

RESOLUTION OF THE
NAVAJO NATION COUNCIL
25th NAVAJO NATION COUNCIL - THIRD YEAR, 2025

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;
OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION
COUNCIL RESOLUTION CJY-25-25 (AN ACTION RELATING TO HEALTH,
EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTI'
COMMITTEES AND THE NAVAJO NATION COUNCIL; RESCINDING CO-60-17 AND
AMENDING THE NAVAJO PREFERENCE IN EMPLOYMENT ACT AT 15 N.N.C. §§
603 AND 604(B)(8))

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation and enacts the statutory laws of the Navajo Nation. 2 N.N.C. §§ 102 and 164(A).
- B. Resolutions enacting new law, or amending existing laws, are subject to veto by the President of the Navajo Nation. 2 N.N.C. § 1005(C)(10) and (11).
- C. The Navajo Nation Council has the authority to override a resolution vetoed by the Navajo Nation President through introduction of "veto legislation" requiring a two-thirds (2/3) vote of the membership of the Navajo Nation Council. 2 N.N.C. § 1005(C)(11).
- D. Veto legislation shall be submitted to the Naabik'íyáti' Committee before consideration by the Navajo Nation Council. 2 N.N.C. § 164(A)(17).

SECTION TWO. FINDINGS

- A. Navajo Nation Council Resolution CJY-25-25 was passed by the Navajo Nation Council and certified on August 1, 2025. The resolution, attached as EXHIBIT A, is titled, "AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; RESCINDING CO-60-17 AND AMENDING THE NAVAJO PREFERENCE IN EMPLOYMENT ACT AT 15 N.N.C. §§ 603 AND 604(B)(8) [.]"

- B. The Navajo Nation President vetoed Resolution CJY-25-25 on August 11, 2025, and provided a memorandum, attached as EXHIBIT B, explaining his veto decision.
- C. The Navajo Nation Council disagrees with the President's reasons for his veto decision.
- D. Contrary to what is stated in the President's veto memorandum, passage of Resolution CJY-25-25, is needed to ensure continuity of leadership of Navajo Nation departments.

SECTION THREE. OVERRIDING VETO

The Navajo Nation Council hereby overrides the Navajo Nation President's veto of Resolution CJY-25-25, attached as EXHIBIT A.

SECTION FOUR. EFFECTIVE DATE

The effective date of this veto override shall be as provided for in 2 N.N.C. § 221(A) and (B).

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 17 in Favor, and 00 Opposed, on this 3rd day of September 2025.


Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

9/8/2025

Date

Motion: Honorable Brenda Jesus
Second: Honorable Germaine Simonson

Speaker Crystalyne Curley not voting

RESOLUTION OF THE
NAVAJO NATION COUNCIL
25th NAVAJO NATION COUNCIL - THIRD YEAR, 2025



AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; RESCINDING CO-60-17 AND AMENDING THE NAVAJO PREFERENCE IN EMPLOYMENT ACT AT 15 N.N.C. §§ 603 AND 604(B) (8)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee of the Navajo Nation Council, among other duties and responsibilities, generally oversees the Division of Human Resources within the Navajo Nation. 2 N.N.C. § 400(C) (1).
- B. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 601(B) (14), reviews and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code.
- C. The Naabik'íyáti' Committee was established as a standing committee of the Navajo Nation Council with the authority to hear all proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A) (9) and § 700(A).
- D. The Navajo Nation Council is the governing body of the Navajo Nation with authority to review and approve amendments to Navajo Nation laws. 2 N.N.C. § 102(A) and 2 N.N.C. § 164(A).

SECTION TWO. FINDINGS

- A. In October 2017, the 23rd Navajo Nation Council passed Resolution CO-60-17 titled *Amending "The Navajo Preference in Employment Act"* at 15 N.N.C. §§ 603, 604(B) (8) to *Provide for the Addition of Program Managers of the Executive Branch as a Class of Employees Exempt from the Just Cause Provisions of the Act.*
- B. Resolution CO-60-17 amended the Navajo Preference in Employment Act (NPEA) at 15 N.N.C. §§ 603 and 604(B) (8) to include the addition of "Program Managers" as exempt from the just cause provision of the NPEA.

- C. Resolution CO-60-17 was enacted by statute on November 6, 2017, after the Navajo Nation President did not sign the resolution within the statutory 10-day period. The effective date of CO-60-17 was one year after the Resolution was enacted, but it also became effective for all program manager positions as those positions became vacant due to retirement, resignation, termination, promotion, layoff, or transfer of the persons occupying those positions.
- D. After several years of operation pursuant to the amendments to 15 N.N.C. §§ 603 and 604(B)(8) as approved in Resolution CO-60-17, it is in the best interest of the Navajo Nation to rescind Resolution CO-60-17 and amend 15 N.N.C. §§ 603 and 604(B)(8).

SECTION THREE. RESCINDING CO-60-17 AND AMENDING THE NAVAJO PREFERENCE IN EMPLOYMENT ACT AT 15 N.N.C. §§ 603 AND 604(B)(8)

- A. The Navajo Nation hereby rescinds CO-60-17 titled *Amending "The Navajo Preference in Employment Act" at 15 N.N.C. §§ 603, 604(B)(8) to Provide for the Addition of Program Managers of the Executive Branch as a Class of Employees Exempt from the Just Cause Provisions of the Act.*
- B. The Navajo Nation hereby amends the Navajo Preference in Employment Act at 15 N.N.C. §§ 603 and 604(B)(8) as follows:

**NAVAJO NATION CODE ANNOTATED
TITLE 15. LABOR
CHAPTER 23. NAVAJO PREFERENCE IN EMPLOYMENT ACT**

* * * *

§ 603. Definitions

- A. The term "Commission" shall mean the Navajo Nation Labor Commission.
- B. The term "employment" shall include, but is not limited to, the recruitment, hiring, promotion, transfer, training, upgrading, reduction-in-force, retention, and recall of employees.
- C. The term "employer" shall include all persons, firms, associations, corporations, and the Navajo Nation and all of its agencies and instrumentalities, who engage the services of

any person for compensation, whether as employee, agent, or servant.

- D. The term "Navajo" means any enrolled member of the Navajo Nation.
- E. The term "ONLR" means the Office of Navajo Labor Relations.
- F. The term "probable cause" shall mean a reasonable ground for belief in the existence of facts warranting the proceedings complained of.
- G. The term "territorial jurisdiction" means the territorial jurisdiction of the Navajo Nation as defined in 7 N.N.C. § 254.
- H. The term "counsel" or "legal counsel" shall mean: (a) a person who is an active member in good standing of the Navajo Nation Bar Association and duly authorized to practice law in the courts of the Navajo Nation; and (b) for the sole purpose of co-counseling in association with a person described in Clause (a), an attorney duly authorized, currently licensed and in good standing to practice law in any state of the United States who has, pursuant to written request demonstrating the foregoing qualifications and good cause, obtained written approval of the Commission to appear and participate as co-counsel in a particular Commission proceeding.
- I. The term "necessary qualifications" shall mean those job-related qualifications which are essential to the performance of the basic responsibilities designated for each employment position including any essential qualifications concerning education, training and job-related experience, but excluding any qualifications relating to ability or aptitude to perform responsibilities in other employment positions. Demonstrated ability to perform essential and basic responsibilities shall be deemed satisfaction of necessary qualifications.
- J. The term "qualifications" shall include the ability to speak and/or understand the Navajo language and familiarity with Navajo culture, customs and traditions.
- K. The term "person" shall include individuals; labor organizations; tribal, federal, state and local governments, their agencies, subdivisions, instrumentalities and enterprises; and private and public, profit and non-profit, entities of all kinds having recognized legal capacity or authority to act, whether organized as corporations, partnerships, associations, committees, or in any other form.

- L. The term "employee" means an individual employed by an employer.
- M. The term "employment agency" means a person regularly undertaking, with or without compensation, to procure employees for an employer or to obtain for employees opportunities to work for an employer.
- N. The term "labor organization" or "union" means an organization in which employees participate or by which employees are represented and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms and conditions of employment, including a national or international labor organization and any subordinate conference, general committee, joint or system board, or joint council.
- O. The term "petitioner" means a person who files a complaint seeking to initiate a Commission proceeding under the Act.
- P. The term "respondent" means the person against whom a complaint is filed by a petitioner.
- Q. The term "Act" means the Navajo Preference in Employment Act.
- ~~R. The term "program manager" shall be as defined in the Navajo Nation Personnel Policies Manual.~~

* * *

§ 604. Navajo employment preference

* * * *

B. Specific requirements for Navajo preference:

1. All employers shall include and specify a Navajo employment preference policy statement in all job announcements and advertisements and employer policies covered by this Act.
2. All employers shall post in a conspicuous place on its premises for its employees and applicants a Navajo preference policy notice prepared by ONLR.
3. Any seniority system of an employer shall be subject to this Act and all other labor laws of the Navajo Nation. Such a seniority system shall not operate to defeat nor prevent the application of the Act, provided, however, that

- nothing in this Act shall be interpreted as invalidating an otherwise lawful and bona fide seniority system which is used as a selection or retention criterion with respect to any employment opportunity where the pool of applicants or candidates is exclusively composed of Navajos or of non-Navajos.
4. The Navajo Nation when contracting with the federal or state governments or one of its entities shall include provisions for Navajo preference in all phases of employment as provided herein. When contracting with any federal agency, the term Indian preference may be substituted for Navajo preference for federal purposes, provided that any such voluntary substitution shall not be construed as an implicit or express waiver of any provision of the Act nor a concession by the Navajo Nation that this Act is not fully applicable to the federal contract as a matter of law.
 5. All employers shall utilize Navajo Nation employment sources and job services for employee recruitment and referrals, provided, however, that employers do not have the foregoing obligations in the event a Navajo is selected for the employment opportunity who is a current employee of the employer.
 6. All employers shall advertise and announce all job vacancies in at least one newspaper and radio station serving the Navajo Nation, provided, however, that employers do not have the foregoing obligations in the event a Navajo is selected for the employment opportunity who is a current employee of the employer.
 7. All employers shall use non-discriminatory job qualifications and selection criteria in employment. No person otherwise qualified for a job shall be denied selection for or retention in employment because of his or her disability so long as reasonable accommodations can be made that will allow that person to perform his or her employment duties. See the Civil Rights of Individuals with Disabilities Act of 2018, 13 N.N.C. § 4504.
 8. All employers shall not penalize, discipline, discharge nor take any adverse action against any Navajo employee without just cause. A written notification to the employee citing such cause for any of the above actions is required in all cases. Provided, that this Subsection shall not apply to Division Directors, ~~program managers of the~~

~~Executive Branch and Legislative Branch~~ or to other employees and officials of the Navajo Nation who serve, pursuant to a specific provision of the Navajo Nation Code, at the pleasure of the Navajo Nation Council, the standing committees of the Navajo Nation Council, the President of the Navajo Nation, the Speaker of the Navajo Nation Council, the Chief Justice of the Navajo Nation, or those persons employed pursuant to 2 N.N.C. §§ 281(C) and 1009. This subsection shall not be used by a program director to challenge the withholding of his or her salary for failure to implement a corrective action plan of the Auditor General, as authorized by 12 N.N.C. § 9(C), or for failure to fulfill a condition of appropriation, as authorized by 12 N.N.C. § 820(R)(2) and (3).

9. All employers shall maintain a safe and clean working environment and provide employment conditions which are free of prejudice, intimidation and including sexual harassment. The employee alleging a violation of this subsection shall have the burden of proof to show that violation by a preponderance of the evidence. An employee may not file an action under the Domestic Abuse Protection Act, 9 N.N.C. § 1601, et seq., to seek to restrain a supervisor or co-worker for a dispute arising out of the employment relationship.
10. Training shall be an integral part of the specific affirmative action plans or activities for Navajo preference in employment.
11. An employer-sponsored cross-cultural program shall be an essential part of the affirmative action plans required under the Act. Such program shall primarily focus on the education of non-Navajo employees, including management and supervisory personnel, regarding the cultural and religious traditions or beliefs of Navajos and their relationship to the development of employment policies which accommodate such traditions and beliefs. The cross-cultural program shall be developed and implemented through a process which involves the substantial and continuing participation of an employer's Navajo employees, or representative Navajo employees.
12. No fringe benefit plan addressing medical or other benefits, sick leave program or any other personnel policy of an employer, including policies jointly maintained by an employer and associated labor organization, shall discriminate against Navajos in terms or coverage as a result of Navajo cultural or religious traditions or

beliefs. To the maximum extent feasible, all of the foregoing policies shall accommodate and recognize in coverage such Navajo traditions and beliefs.

* * * *

SECTION FOUR. DIRECTIVE

- A. As a result of the rescission of Resolution CO-60-17 and amendments to 15 N.N.C. §§ 603 and 604(B)(8), all program managers shall be regular status employees of the Navajo Nation with all rights accruing to such employees under the Navajo Preference in Employment Act and the Navajo Nation Personnel Policies Manual. The Department of Personnel Management shall take all steps necessary to implement this Action by the effective date, including but not limited to, issuing new Personnel Action Forms for all Program Managers reflecting that status and amending the Navajo Nation Personnel Policies Manual.
- B. Within 90 days of the effective date of this Action, the Department of Personnel Management shall submit a written report to the Health, Education and Human Services Committee and the Law and Order Committee. The report shall include: 1. The number of Executive Branch Program Manager positions affected by this change; 2. Steps taken to implement the transition to regular status; 3. Any personnel or administrative challenges identified during the implementation; and 4. Recommendations for improving transparency and consistency in employment status classifications.
- C. The Health, Education and Human Services Committee shall conduct a public evaluation of this policy change no later than October 2026. The evaluation may include hearings, stakeholder interviews, and analysis of personnel records and employment-related grievances involving program managers.
- D. The Office of Legislative Counsel is directed to prepare and transmit to the Naabik'íyáti' Committee within 60 days a legal memorandum clarifying which positions within all branches of government remain exempt from the "just cause" protections of the Navajo Preference in Employment Act due to "serve at the pleasure" designations under other provisions of Navajo Nation law.

SECTION FIVE. CODIFICATION

The provisions of the Action which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

SECTION SIX. SAVING CLAUSE

Should any provision of this Action be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Action shall remain the law of the Navajo Nation.

SECTION SEVEN. EFFECTIVE DATE

In accordance with 2 N.N.C. § 221(B), the provisions of this Action shall become effective on October 1, 2025.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 25th Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 20 in Favor, and 00 Opposed, on this 23rd day of July 2025.



Honorable Crystalyne Curley, Speaker
25th Navajo Nation Council

8/1/2025

Date

Motion: Honorable Cherilyn Yazzie
Second: Honorable Shaandiin Parrish

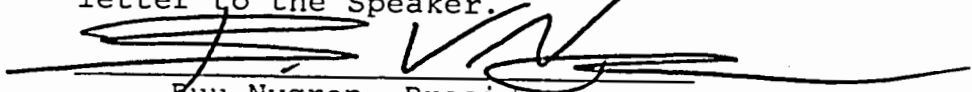
Speaker Crystalyne Curley not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I, hereby, sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005(C)(10), on this _____ day of _____, 2025.

Buu Nygren, President
Navajo Nation

2. I, hereby, veto the foregoing legislation, pursuant to 2 N.N.C. § 1005(C)(11), on this 11 day of AUGUST, 2025 for the reason(s) expressed in the attached letter to the Speaker.



Buu Nygren, President
Navajo Nation

NAVAJO NATION

Navajo Nation Council 2025 Summer Session

7/23/2025
04:50:45 PM

Amd# to Amd# New Business: Item H. (MAIN)
MOT Yazzie, C Legislation #0162-25: Rescinding
SEC Parrish, S CO-60-17 and Amending the
Navajo Preference in...

PASSED

Yeas : 20

Nays : 0

Excused : 3

Not Voting : 0

Yea : 20

Arviso, S	Crotty, A	Nez, A	Slater, C
Begay, H	Daniels, H	Nez, R	Tolth, G
Begay, N	James, V	Parrish, S	Yanito, C
Charles-Newton, E	Johnson, C	Simonson, G	Yazzie, C
Claw, S	Mitchell, A	Simpson, D	Yazzie, L

Nay : 0

Excused : 3

Tso, O	Notah, N	Jesus, B
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Not Voting : 0

Presiding Speaker: Curley, C



The Navajo Nation **DR. BUU NYGREN** *PRESIDENT*

Yideeskáądi Nitsáhákees | *Think for the Future*

August 11, 2025



Honorable Crystalyne Curley, Speaker
Office of the Speaker
Navajo Nation Council
P.O. Box 3390
Window Rock, AZ 86515

RE: CJY-25-25: An Action Relating to Health, Education, and Human Services, Law and Order, and Naabik'iyati' Committee and Navajo Nation Council; Rescinding CO-60-17 and Amending the Navajo Preference in Employment Act at 15 N.N.C. §§ 603, and 604 (B) (8)

Dear Honorable Members of the 25th Navajo Nation Council:

I am vetoing Resolution No. CJY-25-25. Resolution No. CJY-25-25 would rescinds Resolution No. CO-60-17. If I do not veto Resolution CJY-25-25, the effectiveness and efficiency of the executive branch will be hindered once again.

Resolution No. CO-60-17 created a very effective management tool for the managers, including program managers, of the Navajo Nation. That tool is having the ability to discipline or terminate an employee efficiently and effectively. To improve the efficiency of the Navajo Nation, it is important that supervisors have the ability to create an efficient and hard-working team. If a program manager is not executing timely or consistent with the supervisor's direction, a supervisor needs to be able to terminate that employee in order to build a team that is performing to the standards that are necessary to get services to the Navajo People. As elected officials, we must trust our supervisors to manage themselves and their program managers effectively and appropriately.

We already have enough red tape at the Navajo Nation. Red tape that prevents projects or services from getting to our People. We need to increase our efficiency. For this reason, I must veto Resolution No. CJY-25-25.

In addition, I am vetoing this legislation because the Council itself does not want to impose on itself what it wants to impose on the Executive Branch. Specifically, the 25th Navajo Nation Council has twice now removed two highly trained and accomplished Navajo women as Attorney General without demonstrating just cause and without providing these women the opportunity to respond to the Council's reasons for their removal. In the most recent action, the Council took about four (4) hours from dropping the legislation for consideration to signing the certified resolution for removal. The Council took swift action. The supervisors of program

managers in the Executive Branch deserve the same opportunity to take swift action concerning the employment status of their team members.

I must also veto Resolution No. CJY-25-25 because the Council is overreaching into employment matters of other branches. In Section 4 (D), Directives, the Council suggests that the Health, Education and Human Services Committee will evaluate personnel records of employees that are not their employees. The Navajo Nation Council and the Committees of the Council should not be evaluating the personnel records of employees not under their employment. Personnel records contain personal information and Executive Branch employees trust that their information is to be treated confidentially and with respect. For this reason, I must veto Resolution No. CJY-25-25.

Finally, the Council passed Resolution No. CO-60-17. I do not see a reason to undo what the Council did in 2017 and therefore I must veto Resolution No. CJY-25-25.

Sincerely,

A handwritten signature in black ink, appearing to read "B. V. Nygren", with a stylized flourish extending to the right.

Dr. Buu Nygren, *President*
THE NAVAJO NATION

NAVAJO NATION

630

Navajo Nation Council Special Session

9/3/2025

09:43:34 AM

Amd# to Amd#	New Business: Item A. (CONSENT)	PASSED
MOT Jesus, B	#0199-25; #0200-25; #0203-25;	
SEC Simonson, G	#0193-25	
	(2/3)	

Yeas : 17

Nays : 0

Excused : 2

Not Voting : 4

Yea : 17

Begay, H	Johnson, C	Notah, N	Tolth, G
Begay, N	Mitchell, A	Parrish, S	Tso, O
Charles-Newton, E	Nez, A	Simonson, G	Yanito, C
Crotty, A	Nez, R	Simpson, D	Yazzie, L
Jesus, B			

Nay : 0

Excused : 2

Daniels, H	Claw, S
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Not Voting : 4

Yazzie, C	Slater, C	Arviso, S	James, V
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Presiding Speaker: Curley, C