

6. **Time limitation**

A Charge shall be filed within one year after accrual of the claim which constitutes the alleged violation of the Act.

- If ONLR certifies it will be unable to make a determination or conciliation attempt failure occurs within the 180 day limitation, a Notice of Right to Sue will be issued to the Charging Party. This Notice authorizes the Charging Party to initiate a proceeding before the Labor Commission. However, after the expiration of 180 days following the date an Individual Charge was filed, the individual Charging Party shall have the right to initiate a proceeding before the commission irrespective of whether ONLR has issued a Notice of Right to Sue, made a probable cause determination, or commenced or concluded conciliation efforts.
- ONLR will not deny any employee the right to file an Individual Charge or request for assistance.
- The Labor Compliance Officer handling the Individual Charge or initiated the ONLR Charge can provide more detailed information on additional procedures of NPEA. Please contact the ONLR office nearest to you.



## OFFICE OF NAVAJO LABOR RELATIONS

**Window Rock/Fort Defiance:**

Post Office Box 1943  
Window Rock, Arizona 86515  
Telephone: (928) 871-6800  
Facsimile: (928) 871-7088

**Chinle ONLR:**

Post Office Box 2660  
Chinle, Arizona 86503  
Telephone: (928) 674-2214  
Facsimile: (928) 674-2216

**Kayenta ONLR:**

Post Office Box 550  
Kayenta, Arizona 86033  
Telephone: (928) 697-5645  
Facsimile: (928) 697-5647

**Shiprock ONLR:**

Post Office Box 1704  
Shiprock, New Mexico 87420  
Telephone: (505) 368-1142  
Facsimile: (505) 368-1145

**Tuba City ONLR:**

Post Office Box 733  
Tuba City, Arizona 86045  
Telephone: (928) 283-3100  
Facsimile: (928) 283-3107

DIVISION OF HUMAN RESOURCES

## OFFICE OF NAVAJO LABOR RELATIONS

### FILING A CHARGE PROCEDURES & TIMELINES



Post Office Box 1943  
Window Rock, Arizona  
86515

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W008-222 Doublewide  
Trailer on Morgan Blvd.  
Window Rock, Arizona

Telephone: (928) 871-6800/  
6801  
Facsimile: (928) 871-7088

## FILING A CHARGE

### PROCEDURES & TIMELINES

If you believe your rights have been violated under the Navajo Preference in Employment Act (“NPEA”).

The NPEA applies to the following:

1. Discharge
2. Suspension
3. Promotion
4. Upgrading
5. Transfer
6. Lay-off
7. Hiring
8. Recall

A Charge may be filed in reference to any of foregoing grievances listed or a combination against an employer alleged to be in violation of the NPEA.

Any employee may file in person, by mail or by contacting the nearest Office of Navajo Labor Relations (“ONLR”). If there is not an ONLR office in the immediate area, call (928) 871-6800 for more information at the ONLR administration in Window Rock, Arizona.

To avoid delay, call or write beforehand if you need special assistance, such as a Navajo interpreter which may be a Labor Compliance Officer available to assist with filing procedures.

Be aware there are strict time frames in which Employment Charges under the NPEA must be filed. To preserve the ability of ONLR to act in handling your case and to preserve your right to file an Employment Charge to litigate a claim, you need to adhere to the following guidelines as prescribed under Section 10. (B). Charges when filing a charge.

There are two (2) charge processes under the NPEA. The Individual Charge and an ONLR Charge, both are collectively referred to as a “Charge.”

#### 1. Individual Charge

Charging party. Any employee may file a charge claiming a violation of his/her rights under the Act.

#### 2. ONLR Charge

ONLR, on its own initiative may file a charge claiming a violation of rights under the Act held by identified employees or a class of employees, including a claim that respondent (employer) is engaging in a pattern of conduct or practice in violation of rights guaranteed by the Act.

#### 3. Form and Content

Individual Charge shall be in writing, signed by the charging party, and by a Labor Compliance Officer accepting the Individual Charge.

#### ONLR Charge

Shall be written by a Labor Compliance Officer and be signed by the Director of ONLR to accept the charge.



#### **The Employment Charge must contain the following information:**

- a. The name, address and any telephone number of the charging party;
- b. The name and address or business location of the respondent (employer) against whom the charge is made;
- c. A clear and concise statement of the facts constituting the alleged violation of the Act, including the dates of each violation and other pertinent events and the names of individuals who committed, participated in or witnessed the acts complained of;

- d. With respect to an ONLR Charge alleging a pattern or practice in violation of the Act, the period of time during which such pattern or practice has existed and whether it continues on the date of the Charge;
- e. The specific harm sustained by the charging party in the case of an Individual Charge or the specific harm sustained by specified employees or a class of employees with respect to an ONLR Charge; and
- f. A statement disclosing whether proceedings involving the alleged violation have been initiated before any court or administrative agency or within any grievance process maintained by the respondent, including the date of commencement, the court, agency or process and the status of the processing. (Provide reliable documents showing a grievance was exhausted with an employer whether through a Hearing Officer, Grievance Committee and/or any mediator.)

#### 4. Place of Filing

Individual Charge may be filed in any office of ONLR. An ONLR Charge shall be filed in ONLR’s administrative office in Window Rock.

#### 5. Date of Filing

Receipt of each Individual Charge shall be acknowledged by the dated signature of an ONLR employee (Labor Compliance Officers) which shall be deemed the date on which the Individual Charge is filed. The date on the ONLR Charge is signed by the ONLR Director shall be deemed the date of filing for such Charge.

