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Health, Education, and Human Services Committee supports bill to rescind sanctions on former NAAA department manager

WINDOW ROCK – On Monday, the Health, Education, and Human Services Committee considered Legislation No. 0309-18, which would rescind Resolution No. BFMA-08-08 to lift sanctions from the former department manager of the formerly known Navajo Area Agency on Aging, now renamed the Navajo Division on Aging and Long Term Care Support.

In June 2005, former members of the Budget and Finance Committee approved a corrective action plan, or CAP, for the Navajo Area Agency on Aging to correct deficiencies that were found within the program's operations and financial reports stemming from an audit that was conducted by the Navajo Nation Office of the Auditor General. When the CAP was not fully implemented, a sanction on the program was approved in March 2008, which withheld a certain percentage of the department manager's salary.

HEHSC chair and co-sponsor for the legislation, Council Delegate Jonathan Hale (Oak Springs, St. Michaels), said the department manager retired five years ago and the withheld percentage of her salary was never released to her upon retirement.

"When sanctions are imposed, it goes to the program director. There is no form of disciplinary action other than a withholding of part of their salary until the deficiencies have been corrected. However, since it only applies to the manager, they have to be currently employed. The CAP would still exist, but this bill would lift the sanction to release the money back to the former manager," said Delegate Hale.

Delegate Hale added that the Division on Aging and Long Term Care Support would continue to be responsible for implementing the CAP and a revisit to the program would be carried out to update the CAP. At that time, the Auditor General would determine if another sanction would be imposed on the program and its current department manager, said Delegate Hale.

HEHSC member Council Delegate Nelson BeGaye (Lukachukai, Rock Point, Round Rock, Tsaile/Wheatfields, Tsé Ch'izhi) raised concerns regarding the release of the funds to the former department manager and said it could set a negative precedent for other sanctioned department managers to leave or retire from their programs just to receive the rest of their salary.

“I have a little problem accepting this because if the department manager did not fulfill the duties to carry out the CAP, why are we releasing the funds? I know that many of these CAP’s have been going on for several years, and if they don’t fulfill it, then that is their responsibility to do so,” said Delegate BeGaye.

He also questioned how programs would be held accountable and what measures need to be put in place, especially for programs that provide direct services to elders. He added that it may appear “harsh” to withhold a person’s salary, but if that is the policy then it needs to be carried out to hold managers accountable to correcting deficiencies within their programs.

EHSC member Council Delegate Amber Kanazbah Crotty (Beclabito, Cove, Gadi’i’áhi/To’Koi, Red Valley, Tooh Haltsooi, Toadlena/Two Grey Hills, Tsé ałnáoz’t’í) said the CAP that was approved for the Navajo Area Agency on Aging needs to be reassessed because the program’s needs and resources have changed since 2008, and further expressed disappointment that the program has not had an audit revisit in nearly 10 years.

“The approved CAP right now only addresses issues with meals and recommends to reduce hours for employees. We need to look at where they are with their CAP in terms of their compliance, because it does not show the whole picture right now as to what the senior center programs offer. Current activities are not reflected in this old CAP,” said Delegate Crotty.

According to the legislation, it includes a directive to the Office of the Auditor General to conduct a follow-up review on the Division on Aging and Long Term Care Support within one year from the date the resolution has been approved.

However, in response to the committee’s concerns regarding the timeline of the follow-up review and other issues, Delegate Hale recommended that both entities meet immediately to begin coordinating an audit revisit to the program, and provide a completed report within three months rather than one year.

EHSC members supported Legislation No. 0309-18 with a vote of 4-0 with two amendments and a directive. The Budget and Finance Committee serves as the final authority on the legislation.

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