



The Navajo Nation **DR. BUU NYGREN** *PRESIDENT*
Yideeskáadi Nitsáhákees **RICHELLE MONTOYA** *VICE PRESIDENT*

August 30, 2023

Honorable Crystalene Curley, Speaker
Navajo Nation Council
Post Office Box 3390
Window Rock, AZ 86515

RE: CAU-73-23 An Action Relating to the Naabik'iyáti' Committee and Navajo Nation Council; Amending CMY-39-23 and CAP-11-23, the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau), to Include Additional Projects for this Delegate Region

Dear Speaker Curley,

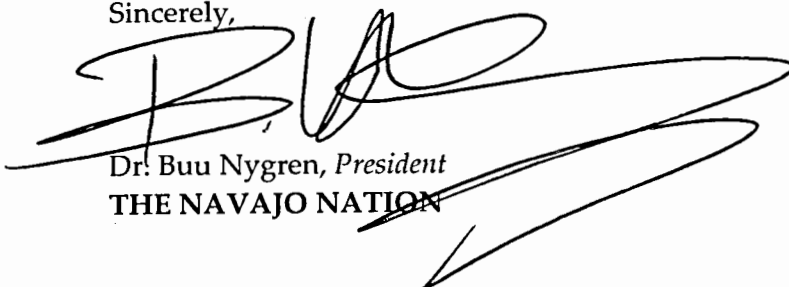
I am pleased to sign into law Resolution CAU-73-23 approving the amendments to the Fiscal Recovery Funds Delegate Regional Plan for Honorable Steven R. Arviso's Delegate Region for a total of \$6,220,434. 58 out of a potential allocated amount of \$8,802,340.00.

My Administration supports the plans of these Chapters we have worked very hard to put together their Regional Plans and are working closely with the Fiscal Recovery Fund Office to ensure that these funds are put to use. As such, when Chapters are running into roadblocks in expending their Fiscal Recovery Funds and the roadblock is coming from the Executive Branch, I encourage them to reach out to the Office of the President and Vice-President and we will work together to overcome it. As you know, my Administration has been working to put in place quicker and more flexible Navajo Nation systems. I look forward to working with you and the entire Council to improve Navajo Nation systems so that we are supporting our communities and taking advantage of this historic funding.

I do want us to be cognizant that the prior Navajo Nation Council has set the expectation that Fiscal Recovery Funds be encumbered by June 30, 2024. This date is not far off. As a construction expert, I know that there are unpredictable factors that can prevent even the best of plans from moving forward on a proposed timeline.

Now let's get to work!

Sincerely,



Dr. Buu Nygren, *President*
THE NAVAJO NATION

RESOLUTION OF THE
 NAVAJO NATION COUNCIL
 25th NAVAJO NATION COUNCIL - FIRST YEAR, 2023

AN ACTION

RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
 AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL
 RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R.
 ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO
 LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL
 PROJECTS FOR THIS DELEGATE REGION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to hear proposed resolution(s) that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).
- C. Navajo Nation Council Resolution No. CJN-29-22, incorporated herein by reference, mandates that Navajo Nation Fiscal Recovery Fund ("NNFRF") Delegate Region Project Plans be approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- D. Navajo Nation Council Resolution No. CAP-11-23, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. Navajo Nation Council Resolution No. CMY-39-23, herein by reference, mandates that amendments to the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Honorable Steven R. Arviso's Delegate Region (Chapter: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) be approved by a Navajo Nation Council resolution and signed into law by the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION TWO. FINDINGS

- A. Navajo Nation Council Resolution No. CJN-29-22, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; ALLOCATING \$1,070,298,867 OF NAVAJO NATION FISCAL RECOVERY FUNDS; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND EXPENDITURE PLANS FOR: CHAPTER AND REGIONAL PROJECTS; PUBLIC SAFETY EMERGENCY COMMUNICATIONS, E911, AND RURAL ADDRESSING PROJECTS; CYBER SECURITY; PUBLIC HEALTH PROJECTS; HARDSHIP ASSISTANCE; WATER AND WASTEWATER PROJECTS; BROADBAND PROJECTS; HOME ELECTRICITY CONNECTION AND ELECTRIC CAPACITY PROJECTS; HOUSING PROJECTS AND MANUFACTURED HOUSING FACILITIES; BATHROOM ADDITION PROJECTS; CONSTRUCTION CONTINGENCY FUNDING; AND REDUCED ADMINISTRATIVE FUNDING, was signed into law by the President of the Navajo Nation on July 15, 2022.
- B. CJN-29-22, Section Three, states, in part and among other things, that
1. The Navajo Nation hereby approves total funding for the NNFRRF Chapter and Chapter Projects Expenditure Plan from the Navajo Nation Fiscal Recovery Fund in the total amount of two hundred eleven million two hundred fifty-six thousand one hundred forty-eight dollars (\$211,256,148) to be divided equally between the twenty-four (24) Delegate Regions in the amount of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340) per Delegate Region . . . and allocated through Delegate Region Project Plans approved by Navajo Nation Council resolution and signed into law by the President of the Navajo Nation See CJN-29-22, Section Three (B).
 2. The Delegate Region Project Plan funding will be allocated to the Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, to implement the projects rather than directly to the Chapters. See CJN-29-22, Section Three (D).
 3. The Navajo Nation Central Government, specifically the Division of Community Development or other appropriate Navajo Nation Division or Department, shall manage and administer funds and Delegate Region Project Plans on behalf of Non-LGA-Certified Chapters. The Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans. See CJN-29-22, Section Three (E).

4. Each Navajo Nation Council delegate shall select Fiscal Recovery Fund eligible projects within their Delegate Region to be funded by the NNFRF Chapter and Regional Projects Expenditure Plan through a Delegate Region Projects Plan. The total cost of projects selected by each Delegate shall not exceed their Delegate Region distribution of eight million eight hundred two thousand three hundred forty dollars (\$8,802,340). See CJN-29-22, Section Three (F).
 5. Each Delegate Region Project shall identify its Administrative Oversight entity and its Oversight Committee(s) and be subject CJY-41-21's NNDOJ initial eligibility determination. See CJN-29-22, Section Three (L) (5) and (L) (6).
- C. The Navajo Nation Council Resolution No. CAP-11-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), was signed into law by the President of the Navajo Nation on May 4, 2023.
- D. CAP-11-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).
- E. The Navajo Nation Council Resolution No. CMY-39-23, AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; AMENDING CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION was signed into law by the President of the Navajo Nation on June 8, 2023.
- F. CMY-39-23, Section Four, states that:
1. Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164 (A)(17) and 2 N.N.C. §§ 1005 (C) (10), (11), and (12).

- G. All additional projects listed in the Hon. Steven R. Arviso's Delegate Region Projects Plan, attached as Exhibit A, have been deemed Fiscal Recovery Fund eligible by NNDOJ. In addition, Hon. Steven R. Arviso's Delegate Region Projects Plan does not exceed the amount of \$8,802,340, as set forth in CJN-29-22, Section Three (F).
- H. The Navajo Nation Council hereby finds that it is in the best interest of the Navajo Nation and the Hon. Steven R. Arviso's Delegate Region Chapters and communities to approve and adopt the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Hon. Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) as set forth in Exhibit A.

SECTION THREE. AMENDING CMY-39-23 AND CAP-11-23, THE NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN FOR HONORABLE STEVEN R. ARVISO'S DELEGATE REGION (CHAPTERS: CHURCHROCK, IYANBITO, MARIANO LAKE, PINEDALE, SMITH LAKE, THOREAU), TO INCLUDE ADDITIONAL PROJECTS FOR THIS DELEGATE REGION

- A. The Navajo Nation hereby approves the additional projects as part of the Navajo Nation Fiscal Recovery Fund Delegate Region Project Plan for Steven R. Arviso's Delegate Region (Chapters: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau) set forth in Exhibit A.
- B. The Delegate Region Project Plan approved herein shall comply with all applicable provisions of CJY-41-21, CJN-29-22, and BFS-31-21.
- C. Any inconsistencies between this legislation, the Delegate Region Project Plan, and the individual project appendix, shall be resolved in favor of the project appendix reviewed by Department of Justice during their eligibility determination(s).

SECTION FOUR. AMENDMENTS

Amendments to this legislation or to the Delegate Region Project Plan approved herein shall only be adopted by resolution of the Navajo Nation Council and approval of the President of the Navajo Nation pursuant to 2 N.N.C. § 164(A)(17) and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION FIVE. EFFECTIVE DATE

This legislation shall be effective upon its approval pursuant to 2 N.N.C. § 221(B), 2 N.N.C. § 164(A)(17), and 2 N.N.C. §§ 1005(C)(10), (11), and (12).

SECTION SIX. SAVING CLAUSE

If any provision of this legislation is determined invalid by the Navajo Nation Supreme Court, or by a Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, those provisions of this legislation not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 16 in Favor, and 00 Opposed, on this 25th day of August 2023.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

8/28/23

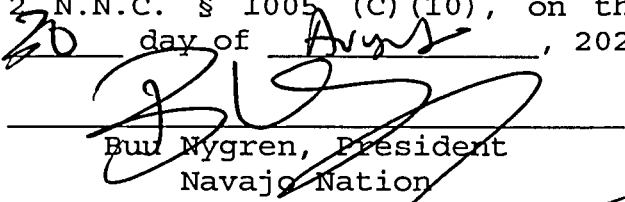
DATE

Motion: Honorable Amber Kanazbah Crotty
Second: Honorable Lomardo Aseret

Speaker Crystalyne Curley not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10), on this 20 day of April, 2023.



Buu Nygren, President
Navajo Nation

2. I, hereby, veto ~~the~~ foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (11), on this _____ day of _____, 2023 for the reason(s) expressed in the attached letter to the Speaker.

Buu Nygren, President
Navajo Nation

3. I, hereby, exercise line-item veto pursuant to the budget line-item veto authority delegated to the President by vote of the Navajo People in 2009, on this _____ day of _____, 2023.

Buu Nygren, President
Navajo Nation

NAVAJO NATION FISCAL RECOVERY FUND DELEGATE REGION PROJECT PLAN

COUNCIL DELEGATE: Hon. Steven R. Arviso

Exhibit A

CHAPTERS: Churchrock, Iyanbito, Mariano Lake, Pinedale, Smith Lake, Thoreau

| FUNDING RECIPIENT | SUBRECIPIENT | EXPENDITURE PLAN / PROJECT | ADMIN OVERSIGHT | FRF CATEGORY | DOJ REVIEW # | AMOUNT |
|-----------------------------------|-----------------|---|-----------------------------------|--------------|--------------|-----------------|
| | | TOTAL AMOUNT APPROPRIATED in CAP-11-23 on May 4, 2023 | | | | \$ 902,209.12 |
| | | TOTAL AMOUNT APPROPRIATED in CMY-39-23 on June 8, 2023 | | | | \$ 4,141,169.79 |
| Division of Community Development | None Identified | Iyanbito Chapter Eligible Community Members and Rental and Utility Assistance Project | Division of Community Development | 2.2 | HK0301-2 | \$ 10,000.00 |
| Division of Community Development | None Identified | Mariano Lake Chapter Special Duty Pay for Essential Employees | Division of Community Development | 4.1 | HK0325-2 | \$ 49,999.00 |
| Division of Community Development | None Identified | Smith Lake Chapter Long Term Housing for Un-Housed People Project | Division of Community Development | 2.15 | HK0470-2 | \$ 350,000.00 |
| Division of Community Development | None Identified | Smith Lake Chapter Public Sector Workforce Project | Division of Community Development | 2.15 | HK0469-2 | \$ 300,000.00 |
| Division of Community Development | None Identified | Smith Lake Chapter Assistance for Community Members In-Need Project | Division of Community Development | 2.2 | HK0471-2 | \$ 467,056.67 |
| | | | | | | |
| | | | | | | |
| | | UN-ALLOCATED AMOUNT | | | | \$ 2,581,905.42 |

*Per CJN-29-22, Section Three (E), the "Navajo Nation Central Government may award funding to LGA-Certified Chapters through sub-recipient agreements to implement and manage specific projects, but shall maintain Administrative Oversight over such funding and Delegate Region Project Plans."

TOTAL: \$ 8,802,340.00



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 0325-2

Date & Time Received: 06/13/23 at 09:13

Date & Time of Response: 6/20/23 at 17:00

Entity Requesting FRF: Mariano Lake Chapter

Title of Project: Mariano Lake Chapter Special Duty Pay for Essential Employees: CSC & AMS

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$49,999.00

Eligibility Determination:

- FRF eligible
 FRF ineligible
 Additional information requested

FRF Eligibility Category:

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

U.S. Department of Treasury Reporting Expenditure Category: _____

4.1, Premium Pay: Public Sector Employees

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

- Missing Form
- Supporting documentation missing
- Project will not be completed by 12/31/2026
- Ineligible purpose
- Submitter failed to timely submit CARES reports
- Additional information submitted is insufficient to make a proper determination

- Expenditure Plan incomplete
- Funds will not be obligated by 12/31/2024
- Incorrect Signatory
- Inconsistent with applicable NN or federal laws

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.



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 #: HK0325

Date & Time Received: 12/17/2022 12:13

Date & Time of Response: 12 January 2023; 1:01 pm

Entity Requesting FRF: Mariano Lake Chapter

Title of Project: Premium Pay - Special Duty Pay

Administrative Oversight: Division of Community Development

Amount of Funding Requested: \$69,677.00

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 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 (FSLA).

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

The Documents state that premium pay will be provided to Chapter House employees that provide government services to Chapter members, including providing PPE, food, fuel, and firewood assistance, as well as those assisting with COVID-19 mitigation projects such as renovations, housing, house wiring, powerline, waterline, bathroom additions, planning and designing projects, student workers, and others carrying out COVID-19 mitigation tasks. While the Documents state

that the premium pay will be a bi-weekly 25% increase for COVID-19 mitigation efforts through September 30, 2026, the Documents do not indicate if employees will receive more than \$25,000.

The Project should be resubmitted and answer the following question:

1. Will employees be paid more than \$25,000?

Name of DOJ Reviewer: Adjua Adjei-Danso



Signature of DOJ Reviewer: _____

Disclaimers: An NNDOJ Initial Eligibility Determination will be 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: Mariano Lake Chapter Date prepared: 2/21/2023

Chapter's mailing address: P.O. Box 164, Smith Lake, NM 87365 phone/email: 505-786-2180
website (if any): marianolake.navajochapters.org

This Form prepared by: Ms. Leandra K. James phone/email: 505-786-2180
Community Services Coordinator ljames@nnchapters.org
CONTACT PERSON'S name and title CONTACT PERSON'S info

Title and type of Project: Mariano Lake Chapter Special Duty Pay for Essential Employees: CSC & AMS

Chapter President: Mr. Jay R. DeGroat phone & email: jrdegroat@naataanii.org

Chapter Vice-President: Mr. Henry King phone & email: marianolake@navajochapters.org

Chapter Secretary: Mr. Henry P. Begay Jr. phone & email: hpbegayjr@navajochapters.org

Chapter Treasurer: Mr. Henry P. Begay Jr. phone & email: hpbegayjr@navajochapters.org

Chapter Manager or CSC: Ms. Leandra K. James phone & email: ljames@nnchapters.org

DCD/Chapter ASO: Ms. 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: \$49,999.00 FRF funding period: October 1, 2022 to September 30, 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:

The project to be funded is the "Mariano Lake Chapter Special Duty Pay for Essential Employees: Community Services Coordinator and Accounts Maintenance Specialist". The Special duty pay will be provided to the essential employees (CSC & AMS) as identified by the Navajo Nation through Executive Order No.002-20 and Memorandum Dated April 8, 2020 from Sonlatsa Jim-Martin; to provide essential government services by responding to the COVID-19 pandemic, complete COVID-19 mitigation and response efforts, and to complete essential work for the eligible programs and projects for the Navajo Nation Government using the Navajo Nation Fiscal Recovery Funds to serve the Mariano Lake Chapter of the Navajo Nation in Mariano Lake, New Mexico. document attached

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

Per clarified by the Memo dated April 8, 2020 from Sonlatsa Jim-Martin, The "CSC" and "AMS" are deemed as essential employees by the Navajo Nation; Furthermore have been tasked with the responsibility to implement the eligible programs and projects of the NNFRF to respond to the COVID19 negative impacts and begin improvement activities to the benefit people's health. document attached

(c) Provide 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:

Special Duty Pay will be added to the Community Services Coordinator Regular Hourly Wage, by adding \$13 per hour for 1923 hours, totaling \$24,999.00; The Accounts Maintenance Specialist Special Duty Pay will be calculated as One-and One-half times the employee's usual hourly rate pay not exceeding \$25,000.00; Payment provided until funds are depleted or by September 30, 2026. document attached

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

Leandra K. James, Community Services Coordinator
Myrna M. James, Accounts Maintenance Specialist
Guarena Adeky, Senior Program Projects Specialist, ASC, DCD, NN
Administrative Services Center, Division of Community Development
Navajo Nation Payroll 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:

The Navajo Nation will continue to provide essential employees and/or regular status employees to serve the communities at the local level to operate and maintain its local government office; and will continue providing services to improve the health and safety of its residents and tribal members. 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:

PREMIUM PAY - Public Sector Employees:
Through Executive Health Order No. 002-20, the Navajo Nation declared Chapter Staff consisting of the Community Services Coordinator and Accounts Maintenance Specialist as "Essential Employees", through the identification of "Non-Governance Certified Chapters". The Navajo Nation Department of Personnel Management then created the "Special Duty Pay Procedures" for Essential Employees to implement while providing the essential government services during the COVID-19 pandemic and response efforts. The special duty pay outlines that the payment is an addition to the employee's regular compensation for the COVID-19 emergency response. document attached

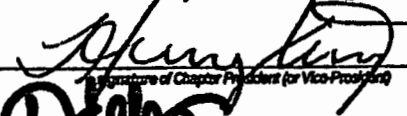
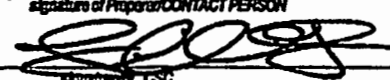


Part 3. Additional documents.

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

Navajo Nation Executive Order No. 002-20; Memorandum Dated April 8, 2020 from Sonlatsa Jim-Martin; Memorandum Dated April 8, 2020 from Tonia W. Becenti with Special Duty Pay Procedures; Memorandum Dated April 13, 2020 from Ms. Pearline Kirk, Controller; Navajo Nation Special Duty Pay Program Flyer July 23, 2020; and CSC & AMS Job Descriptions. 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: Ms. LEANDRA K. JAMES Approved by: 
signature of Preparer/CONTACT PERSON signature of Chapter President (or Vice-President)
Approved by:  Approved by: 
signature of CSC signature of Chapter ASD
Approved to submit for Review: 
signature of DCD Director

FY 2023

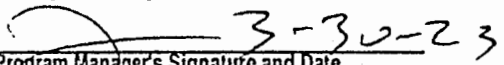

THE NAVAJO NATION
PROGRAM BUDGET SUMMARY

Page 1 of 4
BUDGET FORM 1



PART I. Business Unit No.: New Program Title: Mariano Lake Chapter - Special Duty Pay Division/Branch: DCD/Executive
 Prepared By: Leandra K. James Phone No.: 505-786-2180 Email Address: marianolake@navajochapters.org

| PART II. FUNDING SOURCE(S) | Fiscal Year /Term | Amount | % of Total | PART III. BUDGET SUMMARY | Fund Type Code | (A) | (B) | (C) |
|----------------------------|-------------------|-----------|-------------|-----------------------------------|----------------|------------------------------|-----------------|---------------------|
| | | | | | | NNC Approved Original Budget | Proposed Budget | Difference or Total |
| NNFRF | 10/1/22-9/30/26 | 49,999.00 | 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 | | | | |
| | | | | 7000 Special Transactions | | | | |
| | | | | 8000 Public Assistance | 6 | 0 | 49,999 | 49,999 |
| | | | | 9000 Capital Outlay | | | | |
| | | | | 9500 Matching Funds | | | | |
| | | | | 9500 Indirect Cost | | | | |
| | | | | TOTAL | | \$0.00 | 49,999.00 | 49,999 |
| | | | | PART IV. POSITIONS AND VEHICLES | | (D) | (E) | |
| | | | | Total # of Positions Budgeted: | | 0 | 0 | |
| | | | | Total # of Vehicles Budgeted: | | 0 | 0 | |
| | | TOTAL: | \$49,999.00 | 100% | | | | |

PART V. I HEREBY ACKNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS BUDGET PACKAGE IS COMPLETE AND ACCURATE.

SUBMITTED BY: James Adakai, Deputy Director APPROVED BY: Calvin Castillo, Executive Director
 Program Manager's Printed Name Division Director / Branch Chief's Printed Name
 3-30-23  3/30/2023
 Program Manager's Signature and Date Division Director / Branch Chief's Signature and Date

**THE NAVAJO NATION
PROGRAM PERFORMANCE CRITERIA**

| | | | | | | | | | |
|---|--|---------------------|--------|-------------------------------------|---|---------|---|---------|--------|
| PART I. PROGRAM INFORMATION: | | | | | | | | | |
| Business Unit No.: <u> </u> | | New <u> </u> | | Program Name/Title: <u> </u> | | | Mariano Lake Chapter - Special Duty Pay | | |
| PART II. PLAN OF OPERATION/RESOLUTION NUMBER/PURPOSE OF PROGRAM: | | | | | | | | | |
| PART III. PROGRAM PERFORMANCE CRITERIA: | | | | | | | | | |
| | | 1st QTR | | 2nd QTR | | 3rd QTR | | 4th QTR | |
| | | Goal | Actual | Goal | Actual | Goal | Actual | Goal | Actual |
| 1. Goal Statement: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| Program Performance Measure/Objective: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| Assist the Government in implementing eligible programs & projects using NNFRF | | 2 | | 2 | | 2 | | 2 | |
| 2. Goal Statement: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| Program Performance Measure/Objective: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| 3. Goal Statement: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| Program Performance Measure/Objective: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| 4. Goal Statement: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| Program Performance Measure/Objective: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| 5. Goal Statement: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| Program Performance Measure/Objective: | | | | | | | | | |
| <u> </u> | | | | | | | | | |
| PART IV. I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION HAS BEEN THOROUGHLY REVIEWED. | | | | | | | | | |
| James Adakai, Deputy Director | | | | | Calvin Castillo, Executive Director | | | | |
| <u> </u> | | | | | <u> </u> | | | | |
| Program Manager's Printed Name | | | | | Division Director/Branch Chief's Printed Name | | | | |
| <u> </u> | | | | | <u> </u> | | | | |
| Program Manager's Signature and Date | | | | | Division Director/Branch Chief's Signature and Date | | | | |
|  3-30-23 | | | | |  3/30/2023 | | | | |

FY 2023

THE NAVAJO NATION
LISTING OF POSITIONS AND ASSIGNMENTS BY BUSINESS UNIT

Page 3 of 4
BUDGET FORM 3

| SUB ACCT | POS NO | JOB TYPE | POSITION TITLE | EMP ID | WRKSITE CODE | FY 2022 ACTUAL | | FY 2023 PROPOSED | |
|-------------|-----------|-------------|-------------------------------|--------|-----------------|----------------|--------|------------------|-----------|
| | | | | | | G/S | SALARY | HOURS | BUDGET |
| 1524 | 236077 | 1524 | Accounts Maintenance Speciali | 359095 | 3 | 58/A | | | 25,000.00 |
| 3831 | 208432 | 3831 | Community Services Coordinat | 156032 | 3 | 62/A | | 1923 | 24,999.00 |

**THE NAVAJO NATION
PROJECT BUDGET SCHEDULE**

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|----|----|----------|----|----|----------|----|----|----------|----|---|-------------------|---|----------|---|----------|---|----------|---|--|--|--|----------------------|-----|---|---|---|---|-------------|
| PART I. Business Unit No.: _____ | | | | | | | | | | | | | | | PART II. Project Information | | | | | | | | | | | | | | | | |
| Project Title: <u>Special Duty Pay for Essential Employees (CSC & AMS)</u> | | | | | | | | | | | | | | | Project Type: <u>Special Duty Pay</u> | | | | | | | | | | | | | | | | |
| Project Description <u>Special Duty Pay for Community Services Coordinator and Accounts Maintenance Specialist to receive COVID-19 mitigation payments to assist the Navajo Nation Government in implementing the eligible programs/projects with the Navajo Nation Fiscal Recovery Funds.</u> | | | | | | | | | | | | | | | Planned Start Date: <u>1-Oct-22</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 | | | | | | | | | | | | | | | Planned End Date: <u>30-Sep-26</u> | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | Project Manager: <u>Leandra K. James, CSC</u> | | | | | | | | | | | | | | | | |
| PART III. List Project Task separately; such as Plan, Design, Construct, Equip or Furnish. | | PART IV. Use Fiscal Year (FY) Quarters to complete the information below. O = Oct.; N = Nov.; D = Dec., etc. | | | | | | | | | | | | | | | | | | | | Expected Completion Date if project exceeds 8 FY Qtrs. | | | | | | | | | |
| | | FY <u>2023</u> | | | | | | | | | | | | TO FY <u>2026</u> | | | | | | | | End Date <u>Sept. 30, 2026</u> | | | | | | | | | |
| | | 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 |
| Special Duty Pay to CSC & AMS | | → | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PART V. Expected Quarterly Expenditures | | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | \$ | | | | | | | | | | | | | PROJECT TOTAL | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | \$49,999.00 |

FOR OMB USE ONLY: Resolution No: _____ FMIS Set Up Date: _____ Company No: _____ OMB Analyst: _____



MARIANO LAKE CHAPTER
PO BOX 164
Smith Lake, NM 87365
Phone (505) 786-2180/2182 Fax (505) 786-2181
Email: marianolake@navajochapters.org

RESOLUTION OF THE MARIANO LAKE CHAPTER

Resolution No: MLC2022-11-01 (Page 1 of 2)

APPROVING THE AMERICAN RECOVERY PLAN ACT (ARPA) FUNDS PROPOSAL AND REQUEST FOR THE MARIANO LAKE CHAPTER PROJECTS FOR THE DELEGATE REGIONAL EXPENDITURE PLAN FUNDS IN THE AMOUNT OF ONE MILLION FOUR HUNDRED SIXTY SEVEN THOUSAND FIFTY SIX DOLLARS AND SIXTY SEVEN CENTS (\$1,467,056.67) FOR THE FOLLOWING PROJECTS: HOME IMPROVEMENTS, PROFESSIONAL SERVICES, EMERGENCY SERVICES COORDINATOR AND PREMIUM PAY.

WHEREAS:

1. Pursuant to 26 N.N.C., Section 1 (B.1) the Mariano Lake Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B.1) the purpose of the Local Governance Act is to recognize governance at the local level. Through the Navajo Nation Council Delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition; and
3. Pursuant to 26 N.N.C., Section 1 (B.2) enactment of the Local Governance Act allows Chapters to make decisions over local matters. This authority, in the long run, will improve community decision making, allow communities to excel and flourish, enable Navajo leaders to lead towards a prosperous future, and improve the strength and sovereignty of the Navajo Nation. Through adoption of this Act, Chapters are compelled to govern with responsibility and accountability to the local citizens; and
4. Pursuant to 26 N.N.C., Section 103 (A) the members of each Chapter, at a duly called meeting, are authorized to oversee the authority delegated to the Chapter;
5. The Mariano Lake Chapter, as part of Honorable Edmund Yazzie Region was allocated funds from the American Rescue Plan Act (ARPA) Delegate Regional Expenditure Plan to provide services to the Community of Mariano Lake Chapter; and
6. The Mariano Lake Chapter Officials, Land Use Planning Committee Members and Volunteers participated in the in-service training provided by the Chapter Administration to ensure the understanding that this is a one-time assistance to community members to overcome the negative of the Coronavirus; and
7. The Mariano Lake Chapter has identified the projects to be funded by the American Recovery Plan Act Funds through the Navajo Nation Fiscal Recovery Funds Office accordingly: A) Plan & Construct Home Improvements, and obtain B) Technical & Logistics Assistance by contracting Professional Services to Plan, Design & provide Project Management Services, and obtain C) Emergency Services Coordinator for temporary full time employment, and obtain D) Premium Payment for the Mariano Lake Chapter Community Services Coordinator and Accounts Maintenance Specialist to mitigate the negative effects of the Coronavirus; and
8. The Mariano Lake Chapter has discussed and concluded the projects to be in the best interest of assisting the community to improve the safety and health of the residents, and the projects will ensure improvements and completion of all eligible programs and projects provided by the Navajo Nation Fiscal Recovery Funds Office using the American Recovery Plan (ARPA) Act Funds.



MARIANO LAKE CHAPTER
 PO BOX 164
 Smith Lake, NM 87365
 Phone (505) 786-2180/2182 Fax (505) 786-2181
 Email: marianolake@navajochapters.org

Continue Resolution No: MLC2022-11-01 (Page 2 of 2)

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Mariano Lake Chapter hereby approves the American Recovery Plan Act (ARPA) funds proposal and request for the Mariano Lake Chapter Projects for the Delegate Regional Expenditure Plan Funds in the amount of One Million Four Hundred Sixty Seven Thousand Fifty Six Dollars and Sixty Seven Cents (\$1,467,056.67) for the following projects: Home Improvements, Professional Services, Emergency Services Coordinator and Premium Pay.

CERTIFICATION

We, hereby, certify that the foregoing resolution was duly considered by the Mariano Lake Chapter at a duly called meeting in Mariano Lake, Navajo Nation, New Mexico at which a quorum of chapter members were present and that the same was passed by a vote of 06 in favor, 00 opposed and 02 abstained this 21st day of November, 2022.


 Jay R. DeGroat, President

 Vacant, Vice-President


 Henry P. Begay Jr., Sec./Treasurer

Navajo Nation Executive Order No. 002-20



EXECUTIVE ORDER NO. 002-20

**EXTENDING THE DECLARATION OF A STATE OF EMERGENCY DUE TO
THE COVID-19 VIRUS ON THE NAVAJO NATION, EXTENDING THE
CLOSURE OF NAVAJO NATION GOVERNMENT OFFICES AND RELATED
ENTITIES**

**NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT
MARCH 31, 2020**

WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo Nation government with full authority to conduct, supervise, and coordinate personnel and program matters. 2.N.N.C. §1005 (A);
2. The President shall have the power to issue an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such statutes. 2.N.N.C. §1005 (C)(14);
3. With the concurrence of the President of the Navajo Nation, the Emergency Management Commission shall have the power to declare a state of emergency affecting the Navajo Nation and to obtain, coordinate and oversee assistance, whether in the form of goods, services, equipment, motor vehicles, or personnel, from all Divisions, Departments and Enterprises of the Navajo Nation for use in addressing the requirements of the People in any declared emergency. 2 N.N.C. § 884(B)(1)(3);
4. The Emergency Management Commission declared an emergency due to the confirmation of the coronavirus disease (COVID-19) in regional areas surrounding the Navajo Nation. 2 N.N.C. § 884(B)(1), *See* Emergency Management Commission resolution CEM 20-03-11;
5. An Executive Order shall have the force of law upon the recipient. 2 N.N.C. § 1005(C)(14).

THEREFORE:

I, Jonathan Nez, President of the Navajo Nation and I, Myron Lizer, Vice President of the Navajo Nation, by the authority vested in us, hereby issue the following order:

1. With the Declaration of a State of Emergency by the Emergency Management Commission, CEM-20-03-11, and Public Health Emergency Orders No. 2020-003 and

No. 2020-004, the public health state of emergency affecting the Navajo Nation citizens and residents due to confirmation of the spread of the COVID-19 virus in and surrounding the Navajo Nation is extended, as such:

- a. The Navajo Nation Health Command Operations Center shall be staffed throughout the emergency condition under the direction of David Nez, Health Command Center Manager with support from Director, Dr. Jill Jim, Navajo Department of Health; and,
 - b. The Navajo Department of Emergency Management Emergency Operation Center shall be activated to support the Navajo Health Command Operations Center; and,
 - c. All Navajo Nation Branches, Divisions, Departments, programs, offices, non-certified Chapters, Enterprises, and Navajo casinos shall comply with and adhere to directives, instructions, and/or policies coming from the Navajo Health Command Operations Center as related to addressing COVID-19.
2. The Navajo Nation previously issued travel restrictions due to the COVID-19 virus which restricted or canceled all off-reservation travel and directed all Navajo Nation employees to return from current off-reservation travel; however, the COVID-19 virus continues to spread throughout the Navajo Nation. The action of the Navajo Nation and surrounding States, restricting large gatherings and closure of government offices, has had effect on the spread of the COVID-19, as such:
- a. All Navajo Nation government offices shall remain closed to minimize the spread of the COVID-19 virus. This closure shall extend from April 3, 2020 to April 26, 2020 and only Essential Personnel, as determined by the respective Division Director, shall report to their respective duty stations, including, but not limited to, Navajo Public Safety, Navajo Fire Department, Navajo Emergency Medical Services, Department of Emergency Management, Navajo Division of Natural Resources, Navajo Division of Finance, Navajo Division of Social Services, Navajo Division of Human Services, Department of Diné Education, and those determined by the Branch Chiefs; and,
 - b. All Non-Essential Navajo Nation government employees, including non-governance certified Chapter employees, affected by this Executive Order shall be granted Administrative Leave for the duration of the closure and are expected to refrain from events, gatherings, or other areas where they may contract the COVID-19 virus, and to observe and follow all Public Health Emergency Orders; and,
 - c. The closure of Navajo Nation government offices may be extended beyond April 26, 2020 on the recommendation of the Navajo Health Command Operations Center and the Navajo Department of Emergency Management Operation Center.
3. All Navajo Nation Divisions, Departments, Programs, Offices, non-governance certified Chapters, Enterprises, and Navajo casinos shall follow the direction of the

Public Health Emergency Orders requiring all Navajo citizens to limit their movement which means staying at home and leaving for Essential Activities only; and comply with the curfew hours by staying home between the hours of 8:00 P.M. and 5:00 A.M. MDST.

4. The Navajo Nation Board of Education declared an emergency affecting all schools on the Navajo Nation due to the spread of the COVID-19 virus and recommended, among other measures, the closure of all schools and educational facilities on the Navajo Nation to protect our children, their parents, and care givers, NNBEMA-608-2020; in addition, the States of Arizona (H.B. 2910), New Mexico (Executive Order 2020-12), and Utah issued statewide school closure for the remainder of the 2020 school year that affect the Navajo Nation, as such:

We strongly recommend and urge the Navajo Board of Education to extend the closing of the schools and educational facilities for the remainder of this school year which shall include:

- a. Public Law 100-297 grant schools, Public Law 93-638 contract schools, and Bureau of Education operated schools be closed for the remainder of the 2020 school year; and,
- b. Public schools, including grant schools, private schools, higher education institutions, early childhood programs, including CCDF, Head Start, FACE programs, and all after school programs located on the Navajo Nation be closed for the remainder of the 2020 school year; and,
- c. Off reservation residential halls and dormitories for Navajo students operating under the authority of the Navajo Nation will follow the process and procedure for this host school district.

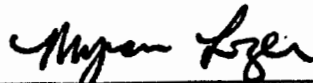
The Navajo Nation Divisions, Departments, Programs, Offices, non-governance certified Chapters, Enterprises, and Navajo casinos are responsible for implementing and ensuring compliance with this order.

The provisions of this order shall be implemented consistent with the laws of the Navajo Nation and in a manner that advances the highest welfare of the People.


EXECUTED this 31st day of March 2020



Jonathan Nez, *President*
THE NAVAJO NATION



Myron Lizer, *Vice-President*
THE NAVAJO NATION

ATTEST: 
Doreen N. McPaul, *Attorney General*
Navajo Nation Department of Justice

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO : 110 Navajo Chapters
Navajo Nation Local Government

FROM : Sonlatsa Jim
Sonlatsa Jim-Martin, Department Manager II
DIVISION OF COMMUNITY DEVELOPMENT
HEALTH COMMAND OPERATIONS CENTER, Operations Section, Chapter Branch

DATE : April 8, 2020

RE : All 110 Chapters to Coordinate with the Division of Community Development
Non-Governance Certified Chapter Staff as Essential Employees

On March 13, 2020, President Nez and Vice-President Lizer issued Executive Order No. 001-20 (EO) which empowered Division Directors to determine "essential personnel." On March 31, 2020, President Nez and Vice-President Lizer issued the second Executive Order (002-20) which, among other things, extended the governmental closure to April 26, 2020. Both EOs provided paid administrative leave to all "non-essential" personnel for the duration of the closure. Further, that the closure could be extended on the recommendation of the Navajo Nation Health Command Operations Center (HCOC). Its second EO reaffirmed the Division Director's authority to determine essential personnel. For non-governance certified Chapters, all Community Services Coordinators (CSC) and Account Maintenance Specialist (AMS) are Executive Branch employees for purposes of the Local Governance Act.

Effective Monday April 13, 2020, all CSCs and AMSs are deemed as essential employees. This does not mean that Chapters are re-opening. In fact, Chapters are to remain closed to the public. These employees will be providing "Essential Government Functions" and assisting with the implementation of the Emergency Navajo Nation Chapter Plan. All 110 Navajo Chapters are approved for the following essential government services:

- water hauling services
- solid waste management services
- coal/wood/hay services
- food and supply storage
- food and supply delivery services
- U.S. mail services (if located at the Chapter)
- administrative emergency documents
- Other essential services will be determined on a case by case basis and as the situation changes with the COVID-19 emergency response.

Page 1 of 2

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



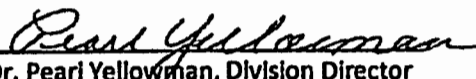
As provided in the Emergency Public Health Orders, all emergency relief efforts by any of the 110 Chapters need to be coordinated with the HCOC. At the outset of the establishment of the HCOC, the DCD was placed under the Operations Section of the HCOC. Thus, there is a "Chapter Branch" under HCOC which is facilitated by DCD. Therefore, all Chapters including Governance-Certified Chapters, must coordinate all emergency relief efforts through the Chapter Branch of the HCOC.

The Covid-19 virus has demonstrated to be a major public health risk. Thus, any effort by Chapters to provide any Essential Government Functions like those contemplated in the Emergency Navajo Nation Chapter Plan, requires standardization on trainings and implementation in an effort to minimize the risk of exposure to the participants and to the community members they serve.

Notwithstanding the above, all CSC, AMS, and governance-certified Chapter employees shall communicate any "underlying health conditions" as defined under the Public Health Orders which will excuse you from performing any Essential Governmental Functions. Such employees will need to provide in writing and send notice to Sonlatsa Jim-Martin.

All CSC, AMS, and governance-certified Chapter employees shall use all safety measures while at the Chapter facility including wearing gloves, masks, sanitizing surfaces regularly, social distancing of 6-feet, and gathering with no more than 5-people. Once again, all Chapters are to remain closed for regular business with the public due to the spread of the COVID19. For any questions or clarifications of this memorandum, please email Sonlatsa Jim-Martin, Department Director for ASC, at sjim-martin@nndcd.org. Thank you and please be safe.

CONCURRED TO BY:


Dr. Pearl Yellowman, Division Director

cc: SPPS Staff, ASC Offices, ASC
Health Incident Command Center, NDOH
110 Chapter Officials
24th Navajo Nation Council Delegates
FILE

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE-PRESIDENT



MEMORANDUM

TO: Division Directors, Department and Program Managers
Executive and Legislative Branches

FROM: Tonia W. Becenti
Tonia W. Becenti, Human Resources Director
Department of Personnel Management

DATE: April 8, 2020

RE: Special Duty Pay Procedures

As a result of COVID-19, a Special Duty Pay Procedures is being issued by the Department of Personnel Management. The Division of Human Resources Division Director, has approved release of procedures. Attached for your information and use is the Special Duty Pay Procedures, they are to provide guidance for determining pay for eligible employees who are working on behalf of the Navajo Nation's response to the pandemic

Should you have any questions, please contact the Department of Personnel management at 928-871-6330.

xc: Dr. Perphelia Fowler, Division of Human Resources Director
Paulson Chaco, Chief of Staff, OPVP
LaShawna Tso, Chief of Staff, Office of the Speaker
File



**PROCEDURES
EXECUTIVE AND LEGISLATIVE BRANCHES
DEPARTMENT OF PERSONNEL MANAGEMENT**

| | | |
|------------------|---|--------------------------------|
| SECTION: | SALARY AND WAGE ADMINISTRATION | NO. 20-VII-005 |
| SUBJECT: | SPECIAL DUTY PAY PROCEDURES | RELEASE DATE: 4/08/2020 |
| CROSS REFERENCE: | Navajo Nation Personnel Policies Manual § VII(L) and NOVEL CORONAVIRUS DISEASE (COVID-19) OUTBREAK | REVISION DATE: |
| REVIEW: | DEPARTMENT OF JUSTICE | DOJ REVIEW DATE: 04/08/2020 |

PURPOSE

Pursuant to the Executive Order No. 001-20, the Navajo Nation Office of the President and Vice President (OPVP) declared a State of Emergency due to the confirmation of the COVID-19 Virus in areas surrounding the Navajo Nation and closed the Navajo Nation government offices. President Nez extended the closure of the Executive Branch by Executive Order No. 002-20.

Some employees continue to work during the COVID-19 pandemic because of the essential nature of their position to allow the government to continue to operate and provide services to the Navajo People. This includes personnel that are working the front lines of the Navajo Nation government's pandemic response and those employees who are designated by the Division Director or OPVP as "Essential Employees" as directed by Executive Order No. 002-20. As such, they are "on call" for purposes of Section VII(L) of the Personnel Policies Manual.

APPLICABILITY

Pursuant to the authority set out in Section VII(L) of the Personnel Policies Manual, and subject to available funds, full-time and part-time employees who are on call during the COVID-19 Pandemic are eligible for Special Duty Pay. Employees may receive Special Duty Pay while holding a position designated by the Division Director or by the Office of the President and Vice-President to be eligible for such pay. Such positions first must be designated as "Essential Personnel" under Executive Order No. 002-20. The Division Director or OPVP may then apply additional criteria to deem such Essential Personnel eligible for Special Duty Pay, including whether such employees are required by their duties to be physically in their office or in the field directly responding to the pandemic.

DEFINITIONS

Special Duty Pay: For purposes of these procedures, "Special Duty Pay" means additional pay for being on call and performing essential government services during the COVID-19 pandemic.

Hours Worked: The time an employee spends on the work premises or at a designated work place performing services of benefit to the Navajo Nation, including documented work performed while telecommuting.

PROCEDURES

Subject to available funds, Special Duty Pay will be paid for all hours worked from the date of the issuance of the Executive Order No. 001-02, until the Navajo Nation government is re-opened by Executive Order of the President.

Special Duty Pay will not be paid when the employee is on Leave Without Pay, including because of a suspension arising out of disciplinary action, unless that disciplinary action is reversed by the Office of Hearings and Appeals or the Navajo Supreme Court.

For non-exempt employees, as defined by the Navajo Nation Personnel Policies Manual, Special Duty Pay shall be calculated as one-and one-half times the employee's usual hourly pay rate, as stated on the employee's current Personnel Action Form.

For Exempt Employees, the Division Director or OPVP may approve a lump sum payment in an amount within their discretion, subject to available funds.

**NAVAJO NATION
OFFICE OF THE CONTROLLER
PAYROLL BACKPAY REQUEST FORM**

*FORM
FOR
EXEMPT*

EMPLOYEE NAME: _____ SSN: _____ AB#: _____

DEPT. NO.: _____ TYPE OF REQUEST: _____

| | | | |
|------------------------|------------|------------|------------|
| REQUEST FOR PPE: _____ | PPE: _____ | PPE: _____ | PPE: _____ |
| REGULAR HRS: _____ | _____ | _____ | _____ |
| HOL. PAY HRS: _____ | _____ | _____ | _____ |
| A/LEAVE HRS: _____ | _____ | _____ | _____ |
| S/LEAVE HRS: _____ | _____ | _____ | _____ |
| COMP. TIME: _____ | _____ | _____ | _____ |
| ADMIN/LEAVE HRS: _____ | _____ | _____ | _____ |
| TOTAL HOURS: _____ | _____ | _____ | _____ |

GRAND TOTAL HOURS: _____

RATE ADJUSTMENT:

| | |
|-------------------|--------------------|
| NEW RATE: _____ | A/L PAYOFF: _____ |
| OLD RATE: _____ | ACCOUNT NO.: _____ |
| DIFF RETRO: _____ | HOURLY RATE: _____ |

JUSTIFICATION or DESCRIPTION:

APPROVAL: _____ DATE: _____
Type Authorized Approver's Name Signature

**FOR PAYROLL OFFICE USE ONLY
CHECK OFF LIST FOR INPUT**

| | | |
|----------------------|---------------------------|--------------------|
| _____ REGULAR HOURS | _____ DEDUCTIONS ADJUSTED | _____ A/L ADJUSTED |
| _____ TAX MULTIPLIER | _____ BENEFITS ADJUSTED | _____ S/L ADJUSTED |

VERIFIED BY: _____ APPROVED FOR: _____ HOURS@ _____ RATE