

LoVene

FILED
SUPREME COURT

2019 JUN 14 AM 10: 01

IN THE SUPREME COURT OF THE NAVAJO NATION
NAVAJO NATION

In the Matter of:)
CECELIA WHITETAIL-EAGLE,)
)
 Appellant,)
)
 v.)
)
NAVAJO NATION RAMAH CHAPTER,)
AND RNC OFFICE OF GRANTS AND)
CONTRACTS,)
)
 Appellee.)
 _____)



Case No: SC-CV-14-19
Re: OHA-DPM-011-18

BRIEF OF THE APPELLANT CECELIA WHITETAIL EAGLE

Barry Klopfer, Esq.
Law Office of Barry Klopfer P.C.
224 West Coal Avenue
Gallup, New Mexico 87301
T: (505) 722-9331

Counsel for Appellant Cecelia Whitetail-Eagle

TABLE OF CONTENTS

Table of Citations.....2
Statement of the Case and of the Proceedings.....3
Statement of Facts.....4
Statement of the Issues.....6
Standard of Review.....7
Argument.....7
Conclusion.....14

TABLE OF CITATIONS

Manygoats v. Atkinson Trading Co., 8 Nav. R. 321, 336 (Nav. Sup. Ct. 2003)7
Wauneka v. Yazzie, No. SC-CV-64-12, slip op. at 8-9 (Nav. Sup. Ct. January 4, 2013)7
Manygoats v. Cameron Trading Post, 8 Nav. R. 3, 17 (Nav. Sup. Ct. 2000)8
Cedar Unified Sch. Dist. v. Navajo Nation Labor Comm’n, 9 Nav. R. 152, 154, 157 (Nav. Sup. Ct. 2007)8, 11
Begay v. Navajo Nation, 6 Nav. R. 20, 24, 26 (Nav. Sup. Ct. 1988)8, 13
Navajo Nation v. Platero, 6 Nav. R. 422, 424 (Nav. Sup. Ct. 1991)8
Fort Defiance Hous. Corp. v. Lowe, 8 Nav. R. 463, 475 (2004)11, 12
Smith v. Red Mesa Unified Sch. Dist. No. 27, 7 Nav. R. 135, 137 (Nav. Sup. Ct. 1995)12
Navajo Nation v. Crockett, 7 Nav. R. 237, 241 (Nav. Sup. Ct. 1996)12
Plummer v. Plummer (In re Estate of Plummer), 6 Nav. R. 271 (Nav. Sup. Ct. 1990)13
Atcitty v. Dist. Court for the Judicial Dist. of Window Rock, 7 Nav. R. 227, 230 (Nav. Sup. Ct. 1996)12

Statutes

15 NNC § 601 et seq.....6
CO-48-14.....4, 6, 7, 8, 10
15 NNC § 609 (A).....7, 11
1 N.N.C. § 3.....8

Statement of the Case and Proceedings

The matter is before the Supreme Court due to an appeal by Petitioner Cecilia Whitetail-Eagle from an April 17, 2019, Findings of Fact, Conclusions of Law and Final Order issued by the Office of Hearings and Appeals (OHA), Window Rock, Navajo Nation (AZ).

The Petitioner was served a Notice of Termination on August 10, 2017.

The Petitioner attempted to file an Employment Charge Form with the Office of Navajo Labor Relations (ONLR) on September 8, 2017, and it was rejected by the ONLR on the basis that the Navajo Nation Labor Commission (NNLC) no longer has jurisdiction to accept the filing of the Charge (Exhibit 76, Letter from ONLR dated September 8, 2017). Hard copy attached to this brief.

The Petitioner on or about September 8, 2017 filed a step one grievance with the Department of Personal Management and filed a step two grievance on September 22, 2017, then on October 6, 2017 filed a step 4 grievance with the Department of Personal Management. On November 17, 2017 the Petitioner filed a Request for Hearing with the OHA.

OHA issued a Notice of Pre-Trial Conference on January 8, 2018 and scheduled a pre-trial conference on February 6, 2018.

OHA issued a Minute Entry on February 7, 2017 and March 8, 2018, OHA issued a Notice of Hearing April 4, 2018 scheduling a Hearing for April 20, 2018. The OHA issued an order April 19, 2018 and Vacated and Continued Granting Extensions of Deadlines and Hearing. May 29, 2018 the OHA issued a Notice of Hearing for June 12, 2018.

Respondent Ramah Navajo Chapter (RNC) filed a Motion to Dismiss on September 20, 2018. Petitioner filed a Response Opposing the Motion to Dismiss on October 8, 2018. Respondent RNC's Reply to Petitioner's Response to Motion to Dismiss was filed October 18, 2018.

OHA issued orders scheduling numerous hearing dates until finally having an evidentiary

hearing on January 9, 2019. On January 10, 2019 the OHA issued a Minute Entry Order requiring parties to discuss settlement of the case. The parties were unable to settle Petitioner's grievance and the OHA issued Findings of Fact, Conclusions of Law and Final Order.

Statement of Facts

The following facts are relevant to the courts resolution of the issues on appeal:

1. The appellant, Cecelia Whitetail-Eagle was hired as the Executive Director of the Grants and Contracts on January 23, 2003.
2. The Appellant, Cecelia Whitetail-Eagle was placed on investigatory leave by Ramah Chapter President, David Jose on March 14, 2016.
3. On a previous claim filed against the RNC, the Appellant agreed that the NNLC would retain jurisdiction on March 10, 2017, docket number NNLC 2016-034.
4. The President of the Ramah Navajo Chapter, David Jose, issued a Notice of Termination on August 10, 2017 with unsigned "Acknowledgement of Receipt" by the Appellant, Cecelia Whitetail-Eagle.
5. On September 8, 2017, the appellant, Cecelia Whitetail-Eagle attempted to file an Employment Charge form with the ONLR. (Filing a Charge with the ONLR is a prerequisite to filing a Complaint with the NNLC.)
6. However, ONLR rejected the Charge, informing Appellant that because of the plain reading of the NPEA amendments in CO-48-14 they lack jurisdiction to accept the Appellant's claims against the "Ramah Navajo Community Chapter, a non-certified chapter."
7. Therefore, the Appellant was required to file any grievance and/or claims in accordance with the Navajo Nation Personal Policies Manuel (NNPPM), which is consistent with the statutory language in CO-48-14 amending the NPEA to require non-certified chapter employees to

proceed vis-à-vis the grievance procedures outlined in the NNPPM.

8. On September 8, 2017, in accordance with the NNPPM, the Appellant filed a Step 1 Grievance with Appellant's supervisor, David Jose, RNC President and the Department of Personal Management (DPM) pursuant to the NNPPM and NPEA.
9. Between the interval of Appellant's date of termination and her grievance was Labor Day, a holiday the NNPPM recognizes, which fell on September 4, 2017.
10. On September 22, 2017 the appellant filed a Step 2 Grievance with the DPM.
11. On October 6, 2017, and without DPM convening a Step 3 hearing, the Appellant filed her Step 4 Grievance with the DPM.
12. On November 17, 2017 the Appellant filed a Request for Hearing with the OHA.
13. The Appellee RNC filed a motion to dismiss on September 20, 2018.
14. On October 8, 2018 the Appellant filed a Response Opposing Motion to Dismiss.
15. Appellee, RNC filed its Reply to Petitioner's Response to Motion to Dismiss on October 18, 2018.
16. January 9, 2019 the OHA conducted a motion hearing. Without concluding the motion hearing the hearing officer instructed the parties' counsels to chambers and informed the counsels he was going to postpone ruling on the motion to dismiss to allow and compel the parties to attempt continued settlement discussions.
17. On January 10, 2019 OHA issued a Minute Entry to continue proceedings to a later date to allow parties to talk things out.
18. On February 19, 2019 a Notice of Commencement was filed by Appellee RNC Office of Grants and Contracts (OGC).
19. Appellant filed a Notice of Unsuccessful Mediation on March 5, 2019.

20. Appellee OGC filed a Motion for Summary Judgment to Dismiss or, in the Alternative, for an Order Clarifying its role in the proceedings filed February 19, 2019.
21. Appellant filed Response Opposing OGC's Motion for Summary Judgment to Dismiss or in the Alternative for an Order Clarifying its Role on March 6, 2019.
22. April 17, 2019 OHA issues Findings of Fact, Conclusions of Law and Final Order.

Statement of Issues

- 1) Whether the Appellant can waive her due process rights afforded to her by the Navajo Preference in Employment Act (NPEA), 15 N.N.C. § 601 et seq., and the Navajo Nation Personal Policies Manual (NNPM), including whether the Appellant can and did waive her due process rights in 2003 from 2014 amendments to the NPEA contained in legislation CO-48-14?
- 2) Whether Appellant's Step 1 grievance filed accordingly as to the NNPPM's instructions requires a terminated employee to initiate their written grievance within twenty working (20) days of their termination, and whether Appellant filed her grievance timely, and whether Appellant ought to be held to a five day (5) statute of limitations to initiate her grievance despite the fact that RNC's entire grievance process is a sham given that the decision of the hearing officer can be overridden by the RNC President David Jose, whom is also the person that initiated the termination of Appellant?
- 3) Whether a grievance procedure that vests the decision of the person that terminated the Appellant, in this case RNC President, David Jose, as being "final," regardless of any hearing officer's conclusion, complies with Navajo due process? See Petitioner's Exhibit 32, page 36 for the Appendix D, Part D RNC employee grievance process.
- 4) Whether a grievance procedure contained in an employer's policy manual that is not the NNPPM/OHA procedure, or the ONLR/NNLC procedure, can bind by contract for an employee

to use a particular grievance procedure, where such procedure does not comply with Navajo due process or 15 N.N.C. § 609(A)?

Standard of Review

The standard of review is abuse of discretion. Whether the OHA's final order went beyond the scope of its authority, or whether it was based upon a mistake as to the applicable law, or whether it violated the Appellant's due process rights, or whether it wasn't supported by the evidence, or whether the final order was arbitrary and unreasonable. Manygoats v. Atkinson Trading Co., 8 Nav. R. 321, 336 (Nav. Sup. Ct. 2003)

Argument

Appellant contends OHA's final order went beyond its scope of authority. OHA exceeded its authority to reject the jurisdiction bestowed upon it through legislation CO-48-14, which compels employees of non-LGA certified chapters, such as RNC, to pursue their employment grievances using the procedures set forth in the NNPPM. "We have stated that an administrative tribunal may not act outside the scope of its statutory authority and duly promulgated rules. [citations omitted]. Unlike our courts which under 7 N.N.C. § 255 have broad discretion 'to issue any writs or orders necessary and proper to the complete exercise of their jurisdiction,' the discretion of an administrative tribunal is limited to existing statutes and rules." Wauneka v. Yazzie, No. SC-CV-64-12, slip op. at 8-9 (Nav. Sup. Ct. January 4, 2013).

OHA's final order was predicated upon a mistake of law and violated Appellant's due process rights, as well. There is no fundamental fairness that results in a terminated employee, following the letter of the NPEA in initiating a grievance, being denied such a grievance hearing despite it being timely asserted.

Since the passage of the NPEA, employers, including public employers, have urged the

Navajo Supreme Court to prohibit the NPEA from being enforced against them. This Court has consistently rejected those challenges. Cedar Unified School District v. Navajo Nation Labor Commission, 9 Nav. R. 152, 154 (Nav. Sup. Ct. 2007), and it should in this instance, as well. This Court has also held the regulation of employment and the protection of workers to be among the most important powers of the Navajo government. Manygoats v. Cameron Trading Post, 8 Nav. R. 3, 17 (Nav. Sup. Ct. 2000).

Although due process of law is expressly guaranteed by section 3 of the Navajo Nation Bill of Rights, 1 N.N.C § 3, the concept of due process was not brought to the Navajo Nation by the Indian Civil Rights Act nor the Navajo Bill of Rights. Begay v. Navajo Nation, 6 Nav. R. 20, 24 (Nav. Sup. Ct. 1988). Due process is “fundamental fairness” in a Navajo cultural context. Navajo Nation v. Platero, 6 Nav. R. 422, 424 (Nav. Sup. Ct. 1991).

In this instance the Appellant did everything she could in reference to filing her grievance for termination in the proper forum to appeal RNC’s decision to terminate her, including filing a Charge with the ONLR, and also filing a Step 1 grievance pursuant to the NNPPM. Appellant filed both of these on January 8, 2018. The ONLR ultimately rejected her Charge due to the plain language of CO-48-14; plain language that evidently escaped the OHA.

The OHA did not base its decision on the evidence and argument before it, even by the Appellees, rendering its final order arbitrary and unreasonable. For example, the OHA opined “Respondent argues that the Labor Commission is the forum that should hear this matter.” Findings of Facts and Conclusions of Law and Final Order at p. 3. This isn’t true.

RNC through their attorney, Colin Bradley, when asked by the OHA at the motion to dismiss hearing held on January 9, 2018, “Where does she get her relief?”, responded as follows: “So it’s then our position that she had to follow the Ramah process because the Ramah process is the adjudicatory

forum. That is the venue where you litigate your Navajo Preference in Employment Act rights.”

January 9, 2018 Transcript at pages 79-80.

The RNC grievance procedure was never contemplated as a forum for the Appellant to adjudicate her termination. RNC’s grievance process is fundamentally unfair and does not comport with Navajo due process. Thus, the Appellant never attempted to avail herself of it.

OHA’s decision is unsupported by the evidence, *supra*, and is also arbitrary and unreasonable. For example, the OHA, *sua sponte*, and without argument from Appellees, inquired at the January 9, 2018 motion to dismiss hearing whether Appellant filed her Step 1 grievance by the twenty (20) working day deadline. The OHA concluded at the January 9, 2018 hearing that Appellant had timely filed her Step 1 grievance. “So I’m going to find that, again, that the Petitioner, for now, without ruling on finality of whether I’m going to hear the case, that if she had done though the personnel policies manual of the Navajo Nation, she had met her timeliness for grievance, okay?” January 9, 2018 Transcript at pages 51. Despite this ruling, the OHA arbitrarily and unreasonably reversed itself in its written order, stating: “Petitioner was terminated on August 10, 2017 and filed her grievance with DPM on September 8, 2017, one day late of the 20 work days provided. If OHA were to find that OHA is the forum for the grievance, Petitioner’s filing would be one day late and dismissed for not being timely.” So, aside from outright reversing itself, the OHA also arbitrarily and unreasonably didn’t apply the correct timeline. The NNPPM uses a twenty (20) **working day** statute of limitations to file a Step 1 grievance. (emphasis added). “An employee or an applicant for an employment position must file a written grievance with the supervisor who initiated the action within twenty **working days** of the disciplinary action or alleged violation of the Navajo Preference in Employment Act...” NNPPM XIV(C)(1). (emphasis added) The NNPPM further recognizes Labor Day as a paid holiday. Labor Day is not a working day. *See* list of paid Navajo

holidays at NNPPM IX(B). Labor Day is celebrated on the first Monday of September each year. In 2017, this fell on September 4th. Thus, this holiday tolled an additional day to the eight (8) Saturdays and Sundays between August 10, 2017 and September 8, 2017. Hence, the OHA arbitrarily reversed itself, and in the process never allowed Appellant to argue timeliness. The OHA arbitrarily misapplied the law, and in so doing was unreasonable.

The OHA made the above written finding despite remarking at the January 9, 2018 hearing, “from what I’ve seen, she’s done her due diligence in trying to appeal this action. And then to get it rejected on a technicality from a contract that is poorly written, for sure...as Mr. Klopfer say, she’s allowed her day in court.” January 9, 2018 Transcript at page 80

Prior to the current litigation the Appellant filed a grievance with the ONLR/NNLC challenging the extended investigatory leave imposed upon the appellant. Petitioner had been placed on paid administrative leave for five hundred and fourteen (514) days prior to her being wrongfully terminated on or about August 10, 2017. The NNLC decided that extended investigatory leave is the discretion of the employer and dismissed the case. Ms. Whitetail-Eagle chose not to appeal that NNLC decision.

In this instance of the appeal of her wrongful termination, the Appellant attempted to follow the same route and file the complaint with the ONLR/NNLC, however she was informed in writing by the ONLR that they don’t have jurisdiction pursuant to the Navajo Preference in Employment Act Amendments contained in CO-48-14.

The Appellee argues that the Appellant waived jurisdiction afforded by the 2014 NPEA amendments through an employment contract she entered into in 2003. However, the Appellant submits that she cannot waive jurisdiction and circumvent her due process rights afforded by the 2014 Navajo Preference in Employment Act vis-à-vis a 2003 employment contract, the Navajo

Nation Personal Policies Manual and the overwhelming majority of Navajo Nation Supreme Court case law since the passage of the NPEA.

RNC's current personnel policy manual grievance procedure violates the due process rights of the Appellant. The Appellant submits that the RNC's proposed grievance procedure is a sham. The RNC personal policies cannot afford the Appellant due process because the RNC President is vested with the final approval of the decision of the RNC hearing officer. The RNC personnel policy manual essentially says, as the RNC President, 'I hereby terminate your employment, you may file a grievance pursuant to the RNC policy manual with the grievance board, then as RNC president I can accept or deny the grievance board decision.' This is not due process.

"All transaction documents, including without limitation" employment contracts that circumvent the NPEA are invalid and will not be enforced by the Navajo courts. 15 N.N.C. § 609(A). Cedar Unified Sch. Dist. v. Navajo Nation Labor Comm'n, 9 Nav. R. 152, 157 (Nav. Sup. Ct. 2007) ([T]his court applies the principles that words are sacred and never frivolous. [internal citation omitted]. However, certain types of promises in contracts are unenforceable, because they are specifically prohibited by law or are in violation of Navajo public policy.) As 15 N.N.C. § 609(A) "clearly prohibits any attempt to waive or circumvent the NPEA," Id. at 157, any attempt by RNC to argue Petitioner contracted away her right to grieve her wrongful termination in front of the OHA because "words are sacred and never frivolous" is a frivolous legal argument.

"The primary Navajo value that informs our due process analysis is k'e. In the context of Navajo due process, k'e ensures that individuals living in disharmony are brought back into right relationships and into the community to re-establish order. Court procedures which result in homelessness have the potential for creating disharmony, not only for the individual and the family, but also for the entire community." Fort Defiance Hous. Corp. v. Lowe, 8 Nav. R. 463, 475 (2004)

Further, it “is fundamentally unfair to impose harsh and difficult timelines and to penalize a person by taking away their home without some strict requirements to assure due process. After all, Navajo due process requires that Navajo courts be just and do justice.” Id. at 475. K’é “is the ‘glue’ that creates and binds relationships between people. To avoid disruptions of relationships, Navajo common law mandates that controversies and arguments be resolved by ‘talking things out.’ This process of ‘talking things out,’ called hoozhoojigo, allows each member of the group to cooperate and talk about how to resolve a problem.” Navajo Nation v. Crockett, 7 Nav. R. 237, 241 (Nav. Sup. Ct. 1996).

Appellant hasn’t yet got to talk things out with Appellee. Like one’s home, the Navajo courts consider employment a property interest, and it can reasonably be extrapolated from the Lowe decision that a due process hearing which renders the “decision of the Chapter President” as “final for the Ramah Navajo Chapter” is a sham proceeding and is not consistent with the Navajo due process concept of k’e. Smith v. Red Mesa Unified Sch. Dist. No. 27, 7 Nav. R. 135, 137 (Nav. Sup. Ct. 1995) (Employment on the Navajo Nation is a valuable property right.) Lack of employment can result in homelessness. “In order to assert a due process right under Navajo law, a claimant must first assert a property or liberty interest that is protected by due process and which is being deprived in some way by governmental activity.” Atcitty v. Dist. Court for the Judicial Dist. of Window Rock, 7 Nav. R. 227, 230 (Nav. Sup. Ct. 1996)

“The rights protected in the Navajo Due Process Clause are fundamental, but they are not absolute, limitless, or unrestricted. They are considered in light of the enjoyment and protection of rights by all Navajos. We require that everyone coming before our courts have an opportunity to be heard at a meaningful time and in a meaningful way. That is the right to one’s day in court. Navajo common law fully recognized this right, and it was exercised in family, neighborhood, and council

gatherings where everyone had the opportunity to speak, and decisions were reached through consensus. We see this tradition preserved today in the chapter meeting, where disputes, plans, and chapter concerns are discussed at length. Our rule is that each litigant shall have the opportunity to be heard at a meaningful time and in a meaningful way.” Plummer v. Plummer (In re Estate of Plummer), 6 Nav. R. 271 (Nav. Sup. Ct. 1990)

“When conflicts arise, involved parties will go to an elder statesman, a medicine man, or a well-respected member of the community for advice on the problem and to ask that person to speak with the one they see as the cause of the conflict. The advisor will warn the accused of the action being contemplated and give notice of the upcoming group gathering. At the gathering, all parties directly or indirectly involved will be allowed to speak, after which a collective decision will be made. This is Navajo customary due process and it is carried out with fairness and respect. The heart of Navajo due process, thus, is notice and an opportunity to be present and defend a position.” Begay v. Navajo Nation, 6 Nav. R. 20, 26 (Nav. Sup. Ct. 1988)

Appellant has never been able to avail herself of Navajo due process. There’s never been a hearing to present her evidence. She’s never testified at the OHA. Appellant is entitled to her day in court to testify to the factfinder as to her beliefs that the termination was wrongful, devoid of just cause and violated the NPEA. There’s been no fairness or respect afforded to her in the process of using Navajo employment law to contest her termination. The Appellant is entitled to be heard in a “meaningful time and in a meaningful way” unless this Court takes a detour from the vast majority of precedence over the last forty years. Further, it is requested the Court not only reverse the OHA and remand with instructions to expeditiously conduct an evidentiary hearing, it is also requested this Court publish its opinion in so ordering.

The appellant’s employment contract did not contain a “forum selection clause” despite

multiple misrepresentations of RNC legal counsel to the OHA. *See* Response Opposing Motion to Dismiss whereas RNC counsel Colin Bradley falsely makes such an assertion no less than ten (10) times in his plea to the OHA to dismiss the matter. Appellant submits that the OHA is the only adjudicatory forum that has jurisdiction over appellant's wrongful termination claim pursuant to the NPEA. Employment contracts that circumvent due process which would otherwise allow for a personnel grievance to be adjudicated by the OHA are illegal pursuant to the NPEA and the Navajo Nation Supreme Court. The OHA decision relies heavily on the parties "agreement" executed at the time employment commenced divesting jurisdiction to the NNLC, for which the appellant attempted to pursue except of the fact that ONLR did not accept jurisdiction and directed the appellant to the proper forum, OHA. Both tribunals denied the appellant a forum to grieve, denying due process, and the OHA must be reversed as it lacked discretion to not hear the case on the merits.

Conclusion

Whereas, in conclusion, Appellant respectfully requests the Court to impose fundamental law, to which the OHA makes no reference of its consideration, nor does the OHA cite to any case law for that matter. It was easy for the OHA to dismiss the matter and disregard the last thirty (30) years of case law concerning concepts of fundamental fairness under Navajo law. It's been extremely difficult for the Appellant to get her day in court. It is for these reasons, and for others that might be in her shoes, that the Appellant humbly requests this court not only reverse the decision of the OHA in granting RNC's motion to dismiss, but that it also publish its opinion in so doing for the reason that the Navajo public can be reaffirmed of this Court's longstanding commitment to protect public and private employees from arbitrary and unreasonable adverse actions by employers that diminish the economic security of Navajo families.

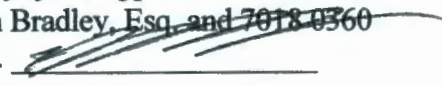
Respectfully submitted:

Law Office of Barry Klopfer, P.C.

By:


Barry Klopfer, Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby swear upon oath that a true and correct copy of this *Brief of the Appellant* was mailed certified mail return receipt request 7018 0360 0001 3818 2293 to Colin Bradley, Esq. and ~~7018 0360 0001 3818 2286~~ to David Peterson, Esq., on this 14th day of June 2019. 
Barry Klopfer

David Peterson
Keleher & McLeod, P.A.
P.O. Box AA
Albuquerque, NM 87103

Colin Bradley
2600 N 44th St. Suite B-101
Phoenix, AZ 85008



THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

September 08, 2017

AD17-966

Cecelia Whitetail Eagle
Post Office Box 444
Ramah, New Mexico 87321

**Subject: Employment Charge Form filed against
Ramah Navajo Community Chapter**

Dear Ms. Whitetail Eagle:

The purpose of this letter is to follow up on a claim you filed with the Office of Navajo Labor Relations (ONLR) against the Ramah Navajo Community Chapter.

Upon reviewing the Employment Charge Form (ECF) the respondent named is the Ramah Navajo Community Chapter, a non-certified chapter. In December 2014 the Navajo Nation Council amended the Navajo Preference in Employment Act (NPEA) declaring that employees of the Navajo Nation Executive, Judicial and Legislative Branches are now required to file any grievance and/or claims in accordance with the Navajo Nation Personnel Policies Manual (NNPPM).

Because of this amendment ONLR is unable to accept your claims for an investigation at this time, as the ONLR and Navajo Nation Labor Commission no longer have jurisdiction over Navajo Nation employee's grievances under the amended NPEA. Therefore the ECF, with attachments, you submitted to ONLR is being returned to you. ONLR attached a copy of the current grievance procedures under NNPPM for employees of Navajo Nation.

If you have any questions to any of the above please contact me directly. You also can contact the Navajo Nation Department of Personnel Management for further clarification on this matter. Thank you.

Sincerely,

Gililand Damon, Labor Compliance Officer
OFFICE OF NAVAJO LABOR RELATIONS

ENCLOSURE:

Cc: Wenona Benally, Delegated Director, ONLR
Chrono file



OFFICE OF NAVAJO LABOR RELATIONS