



**PROCEDURES
EXECUTIVE AND LEGISLATIVE BRANCHES
DEPARTMENT OF PERSONNEL MANAGEMENT**

SECTION:	SALARY AND WAGE ADMINISTRATION	NO. 21-VII-006
SUBJECT:	HAZARD DUTY PAY PROCEDURES	RELEASE DATE: 11/17/2020
CROSS REFERENCE:	Navajo Nation Personnel Policies Manual § VII(L) and Executive Order No. 010-20	REVISION DATE:
REVIEW:	DEPARTMENT OF JUSTICE	DOJ REVIEW DATE: 11/17/2020

PURPOSE

Pursuant to the Executive Order No. 010-20, the Navajo Nation Office of the President and Vice President (OPVP) closed the Navajo Nation Government due to the confirmation of the COVID-19 Virus on and in areas surrounding the Navajo Nation.

This closure is currently from November 16, 2020 to December 6, 2020, but may be extended by further Executive Orders. The Speaker of the Navajo Nation Council may take similar action for the Legislative Branch of the Navajo Nation Government.

Certain employees are continuing to work, and are required to be in frontline positions to respond to the Navajo Nation COVID-19 pandemic. These Procedures authorize Hazard Duty Pay for such employees when properly documented under the requirements set out below.

APPLICABILITY

These Procedures apply to personnel that are working on the frontlines of the Navajo Nation government's pandemic response and therefore are "on call" for purposes of Section VII.(L) of the Navajo Nation Personnel Policies Manual ("NNPPM") authorizing Special Duty Pay, referred to in these Procedures as "Hazard Duty Pay."

Pursuant to the authority set forth in Section VII.(L) of the NNPPM, and subject to the availability of funds, full-time and part-time employees who are "Frontline Workers" as defined in these Procedures are eligible for Hazard Duty Pay. Employees may receive Hazard Duty Pay while holding a position designated by the Division Director or equivalent Legislative official to be eligible for such pay.

Such positions must first be designated as “Essential Employees” pursuant to Executive Order No. 010-20 or by the Speaker of the Navajo Nation Council by similar action. The Division Director or equivalent Legislative official may then apply additional criteria to deem such Essential Employees eligible for Hazard Duty Pay as “Frontline Workers.”

DEFINITIONS

Covered Period: The period of measurement for eligibility for Hazard Duty Pay starting from November 16, 2020 through December 6, 2020, but may be extended by Executive Order or, for employees of the Legislative Branch, by similar action of the Speaker of the Navajo Nation Council.

Essential Employees: Employees that are required to work during the Government Closure, pursuant to Executive Order 010-20, or similar action of the Speaker of the Navajo Nation Council.

Exempt Employee: An employee in a managerial, professional or administrative position that are not eligible for overtime compensation.

Frontline Employees: Essential Employees, as defined in these Procedures, who perform hazardous work or work involving physical hardship that is related to COVID-19. These employees prepare, respond and/or mitigate the effects of COVID-19, including the employees of the following Departments who are presumed to be frontline employees:

- Department of Health
- Navajo Public Safety
- Navajo Fire Department
- Navajo Emergency Medical Services
- Department of Emergency Management

Other employees are designated Frontline Employees by the appropriate Division Director or equivalent Legislative Official.

Hours Worked: The time an employee spends on the work premises or at a designated work place performing services of benefit to the Navajo Nation as a Frontline Worker.

Hazard Duty Pay: Additional pay to Frontline Workers for performing hazardous duty or work involving physical hardship related to COVID-19.

Non-Exempt Employee: An employee in a non-supervisory or office staff position who are classified as non-exempt and eligible for overtime compensation.

PROCEDURES

Subject to availability of funds, Hazard Duty Pay will be paid for all hours worked from the date of November 16, 2020 to December 6, 2020; or until the Navajo Nation government is reopened by Executive Order of the President, or, for Legislative employees, by similar action of the Speaker of the Navajo Nation Council.

Hazard Duty Pay will not be paid when the employee is on Administrative Leave or Leave Without Pay, due to a suspension arising out of disciplinary action, unless that disciplinary action is reversed by the Office of Hearings and Appeals or the Navajo Supreme Court.

Non-Exempt Employees shall utilize the Overtime (OT) Compensation form, as defined in the NNPPM Section VIII, Overtime. The forms will be due bi-weekly, immediately after timesheet submittals, and any reported hours discrepancies between forms and timesheets shall be in accordance with the timesheets submitted as approved.

For Non-exempt employees, Hazard Duty Pay shall be calculated as one-and one-half times the employee's usual hourly pay rate, as stated on the employee's current Personnel Action Form (PAF).

1. Attach a copy of the timesheet to reflect the actual hours worked and notate Hazard Duty Pay on the OT Form, a detailed description of the work performed, and a copy of the Division Director's or equivalent Legislative official's memorandum listing the employee as a Frontline Employee.

Exempt employees shall utilize the Backpay Request form to pay the approved lump sum payment.

1. The Division Director or equivalent Legislative official may approve a one-time lump sum payment that is a reasonable amount within their discretion, subject to availability of funds. This amount is not calculated per hour and/or per pay period.
2. Attach a copy of the timesheet to reflect the actual hours worked and notate Hazard Duty Pay on Backpay form and a detailed description of the work performed.