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Health, Education, and Human Services Committee discusses proposed changes to the Navajo Nation Department of Personnel policies

SCOTTSDALE – The Health, Education, and Human Services Committee met with representatives from the Navajo Nation Department of Personnel Management and the Navajo Nation Office of the President and Vice President last Thursday, to address three proposed legislations aiming to amend provisions within the personnel policies manual.

Major changes include the elimination of the equivalency clause in job descriptions, mandatory background checks for certain positions, and changes to the grievance process.

Legislation No. 0095-13 sponsored by Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill), proposes changes that would eliminate the equivalency clause from being used in job descriptions.

The equivalency clause is defined as an equivalent combination of education, training, and experience necessary to perform job duties.

Delegate Witherspoon explained that the majority of job openings require one to nine years of work experience which prevents recent college graduates from getting an interview.

“There’s a need to change what’s been acculturated into the Nation’s policies,” said Delegate Witherspoon. “It discriminates against educated Diné because they can’t even get in the interview pool.”

The legislation tabled by HEHSC on Apr. 3, would also allow for division directors and program managers to become trained in screening job applicants, selecting interviewees, and recommending a person for hire, explained Delegate Witherspoon.

Division directors and program managers would also have the ability to negotiate pay rates for prospective employees, Delegate Witherspoon said.

HEHSC chair Council Delegate Jonathan Hale (Oak Springs, St. Michaels) expressed support for the proposed change and asserted that program managers must take the time and effort to establish well-defined job descriptions and qualifications that truly meet the program’s needs.

Delegate Hale also explained that the proposed changes only affect the legislative and executive branches, and not the judicial branch.

In a memo to HEHSC members dated Apr. 3, President Ben Shelly said he agrees that changes to the Nation's personnel policies are needed, and insisted that the OPVP and the Department of Justice be consulted on such matters since it impacts the entire executive branch.

Legislation No. 0063-13, proposes to require background checks for individuals applying for positions that are identified as sensitive positions, according the Delegate Witherspoon.

He further explained that individuals currently serving in sensitive positions would also be required to pass a background check, although he also acknowledged that some current employees may have to be transferred to another position or terminated based on the findings.

"We have an obligation to protect the Nation's finances and resources," Delegate Witherspoon said.

On the issue of grievances, Delegate Witherspoon noted that forthcoming legislation will propose changes to ensure that employees adhere to the grievance process before taking the issue to the Navajo Nation Labor Commission.

When employees are terminated with good reason, Delegate Witherspoon observed that they often do not follow the established grievance procedures. Instead, they take their grievance(s) directly to the Navajo Nation Labor Commission, and often receive compensation.

"The Nation is paying significant amounts of money to people who, at times, get fired for good cause," said Delegate Witherspoon. "It is a big financial problem for the Nation."

At the conclusion of the two-hour discussion, HEHSC members said they will continue to work with DPM and the executive branch to improve personnel policies.

Legislation No. 0095-13 and Legislation No. 0063-13 will be considered by the Health, Education, and Human Services Committee at their next regular meeting scheduled for May 15 at 9 a.m. at the Leupp Chapter House in Leupp, Arizona.

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