

# OFFICE OF NAVAJO LABOR RELATIONS

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## WHAT IS THE NAVAJO PREFERENCE IN EMPLOYMENT ACT?



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DIVISION OF HUMAN RESOURCES

## WHAT IS THE NAVAJO PREFERENCE IN EMPLOYMENT ACT?



Codified as Title 15, Chapter 7 of the Navajo Nation Code, the Navajo Preference in Employment Act (“NPEA”) protects the right of Navajo workers.

The NPEA was first adopted in 1985. In October of 1990, the Navajo Nation Council amended the NPEA. The 1990 amended NPEA became effective on January 05, 1991.

### NPEA HISTORY

The NPEA grew out of years of employee dissatisfaction. An employer allegedly utilized questionable employment procedures.

When the employer continually rejected the Navajo applicants, litigation began the foundations for the NPEA

Prior to any formal Navajo preference laws. Lease agreements included a general statement that addressed preference in employment for Navajo individuals. The lease agreements, however, did not address enforcement of the Navajo preference provisions.

Between 1983 and 1989, Navajo Labor Investigative Task Forces were established to gather reports on labor

issues with respect to Navajo employment problems and preference provisions.

Throughout 1989 and 1990 the Task Force held public hearings across the Navajo Nation. Involving both employers and employees, the hearing attempted to solicit recommendations on the proposed amendments to NPEA.

At the conclusion of the 1990 public hearing, the Task Force made dramatic changes in the NPEA. The NPEA is now more comprehensive in the monitoring and enforcement activities of ONLR.

### THE NPEA STATES:

“All employers doing business within the territorial jurisdiction of the Navajo Nation shall give preference in employment to Navajos. Preference in employment shall include specific Navajo affirmative actions plans and timetables for all phases of employment to achieve the tribal goal of employing Navajos in all job classifications including supervisory and management positions” [Section 4A(1)]

### SPECIFIC PREFERENCE REQUIREMENTS:

“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.” [Section 4B(1)]

“All employers shall post in a conspicuous place on its premises for its employees and applicants a Navajo preference policy notice prepared by ONLR.” [Section 4B(2)]



“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 employer.” [Section 4B(5)]

“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.” [Section 4B(6)]



“All employers shall use non-discriminatory job qualifications and selection criteria in employment.”

[Section 4B(7)]

The NPEA outlines the investigation and enforcement process for employment complaints.

The ONLR will commence an investigation based on an individual charge or ONLR charge. The charging party has within 1 year from date of an alleged violation to file a charge with the Office of Navajo Labor Relations. From the date a charge is filed with ONLR, the ONLR has 180 days to issue a probable cause determination or to issue a right to sue.

The petitioner has 360 days, following the date on which the underlying charge was filed, to file with the Navajo Nation Labor Commission.