

- Before the expiration of 180 days, ONLR may issue a notice of right to sue authorizing a charging party to initiate a complaint before the Navajo Nation Labor Commission (NNLC).
- After the expiration of 180 days, a charging party has the right to initiate a proceeding before the NNLC.

**NAVAJO NATION LABOR COMMISSION
COMPLAINT BEFORE THE NNLC**—(an administrative hearing agency)

- ONLR may commence a proceeding before the NNLC based on an individual or an ONLR charge.
- A charging party may commence a proceeding before the NNLC, after issuance of a notice of right to sue or the elapse of 180 days following the date a charge was filed and the ONLR has not commence an NNLC proceeding.
- NNLC is required to schedule a hearing within 60 days of the filing of a written complaint.
- NNLC has the power to issue a subpoena for the attendance and testimony of witnesses, responses to written questions, productions of evidence, and examination and copying of documents..
- NNLC shall conduct the hearing in a fair and orderly manner and extend to all parties the right to be heard
- Upon finding the employer has violated the NPEA, the NNLC shall issue one or more remedial orders: direct hiring, reinstatement, displacement of non-Navajo employees, back pay injunctive relief and imposition of civil fines.

APPEAL

- Any party may appeal a decision of the NNLC to the Navajo Nation Supreme Court within ten (10) days after the receipt of the NNLC decision.

OFFICE OF NAVAJO LABOR RELATIONS

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DIVISION OF HUMAN RESOURCES

OFFICE OF NAVAJO LABOR RELATIONS

PURPOSE



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PURPOSE

The purpose of the Navajo Preference in Employment Act NPEA is to provide employment opportunities for the Navajo workforce; training for the Navajo people; to promote the economic development of the Navajo Nation; to lessen the Navajo Nation's Dependence upon off reservation sources of employment,

income, goods and services; to Foster economic self-sufficiency of Navajo families; to protect the health, safety, and welfare of Navajo work-

ers; and to foster cooperative efforts with employers to assure expanded employment opportunities for the Navajo work force.

EMPLOYERS OBLIGATIONS UNDER THE NPEA

All employers doing business within the territorial jurisdiction of the Navajo Nation or engaged in any contract with the Navajo Nation are required:

- To give preference in employment to Navajos
- To file with the Office of Navajo Labor Relations (ONLR) a written Navajo affirmative action plan.
- To specify a Navajo employment preference policy statement in all job announcement and advertisements and employer policies.
- To post in a conspicuous place on its premises for its employees and applicants a Navajo preference policy notice.
- To any seniority system, of an employer is subject to the NPEA and all other labor laws of the Navajo Nation.
- The Navajo Nation when contracting with the federal or state government or one of its entities shall include provisions for Navajos preference in all phases of employment.
- To utilized Navajo Nation job services for employee recruitment and referrals.



- To advertise and announce all job vacancies in at least one newspaper and radio station serving the Navajo Nation.
- To use non-discriminatory job qualifications and selection criteria in employment.
- To not penalize, discipline, discharge nor take any adverse action against any Navajo employee without just cause. A written notice is required in all cases.
- To maintain a safe and clean working environment and provide employment conditions which are free of prejudice, intimidation, and harassment.
- To make training an integral part of the specific affirmative action plans or activities for Navajo preference in employment.
- To provide an employer-sponsored cross-cultural program as an essential part of its affirmative action plans as required under the NPEA.
- To establish written necessary qualifications for each employment position in their work force.
- To submit employment information and reports as required to ONLR.
- To provide a fringe benefit plan which does not discriminate against Navajos in terms or coverage as a result of Navajo cultural or religious traditions or beliefs.
- Any Navajo applicant or candidate who demonstrates the necessary qualifications for an employment position; (1) shall be selected by the employer in hiring, promotion, transfer, upgrading, recall and other employment opportunities to such position; (2) shall be retained by the employer in the case of reduction-in-force affecting such class of positions until all non-Navajos employed in that class or positions are laid-off; (3) among a pool of applicants or candidates who are solely Navajos and meet the necessary qualifications, the Navajo with the best qualifications is to be selected or retained.

UNION AND EMPLOYMENT AGENCY ACTIVITIES

- Subject to lawful provisions of applicable collective bargaining agreements, the basic rights of Navajo workers to organize, bargain collectively, strike, and peaceable picket to secure their legal rights, shall not be abridged in any way by any person. The right to strike and picket does not apply to employees of the Navajo Nation, its agencies, or enterprises.
- It is unlawful for any labor organization, employer, or employment agency to take any action, including action by contract which directly or indirectly causes or attempts to cause the adoption or use of any employment practice, policy or decision which violates the NPEA.



NAVAJO PREVAILING WAGE

- For all construction reasonably anticipated to occur in the area on a regular basis, ONLR shall establish a general prevailing wages rates for each classification within specified types of construction.
- A prevailing wage rate for a particular project shall be effective on the date of issuance to the requesting party of a written waged determination approved by the Director of ONLR.

OFFICE OF NAVAJO LABOR RELATIONS

CHARGE BEFORE THE ONLR—
(Compliance with the NPEA is monitored and enforced by the ONLR)

- Any employee may file a written charge claiming a violation of his/her rights under the NPEA in any office of ONLR.
- ONLR, on its own initiative, may file a charge claiming a violation of rights under the NPEA held by identified employees including claims the employer is engaging in a pattern of or practice in violation of rights guaranteed by the NPEA.
- A charge must be filed within one year after occurrence of the alleged violation of the NPEA.
- Any charging party may withdraw a charge by filing a written notice of withdrawal with the ONLR.
- Conducting an investigation of a charge, includes the use of its subpoena powers, to determine whether probable cause exist to believe the NPEA has been violated by the employer.
- If probable cause exist to believe a violation of the NPEA occurred, the ONLR must pursue efforts to secure compliance and appropriate relief through conciliation
- Any settlement agreements must be committed to writing and signed by the employer, the charging party and the Director of the ONLR.
- ONLR may dismiss a charge for failure to demonstrate probable cause, lack of cooperation, untimely filing of a charge, refusal to accept a settlement agreement or and execution of a settlement agreement.