

JUDICIAL BRANCH OF THE NAVAJO NATION

JOANN B. JAYNE
Chief Justice of the Navajo Nation

ELEANOR SHIRLEY
Associate Justice, Navajo Supreme Court

TINA TSINIGINE
Associate Justice, Navajo Supreme Court



OFFICE OF THE CHIEF JUSTICE

P.O. Box 520 □ Window Rock, Arizona 86515
Telephone 928-871-7669 □ Fax 928-871-6866

ADMINISTRATIVE ORDER 32-2020

IN THE MATTER OF COURT OPERATIONS IN THE COURTS OF THE NAVAJO NATION DURING THE COVID-19 STATE OF EMERGENCY

The Navajo Nation has never faced a challenge like COVID-19. The pandemic is not only taking lives and battering our economy, but also challenging the strength of our institutions. From day one, the Judicial Branch has met this challenge with unmatched dedication to public service and an unwavering commitment to innovation in keeping courts operating and accessible to the public. Our Judges, Program Directors, Court Administrators and staff continue to demonstrate passion for the work and duties that come with running our court system, and have worked diligently to keep our staff and the public safe, and our courts and programs operating.

By working together, we have provided essential services and have increased our ability to hear cases telephonically and in virtual courtrooms. Administrative Order No. 26-2020 provided that we must make plans for reopening our buildings, assess building modification needs, and focus on the future of our court system; we cannot accomplish this without a strategy to move forward together. Now, as responsible stewards of our justice system, we develop a strategy to protect public health while getting our branch of government back to full speed and allow each court and program to advance on an appropriate timeline.

This Administrative Order represents a new direction in our efforts to combat the effects of COVID-19 on our communities. The Judicial Branch Continuity of Operations Plan (COOP) is an emergency plan. It is intended to provide a short-term method for the Judicial Branch to maintain services during a natural disaster, fire, or other sudden event that disrupts our ability to normally operate. Now, we are faced with the difficult task of emerging from the current pandemic safely and increasing our ability to provide services to the public.

Coronavirus has caused such a disruption, but it is a longer-term problem. We have been operating under the COOP for longer than four (4) months, much longer than we had hoped, or thought, back in March when we began our remote operations. We as a Branch must move forward together even as remote operations continue.

To move forward safely while providing services to the public, the COOP guidance must transition into a longer-term plan—specifically, we must develop a long term plan to return—as conditions and safety permit—to our buildings and workplaces. The COOP team has conceptualized the way forward in a roadmap to re-occupying our facilities, returning to our courts, and expanding services to the public. This is not an immediate return, but a slow, careful, approach to returning safely to our workplaces. It will take time, and thought, and we must be conscious of safety at all times. The plan does not replace the COOP, instead it is our roadmap, our guide, to emerge from the current crisis. The plan relies on data driven decision making by the programs and courts of the Branch and requires all of us to work together to safely guide our courts, programs, and most importantly our employees out of the current pandemic.

The re-entry plan relies on our cultural methods for problem-solving. The first step, Nítsáhákees, involves gathering information from all perspectives so that solutions are fully informed and address the concerns of everyone who will be affected. For the Coronavirus issue, this 360-degree view is the most practical method because our safety measures must address the fears and concerns of our employees, participants in litigation and Peacemaking, supervised persons and their families, and other visitors to the Judicial Branch facilities.

Plans must be informed by the latest public health and medical information, however, that requires specialized training to interpret. For this reason, this Roadmap creates a new position, a Health and Safety Advisor. The Health and Safety Advisor will help each court to make safe and informed decisions and coordinate health information from officials in the tribal, state, county, and local governments. This position will provide our judges and our courts and programs the information needed to make the best decisions under the circumstances.

Nahat'á will be the time when we form plans, standards of operations, relationships to gain information and resources, and train our staff members to implement the things we need to as we do our first partial reopening process. During this period, we will remain under the current protocols, providing essential services, minimal staffing and buildings closed to the public, but accessible through technology.

I'iná, “life,” is the time when we experience our plans. We can operate the courts with partial reopening so that we can learn from our experience and improve our plans. When we consider moving a facility into a new phase of reopening, we will repeat all three steps of analysis and planning. As the phases stabilize and our operations start to mature into a “new normal,” we will move into the last step in problem solving.

The last step is Sihasin, in which we achieve enhanced operations for our permanent operations until a vaccine is discovered and widely administered or the virus is otherwise controlled, which will allow us to return to near-normal operations. We will reflect on our achievements and our obstacles to further improve our operations to meet the needs of our court and Peacemaking systems, our clients and users of our services, and our employees.

This Navajo method is designed to engage the people with whom we work and those we serve, so that we find the optimum solutions to provide services while protecting the people who participate with us in those services.

Each court and program will have the opportunity to make determination and propose to the COOP Coordinator when to move from current operations to the first phase of reopening. Each phase offers increased flexibility, and enhanced decision making at the local level. As with all things, this increased freedom also means increased responsibility. We must all work together to ensure that we move carefully, and in an informed way. Our greatest responsibility as we move forward together is the responsibility to our employees. We must never lose sight of the duty we have to those who work with us to offer a clean and safe workplace.

THEREFORE, IT IS ORDERED that pursuant to the COOP and in consultation with the COOP Coordinator, that the COOP Coordinator immediately issue the ROADMAP TO FULL CAPACITY: COVID-19 GUIDELINES FOR THE NAVAJO NATION JUDICIAL BRANCH;

IT IS FURTHER ORDERED that the COOP Coordinator begin the process of training staff throughout the Judicial Branch on how to apply the ROADMAP TO FULL CAPACITY: COVID-19 GUIDELINES FOR THE NAVAJO NATION JUDICIAL BRANCH including training on cleaning, Personal Protective Equipment (PPE), and engineering modifications in the workplace and shall be completed by September 4, 2020, requests to change phases shall not begin until training is complete;

IT IS FURTHER ORDERED that the COOP Coordinator shall provide a written monthly report on the 7th day of each month detailing the nature and extent of trainings;

IT IS FURTHER ORDERED that the following individuals continue to be deemed Executive Staff for the purpose of this Administrative Order:

Chief Justice of the Navajo Nation, Associate Justices of the Navajo Nation, District Court Judges, Judicial Hearing Officers, Court Administrators, Judicial Staff Assistant, Government Relations Officer, Administrative Service Officer, Supreme Court Clerk, Administrative Director of the Courts, Grants Administrator, Director of Human Resources, Human Resources Specialist, Financial Services Manager, Financial Technicians, Sr. Budget Analyst, Attorneys including Staff Attorneys, Chief Probation Officer, Senior Probation Officers, Peacemaking Coordinator, Bi-Cultural Training Specialist, Automation & Information Technology Manager, Systems & Programming Manager, Programmer Support Specialist, Computer Operations Analyst, Automation & Information Services Specialist, Data Technician, and Senior Building Maintenance Worker;

IT IS FURTHER ORDERED that pursuant to the COOP and in consultation with the COOP Coordinator, the Executive Staff are authorized to continue to telecommute for the safety of the employees and the public until the Court or Program in which they work is cleared to begin Phase 1;

IT IS FURTHER ORDERED that all other Judicial Branch employees are placed on administrative paid leave, including temporary and part-time employees for the safety of employees and the public, until the Court or Program in which they work is cleared to begin Phase 1;

IT IS FURTHER ORDERED any Judicial Branch employee on administrative paid leave may be called upon to return to work to assist in providing essential services during this time period, as needed and directed by their immediate supervisor;

IT IS FURTHER ORDERED that after entering Phase 1, administrative paid leave continues to be authorized as necessary for employee who are held in reserve, scheduled to stay home, or subject to any other reduction in working hours as part of the COOP or the ROADMAP TO FULL CAPACITY: COVID-19 GUIDELINES FOR THE NAVAJO NATION JUDICIAL BRANCH;

IT IS FURTHER ORDERED that upon entering Phase 1, those who are currently telecommuting shall be allowed the opportunity to continue telecommuting where feasible and authorized by the immediate supervisor, telecommuting shall remain the preferred method of work, and should be accommodated whenever possible for the safety of the public and staff and in accordance with the ROADMAP TO FULL CAPACITY: COVID-19 GUIDELINES FOR THE NAVAJO NATION JUDICIAL BRANCH;

IT IS FURTHER ORDERED that all business units continue to be subject to the directive for minimal staffing as laid out in Administrative Order 14-2020, Administrative Order 21-2020, Administrative Order 26-2020, Judicial Branch Continuity of Operations Plan, and ROADMAP TO FULL CAPACITY: COVID-19 GUIDELINES FOR THE NAVAJO NATION JUDICIAL BRANCH, and current guidance from public health organizations, minimal staffing and minimizing face-to-face and in-person contact will be an on-going priority through Phase 2;

IT IS FURTHER ORDERED that employees shall continue to wear masks or cloth face coverings consistent with current guidance from the Center for Disease Control (CDC) while in Judicial Branch Facilities at all times, with no exceptions;

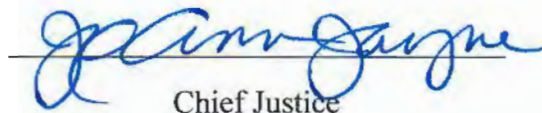
IT IS FURTHER ORDERED that facilities shall continue to remain locked at all times, the only exception is for essential employees until the Court or Program is approved for Phase 1;

IT IS FURTHER ORDERED that employees shall continue to provide essential services to the People through electronic and teleconference means to maximize safety for the public and Judicial Branch employees, and shall gradually increase services through the ROADMAP TO FULL CAPACITY: COVID-19 GUIDELINES FOR THE NAVAJO NATION JUDICIAL BRANCH;

IT IS FURTHER ORDERED that this order shall remain in effect until amended or withdrawn;

IT IS HEREBY ORDERED that, pursuant to 7 N.N.C. § 371, this Administrative Order is approved.

Dated this 22 day of July, 2020.


Chief Justice