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**SUPREME COURT ORDERS NAVAJO NATION LABOR COMMISSION TO HEAR
AND ADJUDICATE CASES**

In an opinion issued June 29, 2018, the Navajo Nation Supreme Court granted a writ of mandamus that recognized previously seated members of the Navajo Nation Labor Commission (Labor Commission) must serve until a successor is appointed and ordered the previously appointed and newly appointed members to “hear and adjudicate cases without further delay.”

In its opinion, the Court noted that the section in the Navajo Nation Code which provides that Labor Commission members “shall serve a term of four years and until his or her successor is appointed,” was not amended in the most recent amendments to the Navajo Preference in Employment Act.

In this case, Austin Bahe was terminated from his employment with the Navajo Engineering & Construction Authority and subsequently filed a formal charge with the Office of Navajo Labor Relations. The ONLR issued a Notice of Right To Sue to Bahe who then filed a formal complaint with the Labor Commission in October 2017. The hearing was scheduled and then rescheduled after a memorandum from the Chief Legislative Counsel stated no hearing would take place until all five members of the Labor Commission were appointed pursuant to amendments made to the membership of the Labor Commission.

The amendments were made to the Navajo Nation Code in 2016 changing the appointment and membership qualifications so that all Labor Commission members had to be familiar with Navajo Nation labor practices, human resources and employment; members in good standing of the Navajo Nation Bar Association; and two must be licensed to practice law in Arizona, New Mexico, or Utah. The amendments also changed the law so that two are appointed by the Health, Education and Human Services Committee and three are appointed by the President of the Navajo Nation with the concurrence of the Naabik’iyati’ Committee.

At the time this Supreme Court opinion was issued, three of five Labor Commission positions were not filled and complaints were not being adjudicated by the NNLC.

The 20-day reconsideration period has passed and the opinion Austin C. Bahe v. Navajo Nation Labor Commission, and Concerning Navajo Engineering & Construction Authority, Real Party in Interest, No. SC-CV-15-18, is now available on the www.navajocourts.org website.

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