJO NATION PROJECT BUDGET SCHEDULE

Page 1 of 1  
PROJECT FORM

<b>PART I. Business Unit No.: NEW</b>  Project Title: <u>Nazlini Chapter Government - Chapter Hazard/Premium Pay for Employees</u>  Project Description <u>Project is for essential personnel whose duties were substantially dedicated to mitigating or responding to the COVID-19 Public Health Emergency. This project will provide hazard/premium pay for work performed since March 2020 a the start of the pandemic.</u>  Check one box: <input checked="" type="checkbox"/> Original Budget <input type="checkbox"/> Budget Revision <input type="checkbox"/> Budget Reallocation <input type="checkbox"/> Budget Modification																		<b>PART II. Project Information</b>  Project Type: <u>Hazard/Premium Pay</u>  Planned Start Date: <u>5/1/2023</u>  Planned End Date: <u>12/31/2026</u>  Project Manager: <u>Melissa Winney</u>																																																																																																																																																																																																																																																																																																																																
<b>PART III.</b>  List Project Task separately; such as Plan, Design, Construct, Equip or Furnish.		<b>PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc.</b>  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="12">FY 2023</th> <th colspan="12">FY 2024</th> <th colspan="6" rowspan="2">Expected Completion Date if project exceeds 8 FY Qtrs.</th> </tr> <tr> <th colspan="3">1st Qtr.</th> <th colspan="3">2nd Qtr.</th> <th colspan="3">3rd Qtr.</th> <th colspan="3">4th Qtr.</th> <th colspan="3">1st Qtr.</th> <th colspan="3">2nd Qtr.</th> <th colspan="3">3rd Qtr.</th> <th colspan="3">4th Qtr.</th> </tr> <tr> <th>O</th><th>N</th><th>D</th> <th>J</th><th>F</th><th>M</th> <th>A</th><th>M</th><th>J</th> <th>Jul</th><th>A</th><th>S</th> <th>O</th><th>N</th><th>D</th> <th>J</th><th>F</th><th>M</th> <th>A</th><th>M</th><th>J</th> <th>Jul</th><th>A</th><th>S</th> <th>O</th><th>N</th><th>D</th> <th>J</th><th>F</th><th>M</th> </tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>XX</td><td>XX</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>XX</td><td>XX</td><td>XX</td><td>XX</td><td>XX</td><td>XX</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>XX</td><td></td><td></td><td></td><td></td><td></td><td></td><td>XX</td><td></td><td></td> </tr> <tr> <td colspan="28" style="height: 100px;"></td> </tr> <tr> <td colspan="12" style="text-align: center;">\$</td> <td colspan="12" style="text-align: center;">\$</td> <td colspan="6" style="text-align: center;">\$</td> <td colspan="6" style="text-align: center;">\$</td> <td colspan="6" style="text-align: center;">\$</td> <td colspan="6" style="text-align: center;">PROJECT TOTAL</td> </tr> <tr> <td colspan="12" style="text-align: center;">Expected Quarterly Expenditures</td> <td colspan="12" style="text-align: center;">9,200.00</td> <td colspan="12" style="text-align: center;">40,000.00</td> <td colspan="12" style="text-align: center;">40,000.00</td> <td colspan="12" style="text-align: center;">5,000.00</td> <td colspan="6" style="text-align: center;">\$94,200.00</td> </tr> </tbody> </table>																								FY 2023												FY 2024												Expected Completion Date if project exceeds 8 FY Qtrs.						1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			1st Qtr.			2nd Qtr.			3rd Qtr.			4th Qtr.			O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M	A	M	J	Jul	A	S	O	N	D	J	F	M											XX	XX																															XX	XX	XX	XX	XX	XX																														XX							XX																															\$												\$												\$						\$						\$						PROJECT TOTAL						Expected Quarterly Expenditures												9,200.00												40,000.00												40,000.00												5,000.00												\$94,200.00					
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# NAZLINI CHAPTER GOVERNMENT



LEE V. BIGWATER  
CHAPTER PRESIDENT

JOSEPH DEDMAN  
CHAPTER VICE-PRESIDENT

JOANN DEDMAN  
SECRETARY/TREASURER

CRYSTALYNE CURLEY  
COUNCIL DELEGATE

IRVIN SHIRLEY  
GRAZING REPRESENTATIVE

## NAZLINI CHAPTER RESOLUTION NAZL-JULY-23-062

### APPROVING THE PROPOSED REQUEST FOR ADDITIONAL AMERICAN RESCUE PLAN ACT (ARPA) PROJECTS AND BUDGETS AND REQUESTING THE 25<sup>TH</sup> NAVAJO NATION COUNCIL FOR SUPPORT AND APPROVAL

#### WHEREAS:

1. Pursuant to N.N.C., Title 26, Section 101, and the Navajo Nation Council Resources and Development Committee Legislation #RDCF-0052-15 dated February 17, 2015, Nazlini Chapter Government was recognized as an LGA Certified Chapter and delegated with the responsibility and authority to make decisions over local chapter matters; AND
2. Pursuant to Resolution CJN-29-22, the Navajo Nation Council approved the allocation of \$1,070,298,867.00 of the Navajo Nation Fiscal Recovery Funds and approved the Fiscal Recovery Fund Expenditure Plans for chapter and regional projects; AND
3. The Navajo Nation Fiscal Recovery Fund Office anticipates that some chapters and organizations will not be able to encumber and expend allocated funds before the deadlines established by the Federal Government; AND
4. Nazlini Chapter would like to take a proactive approach and be prepared with shovel-ready projects to take advantage of this once in a lifetime opportunity; AND
5. Nazlini Chapter will submit the additional proposed projects to the Navajo Nation Fiscal Recovery Fund Office, Division of Community Development and Navajo Department of Justice to determine project eligibility.

#### NOW THEREFORE BE IT RESOLVED THAT:

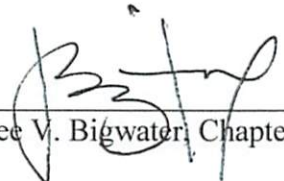
1. The Nazlini Chapter hereby approves the proposed request for additional American Rescue Plan Act (ARPA) projects and budget and requests the 25<sup>th</sup> Navajo Nation Council for support and approval as listed below.

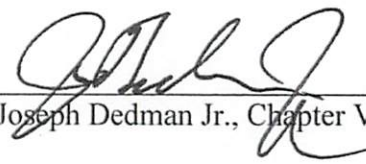
Page Two  
NAZL-JULY-23-062  
July 07, 2023

	PROJECT DESCRIPTION	CATEGORY & TITLE	AMOUNT
01	Hazard/Premium Pay	4.1-Premium Pay	\$94,200.00
02	Wood/Pellet Stoves	2.18-Housing Support	\$140,000.00
03	Refrigerators & Ranges	2.18-Housing Support	\$195,000.00
04	PEP Temporary Employment	2.37-Econ Impact Assistance	\$762,178.54
05	Equipment & Machinery	6.1-Prov of Govt Services	\$520,000.00
06	C-Store/Post Office/Laundromat	6.1-Prov of Govt Services	\$10,000,000.00
		GRAND TOTAL	\$11,711,378.54

### CERTIFICATION

We hereby certify that the foregoing resolution was duly considered and moved for adoption by Lorraine Nells, seconded by Elbert Woody and passed by a vote of 27 in favor, 0 opposed, 0 abstained, this 7th day of July 2023.

  
\_\_\_\_\_  
Lee V. Bigwater, Chapter President

  
\_\_\_\_\_  
Joseph Dedman Jr., Chapter Vice President

  
\_\_\_\_\_  
JoAnn Dedman, Chapter Secretary/Treasurer

\_\_\_\_\_  
Irvin R. Shirley, Grazing Representative

