

WHIPPOORWILL CHAPTER  
PUBLIC EMPLOYMENT  
PROGRAM  
FUNDS



POLICIES  
AND  
PROCEDURES

WHIPPOORWILL CHAPTER  
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ATTACHMENT II

**WHIPPOORWILL CHAPTER  
PUBLIC EMPLOYMENT PROGRAM  
POLICY & PROCEDURES**

**I. ESTABLISHMENT:**

The Public Employment Program (PEP) is hereby established as a short-term employment program under the Whippoorwill Chapter Government.

**II. PURPOSE:**

The purpose of the PEP Policies and Procedures is to provide guidance to the Whippoorwill 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 Whippoorwill Chapter ("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 efficiency or condition or behavior etc. so they may seek and obtain other outside employment with non-Chapter employers.
- D. During the Coronavirus emergency health crisis as declared by Navajo Nation Commission on Emergency Management, a Public Health Emergency Order, and Whippoorwill Chapter, the policy of the Chapter shall be to educate the PEP participants about how the virus spreads and raise their awareness about the crucial roles of self-distancing, handwashing, sanitizing and also facemask use to help in controlling the outbreak of COVID-19. We need to have that degree of compliance with these simple measures for self-protections of PEP participants, Chapter staff, Officials and others.

**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. "Chapter Manager" 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 Chapter Manager and Administrative Assistant.
- 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

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of payment or other compensation. This can be temporarily, permanently or indefinitely, in any capacity.

- E. "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.
- F. "Participants" means Chapter Residents participating in Chapter-approved Public Employment Program projects whether hired or voluntarily.
- G. "Chapter Resident" means one who dwells permanently or continuously within the boundaries of the Chapter.
- H. "Chapter PEP Special Project" means employees whom are assigned with position titles of: Special Housing Construction Project (Major Renovation/New Unit), Community Liaison, Planner, Office Assistant, Bathroom Addition, Electrician, Plumber, Grounds Keeper, Equipment/Truck Operator, and Security.

### **IV. STAFFING AND ORGANIZATION:**

- A. **CHAPTER OFFICIALS:** In accordance with the Local Governance Act as approved by the N.N.C. by Resolution CAP-34-98, the Chapter Officials having Legislative oversight hereby through adoption of this policy, delegates to the Chapter Manager oversight authority over the operation of the PEP.
- B. **CHAPTER MANAGER;** The Chapter Manager 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 Chapter Manager 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 annual Budget Cycle or an extension shall be reflected in the ensuing year's budget and approved by the Chapter. In the event the Chapter Manager is unavailable, in her absence, the Project Supervisor shall report directly to the Chapter Administrative Assistant.

### **V. ELIGIBILITY CRITERIA:**

- A. During the difficult time period of the Regional Navajo Nation Coronavirus epidemic, 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 self-care, protection and personal accountability during the global COVID-19 virus pandemic.

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- E. Elected Chapter Officials or an Administrative staffs shall recuse oneself from hiring process participation determining employment eligibility for an applicant due to personal relationship because of a potential conflict of interest or lack of impartiality.
- F. The Chapter Officials shall select a Chapter Project Supervisor based on experience, skills and qualifications for the designated Chapter Project. The Chapter Manager 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. REQUIREMENTS FOR EACH CHAPTER PROJECTS:

- A. It shall be the policy of the Chapter Manager 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 with pay period start date to assure proper processing of payroll checks and other pertinent paperwork.
- B. All projects shall be approved by the Chapter membership and/or approved by current emergency reduced quorum of three (3) Chapter members and set out in the annual or supplemental Chapter budget until such time the Navajo Nation re-approved the regular quorum attendance.
- C. 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 Navajo Nation Workers' compensation Program shall provide adequate insurance coverage for each participant prior to start of employment.
- E. 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.
- F. In order for the Chapter to deviate from its set policies by employing more than five (5) participants per approved Chapter project and to exceed twenty (20) working days and/or an extension of the project, the Chapter Officials shall request for ratification at the next Chapter meeting based on funds availability.
- G. In no instance shall any special projects such as Office Assistant, Community Liaison (Rural Addressing), Chapter Planner, Chapter Security, Bathroom Addition, Home Construction Special Project, Electrician, Plumber, Grounds Keeper and other identified as Special Projects shall not in no instance 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.
- H. During the Coronavirus emergency health crisis, the interim policy of the Chapter will be to continue to conduct a one-on-one contact with the employable registered and non-registered Chapter residents willing to work on a PEP and/or an emergency Chapter project(s). Due to lockdown of business entities, including the Chapter House, no job notice postings will be accommodated.

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- K. The Chapter PEP employees shall be eligible for two (2) hours delay and early release from work authorized by the Navajo Nation President's Office.
- L. Break Time for all PEP employees will be from 10:00 a.m. to 10:15 a.m. and 3:00 p.m. and Lunch Break from 12:00 p.m. to 1:00 p.m.
- M. At end of each pay period, the Project Supervisor shall complete the required hours worked with daily progress report to the Office Assistant to ensure timesheets and progress reports are completed, then shall submit the documents to the Administrative Assistant for review.
  - a. Administrative Assistant shall review timesheets and progress report for consistency and completeness, then shall submit to the Chapter Manager for approval.
  - b. All payroll checks will be prepared and distributed in accordance with the Chapter's Fiscal Management Policies and Procedures.
  - c. All Accounting and Bookkeeping procedures as timesheets, payroll, appropriate deductions, including FICA, Medicaid, Federal Income Tax, Workers' 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 Chapter Five (5) Management System (FMS) for each project.
  - d. All payroll checks will be picked up by the PEP participant (payee) only, unless a written authorization by the payee designating another individual to pick up the check is submitted to and acknowledged by the Chapter administration.

### VIII. SEXUAL AND OTHER UNLAWFUL HARASSMENT:

- A. Any harassment shall immediately be reported to the Chapter Manager, who shall report the incident to the appropriate authorities.
- B. The Chapter Manager 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.

### IX. 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

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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.

**X. ABSENTISM:**

- A. Excessive Leave: If an employee (Special Project) taking excessive leave more than thirty (30) days within time hired shall result to disciplinary action of IMMEDIATE TERMINATION OF EMPLOYMENT, unless has good justification:

1. Family Emergency
2. Medical Reasons (Must submit Doctor Statement)

- B. If an employee fails to show up for work two consecutive days, shall result to disciplinary action of IMMEDIATE TERMINATION OF EMPLOYMENT, unless has good justification:

1. Family Emergency
2. Medical Reasons (Must submit Doctor Statement)

**XI. CONFIDENTIALITY:**

- A. Employee assigned to Administration Office shall abide by the Chapter Five Management System (FMS) Records Management and adhere to strict CONFIDENTIALITY.
- B. Only an assigned PEP Special Project employee will have access to handle incoming documentations, stamp, and forward to Administrative Assistance for review.

**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 Administrative Assistant 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 Whippoorwill Chapter shall strictly abide and comply with set Policies and Procedures unless otherwise changes or amendments have been made to the Chapter Public Employment Program. The process to amend the Policies 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 forgoing Chapter PEP Policies and Procedures was duly considered at a duly called Whippoorwill Chapter Meeting in Whippoorwill, (Arizona) Navajo Nation, at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, and 3 abstained this 17th day of February, 2022.