

RESOLUTION OF THE
TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL

Approving the Public Employment Project
Policies and Procedures for Chapter Expenditures

WHEREAS:

1. Pursuant to 2 N.N.C. Sections 420, 421(C) and 423(1), the Transportation and Community Development Committee of the Navajo Nation Council is established and continued as a standing committee of the Navajo Nation Council with the authority to promote the development of chapter governments, and promulgate policies and procedures to improve existing programs; and

2. Pursuant to Resolution GSCJN-35-91, the Public Employment Program previously administered project funds. Since then, the chapter itself administers the funds, but the policies and procedures have not been updated to reflect the above-mentioned change in administration. This has caused confusion at the chapter level; and

3. The Transportation and Community Development Committee of the Navajo Nation Council has determined that it is in the best interests of the Navajo Nation, to provide updated Public Employment Project Policies and Procedures for chapter expenditures.

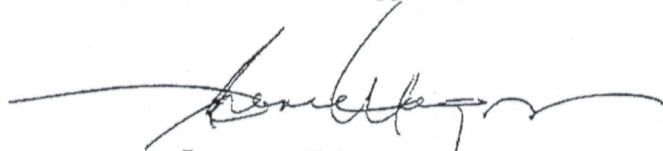
NOW THEREFORE BE RESOLVED THAT:

1. The Transportation and Community Development Committee of the Navajo Nation Council hereby approves the Public Employment Project Policies and procedures for Chapter Expenditures attached hereto as Exhibit "A", and those policies and procedures shall apply until such time a chapter adopts a Public Employment Project Policy of its own.

2. The Transportation and Community Development Committee of the Navajo Nation Council requests the President of the Navajo Nation and the Executive Director of the Division of Community Development to ensure that the one hundred ten (110) chapters of the Navajo Nation are provided copies of and given notice of Exhibit "A".

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Transportation and Community Development Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and the same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, this 19th day of December, 2000.

A handwritten signature in dark ink, appearing to read 'Lawrence T. Morgan', with a long horizontal flourish extending to the left.

Lawrence T. Morgan, Chairperson
Transportation and Community
Development Committee of the
Navajo Nation Council

Motion: Andrew Simpson
Second: Alfred L. Yazzie

PUBLIC EMPLOYMENT PROJECT
POLICIES AND PROCEDURES FOR CHAPTER EXPENDITURES

I. PURPOSE

The purpose of the Public Employment Project Policies and Procedures is to provide guidance to chapters in administering Navajo Nation Public Employment Project funds where they lack P.E.P. policies and procedures of their own. The Navajo Nation appropriates these funds to:

- A. provide short-term employment for chapter residents to work on prioritized chapter projects,
- B. reduce the unemployment rate at the chapter and Navajo Nation level, and
- C. provide on-the-job training to selected chapter residents so they may obtain permanent employment with non-chapter employers.

II. DEFINITIONS

- A. "chapter administration" means the employees of the chapter which includes, but is not limited to, the chapter manager and clerk-typist.
- B. "chapter manager" means a chapter employee who performs the duties prescribed in 26 N.N.C. §§ 1004(B), 1004(C), and 2003(B), and includes those employees referred to as community service coordinators.
- C. "Local Governance Act" means 26 N.N.C. §§ 1-2005.
- D. "participants" means chapter members participating in chapter-approved Public Employment Projects.

III. SELECTING, APPROVING, EXTENDING, ACCOUNTING, EMPLOYING AND POSTING REQUIREMENTS

- A. Each Navajo Nation chapter has discretion in selecting which Public Employment Project ("PEP") to pursue, subject only to applicable tribal laws. The chapter has the discretion to determine the length of each project and when to begin.
- B. All projects shall be duly approved by the chapter membership and set out in the annual budget.

- C. All 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.
- D. The chapter administration shall make proper accounting and bookkeeping entries for all PEP allocations.
- E. For each project, the chapter administration may employ one or more participants subject to the availability of funds.
- F. The chapter administration may not hire members of the same household family such as parent and child or siblings for the period involved in one approved chapter project.
- G. The chapter administration shall develop an exact job description for each of its participants.
- H. Due to insurance liabilities, no one other than a chosen project participant may work on a project.
- I. The chapter administration shall select chapter supervisors and skilled participants based on experience, skill, and qualifications for the designated project. The chapter can utilize the Navajo Nation pay scales, or chapter pay scales where they exist, to pay these supervisors and skilled employees an appropriate wage.
- J. Chapter managers may replace participants when they fail to show up at work.
- K. The Navajo Preference in Employment Act, as amended, is binding on the selection, hiring, and all other aspects of the employment process at the local chapter.
- L. Participants shall not work more than eight (8) hours per day, 40 hours per week or 80 hours per period. Additionally, participants may not make up for hours missed.
- M. The chapter may allow participants to receive on-the-job training with an employer other than the chapter, so long as the chapter has entered into an agreement with the employer that describes the employer's intent to hire the participant on a permanent basis, the employer's contribution to the participant's wage, and

the term of the training period.

- N. For each project, the chapter administration shall post notice that the chapter is accepting applications. That notice shall be made available two (2) weeks in advance and may be carried out as follows:

1. By posting on the chapter bulletin board(s).
2. By announcement in the media.
3. By announcement at planning and chapter meetings.
4. By posting in public and/or business sites within the area.
5. By other means the chapter deems appropriate.

IV. PARTICIPANT QUALIFICATIONS AND EMPLOYMENT NOTICES

- A. Adult participants shall be registered voters of the chapter and not employed by another chapter.
- B. Community Youth (non-registered voters) participants between the ages of fourteen (14) and seventeen (17) are eligible but the following conditions shall be met:
1. The applicable child labor laws of Arizona, New Mexico, or Utah are complied with.
 2. Parental consent is obtained using a standard consent form, prior to the date of employment. (See sample form attached hereto as Attachment A).
 3. There is no work-related travel.
 4. The youth are under close supervision at all times and do not work in hazardous occupations.
 5. The Navajo Occupational Safety and Health Administration (NOSHA) have assured that the working conditions and environment are safe.

V. PROJECT APPLICATION AND PROCEDURES

- A. For each project, the chapter administration shall properly complete, date, and sign the project application, personnel roster, and employment and termination notice(s). (See Sample forms attached hereto as Attachment B). The chapter administration shall also include a copy of the chapter budget resolution, and a copy of each participant's social security card. The chapter administration shall keep all of the above-mentioned documents on file. All

documents shall be completed and finalized prior to commencing the project.

B. The project application shall include:

1. The name of the project.
2. The name of the project supervisor.
3. The project location.
4. The project start and end dates.
5. The total number of project days.
6. The total estimated cost of the project.
7. The total amount of PEP funds to be utilized.
8. The total number of personnel to be employed.
9. The contact person (usually the clerk-typist or chapter manager).
10. The chapter telephone number.
11. The description of the project. This should include a description of the benefits to be derived from the project, the tasks to be performed under the project, the resources required for the project, the project readiness, a description of how the project will be monitored, and a description of any alternate projects the crew will work on should they finish before the designated date of completion.

VI. PAYROLL, TIMESHEETS, AND DEDUCTIONS

- A. At the end of each pay period, project supervisors shall submit to the chapter administration timesheets (see sample form attached hereto as Attachment C), weekly progress reports, and daily sign-in sheets.
- B. Upon receipt of the timesheets and before 5:00 p.m., the chapter administration shall check and verify the hours worked.
- C. For each participant, the chapter administration shall prepare the payroll, make the proper deductions which includes FICA, Medicaid, Federal Income Tax, Navajo Nation Worker's Compensation, and Unemployment Insurance.
- D. After payroll checks are completed, the chapter manager and secretary/treasurer shall sign the checks and if the secretary/treasurer is not available, the chapter manager and chapter president shall sign the checks. If the chapter president is not available, then the chapter manager and chapter vice-president shall sign the checks.

- E. Payroll checks shall be distributed according to the payroll schedules as set by the chapter administration.
- F. Payroll checks may be dispensed to the participant-payee only, unless the participant-payee has signed a written authorization designating another person to pick up the check(s).
- G. At the end of each month, or as instructed by the Internal Revenue Service, the chapter administration shall deposit the payroll deductions into the bank.
- H. By the dates set by the federal and state agencies, the chapter administration shall pay the federal and state unemployment taxes.
- I. By the end of each calendar year, the chapter administration shall issue W-2's to the participants who worked during the year, and shall submit W-3's to the Social Security Administration.

VII. EXPENDITURE REPORTING

- A. At the end of each month, the chapter administration shall prepare a written expenditure report which includes the beginning balance, wages, payroll journal, payroll deductions, IRS and Worker's Compensation fees, and the ending balance. The chapter administration shall keep this report in its records.
- B. At the end of each quarter, the chapter administration shall prepare a written expenditure report which includes the types of projects and number of workers covered in that quarter and submit the report to its Local Governance Support Center.
- C. At the completion of each project, the chapter administration shall prepare a final project evaluation report describing the completed project and have that report signed by the chapter president.

VIII. OVERSIGHT

- A. The chapter manager shall have the day-to-day oversight responsibility for the administration of all Public Employment Project activities carried out by the chapter.
- B. The Local Governance Support Center shall have

expenditure oversight and ensure that allocations are expended in accordance with Navajo Nation law.

- C. The Transportation and Community Development Committee of the Navajo Nation Council shall have the oversight responsibility for the operation of the Public Employment Project and the Local Governance Support Center's activities.

IX. AMENDMENTS

These policies and procedures may be amended by the Transportation and Community Development Committee.