

**LOW MOUNTAIN CHAPTER  
PUBLIC EMPLOYMENT PROGRAM  
POLICY AND PROCEDURES  
[REVISED – 10/30/2023]**

**I. ESTABLISHMENT:**

The Low Mountain Chapter Public Employment Program (PEP) is hereby established as a short, term employment program (as amended) under the Low Mountain Chapter Government.

**II. PURPOSE:**

The purpose of the PEP Policy and Procedures is to provide guidance to the Low Mountain Chapter in administering the Chapter PEP funds to provide short-term employment opportunities for registered and/or non-registered Chapter residents in the community to work on prioritized Chapter Emergency Projects.

- A. The Policy of the Low Mountain Chapter is to comply with applicable laws that governs the employment relations between the Chapter and the PEP employees and consistent with the Nation's laws, regulations and policies, the Chapter shall not discriminate against an applicant or employee(s).
- B. Reduce the unemployment rate within the Chapter community and Navajo Nation level.
- C. Provide on-the-job training to selected Chapter PEP participants, to bring them to a desired standard of emergency or condition or behavior etc. so they may seek and obtain other outside employment with non-Chapter employers.
- D. In response to the recently declared State of Emergency by the Commission on Emergency Management (CEM) January 19, 2023 by Resolution CEM 23-01-19, for the Navajo Nation due to the severe winter snowstorms and subsequent mud from snow melt creating potential public health and safety Risks across the Navajo Nation.
- E. It will be the policy of the LMC during the declared state of emergency in its initial response to activate available emergency resources this includes by not limited to, resources of PEP personnel, equipment, monetary funding and other resources as maybe required to protect the health, safety and welfare of the citizens of the LMC community through adequate assessments, established of priorities, communications, safety measures, coordination and use of appropriate resources to mobilizing relief and mitigate further threats to the community.

**III. DEFINITIONS:**

- A. "Chapter Official" means the following public officials elected by the Chapter membership; Chapter President, Chapter Vice President, and Chapter Secretary/Treasurer.
- B. "Community Services Coordinator" means the individual who is responsible for administering the Five Management System (FMS) and the administrative functions of the Chapter Operation. Administrative head staff performing the duties prescribed in Local Governance Act (LGA) Title 26 N.N.C., Subsections 1004 (B) (C) and 2003 (B).
- C. "Chapter Administration" means the employees of the Chapter which includes, but is not limited to the Community Services Coordinator (CSC) and Account Maintenance Specialist (AMS).

- D. "Chapter Employee" means any person or entity working for or rendering or exchanging any services or performing any act for or on behalf of the Chapter, in return for any form of payment or other compensation. This can be temporarily, permanently or indefinitely, in any capacity.
- E. "Participants" means Chapter Residents participating in Chapter-approved Public Employment Program projects whether hired or voluntarily.
- F. "Chapter Resident" means one who dwells permanently or continuously within the boundaries of the Chapter.

**IV. STAFFING AND ORGANIZATION:**

- A. **CHAPTER OFFICERS:** In accordance with the Local Governance Act as approved by the N.N.C., Resolution CAP-34-98, the Chapter Officials having legislative oversight hereby through adoption of this policy, delegates to the Community Services Coordinator oversight authority over the operation of the PEP Program.
- B. **COMMUNITY SERVICES COORDINATOR (CSC):** The CSC under the direct supervision of the selected Chapter Official shall have the primary daily oversight of the PEP and further, shall have the ultimate authority over all the Chapter PEP Projects.
- C. **PROJECT SUPERVISOR:** The Project Supervisor under the direct supervision of the CSC shall oversee all the PEP and/or other Chapter-approved project participants to assure continuity of ongoing project(s) and that they are completed in a timely manner and/or within the Declared State of Emergency approved emergency Budget Cycle or an extension shall be reflected in the ensuing year's Regular Chapter Budget and approved by the Chapter. In the event the Chapter CSC is unavailable, in his/her absence, the Project Supervisor shall report directly to the Chapter Accounts Maintenance Specialist (AMS).

**V. ELIGIBILITY CRITERIA:**

- A. During the difficult time period of the Navajo Nation Winter Emergency, it is especially important the Chapter first and foremost recognize the need of maintaining or establishing a norm of Chapter operations with a common message of education for the community membership of self-care, protection and personal accountability during the continuity of the declared winter emergency within the Navajo Nation and Chapter communities.
- B. In times of this uncertainty, the Chapter for purposes of services and benefits to the community continues to carry out Chapter-approved PEP and other emergency project activities for the general health, safety and welfare of the Chapter membership and thus, the Chapter Official shall have the ultimate authority to select hire active Chapter registered voters.
- C. It will still be the policy of the LMC if a Chapter PEP and/or an emergency project employee(s) feels sick and/or have something that may indicate the presence of COVID-19 variant, the employee will need to stay home and seek medical advice and notify the employer with their follow up health status or based on the results, the employer shall abide by the NDOH to provide a pertinent report results to the Navajo Department of Health.

- D. Elected Chapter Officials or an Administrative staff shall recuse oneself from hiring process participation determining employment eligibility for an applicant due to personal relationship because of potential conflict of interest or lack of impartiality.
- E. The Chapter Officials shall select a Chapter Project Supervisor based on experience, skill and qualifications for the designated Chapter Project. The CSC can utilize the Navajo Nation pay scales or recommend the Chapter pay scale based on funds availability to pay the Project Supervisor and likewise with other skilled employees their appropriate wages.

**VI. PEP EMPLOYMENT PRACTICES:**

- A. PEP and/or other emergency projects, applicants shall not be employed with other entities at the time of submitting an employment application.
- B. **Second or Outside Employment**
  - 1. Navajo Nation PPM § III (D) Full-time Employment with the Navajo Nation/PEP shall generally be the sole employment of any employee. However, it is recognized that personal situations do occur which might make it necessary for employees to seek supplementary employment.
  - 2. An employee shall not engage in outside or self-employment without written approval may be subject to dismissal.
  - 3. An employee who secures outside or self-employment without written approval may be subject to dismissal.
  - 4. An employee may not concurrently hold two full time positions with the Nation.
  - 5. Additional employment should not impair job performance with the Nation. This includes conflicts of interest, neglect of duty, absence from or tardiness to the workstation, and performing duties associated with additional employment during normal working hours.
  - 6. If an employee is absent from his/her job due to outside or self-employment, the employee shall be required to take leave.
  - 7. Supervisors are responsible for determining whether additional employment adversely affects job performance with the Nation.
  - 8. Honoraria and/or compensation received for occasional seminars, speeches, or presentations are not deemed to be second or outside employment and are not subject to these provisions.

**VII. REQUIREMENTS FOR EACH CHAPTER PROJECTS:**

- A. It shall be the policy of the Chapter CSC to have discretion in selecting prioritized Chapter PEP project(s) and/or an emergency related project(s) and to determine the length of each project and when to begin such as coinciding the pay period start date to assure proper processing of payroll checks and other pertinent paperwork.
- B. Projects shall be completed within the annual budget cycle or an extension shall be reflected in the ensuing year's budget and approved by the Chapter membership. 6742048

- C. The Navajo Nation Worker's compensation Program shall provide adequate insurance coverage for each participant prior to start of employment.
- D. The Navajo Preference in Employment Act, as amended (codified as Title 15 Chapter 7) is binding on the selection, hiring and all other aspects of the employment process at the Chapter.
- E. In order for the Chapter to deviate from its set policies by employing more than five (5) participants per approved Chapter project(s) an exception shall be during a declared state of emergency in the use of available resources to employ more than (5) PEP participants to carry out an emergency related projects and not to exceed ten (10) working days and any extensions granted or approved will be based on the emergency status of the emergency project(s) to follow in time or as a result.
- F. In no instance shall any special projects such as Office Assistant, Community Liaison, CLUPC Liaison, Chapter Security, Bathroom Addition, Home Construction and other projects shall not exceed one (1) fiscal year (FY) based on funds availability, unless an extension is approved at a Regular Chapter Meeting at the beginning of the new fiscal year.
- G. During the interim declared winter emergency potential health and safety risks the interim policy of the Chapter will be to continue to conduct one on one contact with the employable registered and non-registered Chapter residents willing to work on PEP and/or an emergency Chapter project(s).
- H. All Accounting and Bookkeeping procedures as timesheets, payroll, appropriate deductions, including FICA, Medicaid, Federal Income Tax, Worker's Compensation Program, and Unemployment Insurance, etc. shall be consistent and in accordance with the LGA as approved by the N.N.C. Resolution CAP-34-98 and the other Chapter Five (5) Management System (FMS) for each project.
- I. For community emergency projects during the declared state of emergency, the Project Supervisors with valid Insurance Coverage will be allowed to transport good to the project sites.
- J. For certain related construction-projects participants shall provide their own tools.

**VIII. RECRUITMENT, SELECTIONS, HIRING, AND TERMINATION PROCEDURES OF THE PUBLIC EMPLOYMENT PROGRAM:**

- A. All Chapter Employment Applications received will be reviewed and screened systematically for employment eligibility by the Chapter Administrative Staff and forward the names of the potential employment applicants to the Chapter Officials for selections.
- B. When a PEP participant is a no show on the first day of work at 8:00 A.M. an employable individual or a selected alternate be summoned immediately as a replacement.
- C. All payroll checks will be prepared and distributed in accordance with the Chapters Fiscal Management Policies and Procedures.
- D. All payroll checks will be picked up by the PEP participant (payee) only, unless a written authorization by the designated another individual to pick up the check is submitted to and acknowledged by the Chapter administration.

**IX. SEXUAL AND OTHER UNLAWFUL HARASSMENT:**

- A. A participant who wants to report an incident of sexual or other unlawful harassment shall immediately report the matter to the Community Services Coordinator, who shall report the incident to the appropriate authorities.
- B. The Community Services Coordinator shall address the matter in a timely, appropriate, and confidential manner pursuant to the Chapter's Five Management System, Section XVI (F) Conduct of Employee Sexual Harassment.

**X. ILLEGAL DRUG ALCOHOL OR OTHER ILLEGAL SUBSTANCE USE:**

- A. It is the policy of the Chapter to provide a drug-free, healthy and safe workplace environment. To promote this goal, employees are required to report to work in an appropriate mental and physical condition to perform their jobs in a satisfactory manner.
- B. Employees shall not use, possess, distribute, sell or be under the influence of alcohol, drugs and/or other illegal substance use shall not be tolerated while conducting Chapter related business on Chapter premises and/or project sites.
- C. The legal use of prescribed drugs by a licensed physician is permitted on the job only if it does not impair an employee's ability to perform the essential function of the job effectively and in a safe manner that does not endanger other individuals in the workplace.
- D. Violation of this policy shall lead to disciplinary action including an IMMEDIATE TERMINATION OF EMPLOYMENT.

**XI. ABSENTISM:**

- A. If an employee fails to show up for work two consecutive days, shall result to disciplinary action of IMMEDIATE TERMINATION OF EMPLOYMENT.

**XII. EXPENDITURE REPORTING:**

- A. At the end of each month, quarterly, and calendar year-ending, all required reporting documents shall be submitted to the appropriate departments.
- B. The Accounts Maintenance Specialist shall make a written expenditure report to the Chapter Officials, and the Secretary/Treasurer shall then make an oral report at a duly called chapter meeting on a monthly basis.

**XIII. AMENDMENT:**

The Low Mountain Chapter shall strictly abide and comply with the set Policy and Procedures unless otherwise changes or amendments have been made to the Chapter Public Employment Program Policy. The process to amend the Policy and Procedure shall be recommended in writing by any registered community members at a duly called Chapter Planning Meeting.

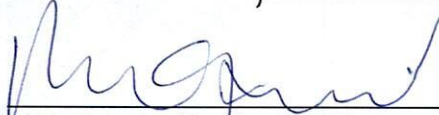
**C-E-R-T-I-F-I-C-A-T-I-O-N**

We, hereby, certify that the foregoing Chapter Public Employment Program Policy and Procedures was duly considered at a duly called Low Mountain Chapter, Chapter Meeting in Low Mountain, Navajo Nation, Arizona at

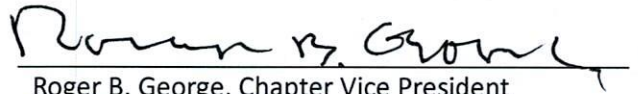
which a quorum was present and that same was passed by a vote of 11 in favor, 0 opposed, and 04 abstained, on this 13 day of November, 2023.

Motion By: Clara Tsosie

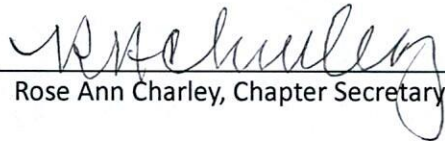
Second By: May Yazzie

  
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Ben Gonnies, Chapter President

  
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Roger B. George, Chapter Vice President

  
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Rose Ann Charley, Chapter Secretary/Treasurer