



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

ETHEL B. BRANCH
Attorney General

HEATHER CLAH
Deputy Attorney General

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

RFS/HK Review #: HK 0656

Date & Time Received: 9/22/23 at 16:38

Date & Time of Response: 10/6/23 at 17:00 pm

Entity Requesting FRF: Thoreau Chapter

Title of Project: Thoreau Chapter - Temporary Personel

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$181, 851

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: _____


2.18, Housing Support: Other Housing Assistance

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 type="checkbox"/> Additional information submitted is insufficient to make a proper determination | |

Other Comments: _____

Name of DOJ Reviewer: Navalyn R. Platero

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.** 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.

An NNDOJ Initial Eligibility Determination is based on the documents provided, which NNDOJ will assume are true, correct, and complete. Should the Project or Program change in any material way after the initial determination, the requestor must seek the advice of NNDOJ. An initial determination is limited to review of the Project or Program as it relates to whether the Project or Program is a legally allowable use – it does not serve as an opinion as to whether or not the Project or Program should be funded, nor does it serve as an opinion as to whether or not the amount requested is reasonable or accurate.

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

Part 1. Identification of parties.

Non-Governance Certified Chapter requesting FRF: Thoreau Chapter Date prepared: 08/31/2023

Chapter's mailing address: PO Box 899 Thoreau, NM 87323 phone/email: 505.905.0139 website (if any): thoreau.navajochapters.org

This Form prepared by: Vivinita Bennett phone/email: niabb2@nnchapters.org
Vivinita Bennett, Community Services Coordinator

CHAPTER CONTACT PERSON'S name and title

Title and type of Project: Thoreau Chapter - Temporary Personnel

Chapter President: Valerie Arviso phone & email: valeriearviso@gmail.com

Chapter Vice-President: Herman Yellowhorse phone & email: 505.905.0221

Chapter Secretary: Judy K. Platero phone & email: jkplatero@gmail.com

Chapter Treasurer: Judy K. Platero phone & email: jkplatero@gmail.com

Chapter Manager or CSC: Vivinita Bennett phone & email: niabb2@nnchapters.org

DCD/Chapter ASO: Guarena Adeky phone & email: gadeky@nndcd.org

List types of Subcontractors or Subrecipients that will be paid with FRF (if known): _____
 document attached

Amount of FRF requested: 181,850.58 FRF funding period: October 1, 2023 - September 1, 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:

Thoreau Chapter is requesting \$181,850.58 for temporary personnel. Personnel will be used to hire local members to assist the Chapter with the ARPA Projects with include: Home Renovation & Improvements, Wood Stove & Pellet Stove Project, Fire Wood & Wood Pellets Project, and Chapter COVID-19 Mitigation and Improvements Project. We would like to hire 2-skilled construction supervisors and 6-laborers. The temporary employment will help to improve homes for suitable/sanitary living conditions to help combat the viruses like COVID-19.
 document attached

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

Temporary personnel will help with housing renovation and/or improvement to serve our Chapter Navajo community who have substandard housing, multi-generational housing, and no immediate means to make repair their homes. This project seeks to improve some substandard housing issues identified during the COVID-19 pandemic. ... *continued on added page*
 document attached

APPENDIX A

(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:

Job announcements will start when project is approved by DOJ. Projects will be completed by September 2026. With funds anticipated to be disbursed by September 2023. This will be a 2-tier project, 1-homeowner has someone that can do the labor or 2-homeowner needs assistance with the labor. When temporary personnel is needed, they will be scheduled into small, ... *continued*
 document attached

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

Vivinita Bennett, Chapter CSC, Valerie Arviso, Chapter President, Herman Yellowhorse, Vice President, Judy Platero, Secretary Treasurer, Guarena Adeky, SPPS-ASC - Navajo Division of Community Development ASO-ASC, Navajo Nation ARPA Division. 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:

Respectively, the home owner and its occupants would be responsible for the operations and maintenance of their homes. 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:

2.10 Assistance to Unemployed or Underemployed Workers (e.g. job training, subsidized employment, employment supports or incentives)

Assistance to individuals who want and are available for work, including job training, public jobs, programs, and fairs, support childcare and transportation to and from a job-site or interview, incentives for newly employed workers, subsidized employment, grants to hire under-served workers, assistance to unemployed individuals.

 document attached

Part 3. Additional documents.

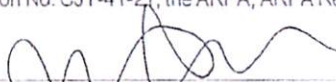
List here all additional supporting documents attached to this FRF Expenditure Plan (or indicate N/A):

Appendix J
Chapter PEP Policy (because we will be following this employment policy)

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 Official

Approved to submit for Review:


signature of DCD or NNF/FRF Director

APPENDIX A

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

CONTINUED

Part 2. Expenditure Plan details.

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

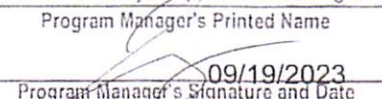
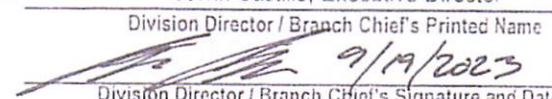
We will be helping those in need with a decent, safe, and sanitary home. Every family should have a decent home, a suitable living environment. Many of our Navajo community members that survived COVID-19 now have residual health issues, from respiratory distress to physical and psychological effects. Having a suitable living environment will make a big difference in their quality of life.

(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

...manageable sections to ensure quality of work and completion is within the time frame.

FY 2023

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

PART I. Business Unit No.: <u> New </u>		Program Title: <u> Thoreau Chapter - Temporary Personnel </u>		Division/Branch: <u> DCD/Executive </u>				
Prepared By: <u> Vivinita Bennett, CSC </u>		Phone No.: <u> 505.905.0139 </u>		Email Address: <u> niabb2@nnchapters.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	10/01/23-09/30/25	\$181,850.58	100%	2001 Personnel Expenses	6	0	\$181,850.58	\$181,850.58
				3000 Travel Expenses				
				3500 Meeting Expenses				
				4000 Supplies				
				5000 Lease and Rental				
				5500 Communications and Utilities				
				6000 Repairs and Maintenance				
				6500 Contractual Services				
				7000 Special Transactions				
				8000 Public Assistance				
				9000 Capital Outlay				
				9500 Matching Funds				
				9500 Indirect Cost				
				TOTAL		50.00	\$181,850.58	\$181,850.58
				PART IV. POSITIONS AND VEHICLES		(D)	(E)	
				Total # of Positions Budgeted:		0	0	
				Total # of Vehicles Budgeted:		0	0	
TOTAL:				\$181,850.58	100%			
PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.								
SUBMITTED BY: <u> Jaron M. Charley, Department Manager II </u>			APPROVED BY: <u> Calvin Castillo, Executive Director </u>					
Program Manager's Printed Name			Division Director / Branch Chief's Printed Name					
 09/19/2023			 9/19/2023					
Program Manager's Signature and Date			Division Director / Branch Chief's Signature and Date					

THE NAVAJO NATION
 DETAILED BUDGET AND JUSTIFICATION

PART I. PROGRAM INFORMATION:				
Program Name/Title:		Thoreau Chapter - Temporary Personnel		Business Unit No.: New
PART II. DETAILED BUDGET:				
(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)	
4	2001 Personnel Expenses			
6	2310 Temporary			
7	2320 Person - Temporary FT			
7	2320 Person - Temporary FT			
6	2910 FICA			
7	2912 FICA			
7	2914 Medicare:			
6	2960 Worker's Comp:			
7	2961 Workers Comp			
	2-Skilled Construction Supervisors x \$20/hr x 1300 hours = \$52,000.00			
	6-Laborers x \$15/hr x 1290 hours = \$116,100.00			
	\$168,100.00 Total Salary x 6.2% = \$10,422.20			
	\$168,100.00 Total Salary x 1.45% = \$2,437.45			
	\$168,100.00 Total Salary/100 x .53 = \$890.93			
		168,100.00		181,850.58
		12,859.65		
		890.93		
TOTAL		181,850.58		181,850.58

THOREAU CHAPTER PUBLIC EMPLOYMENT PROGRAM (PEP)

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THOREAU CHAPTER PUBLIC EMPLOYMENT PROGRAM (PEP) POLICY AND PROCEDURES

I. PURPOSE

The purpose of this Policy and Procedures is to install guidelines for the Chapter and to administer the Public Employment Program (PEP) for Chapter expenditures.

II. AUTHORITY

- A. Pursuant to 26 N.N.C. Section 101 (A), the Thoreau Chapter has formulated, implemented and operates by the Five Management System to ensure accountability and has developed the Policy and Procedures for the Public Employment Program.
- B. Pursuant to Chapter Resolution TCH-074-22-075, the Thoreau Chapter Public Employment Program (PEP) Policy and Procedures is hereby approved and adopted.

III. APPLICABLE LAWS

- A. The Governing Body of Thoreau Chapter shall comply with all applicable State, Federal, and Navajo Nation laws, such as the Navajo Preference in Employment Act.
- B. The Navajo Occupational Safety and Health Administration (NOSHA) shall assure that the working conditions and environment are safe.

IV. FUND SOURCE

- A. Funds for the PEP come from the Navajo Nation central government.
- B. Once the Funds are disbursed to the Chapter, a Budget is prepared in accordance to the Fiscal Management Policy and Procedures.
- C. The Annual Budget defines the number of individuals to employ based on the availability of funds.

V. POLICY

- A. The Chapter Administration shall inform the PEP participants that they are subject to the applicable Personnel Policy and Procedures and Navajo Nation laws.

- B. The Chapter Coordinator shall prepare the Project application which will determine the length of each project and when to begin.
- C. All projects shall be completed within the Fiscal Year.
- D. The Chapter administration shall make proper accounting and bookkeeping entries for all PEP allocations.
- E. For each project, the Chapter administration shall employ one or more participants subject to the availability of funds and provide job descriptions in the project application.
- F. Proper workers compensation liability insurance shall be filed and only hired participants shall work.
- G. The Chapter administration shall select the project supervisor based on experience, skills, and qualifications for the designated project if applicable.
- H. The Chapter Coordinator shall hire and terminate participants in compliance with the Personnel Management Policy and Procedures in the Five Management System.
- I. The Chapter shall adhere to the Navajo Preference in Employment Act, and Veterans Preference.
- J. PEP employees shall not work more than eight (8) hours per day, forty (40) hours per week, or eighty (80) hours per pay period. Different work hours may apply, all exceptions will be specified in the Project Scope of work on the Project Application.
- K. Employees shall not make up missed hours.
- L. The Chapter shall allow participants to get on-the-job-training. The employment is temporary for the participants to acquire training to obtain permanent jobs with non-Chapter employers.
- M. The Chapter shall post the job vacancies for two (2) weeks on the Chapter bulletin board, announcement at the Chapter meetings, and through local radio stations.

VI. PARTICIPANT QUALIFICATIONS AND EMPLOYMENT NOTICE

- A. Applicant shall attend a REGULAR Chapter Meeting once (1) every quarter.
- B. Applicant shall be a registered voter of the Chapter for six (6) months or more and not be employed by another Chapter.

- C. Applicant shall be a member of the Navajo Nation with a census number.
- D. Applicant shall not be a relative to the immediate supervisor.
- E. Applicant shall be unemployed at the time of applying.
- F. Applicant shall have no legal issues that may interfere with job performance and/or attendance pending at the time of Application.

VII. REQUIRED DOCUMENTS

- A. By Participant:
 - 1. Accurately completed Chapter Employment Application
 - 2. Voter registration card to show applicant is a registered voter for six (6) months or more.
 - 3. Social Security Card
 - 4. Picture Identification card/Driver's License
 - 5. Certificate of Indian Blood (CIB)
 - 6. W-4 Form
 - 7. Understanding the PEP Policies & Procedures Memo
 - 8. Daily Journal
- B. By Project and Chapter Administration:
 - 1. Employee Evaluation Form
 - 2. Project Application (including project budget)
 - 3. Personnel Roster
 - 4. Progress Report
 - 5. New Mexico – New Hire Form
 - 6. PEP Orientation Sign-In Sheet
 - 7. Personnel Action Form: Verifies hire date and termination date.

VIII. TOUR OF DUTY

- A. Monday through Friday, except Navajo Nation recognized Holidays. Exceptions shall be specified in the Project Application.
- B. 8:00 AM to 5:00 PM with one-hour lunch from 12:00 PM to 1:00 PM unless specified in the Project Application.
- C. No overtime allowed unless it is necessary and approved by the CSC and the Chapter President.
- D. Employees shall not work over forty (40) hours per week unless it is specified in the Project Application.

- E. Participants will be eligible for all Navajo Nation Administrative Leave.
- F. Personal Internet browsing, searching, and surfing shall not be tolerated. The Internet shall be used for Chapter business only, unless specified by the Chapter administration.

IX. WAGES

- A. The hourly wages shall start at the Federal minimum wage.
- B. The hourly wages shall be based on the approved budget, the availability of funds, and/or Resolution by the chapter membership.

X. PAYROLL, TIMESHEETS, AND DEDUCTION

- A. The Chapter payroll schedule will be the same as the Navajo Nation payroll schedule. Payroll will be drawn every two weeks.
- B. The timesheet(s) and daily journal(s) are due on the last day of the Pay Period Ending.
- C. Upon receipt, the Account Maintenance Specialist shall check and verify the hours worked for each participant.
- D. Payroll checks are signed as per the Fiscal Management Policies and Procedures (FMS).
- E. Payroll checks are disbursed on the following Wednesday after the pay period ending.
- F. If the participants are not available for check pick-up, he or she may authorize a person to pick up his or her check with a written permission or an email from employee's email address.

XI. TAXES

- A. For all participants, FICA and MEDICARE taxes are automatically deducted at each payroll.
- B. Federal tax withholding will be deducted based on the W-4 form.
- C. At the end of each month, the Chapter Community Services Coordinator (CSC) shall remit the federal taxes deducted to the Internal Revenue Services.

- D. One month after the end of each calendar year, the Chapter shall issue W-2s to all participants.

XII. BENEFITS

- A. Since all participants are employed under Public Employment Program (PEP) as temporary employees, the participants are ineligible for any Chapter sponsored fringe benefits.
- B. All participants are covered through the Navajo Nation Workers Compensation Program.
- B. The participants are ineligible for holiday, personal leave, compensatory time pay, and merit pay.

XIII. GRIEVANCE/TERMINATION

- A. Since all participants are employed under PEP as temporary employees, the participants are ineligible for any type of grievance process.
- B. Participants may be terminated for the following reasons:
 1. Excessive tardiness and absences.
 2. Leaving worksite without authorization before tour of duty is completed.
 3. Inadequate job performance
 4. Insubordination
 5. Determined the employee is under the influence of drugs and/or alcohol.

XIV. SEXUAL HARASSMENT

- A. The workplace shall be free of sexual harassment; therefore, such action is prohibited and will result in immediate termination.
- A. The Chapter and PEP Participants shall comply to the Navajo Nation Executive Order No. 04-2016 "Sexual Harassment" Workplace Policy and Mandatory Training and the Navajo Nation Personnel Policy Management Section XVI.F Sexual Harassment Policy. A copy shall be provided and it will be covered at the Employee Orientation.

XV. HOSTILE ENVIRONMENT

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

XVI. SAFE ENVIRONMENT

- A. The Chapter shall provide a safe and friendly workplace or environment for all workers by selecting and reviewing all worksites or participating programs.
- C. Public Employment Program (PEP) employees practicing unsafe working habits will be counseled at the first offense and then terminated after a second offense.
- D. No work-related travel shall be authorized for PEP employees unless indicated in the Project Application.

XVII. ILLEGAL DRUG AND ALCOHOL-FREE WORKPLACE

The workplace and environment shall be free of Commercial Tobacco Products, Second Hand smoke, Illegal Drugs, and Alcohol; therefore, such usage will result in immediate termination. Navajo Nation Executive Order No. 13-2014 Protecting Navajo Nation Employees Exposure to Commercial Tobacco Products and Secondhand Smoke in the Work Place. A copy shall be provided and it will be covered at the Employee Orientation.

XVIII. CODE OF CONDUCT

- A. The participants shall conduct themselves with respect towards co-workers, Chapter staff, Chapter officials, community members, project clients, and all other persons.
- B. The participants shall conduct themselves with trustworthiness and produce quality work.
- G. Personal Internet browsing, searching, and surfing shall not be tolerated. The Internet shall be used for Chapter business only, unless specified by the Chapter administration.

XIX. DRESS CODE

- A. The participants will report to work under proper attire for the job and proper personal hygiene.
- B. Participants with long hairs shall braid or tie back their hair for safety reasons.
- C. Shirts (tops) shall not promote sex/drugs/alcohol, they shall have no profanity, they will not promote gang affiliation, and they will cover the body appropriately (no spaghetti strap tops).

XX. OVERSIGHT

The Chapter Community Services Coordinator shall have daily oversight responsibilities for the Public Employment Program (PEP) carried out by Chapter.

XXI. CELL PHONE

- A. To promote a safe and productive work environment and increase public safety and awareness, this policy strictly prohibits the use of ear phones, all Bluetooth devices and cellphones. During working hours, cell phone restrictions include: incoming and outgoing calls, text messaging, internet use, and all social media.
- B. Cell phones shall be turned off during working hours.
In case of an emergency, the employee may inform the supervisor that cell phone use is necessary.
- C. Cell phones may be used at your discretion before and after working hours and during your lunch break only.
- D. First violation: verbal warning.
- E. Second violation: written warning.
- F. Continued violation will result in a 2-day suspension to termination.

XXII. PERSONNEL MANAGEMENT POLICY AND PROCEDURES

The Chapter shall comply with all Five Management System Policies and Procedures which includes the Personnel Management Policies and Procedures and these PEP Policies and Procedures.

XXIII. AMENDMENTS

- A. The Public Employment Program Policy and Procedures may be amended by the Thoreau Chapter Administration//Membership as deemed necessary. Otherwise, the duration of this policy shall be effective throughout the Fiscal Year in which it is approved. It will coincide with the Chapter Five Management System (FMS), Chapter Operating Budget cycle, and Navajo Nation Laws.
- B. All proposed amendments shall be presented at a Chapter Meeting for discussion and approval by resolution.

This Policy and Procedures will supersede all previous Policy and Procedures.

XXIV. DEFINITIONS

Chapter Administration: The employee of the chapter, which includes, but is not limited to, the Chapter Community Services Coordinator and Account Maintenance Specialist.

Chapter Community Services Coordinator: Chapter employee who performs the duties as prescribed in 26 N.N.C. Section 1004 (B), 1004 (C), and 2003 (B).
Local Governance Act: 26 N.N.C. Sections 1-2005. October 29, 2004

Local Governance Act: 26 N.N.C. Sections 1-2005.

Participants: Chapter community adults participating in the Chapter PEP program.

PEP: Chapter program funded with appropriations made by the Navajo Nation Council and referred to in the Chapter disbursement line items as "PEP" Notwithstanding the title of the line item, funding can be used throughout the year.