

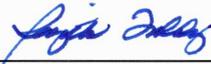
THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE-PRESIDENT



MEMORANDUM

TO : Division Directors, Department and Program Managers
EXECUTIVE BRANCH AND LEGISLATIVE BRANCHES

FROM : 
Reycita Toddy, Delegated Human Resources Director
Department of Personnel Management

DATE : September 14, 2020

SUBJECT: LAYOFF PROCEDURES

Attached for your information and use is a copy of the revised Layoff Procedures. These procedures provide guidelines for implementing layoffs resulting from a reduction-in-force pursuant to the Layoff policies as contained in the Navajo Nation Personnel Policies Manual.

Should you have any questions, please contact the Department of Personnel Management at (928) 871-6330. Thank you.

CONCURRED:


Dr. Perphelia Fowler, Division Director
Division of Human Resources

Attachments

DISTRIBUTION

XC: Paulson Chaco, Chief of Staff, OPVP
LaShawna Tso, Chief of Staff, Office of the Speaker
Dr. Perphelia Fowler, Division Director, DHR
File



**PROCEDURES
EXECUTIVE AND LEGISLATIVE BRANCHES
DEPARTMENT OF PERSONNEL MANAGEMENT**

SECTION:	TERMINATION OF EMPLOYMENT	NO: 96-XVI-001
SUBJECT:	LAYOFF PROCEDURES	RELEASE DATE: 03/11/1996
CROSS REFERENCE:	<p> NNPPM Section IV. Recruitment and Selection C.2, G.1.a, H.1-3; V. Employment Status A.1; X. Leave Administration B.1.g; XV. Termination of Employment E.; XIX. Veterans Preference A, D.1.a.; XX. Military Leave B.D.1. </p>	REVISION DATE: 09/14/2020
REVIEW:	DEPARTMENT OF JUSTICE	DOJ REVIEW DATE: 07/13/2020

PURPOSE

To provide guidelines for implementing layoffs resulting from a reduction-in-force pursuant to the Navajo Nation Personnel Policies Manual.

APPLICABILITY

1. These procedures apply to all regular status (full-time and part-time) employees within the Executive and Legislative Branches of the Navajo Nation government.
2. These procedures do not apply to temporary employees, political at-will employees, or those who serve at the pleasure of a designated authority.

DEFINITIONS

LAYOFF: The involuntary separation from employment for non-disciplinary reasons, including, but not limited to lack of funds or work, abolishment of position, due to physical ailment or injury and the employee is no longer capable of performing the duties of the position, or reorganization within a program, department or division.

RE-EMPLOYMENT PREFERENCE: A preference for a laid off employee giving the laid off employee priority over other applicants with lesser or no preference to be hired into a vacant position for which the laid off employee meets the minimum qualifications.

REGULAR STATUS: The status of an employee after successful completion of a new employee introductory period.

REINSTATEMENT: The re-employment of a regular status employee who was laid off from employment as a result of a reduction-in-force. The individual is eligible for full benefits upon reinstatement.

SUPERVISOR: An individual who supervises one or more employees. This includes numerous titles such as: program/project managers or supervisors, department managers and division/executive directors. A supervisor is an "immediate supervisor" when his/her authority to supervise an employee is direct.

A. Criteria for Layoff

Navajo Preference must be followed in conducting a layoff.

Supervisors shall determine who to lay off using the following criteria:

- Navajo membership
 - Seniority
 - Job Performance
 - Job Skills and Qualifications
 - Job Functions and Responsibilities
 - Preference for Veterans and Members of the Uniformed Service or Armed Forces
1. In the event of a layoff decision between a Navajo and a non-Navajo who both meet the minimum qualifications for a positions, the Navajo shall be retained over the non-Navajo.
 2. Seniority shall be determined by the total number of consecutive months an employee has been employed within the Executive or Legislative Branch as a regular status employee.
 3. Job Performance must be supported by documented employee performance appraisals and/or any other documentation relative to the employee's job performance. Based on this documentation, the immediate supervisor shall determine the relative job performance levels of employees and shall give employees with higher job performance levels priority over employees with lesser performance levels in determining who to lay off.
 4. Job skills and qualifications should only be considered as they are directly related to the position or program functional area.

5. Job functions and responsibilities should consider how necessary an employee's functions and responsibilities are to the program going forward, not how well the employee performs the job. This criterion should be considered where functions of the position are no longer necessary to the department or where the functions can be performed by other employees who will not be affected by the reduction-in-force, or other similar situations.
6. Employees qualifying for Veteran's preference as set forth in the Navajo Nation Personnel Policies Manual, Section XIX or who qualify for preference given members of Uniformed Service or Armed Forces, as set forth in the Navajo Nation Personnel Policies Manual, Section XX shall be retained if at all possible.

B. Layoff Process

1. The immediate supervisor must provide written notice to the employee which contains the following information:
 - a. the reason(s) for layoff
 - b. a summary of criteria used in determining layoff
 - c. 15 calendar days written notice
 - d. information that the employee is eligible for re-employment preference
 - e. a list of position vacancies within the respective division/department/program
2. Employees shall be given as much notice as possible, and if at all possible no less than 15-calendar days. Notice may be less than 15-calendar days, if stoppage of work results from circumstances beyond the control of the Navajo Nation, e.g., program funding is terminated, position is not refunded, or funds are not available to continue program operations.
3. Upon determining who is to be laid off, the immediate supervisor must immediately provide a list of affected employees to the Department of Personnel Management.
4. In addition to providing an employee the written notice, the immediate supervisor should meet with the employee to inform him/her of the layoff.
5. After notifying the employee of the layoff, the immediate supervisor must submit a Personnel Action Form (PAF), indicating the employee's lay off, to the Department of Personnel Management.

- a. A Payroll Backpay Request must be submitted to the Payroll Office for payment of accrued annual leave hours and compensatory time.

C. Preference for Re-employment

1. A regular status employee who is laid off is eligible for re-employment for a period of six months from the date of layoff, provided that the employee does not decline Navajo Nation employment when offered.
2. Re-employment preference is not extended to an employee who has not attained regular status, by the time they are laid off.
3. The right to re-employment preference shall terminate if an individual:
 - a. fails to attend a job interview when they are provided with at least 5 days of notice of the interview; or
 - b. refuses an offer of employment for a regular status position with the Navajo Nation; or
 - c. accepts a regular status position with the Navajo Nation.

FORMS REQUIRED

Personnel Action Form (PAF)
Notice of Layoff

ATTACHMENTS

Sample Notice of Layoff
Sample Layoff Personnel Action Form

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE-PRESIDENT



SAMPLE

To : Employee, Title
Department/Program

From : _____
Supervisor, Title
Department/Program

Date :

Subject : Notice of Layoff

This memorandum is to notify you that the **(position title)** you occupy has been affected by a Reduction-In-Force. Therefore, please be advised that this is official notice of your layoff from employment to be effective _____ at 5:00 p.m. This notice meets the requirements of the Personnel Policies Manual Section XV.E.

Due to lack of funds and work the position no longer exists. Thus, job duties and funding were considered in making this determination. As a regular status employee, you are eligible for **re-employment preference** for a period of six months from the date of layoff provided that you do not decline Navajo Nation employment when offered.

If you would like to be considered for other positions, please submit an updated application, related documents and a copy of this Notice of Layoff to the Department of Personnel Management.

Reemployment preference shall terminate if any of the following occur: (a) you fail to attend a job interview when referred with at least five (5) days notice of interview; (b) you refuse an offer of employment for a regular status position with the Navajo Nation; or (c) you accept a regular status position with the Navajo Nation.

In addition, prior to the effective date of layoff, you will be informed of any vacant positions within the Division and given an opportunity to transfer. Please contact me if you have any questions.

CONCURRENCE:

Name, Division Director
Division

ACKNOWLEDGEMENT:

I, _____, hereby acknowledge receipt of this notice on _____.
(Signature) (Date)

XC: File
Department of Personnel Management

SAMPLE

THE NAVAJO NATION
PERSONNEL ACTION FORM

Employee Position I.D. No.

DPM USE ONLY

<input type="checkbox"/> Employment Notice	<input type="checkbox"/> Change Notice	<input checked="" type="checkbox"/> Termination Notice	Effective Date October 1, 2019	
Employee Name (Last, First Middle) Doe, John Yazzie		Mailing Address (City, State, Zip Code)		Social Security Number 000-00-0000
Census Number	Marital Status	Gender	Date of Birth	Ethnic Code Worksite
Division/Department DHR / Department of Personnel Management			Department Number 022	Business Unit Number 000000.0000
Position Title Administrative Assistant			Class Code 1260	Grade Step Hourly Rate Per Annum
Remarks : Layoff				
Employee Signature UNAVAILABLE FOR SIGNATURE		Date		
Department Acceptance REQUIRED		Date		
Department Release		Date		
Department of Personnel Management		Date		
		Type of Termination: <input type="checkbox"/> Resignation <input type="checkbox"/> Discharge <input checked="" type="checkbox"/> Layoff		
This section must be completed to ensure that all Tribal monies/property during employment have accounted for by the Financial Services Department and the following NN Departments or Offices				
Cashiers Ofc _____		EE Benefits _____		
Accts Rec _____		EE Hous _____		
P-Card Sec _____		EE M _____		
Travel Adv _____		Op _____		
Credit Svcs _____		Retirement _____		
		Veterans _____		
Clearance by initial from each section/departments.				

Type of Action: **Layoff**

Notice Type: **Termination**

Pursuant to the Navajo Nation Personnel Policies Manual ("NNPPM"), XV.E., Layoff is the involuntary separation from employment for nondisciplinary reasons, including, but not limited to, lack of funds or work, abolishment of position, or reorganization within program, department, or division. Subject to applicable law, a regular status employee who is laid off shall be entitled to re-employment preference for a period of six months from the date of layoff provided the employee does not decline Navajo Nation employment when offered. These policies do not apply to temporary employees or At-will employees.

A supervisor may lay off a regular status employee whenever it becomes necessary due to lack of work or funds or elimination of position and shall consider such factors as seniority, performance appraisals, qualifications, work record, and conduct and whether employee is a veteran as set forth in Section III.C. The supervisor shall, if possible, retain the veteran. No regular status employee shall be laid off while there are temporary, seasonal, or new employees employed in the same, equal, or lower level positions for which the regular status employee is qualified.

ATTACHMENTS & SUPPORTING DOCUMENTS

- Notice of Layoff with the employee's acknowledgement - Copy
 - Employee shall be given 15 calendar days prior notice
 - Notice may be less than the 15-calendar day requirement if stoppage of work results from circumstances beyond the control of the Navajo Nation.
- Written Notification to the HR Director of the proposed layoffs, must also include:
 - List of employees affected by layoff

PAF REQUIREMENTS

- Employee's Signature is preferred but not required. If the employee refuses to sign or is unavailable, the PAF must state either "Refused to Sign" or "Unavailable for Signature".
- Department Release Signature & Date
- Clearance Signatures from all Sections/Departments

OTHER REQUIREMENTS

- If the position is externally funded by a contract/grant, prior verification from Contract Accounting/OOC is required.