



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Navajo Nation Council supports the Civil Rights of Individuals with Disabilities Act of 2018

WINDOW ROCK – On Wednesday during the 2018 Summer Council Session, the Navajo Nation Council considered Legislation No. 0469-17 which seeks to enact the Civil Rights of Individuals with Disabilities Act of 2018, and amended the Navajo Preference in Employment Act to reflect protections for individuals with disabilities residing and working on the Navajo Nation.

According to the legislation, in April 1979 the Navajo Nation Council approved the Navajo Affirmative Action Plan, which ensured that Navajo individuals with disabilities have equal access to employment opportunities and public buildings on the Navajo Nation, and established the Navajo Nation Council on Handicapped.

It goes on to state that the plan of operation for the Navajo Nation Council on Handicapped be amended, and would now be recognized as the Navajo Nation Advisory Council on Disabilities, and would serve in an advisory and advocacy capacity to tribal leadership regarding laws and policies concerning individuals with disabilities.

Council Delegate Jonathan Hale (Oak Springs, St. Michaels), sponsor for the legislation, said several amendments to other laws and policies to include protections for individuals did not provide sufficient remedies or just recourse for cases of discrimination and the ongoing lack of adequate accommodations for persons with disabilities.

“Clearly, the likely reasons for the failure of enforcing existing laws is they have no teeth, lack of funding to make proper accommodations for people with disabilities, and the provisions did not provide enough authority to the advisory council to ensure public and private programs and businesses on the Navajo Nation have implemented the policies,” said Delegate Hale.

Delegate Hale added that the proposed Civil Rights of Individuals With Disabilities Act would provide equal access to employment, educational services, all public and private buildings on the Nation, and would also incorporate those rights into the Navajo Nation Preference in Employment Act.

Council Delegate Leonard Tsoosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) raised concerns regarding the proposed act stating that it could result in a significant fiscal impact to the Nation if it enforced the implementation of accommodations for persons with disabilities by all programs and businesses.

“This is a very broad law with a big fiscal impact. It would be interesting to put this side by side with other disability acts. The Navajo Nation being in a state where it has dilapidated buildings and insufficient concrete to accommodate ramps, we should be careful on this. We should table this legislation until we get some kind of report on how much it would take to accommodate all the needs of these individuals and what the cost would be for the Nation,” said Delegate Tsoosie.

Delegate Tsoosie recommended a tabling motion on the legislation, however Council members voted the motion down. Delegate Hale stressed that the proposed civil rights act is to ensure that all current laws and policies are properly enforced to provide protections for persons with disabilities and includes a remedy to file discrimination cases.

President for the Navajo Nation Advisory Council on Disabilities, Hoskie Benally, conveyed to Council members that although there are current policies in place, persons with disabilities are not provided the same rights under the current laws compared to other classes of discrimination such as gender, age, LGBTQ, etc.

“As an advocate for persons with disabilities, those without disabilities have a right with the Navajo Nation government and private entities to sue and receive a remedy for a civil rights violation. What we are asking for is to have the same rights under the current laws. There is nothing in the law right now that gives us legal remedy. We are asking for fair and equal treatment,” said Benally.

The Navajo Nation Council voted 14-2 to approve Legislation No. 0469-17 with one amendment, and serve as the final authority on the bill. The President will have 10 calendar days to consider the resolution once it is delivered to the Office of the President and Vice President.

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