OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

MANAGEMENT MANUAL

INTRODUCTION

BACKGROUND:

Public Law 100-666 restructured the agency. Pursuant to this legislation, the name of the agency was changed from the Navajo and Hopi Indian Relocation Commission (abbreviated as NHIRC) to the Office of Navajo and Hopi Indian Relocation (abbreviated as OHNIR). The new law provided that a single Commissioner would replace the three Commissioners as the head of the Office.

Procedures which were instituted prior to the restructuring refer to the "Commission" and the "Commissioners." Many of these procedures were developed for one-time activities of the Office which were accomplished prior to the restructuring and contain position titles and delegations of authority which are no longer accurate. They have been retained in the Management Manual for historical reasons only. The majority of the sections contained with the Management Manual describe on-going program operations.

As of the date of this revision of the Management Manual, the "Commissioner" position is vacant. The previous Commissioner delegated full operational authority to the ONHIR Executive Director for the Relocation Program via an official directive dated April 8, 1994. Consequently, final authority in all program operations referred to in these procedures is delegated to the Executive Director.

These procedures set forth the processes generally followed by the Office. No Management Manual can anticipate every possible situation or set of facts that an agency may encounter and when a situation or set of facts is not covered by procedures set out in the Management Manual the Office will take such actions as are appropriate under the circumstances and the procedures set forth in the Manual will only be used as a general guide or frame of reference.

In addition, since circumstances change and the Office is committed to using "best practices" deviations from the procedures set forth in the Manual may be made where appropriate.

1. DEVELOPMENT AND APPROVAL OF PROCEDURES.

The procedures contained in the Management Manual have been developed pursuant to explicit or implicit authority vested in the Office of Navajo and Hopi Indian Relocation by PL. 93-531, as amended by PL. 96-305 and PL. 100-666; and various appropriations bills which contained instructions regarding program authority and operations.

Procedures are developed by the Executive Director, Branch Managers, Officers, and Team Leaders. Formal procedures incorporated into these volumes may be supplemented by written and verbal instructions of the Branch Managers, Officers, and Team Leaders concerning the daily work flow of the Office. As time and opportunity permits, such instructions are incorporated into formal procedures.

The Chief Information Officer and Information Systems staff review all procedures to assure the existing record systems capture and maintain Office processes and information.

Following final review by all concerned staff, Office procedures are approved by the Executive Director.

SECTION 1200 ELIGIBILITY

SUBJECT 1220 Eligibility - Divorced Spouses

I.

ONHIR will comply with the provisions of 25 CFR 700.143.

SECTION 1200 ELIGIBILITY

SUBJECT 1295 Consideration of Applications for Relocation Benefits

AUTHORITY: Policy Memorandum No. 14 (Revised July 27, 2009)

Note: The deadline for filing an Application for Relocation Benefits ("Application") was August 31, 2010. ONHIR is not accepting Applications and does not anticipate accepting applications in the future.

I. Determination of Whether Application Will be Accepted

a. Was Application received at a time when ONHIR was accepting Applications?

I. If not, reject. If so, go to 1.c.

b. Was Application submitted by a person eligible to apply? See Policy Memorandum No. 14 (revised July 27, 2009).

I. If not, reject. If so, go to 1.c.

c. Was Application form used?

i. If so, go to 1.d.

ii. If not, Certifying Officer may accept if all required information has been provided and document is signed by Applicant subject to the penalties of perjury.

1. If Certifying Officer accepts, go to 1.d.

2. If all required information is not provided, reject.

d. Was Application signed by Applicant?

i. If so, go to II.

ii. If not, Certifying Officer may accept if signed by someone legally authorized to sign for applicant.

1. If Certifying Officer accepts, go to II.

2. If Certifying Officer does not accept, reject.

II. Review of Accepted Application

a. Does Application meet requirements for Certification? (See Policy Memorandum No. 14 (Revised July 27, 2009.)

i. If not and there does not appear to be any misunderstanding on the part of the Applicant, reject.

ii. If there appears to be a misunderstanding, go to II.a.iv.

iii. If Application meets requirements, recommend certification to the Executive Director.

iv. If information presented is insufficient to make the Certification decision, contact Applicant to request additional information.

1. If Applicant provides additional information and it is sufficient to make the Certification decision, go to II.a.i. or II.a.iii. as appropriate.

2. If no information or insufficient information is provided, contact Applicant again to request information. Warn Applicant that if information requested is not provided within forty-five (45) days of Applicant's receipt of this request for information, Applicant will be denied for failure of the Applicant to meet his/her burden of proving eligibility.

a. If Applicant fails to provide information within this time period, reject.

b. If information provided by Applicant is insufficient to support Certification, reject.

c. If Applicant provides sufficient information to support Certification, recommend Certification to Executive Director.

SECTION 1300 APPEALS

SUBJECT 1310 Appeals of Eligibility Determinations.

AUTHORITY P.L. 93-531; 25 CFR 700.301-321.

POLICY

Applicants who are aggrieved by O.N.H.I.R. determinations of eligibility or benefits may appeal the Office's determination. An Applicant may appeal a denial issued pursuant to Subpart "L" of 25 CFR 700. The appeal must comply with the requirements of 25 CFR 700.301-321, and the provisions of this section of the Management Manual. The Office shall conduct an administrative review of initial determination upon receipt of an appeal. If no timely appeal is submitted, the case will be referred to the Executive Director for Final Agency Action.

The Office has determined that hearings shall be scheduled in cases of appeal of eligibility determinations if disagreement about the applicant's entitlement to relocation benefits cannot be resolved during the less formal Pre-hearing phase of review as set forth in Section 1316 of these procedures or if the Applicant insists on a hearing despite an agreement of counsel that a hearing would serve no practical purposes. Whenever holding a hearing is required, the Office will schedule a hearing as set forth in Section 1316 and 1318.

Hearings shall not ordinarily be scheduled in cases of appeal of determinations of benefit level which are: amount of housing benefit, bonus, and value of appraisal. If the Applicant disagrees with the determination amount he/she shall have the opportunity to present his/her arguments during a Conference, after which the appeal shall be referred directly to the Executive Director for Final Agency Action if resolution has not been achieved.

Disagreements Not Subject to Appeal. Persons who disagree with O.N.H.I.R. decisions on matters other than eligibility or benefit amounts may submit their disagreement in writing to the Office. The matter will be referred to the appropriate operations office for review and recommendation. The disagreement may be referred to the Executive Director for final resolution.

1311 PROCESS OVERVIEW.

After the eligibility determination is issued by the Certifying Officer, the Applicant aggrieved by the determination may request reconsideration by filing a written appeal with the Office. Appeals are received and processed by the Eligibility/Appeals Branch (E/A Branch) according to the procedures set forth in this section of the Management Manual.

The appeal is processed through three principal levels of review:

1. Pre-Hearing Procedures.
2. Hearing.
3. Final Agency Action.

The Pre-Hearing Procedures as set forth in Section 1316 of these procedures are mandatory.

Withdrawal of Appeal. An Applicant may withdraw an appeal at any point during the appeal process, and the case will be closed. Withdrawal of an appeal shall follow the procedures in Section 1314.

Administrative Reversal. If at any point during the appeal process the Office receives sufficient information to reverse the denial, a Notice of Certification shall be issued and the appeal shall be concluded. An Applicant may not appeal a Notice of Certification.

1312 ACTIVITIES PRIOR TO RECEIPT OF APPEAL.

After a denial determination has been issued to an Applicant, the Applicant may contact the Office for additional information prior to deciding whether or not to file an appeal. The contact may be by phone or in person. The Applicant will be referred to the Eligibility/Appeals Branch.

Staff of the branch shall provide the following information, depending upon the nature of the Applicant's questions. Staff shall not advise the Applicant regarding the merits of his/her case. Contacts with denied Applicants will be recorded in the contact file. Staff will explain:

- The reason(s) for denial.

- The process used to arrive at the determination. The staff member shall explain that all information which the Applicant provided was reviewed. If the Applicant has additional information which he/she believes may result in a reversal of the determination, the Applicant should file an appeal and submit the additional information as soon as possible.

- The appeals process, including the time frame for filing an appeal.

- The Applicant's right to legal representation during the appeal process. The staff members shall explain the Applicant's options. The Applicant has the right to present his/her case personally, or to designate a legal representative of his/her choice who is an attorney at law, State Bar Member or Navajo Nation Court Advocate. The Applicant may seek representation by a private attorney or an attorney employed by a legal services program. The staff member shall further inform the Applicant that free legal services are available through the Navajo-Hopi Legal Services Program or contract counsel retained by ONHIR to assist Applicants denied Relocation Benefits and provide the Applicant with the address and phone number of that agency or contract counsel.

Documents Received Prior to the Filing of an Appeal.

Between the date of denial decision and the date the appeal is filed, the agency may receive late documents from the Applicant. Documents received during this interim period will be forwarded to the Eligibility/Appeals Branch. Staff will issue the Applicant a letter acknowledging receipt of the documents, and will advise the Applicant that in order for the documents to be used in support of the Applicant's application for benefits, the Applicant must file a timely appeal of the denial.

1313 INITIAL PROCESSING OF ELIGIBILITY APPEAL.

1. Timeframe for Appealing.

Applicants who submitted applications pursuant to 25 CFR 700.601, Hopi Reservation Evictees, and Applicants who submitted applications pursuant to 25 CFR 700.147 and were denied on 11/14/85 were allowed 30 days from the date of receipt of denial in order to file an appeal.

As the result of a request by Navajo-Hopi Legal Services Program, the 30 day requirement for filing an appeal, as stated in 25 CFR 700.307 was extended to 60 days by the former Commissioners, and applies to all denials issued subsequent to 11/14/85.

2. Filing an Appeal.

a. The Notice of Appeal must be in writing and must clearly state the name of the Applicant who is appealing a denial determination. No verbal or telephonic requests for an appeal will be accepted by the Office.

b. The Notice of Appeal must be received at the O.N.H.I.R. within 60 days of the date of the Applicant's receipt of the denial determination. The date of the Applicant's receipt of the denial determination letter shall be excluded and the 60 day time period shall begin to run on the following calendar day.

c. If an Applicant is present at the offices of the O.N.H.I.R. and states that he/she is desirous of appealing a denial determination, the Applicant will be referred to the E/A Branch. E/A staff will inform the client about the appeal process and will accept a written appeal from the Applicant if the Applicant chooses to submit an appeal at that time.

d. Appeals submitted by mail will be received and date stamped by the Administrative Branch prior to routing to the E/A Branch.

e. Appeals submitted in person at the offices of the O.N.H.I.R. will be date stamped as received by the E/A Branch staff worker.

f. Appeals submitted by FAX or as an attachment to e-mails will be date stamped as received by the E/A Branch staff worker.

3. Determining the Acceptability of an Appeal.

The E/A staff shall first verify that the appeal meets the definition of an appeal of a eligibility determination as defined by Office regulations and these procedures. Complaints and inquiries which fall outside the scope of an appeal shall be routed to the appropriate program manager.

Next, E/A staff shall create an automated appeal record, and will review the appeal for acceptability.

Appeals will be reviewed in chronological order according to the date they were received by the Office. If the E/A staff are unable to determine the acceptability of an appeal, the case will be referred to the Certifying Officer for determination.

4. Creating an Appeal File.

The automated record will be created by entering the case file number, type of appeal (E or D), and attorney number in the automated appeals file. After the record has been created, the E/A staff will enter the date the Office received the appeal, and the type of application.

5. Determining Timeliness of Appeal

The appeal must be received by the O.N.H.I.R. within the time period specified in 1313.1 above. This time period begins the first full calendar day following receipt of the Notice of Initial Determination. The Notice is determined to have been received by the Applicant on the date that the Applicant or the Applicant's recognized agent personally signs the certified mail return receipt.

Eligibility/Appeals staff will check the date on the return receipt. Next, the staff will compare this date with the date on the appeal to determine if the appeal was received by the Office within the specified time period.

6. Clients With No Date Of Receipt Of Notice.

Even though an Applicant was issued a Notice of Denial, there may be no date of Notice receipt in the Applicant's file. E/A staff will determine which of the following circumstances applies, calculate the date of receipt accordingly, and perform data entry of the date.

a. The return receipt is signed but not dated: Use the Tracking Number on the USPS Certificate of Mailing; go to the USPS website; find the date of receipt and print out a copy of this document and then enter the date of receipt in the Applicant's file. Put a copy of the USPS date receipt document in the Applicant's file.

b. The Applicant never received the Notice, as demonstrated by lack of return receipt in the file; or by mail return of the Notice as undeliverable. When the Applicant contacts the Office about his/her case, E/A staff shall obtain the correct mailing address and will re-issue the Notice, certified mail. When the receipt is returned to the Office, the date recorded on it will be the date entered in the file.

c. If the Applicant comes to the Office in person and is given a copy of the Notice, the Applicant will sign and date a statement acknowledging receipt. This date will be entered in the file as the date of receipt.

7. Appeal Filed Timely.

If the appeal was filed within the specified time period, E/A staff will enter an accept code (Action #1) into the appeals file through the appeals entry screen, and generate a letter of acceptance . This letter informs the Applicant or his/her legal representative that the appeal has been accepted.

8. Appeal Not Filed Timely.

If the appeal was not filed within the specified time period, the appeal will be rejected. E/A staff will enter a reject code (Action #2) into the appeals file through the appeals entry screen, and generate a letter of rejection to the Applicant or his/her /legal representative informing him/her that the appeal has been rejected on the basis that it was not filed timely

9. Letter Accepting/Rejecting Appeal. The letter of acceptance or rejection will be signed by the Certifying Officer and mailed by certified mail, return receipt requested.

10. Request for Waiver of Time Frame. The O.N.H.I.R. will not consider requests for waiver of the time limit for filing an appeal of the notice of denial of relocation benefits from those Applicants from whom the Office received personally signed return receipts but who did not file a timely appeal except as provided in Policy Memorandum #9 (Revised 2/7/2005.)

11. Processing Documentation Submitted in Connection with Appeal.

Additional documents may be submitted in connection with an appeal, either at the time the appeal is filed or before or after the receipt of the appeal. Documents received before an appeal is filed will not be considered unless and until a timely appeal is filed. Documents will be handled according to the procedures in this section.

a. Request For Access To And Copy Of The Applicant's File Pursuant To FOIA/Privacy Act.

If the Applicant or his/her legal representative submits a request for access to and/or copy of the Applicant's file in connection with the appeal, the Administrative Branch will receive the request and route it to the FOIA/Privacy Act Officer for action. The FOIA/Privacy Act Officer will approve or disapprove the request and inform the requestor of his/her decision.

b. Requests/Petitions To Amend Applicant's Records.

Requests/Petitions to amend Applicant's records will be routed to the FOIA/Privacy Act Officer. Depending upon the nature of the request, information submitted by means of the Request/Petition will be added to the Applicant record for consideration. Information will not be deleted from the Applicant's file unless the Applicant can demonstrate that the Office committed an administrative error in recording information.

The FOIA/Privacy Act Officer will respond to the request within the time period specified by law and regulation.

c. Supporting Documentation.

If and only if a timely appeal has been filed, the Office may receive documents submitted by the Applicant to support his/her claim to eligibility. The documents may be received before or after an appeal has been filed.

The E/A staff will screen these documents and determine if the supporting material includes original documents which should be copied for the file and the originals returned to the Applicant. The E/A staff will copy the documents and return the originals to the Applicant by regular mail, with a brief cover letter.

The E/A staff shall determine if the documents contain demographic information which needs to be entered in the Applicant's or Applicant's family member's file. The information will be routed to the designated staff person for data entry.

After data entry has been performed, E/A staff will retrieve the case file from the data room, file the documents and review the case.

If the documentation is sufficient to reverse the denial, E/A staff shall prepare a recommendation for certification to the Executive Director. Following the Director's decision, the E/A staff will generate a Notice of Certification for the Executive Director's signature.

If the supplemental documentation is not sufficient to reverse the denial, E/A staff will prepare a letter to the Applicant or his/her legal representative stating that the documentation has been received but it is insufficient to certify the Applicant.

d. Address Change.

If documentation received in connection with an appeal indicates the Applicant has moved to a new address, E/A staff will fill out a Change of Address Form and forward it to the Relocation Operations Branch for data entry.

e. Other Correspondence.

Correspondence which relates directly to the appeal of a denied Applicant but does not fall into one of the categories above, will be evaluated by E/A staff. The original document will be placed in the Applicant's case file and routed to the Certifying Officer who will make a determination as to the appropriate response.

12. Copying And Mailing Documents Connected With An Appeal.

E/A staff will copy documents and casefiles which must be distributed in connection with the appeals process. The E/A staff shall request help from other agency branches as necessary in performing this duty.

If an Applicant has an authorized legal representative, all correspondence relating to the Applicant's case will be issued to the legal representative. If the Applicant is self-represented, correspondence will be issued directly to him/her.

All documents sent to the Applicant or his/her legal representative will be sent by certified mail/return receipt requested. The certified mail return receipt shall be marked by the E/A staff with the case file number. The number of the certified mail receipt will be typed on the letter which is sent certified, so that upon return the receipt can be attached to the correct file document.

13. Appeals Section of the Case File.

Documents relating to an appeal action will be filed in in the appropriate section of the casefile, with the eligibility documentation. Documents will be filed in chronological sequence according to date.

1314 WITHDRAWAL OF AN APPEAL.

An unrepresented Applicant may withdraw an appeal at any stage of the appeal process. The notification of withdrawal of the appeal must be in writing. A represented Applicant, with the concurrence of the Applicant's legal representative, may withdraw the appeal at any stage of the appeal process.

E/A staff will copy the Request for Withdrawal received from the Applicant (or his/her legal representative) and forward it to the Hearing Officer requesting the Hearing Officer issue an Order of Dismissal. Upon receipt of the Order of Dismissal from the Hearing Officer, E/A staff will make the appropriate data entry in the automated system and provide a copy to the Applicant or, for represented Applicants, to the Applicant's legal representative.

A copy of Order and Request for Withdrawal of the Appeal will be delivered to the Executive Director with a request for the entry of Final Agency Action. Upon entry of Final Agency Action E/A staff will make the necessary data entry in the automated records and provide a copy of the Final Agency Action to the Applicant or, for represented Applicants, to the Applicant's legal representative.

Re-opening a Withdrawn Appeal.

A denied Applicant who wishes to re-open an appeal after it has been withdrawn must submit a written request to the Executive Director setting forth good cause for re-opening the appeal. If the appeal is reinstated, the Applicant and the Hearing Officer will be informed in writing that the appeal has been re-opened.

1315 REVERSAL OF DENIAL DETERMINATION.

A determination of denial may be reversed at any time that the Certifying Officer receives sufficient supporting documentation to conclude that the Applicant is eligible for benefits. The E/A staff will enter the reversal point (code table 82).

The Notice of Certification will be attached to the case file, along with supporting documentation, and forwarded to the Executive Director for signature. After approval, the Notice will be mailed to the Applicant by certified mail, return receipt requested. A copy of the Notice will be issued to the Applicant's legal representative. E/A staff will also deliver a copy of the Notice of Certification to the Relocation Operations Branch for action.

Automated File Record. When the Notice of Certification is generated, the Applicant master and certification files will be updated to show:

- Applicant is certified.
- Date of (new) determination.

MM#1310

Issued 11/18/85; Revised and Reissued 8/18/89; 4/4/97; and 9/15/08. Reissued 8/8/11.

- Date of certification letter issue.
- Revised agency status.

The Applicant master file and certification file will not show that the Applicant was initially issued a denial determination. However, the appeals file will show both the initial and the reversal determinations.

1316 Pre-Hearing Conferences

A Pre-Hearing Conference may be held in each case prior to hearing to clarify the issues and to enable the parties to better prepare for hearing resulting in a streamlined hearing process.

I. Pre-Hearing Procedure when Applicant is Represented by Counsel

A. Discussion or Conference of Counsel; Report.

Upon receipt of a Notice from the Hearing Officer that the Appeal is pending before the Hearing Officer, counsels who will present the case to the Hearing Officer shall confer in person or by telephone to see if they can reach agreement on:

1. Facts which are agreed upon and concerning which no testimony shall be offered.

2. Legal conclusions on which there is agreement.

3. Factual matters which are not agreed on, but which both parties agree are relevant.

4. Legal issues which the parties agree are relevant but on which agreement has not been reached.

5. Exhibits which the parties stipulate may be admitted at the hearing.

II. **Pre-Hearing Procedure When Applicant is Not Represented by Counsel**

A. First Pre-Hearing Conference

1. The Hearing Officer shall set a First Pre-Hearing Conference with at least 45 days Notice to the Applicant and the Officer.

2. At the First Pre-Hearing Conference the Hearing Officer shall advise the Applicant of the availability of counsel to represent the Applicant without charge (as well as the possibility of the Applicant retaining private counsel.) If the Applicant decides to seek representation, the First Pre-Hearing Conference shall be recessed.

3. If the Applicant wishes to proceed without counsel, then at the First Pre-Hearing Conference the Hearing Officer shall explain the Hearing Procedures to the Applicant.

4. The Hearing Officer shall also endeavor to obtain agreements with respect to facts in the case, a listing of possible witnesses for the hearing and the general nature of their testimony, and a preliminary indication of proposed hearing exhibits.

5. The Hearing Officer shall set the matter for a Final Pre-Hearing Conference and direct the Applicant to bring information to that Conference on the witnesses to be called at the hearing and their anticipated testimony, exhibits to be offered, and the position the Applicant is taking on matters related to eligibility for relocation benefits.

B. Final Pre-Hearing Conference

1. The Final Pre-Hearing Conference shall be held as scheduled by the Hearing Officer.

2. At the Final Pre-Hearing Conference the Hearing Officer shall discuss the needed time for hearing the matter and set the matter for hearing.

C. Extensions of Time

Any time period set forth in these procedures may be extended by written stipulation of counsels of record or, in the absence of such a stipulation, by the Hearing Officer for good cause shown.

III. Administrative Subpoenas and Depositions

A. Upon request of any party the Hearing Officer shall issue an administrative subpoena for testimony or production of documents and evidence.

1. The party requesting the subpoena shall be responsible to arrange for service of the subpoena in accordance with the law of the jurisdiction where the subpoena is served and shall file an appropriate Return or Affidavit of Service with the Hearing Officer.

B. For good cause shown and on 21 days notice to the other party, the Hearing Officer may permit testimony to be taken under oath by deposition before a Court Reporter or by use of another method of recording the testimony approved by the Hearing Officer for use either as part of the discovery process or to become part of the Record in an Appeal.

1. The rules applicable to testimony of "live" witnesses shall govern the admissibility of deposition testimony.

1317 HEARINGS. 25 CFR 700.301-321.

After the Pre-Hearing Procedure has been concluded, the appeal is referred to hearing unless:

- The denial has been reversed.

- The appeal has been withdrawn.

The Office has delegated authority to conduct hearings to an attorney, hereinafter referred to as the Hearing Officer, contracted to provide professional services in this capacity. The Hearing Officer shall preside over hearings, conducting them according to regulations contained in Subpart "L" of 25 CFR §700; and procedures of this part of the Management Manual. The Hearing Officer shall submit his/her findings and conclusions to the Executive Director in the form of a Decision, Findings of Facts and Conclusions of Law.

1. Hearing Schedule.

The Hearing Officer and O.N.H.I.R. will establish the hearing schedule. The Hearing Officer will issue Hearing Notices to the parties.

A. In setting the hearing schedule, the Hearing Officer shall consider such factors as whether the parties are ready for a hearing; the length of time an Appeal has been pending; whether the matter has previously been continued; the age and health of the Applicant and other factors consistent with the Settlement Act and the interests of justice.

E/A staff shall data enter the date of hearing in the Applicant's appeal file, and shall reserve the hearing room.

2. Hearing Continuances.

Pursuant to 25 CFR 700.311, the Hearing Officer may grant a request for hearing continuance for good cause shown. If a continuance is granted, the Hearing Officer will issue a new Notice setting the date, time and place of hearing. E/A staff will update the Applicant's appeal file from the information contained in the Office's copy of the Notice.

3. Hearing Record.

The E/A staff will assure that audio recording equipment is set up in the hearing room and functioning properly. Hearings shall be recorded and will be labeled and catalogued. The Office shall contract for the services of a transcriptionist for preparation of a transcript.

4. Interpretation.

When interpretation services are required, interpretation services will be provided by the Applicant or the ONHIR.

5. Decision of the Hearing Officer.

The Hearing Officer shall submit a written decision incorporating findings of fact, credibility findings, conclusions of law, and recommendations to the Office within 60 days of the close of the hearing record. The Record shall close upon receipt of a Post-Hearing brief or 21 days after the hearing transcript has been transmitted to the Hearing Officer and counsels of record, whichever date is earlier. E/A staff shall data enter the date of receipt of the decision and the Hearing Officer's recommendation in the Applicant's appeal file. Copies of the decision shall be sent to the Applicant and or his/her legal representative by certified mail, return receipt requested.

E/A staff will make copies of the Applicant's file for the Executive Director as instructed.

6. Post Recommended Decision filings.

The provisions of Policy Memorandum No. 17 shall govern post recommended decision filings and proceedings.

1318 FINAL AGENCY ACTION.

The Hearing Officer's Decision shall be referred to the Executive Director for Final Agency Action or remand to the Hearing Officer. A decision of the Executive Director to affirm or reverse the Hearing Officer's decision shall constitute Final Agency Action on an appeal under the administrative review process.

The Executive Director will sign the Notice of Final Agency Action. If the Applicant's denial has been reversed, a Notice of Certification will be generated by the E/A Staff for the Certifying Officer's signature. After signatures have been obtained; the E/A Branch will make copies of the documents. The original Notice of Certification will be issued to the Applicant and mailed by certified mail, return receipt requested. If Applicant is represented by counsel, said counsel will be furnished a copy of the Notice of Certification of Eligibility for Relocation Assistance Benefits.

The Notice of Final Agency Action shall be mailed directly to the Applicant if the Applicant is self-represented, by certified mail, return receipt requested. If the Applicant is represented by counsel the Notice shall be addressed to the Applicant, in care of the attorney of record, by certified mail. Data Entry of the Final Agency Action shall be conducted by the E/A Staff.

1319 ACTION OF O.N.H.I.R. UPON APPEAL TO FEDERAL DISTRICT COURT.

An Applicant for relocation assistance who has been denied and whose denial has been upheld by the O.N.H.I.R. administrative appeal process, has the right to file an appeal with the United States District Court for the District of Arizona. The appeal must be filed within the appropriate statute of limitations. The U. S. Justice Department will represent the O.N.H.I.R. before the Court.

1. Action of the O.N.H.I.R. Office of Legal Counsel.

Upon receipt of written notice of intent to appeal to District Court, or notice that a complaint has been filed in the District Court, the O.N.H.I.R. Office of Legal Counsel will conduct a file review and prepare a summary of the facts and actions in the case. If O.N.H.I.R. Legal Counsel deems it appropriate to reverse the initial determination of denial, the file review will conclude with a

recommendation to the Executive Director to certify the Applicant.

a. Reversal of Final Agency Action. If the O.N.H.I.R.'s earlier denial is reversed at this stage, the Office of Legal Counsel will notify the Information Systems Branch and request that the automated records be changed to reflect certification of the Applicant and date of the action. A manual letter will be issued to the Applicant /legal representative and the United States Justice Department informing them of the certification action. The certified client will be referred to the Relocation Operations Branch by means of a copy of the certification notice and will enter case processing according to standard program procedures.

b. No Change in Final Agency Action. If O.N.H.I.R. Legal Counsel does not deem it appropriate to recommend to the Executive Director to reverse the initial determination of denial, O.N.H.I.R. will notify the Applicant's legal representative of the results of the file review.

O.N.H.I.R. Legal Counsel will assist the Assistant U. S. Attorney with litigation as requested. The O.N.H.I.R. will issue a Notice of Certification to the Applicant if so instructed by the Assistant U. S. Attorney.

2. Action of the Federal District Court.

The O.N.H.I.R. will receive a copy of the District Court's Memorandum of Decision and Order. If the Court decides in favor of the appellant, the Office of Legal Counsel will recommend to the Executive Director whether or not the decision should be appealed to the Appellate Court

If the Applicant is certified eligible for relocation assistance benefits, the Office of Legal Counsel will notify the Information Systems Branch and request that the automated records be changed to reflect certification of the Applicant , and date of the action. The certified client will be referred to the Relocation Operations Branch and will enter case processing according to standard program procedures.

An Applicant whose appeal is denied by the United States District Court for the District of Arizona has the right to pursue the appeal as provided in the Federal Rules of Appellate Procedure.

SECTION 1300 APPEALS

SUBJECT 1330 Appeals of Benefit Amounts

AUTHORITY: 25 CFR 700.301-321

POLICY

A client who disagrees with the Office's determination of benefit amount may file an appeal. The benefit determinations which may be appealed are (1) amount of housing benefit; (2) amount of bonus; and (3) value of improvements, if the client owns improvements on the partitioned lands.

These amounts are specified in the Notice of Benefit Determination which is issued by the Housing Specialist following the initial housing interview. The client shall be allowed 30 days from the date of receipt of the Notice to file an appeal of the amount of benefit determination. The Office of Relocation will not accept a benefits appeal which is filed after the Relocation Contract is signed.

When the Office receives an appeal of benefit amount, staff shall conduct administrative review of the appeal and shall hold an explanatory conference with the client/legal representative as part of the review process. The Office may schedule a hearing at its sole discretion. The determination to hold a formal hearing will be made by the Certifying Officer, based upon the results of the explanatory conference. If the Certifying Officer determines that the circumstances of the case do not warrant a formal hearing, the case summary with recommendations of the Certifying Officer will be submitted directly to the Executive Director for Final Agency Action.

PROCEDURES

1331 ACTIVITIES PRIOR TO FORMAL APPEAL.

Prior to receiving the formal Notice of Benefit Determination, clients will be informed during case planning of the benefit amounts which they will receive. If the client disagrees with the amount of a benefit, the disagreement must be discussed informally by the client and the Relocation Specialist during an office conference.

Because the determinations are based largely upon specific procedural formulas, informal discussion will allow the Specialist to explain the calculations used in reaching the determination. It will also allow the client to correct any erroneous information which affected the initial calculation.

The methods for computing benefit amounts are set forth in Management Manual Section 1710.

If the client is dissatisfied with the Office's response at the informal stage and wishes to reduce the grievance to formal appeal, the Specialist will refer the client to the Eligibility/Appeals Branch.

1332 INITIAL SCREENING OF BENEFIT APPEAL.

An appeal of amount of benefit determination must be submitted in writing by the client or the client's legal representative. No verbal requests for appeal will be accepted by the ONHIR.

The written appeal will be routed to the Eligibility/Appeals staff, who will date stamp the appeal and enter the type of appeal in automated client records.

Next, the E/A Branch shall determine whether or not the appeal was filed timely. The E/A Branch will retrieve the client case file from the data room and determine if the appeal was filed within 30 days of receipt of the Notice of Benefit Determination, as recorded on the certified mail return receipt, filed in the client case file.

1. Appeal Filed Timely.

If the appeal was filed within the 30 day period, the E/A Branch will draft a letter of acceptance for the Certifying Officer's signature. The letter will inform the client/legal representative that the appeal has been accepted and they will be notified of the date of the explanatory conference.

2. Appeal Not Filed Timely.

If the appeal was not filed within 30 days, the appeal will be rejected. The E/A Branch will draft a letter of rejection to the client/legal representative for the Certifying Officer's signature. The letter will state that the appeal has been rejected on the basis that it was not filed timely.

3. Request for Waiver of Time Frame.

The Office may extend the time period for filing an appeal, on a case by case basis, for good cause shown. A client whose appeal is rejected as untimely may request the Office to waive the time limit. The request must be in writing and must state specifically why the client failed to submit an appeal within the 30 day period.

E/A Branch will review a written request for waiver of the time limit, and shall prepare a recommendation for decision by Legal Counsel. A manual letter incorporating the Certifying Officer's decision will be issued to the client/legal representative by regular mail.

Multiple waiver request are possible, the most recent waiver information will be in the Applicant/Client electronic Hearing record, see case file for previous request.

1333 EXPLANATORY CONFERENCE.

The Eligibility/Appeals staff shall retrieve the manual case file and review the circumstances of the appeal. The E/A Branch will schedule an explanatory conference within 30 days of receipt of the appeal. Notification of the conference shall be issued by the E/A Branch to the client/legal representative approximately 10 days prior to the scheduled date.

1. Request For Continuance.

A request for continuance, submitted by the client/legal representative prior to or during the conference, shall be approved only if the client requires additional time to obtain documentation which relates directly to the value determination. The client must specify the exact nature of the documentation in requesting the continuance (i.e. an appraisal by a certified independent appraiser, whose name is provided).

The E/A Specialist will approve the request, with the concurrence of the Housing/Inspections Supervisor. Only one continuance of no more than 30 days will be granted for a benefit appeal. When a continuance is approved, the E/A Branch will prepare a manual letter notifying the client/legal representative of the rescheduled date.

2. Determination Summary/Explanatory Conference Record.

In preparation for the conference, the Appeals staff shall fill out the top portion of the Determination Summary/Explanatory Conference Record , **Form MM#1330.1**. The top portion states the type of benefit appeal, the amount of benefit determined by the Office to be correct, and the basis for the Office's determination. The staff shall record the reason for the client's disagreement with the determination. The documents from which the information is drawn will be referenced in the Summary.

3. Attendance At Conference.

The client and legal representative shall be present at the conference. No witnesses will be accommodated at the conference. If the client wishes to submit testimony from third parties in support of his/her argument, it may be submitted in the form of a written affidavit.

The Relocation Branch Manager or designee and the Eligibility/Appeals Specialist shall represent the ONHIR at the conference. Other ONHIR staff shall be present as necessary to explain ONHIR's determination.

4. Conducting The Explanatory Conference.

Depending upon the issue being appealed, the Relocation Operations Branch Manager and/or the Eligibility Appeals Specialist shall explain agency regulations and procedures which were followed in making the determination and the calculations which were applied. The client/legal representative shall explain the reasons for objection to the determination, and may present written documentation to support a higher benefit determination.

5. Explanatory Conference Determination.

Upon completion of the Explanatory Conference, the E/A Specialist shall complete the Explanatory Conference Record. The Record shall make note of any follow-up action agreed upon during the conference, such as: reappraisal, additional record review, field investigation, submittal of additional information by applicant. The E/A Specialist and Relocation Operations Branch Manager shall consult on the decision to be recommended to the Certifying Officer.

Within five working days of the explanatory conference, the Certifying Officer will issue a

decision to the client/legal representative. The Certifying Officer shall uphold or amend the original benefit determination, or inform the applicant that final decision will be issued following completion of action agreed upon during the explanatory conference. A date certain for final decision will be stated in the letter. The Appeals Branch shall prepare and mail the determination letter, certified mail, return receipt.

6. Hearing/Final Agency Action.

If the client objects to the decision issued by the Certifying Officer, he/she may request reconsideration and a formal hearing. The request will be received by the E/A Branch and forwarded to the Certifying Officer, who shall determine what further administrative review is appropriate. The Certifying Officer shall notify the client of his/her decision within 30 days. The Certifying Officer may:

- Remand the case to a designated staff person with instruction for further review.

- Schedule a formal Hearing. Hearings shall be held according to the regulations in 25 CFR 700.301-321, and Section 1310 of the Management Manual.

-Refer the case for Final Agency Action. The case may be submitted for Final Agency Action according to the procedures in Section 1319 of this Management Manual. If no hearing is held, the Certifying Officer will prepare a summary of the circumstances of the appeal from the case file documentation and submit it to the Commissioner for decision.

The Eligibility/Appeals staff will prepare a manual letter to the client/legal representative of the Commissioner's decision. After the Executive Director has signed the Notice of Final Agency Action, the E/A Branch shall issue the letter certified mail, return receipt.

SECTION 1400 RELOCATION OPERATIONS - COUNSELING SERVICES

SUBJECT 1410 PRE-MOVE PLANNING

POLICY.

Following certification all clients are assigned to a Relocation Specialist, who will work with the client through pre-move planning, housing acquisition, and post-move services. The Relocation Specialist will gather information required by ONHIR and will inform the client of Office regulations and procedures, as they apply to the client's particular situation.

Prior to March 1998, counseling and housing functions were performed by separate branches of the ONHIR. In March 1998 the branches were merged. Older editions of this Management Manual will contain instructions which reflect the organizational structure of ONHIR prior to the merge.

PROCEDURES.

1410.1 Assignment of Specialist.

The Legal Branch will route a copy of each letter of certification to the Relocation Operations Branch. The letters may contain special instructions about the case which the specialist must follow during the development of the client's relocation plan.

The Administrative Assistant will receive the certification letters and make an entry in the client's automated contact file that the case has been received by Relocation Operations. The Assistant will print a Case Assignment Form and deliver the form and the client casefile to the Relocation Operations Manager. The Manager will assign a specialist to the case and route the assignment to the Specialist.

The assigned Specialist shall inform the Manager if there are reasons why the case should be assigned to someone else. Reasons may include relationship by blood or marriage to the client or a member of the client's household; or prior relationship between the Specialist and client which might impede an impartial professional relationship in processing the client's relocation plan. If such a circumstance exists, the Manager will reassign the client.

When the Specialist signs the Case Assignment Form accepting the case, the Manager will enter the Specialist's initials in the automated records and countersign the form. The form will be filed in the casefile.

1410.2. Initial Counseling Interview.

The initial counseling interview, also called the initial pre-move interview, will be conducted within 30 days of case assignment. When a new client is assigned, the Specialist will check out and review the client's casefile. Within seven days, the Specialist will send a letter to the client to make an appointment for an initial interview. In the letter, the Specialist will instruct the client as to the documents which should be brought to the interview. The Specialist will also instruct the client about interview expense and reimbursement.

Field Appointments. If the client is unable to travel to Flagstaff, the Specialist may schedule a field appointment at the client's home or other designated location. The client may be paid travel expense to the designated location according to standard travel expense procedures.

1410.3 Development of the Household Relocation Plan.

General. The Specialist is responsible for working with the client to develop the client's household relocation plan. No two plans are identical; each plan must be formulated to meet the specific needs of the client. The Specialist will advise the client about the procedures which apply to the client's particular case, and the actions which the client must take in order to receive replacement housing and related benefits. Procedures affecting the relocation plan are set forth in different sections of the Management Manual, which will be referenced in the instructions that follow.

1. Basic Information about the Relocation Benefit. At the initial pre-move interview the Specialist will identify and record all of the household members living with and moving with the client. The Specialist will inform the client of his/her relocation benefits and will explain the relocation process and answer the client's questions. Information which the specialist provides will include:

a. Amount of housing benefit and how it's computed.
b. Infrastructure: What is included and how this increases the benefit amount.
c. Bonus: Amount and when it's issued.
d. Appraisal: If client owns improvements, their value will be incorporated into the housing benefit unless the client wants to retain the improvements.
e. Search and moving expenses: How to submit a search expense claim and what activities are approved; when the moving expense is paid.

The Specialist will obtain the information from the client which is necessary to complete these forms:

1). Household Relocation Plan, Form MM#1410.3 (revised)
2). Client/Spouse Demographic Information, Form MM#1410.4.
3). Survey of Housing Conditions, Form MM#1410.8.

The Specialist will make copies of documents which the client has brought to the interview and will return the originals to the client before he/she leaves the office. If the client is unable to provide all the necessary information or documents at the time of the interview, the Specialist will instruct the client to send them in and will follow up by calling or writing the client until the information is provided.

If the client sends in documents or personally brings them to the Office, the Administrative Assistant will copy the documents and immediately return the originals to the client.

2. Contents of the Household Relocation Plan, (**Form MM#1410.3)** The Household Relocation Plan must contain the following information, depending upon the client's particular circumstances.

a. Client Information. The Specialist will ask the client to confirm basic identifying information which is already in the casefile (such as birthdate, census number, social security number) and will enter up-to-date information on the client's mailing address and phone number.

b. Client's Pre-Move Location Description. **(See MM#1760)**. The Specialist will record the client's pre-move location description on the Survey of Housing Conditions, and enter the location code on the Survey and the HRP. This information will be data entered in the automated records, and will be updated whenever the client moves to a different location.

c. HPL Residence. The Specialist will make sure the on/off HPL code in the computer is correct. Changes in a client's pre-move residence which affect the ONHIR's record of HPL residents will be handled in accordance with **MM#1440, HPL Residence Record**. Whenever a client moves away from or back to their home on the HPL, the Specialist will investigate and record the move, and assure that the automated client master file is brought up to date.

The Specialist will make a final verification of the HPL residence of clients who have a "1" code at the time of the initial housing interview.

d. Appraisal Information. **Also see MM#1610**. The Specialist will check the automated records to learn if the client has an appraisal file. If so, the Specialist will check it out and review the contents with the client. If the appraisal file is not complete and an initial appraisal or reappraisal has to be conducted, the Specialist will make an appointment to meet the client at the homesite to conduct the appraisal. Appraisals will be conducted in accordance with the instructions in the Appraisal Handbook.

The Specialist will assure that the Affidavit of Ownership is signed, and that posting and advertising are complete.

e. Owner Retention of Improvements. The Specialist will inform the client about the ONHIR's policy regarding retention of improvements. If the client wants to retain one or more improvements, the Specialist will list the improvements by improvement number and description on **Form MM#1610.3**, Owner Retention of Improvements, and obtain the client's signature. The value of retained improvements will not be included in the calculation of the client's housing benefit. However, the client must remove retained improvements within 30 days of relocating to the replacement house. A copy of the retention form will be placed in the appraisal file and sent to the Hopi Tribe when the property is turned over to Hopi.

f. Household Membership. **See MM#1714 for instructions**. At the time of the initial interview, the Specialist must identify all household members living with and moving with the client. The Specialist will list the verifying documents which have been obtained and which are still needed on the HRP. Changes which occur in household membership will be recorded and explained on the Case Narrative form up to the time the contract is signed. Household membership is not updated after contract signing.

g. Duplicate Census Number. The Specialist will determine through checking the casefile, computer records, and discussion with the client, whether or not the client or any household member has previously participated in a benefit. If neither the client nor any household member has previously participated in a benefit, the Specialist will obtain the client's signature on the Household Membership form in the HRP. If the client or a household member has participated in a benefit, the Specialist will follow the instructions in **MM#1716**.

h. Relocation Site. The choice of relocation site determines how the client's case will be processed. The relocation plan cannot proceed until the client has decided where they want to move.

(1). If the client has decided where they want to move the Specialist will record the preferred relocation site and will follow the procedures for that type of acquisition. If the client wants to move to an on-reservation location, the specialist will make sure that the client has filled out an application for a homesite lease on the big reservation or the New Lands. The Specialist may assist the client with transportation in getting the signatures needed to initiate a homesite lease.

(2). If the client has not decided where to move the Specialist will discuss the procedures for on- and off-reservation moves and advise the client about the alternatives which are suitable for the client and household. Consideration of alternatives may include tours of the New Lands.

3. Special Cases. The Specialist will identify any special situations which require out-of-the-ordinary actions on the client's case. Such situations may include the following:

a. Clients with Accommodation Agreements. Clients who have signed an Accommodation Agreement (AA) with the Hopi Tribe must relinquish the Accommodation Agreement in order to receive relocation benefits. The Relinquishment Form, **MM#1271L**, is available in the word processing library. The AA must be relinquished before the relocation contract is signed. Generally the AA should be relinquished after the client's homesite lease has been completed, before the case is transferred into the housing phase of case processing. However, the Relocation Operations Branch Manager may approve delaying the relinquishment if the client presents good reasons why they do not want to relinquish until contract signing. The Relocation Operations Branch Manager's approval must be in writing. The client must relinquish the AA before signing the relocation contract or the contract will be void.

Signature of Both Spouses on the Relinquishment. If both the husband and wife signed the Accommodation Agreement, both should sign the Relinquishment Form. The list of people who signed the Accommodation Agreement is available from the Legal Department or the Relocations Operations Branch Manager.

Relinquishment Tracking Form. The relinquishment of the AA will be recorded in the automated records by means of the **Relinquishment Tracking Form, MM#1271T.** The Specialist will fill out the Tracking Form, attach a copy of the Relinquishment, and route the form through the Team Leader and the Relocation Operations Branch Manager for final approval of the Executive Director. Removal of the "7" action code will be done by the Chief Information Officer When the process is complete, a copy of the relinquishment will be routed to the Legal Branch for transmission to the Hopi Tribe.

b. Emergency Processing. A client may have an emergency need which requires that their case receive priority processing. The types of need which justify priority processing are set forth in **MM#1718, Emergency Moves**. Cases which are approved as emergency moves will be expedited by the Specialist and the Inspections and compliance staff.

c. Temporary Emergency Moves. Under certain circumstances, the ONHIR may arrange temporary housing for an HPL resident who needs an emergency move while their relocation house is being acquired. Instructions for temporary emergency moves are stated in **MM#1722**.

d. Client Needs Legal Assistance. The client may require legal assistance in order for the case to move forward. Instructions for requesting ONHIR-sponsored legal assistance in cases of low-income clients needing a divorce, name change, or other legal service are found in **MM#1744**.

e. Power of Attorney. A client who is capable of making the decisions required to process their case but who is not physically able to travel to the ONHIR because of their job or other legitimate reason may appoint a power of attorney according to **MM#1742**.

f. Conservatorships and Guardianships Cases in which the client is not capable of planning and accomplishing their relocation will be staffed by the Specialist, Team leader, Relocation Operations Branch Manager, Executive Director, agency Legal Counsel, and other appropriate staff. A course of action which will protect the client's interests and the Government's interests will be determined. The case may require special assessment and legal intervention by the ONHIR's contract attorney. Instructions for such cases are contained in **MM#1746**.

g. Handicapped Clients. The Specialist is responsible for determining if the client or a family member moving with the client has a handicap which requires physical modifications to the replacement house. The specialist will work with the Inspections and compliance staff and the contractor to make sure that the house modifications are incorporated into the house plans.

4. Housing Information: Contractor Sales and Solicitation Practices. The Specialist will advise their clients not to engage in discussions with contractors or realtors about acquiring a relocation house until their case is transferred to the housing phase. The ONHIR will not be bound by any agreement between a client and a contractor/realtor which takes place outside of the approved housing acquisition process.

The Specialist will advise the client that they may not request or accept inducements from a contractor. All items promised by the contractor must be included in the contract. The prohibition on inducements does not extend to job offers. However, verbal promises of employment will not be included in the contract and are not enforceable against the contractor.

5. Form MM#1410.4 Client/Spouse Demographic Data. The Specialist will fill out form **MM#1410.4** Client/Spouse Demographic Data during the initial interview. During update interviews the specialist will ask if any of the information has changed, particularly employment status and income. Changes will be routed to the secretary for data entry.

6. Form MM#1410.8 Survey of Housing Conditions. The Survey of Housing Conditions, form **MM#1410.8,** is conducted in order for ONHIR to respond to questions from members of Congress and Congressional appropriations subcommittees about the locations and living conditions of people who are awaiting relocation benefits. The Survey also enables the ONHIR to prioritize clients requiring emergency moves because of hazardous or substandard housing.

The Survey will be conducted at the time of initial interview and anytime thereafter that the client moves to a different house. Questions on the Survey are largely self-explanatory, but instructions for filling it out are detailed in **MM#1410 Attachment A**.

7. Document Check and Data Entry. Documents collected during the interview will be copied and the originals returned to the client. Completed forms and copies of required documents will be routed to the Administrative Assistant for data entry. The Assistant will check the documents to verify that the information is complete and the codes have been recorded. Documents which are incomplete will be returned to the specialist for completion.

1410.4 Determination of Required Actions and Case Updates.

General. Throughout the relocation process, the Specialist will focus on identifying and completing the actions required to move the client's case through the steps required for relocation case processing. Identification of required actions will begin with the initial counseling interview and will end when the final post move visit is completed. The Specialist will contact the client as often as necessary to assist the client with the actions which are necessary to accomplish the client's relocation.

1. Biweekly Activity Schedules. The Specialist(s) will submit biweekly schedules of field and office visits a week in advance. Any changes will also be submitted. The schedules are submitted to the Team Leaders, Administrative Assistants and the Relocation Operations Branch Manager.

2. Action Codes. At the conclusion of the initial counseling interview, the Specialist will determine the actions which need to be completed before the client can be scheduled for the initial housing interview. The Specialist will write the action codes and a brief description of the required actions (code table 159) on the HRP. The Specialist will also enter the action code and the beginning date for the action in the Action Code computer file.

After entering the action code, the Specialist will pull up the Case Narrative screen and write up a narrative report. The Specialist will transfer the case narrative from the word proccessing folder to the Action Code file. The narrative should not be deleted from the word processing folder until the following day. The Specialist will also print the Case Narrative screen to be filed in the client's casefile.

3. Tracking Required Actions and Updating the Relocation Plan. No less frequently than every two months the Specialist will update the client's records by checking progress on the actions required to move the case forward. If the plan requires the client to take specified actions, the Specialist will contact the client by phone, mail, or field visit to determine progress on the action. If the plan requires action by the Specialist, he/she will write up what he/she has done on the case. If the client is applying for a homesite lease, the Specialist will check regularly with Inspections and Compliance staff to determine the status of lease processing.

4. Completed Actions. When an action has been completed, the Specialist will write it up on the case narrative and route the report and any supporting documents to the Team Leader. If the Team Leader agrees that the action has been successfully completed, he/she will approve the write-up and enter the completion date in the client's Action Code file.

If the Team Leader determines that the action has not been successfully completed, he/she will return the Case Narrative to the Specialist with instructions. The action will remain open.

5. Case Narrative Updates. Information about the client's case will be recorded on the Case Narrative **Form MM#1410.7**, which will be printed and filed in the client's casefile. The Narrative will describe required actions, progress on the actions, completion activity, and other information which the client provides about the household.

6. Updating Demographic Information. At the time of the initial interview the Specialist will ask the client to call and provide information whenever changes occur which affect the client's records. The most common changes are: changes in household membership; change in employment, job location or amount of

income; and preferred relocation site.

7. Recording Changes to Demographic Information. The Specialist will generate printouts of the Household Membership Inquiry screen and the Income screen, and will record any changes to demographic information on these printouts. The Specialist will route these printouts and any supporting documentation (ie. household member documents) to the Administrative Assistant for data entry. The printouts will be discarded after the Team Leader has reviewed the case update. Information about the demographic changes will be recorded in the case narrative.

8. Survey of Housing Conditions. The Specialist will readminister the Housing Survey (MM#1410.8) whenever the Specialist learns that the client has moved from the house described in the earlier survey to a different house. The new housing questionnaire will be routed to the Administrative Assistant for data entry. Minor changes to the location description such as phone numbers will be written on a printout of the location description and routed to the Administrative Assistant for data entry.

1410.5 Transfer to Home Search.

General. When all actions required to make a case ready for the initial housing interview have been completed, the Specialist will prepare the case for review by the Team Leader and transfer to Home Search. The basic actions which must be completed are: 1) acquisition of a homesite lease; 2) verification of household members who will participate in the benefit, and 3) verification of income and employment for clients moving off-reservation. In addition, the case may present special action requirments depending upon the client's circumstances.

1. Completion of Page 1 of Checklist. When all actions required to schedule an initial housing interview have been completed, the Specialist will select the Relocation Services Checklist which applies to the client's case and fill out page 1. Page 1 replaces the former Tracking Forms used to transfer the case to housing.

2. Review by Team Leader. The casefile and page 1 of the Checklist will be reviewed by the Team Leader. If all required counseling actions have been successfully completed, the Team Leader will sign page 1 and enter 'HS' (Home Search) as the client's agency status. This entry automatically enters the date the case was transferred to HS in the client master file.

3. Preparation for Initial Housing Interview. After the Team Leader has approved the case for Home Search, a copy of page 1 of the checklist is given to the specialist and the original is filed in the casefile. The Specialist will schedule the client for the initial housing interview. **See the Housing Acquisition Procedures, MM#1640**.

1410.6 Contact File and Casefile Records.

1. Documents Sent to the Casefile. The original or a copy of each document pertaining to the client's case will be filed in the client casefile, including copies of letters sent to the client and intra-office memos about the status of the case **(see MM#6310)**.The Specialist is responsible for personally filing the document or routing the document to the File Room **immediately** after he/she has received and copied the document. **Working files/Mini-files**. Specialists may keep working desk files with copies of documents relating to case processing provided the originals have already been inserted into the casefiles.

2. Contact File. All efforts to contact the client by mail, phone, or field visit, whether successful or not, will be recorded in the automated contact file. Brief information regarding the status of the client's case, including intra-office actions, will be recorded in the automated contact file.

3. Changes in Household Membership and Demographic Information.

After the household membership, housing survey, and demographic information on the client has been recorded on manual forms and in the automated records, the Specialist will ask the client to inform him/her of any changes which occur. Changes will be recorded on printouts of the inquiry screens for data entry by the Administrative Assistant. Depending upon the nature of the change, the Specialist must submit supporting documents to the secretary to verify the accuracy of the change.

Copies of the supporting documents will be filed in the casefile. The handwritten changes on the printouts may be filed in the casefile, if they contain narrative information which explains or expands upon the demographic changes.

1410.7 Recommendations to the Executive Director.

The Office of Relocation has developed procedures to address special situations in which clients may find themselves. Most of these situations and procedures are set forth in Management Manual Vol. 4, Section 1700. Other situations unique to a particular client may arise. A client's case may require special consideration not covered by the procedures; or a client may request a waiver of the procedures.

Special cases and requests for waivers will adhere to the following process:

1). Client Request. The request must be justified by the client and supported with any appropriate documentation.

2). Specialist Evaluation. The request must be evaluated by the Specialist. The Specialist will analyze the information presented by the client, including documentation submitted in support of the request. The Specialist will review casefile records of previous interviews and contacts with the client, and the client's previous history (employment, income, family members, etc; depending upon the nature of the request) to determine if the information supports the reasons given by the client for the request. The Specialist will determine if:

a. The documentation supports the client's arguments;

b. The request is in the best interests of the client;
c. The request complies with ONHIR policy and procedures; and
d. The circumstances support a Waiver.

3). Specialist Recommendation. The Specialist will prepare a written recommendation on the request and will submit it to the Team Leader and the Relocation Operations Branch Manager for review.

a. Recommendation of the Request. If the Specialist determines that the client's request is justified by casefile information and conforms to Office policy, or merits a waiver, the request will be forwarded to the Executive Director for final decision following concurrence by the Team Leader and the Relocation Operations Branch Manager.

b. Recommendation Against the Request. If the Specialist determines that the client's request is not supported by documentation submitted and records of previous contact with the client; or is not in the best interests of the client in terms of accomplishing a successful relocation; or if the request is contrary to Office policy and procedures and does not merit a waiver; the Specialist will prepare a written recommendation against the request and submit it to the Team Leader and the Relocation Operations Branch Manager for review.

Following concurrence by the Team Leader and Relocation Operations Branch Manager, the Specialist will meet with the client to discuss the reasons why he/she does not support the request.

4). The client's request and specialist's recommendation will be submitted to the Executive Director for final approval after it has been endorsed by the Team Leader and Relocation Operations Branch Manager.

5). A client who is dissatisfied with action taken at any level may appeal directly to the Executive Director.

Situations in which the client may ask for special consideration or a waiver of procedures typically include:

* household membership issues
* off-reservation relocation site
* off-reservation income waiver
* request for legal assistance paid by ONHIR
* emergency moves

The Specialist may not submit the client's request for a waiver through the chain of command without first evaluating and writing up specifically why he/she recommends or does not recommend the request.

1410.8 QUALITY ASSURANCE

GENERAL. The counseling phase Team Leader will exercise quality control of the counseling process by reviewing written interview reports (case narrative forms and other formats) and related documents, and by conducting follow behind field visits to clients' homes. The purposes of follow behind field visits are to: 1) assure that clients are receiving timely and accurate information about relocation program requirements and processes; 2) provide special assistance to clients whose cases exhibit special problems; and 3) evaluate work load factors such as amount of time required for field travel and interviews.

1. Schedule. The Team Leader will spend a minimum of four days per month making follow-up contacts with clients. At least three of the four days will be spent in the field visiting clients at home or workplace, as practicable. A schedule of the field visits will be distributed to the Administrative Assistants the Housing Team Leader and the Relocation Operations Branch Manager. The fourth day may be spent conducting follow-up through phone calls to clients living off-reservation at a distance which makes field visits impractical (i.e. Tucson, Provo).

The clients to be visited will be selected as follows: (1) clients who are priority for contact (HPL residents and clients who have relinquished the AA); (2) clients whose cases exhibit special problems; and (3) clients selected at random from the specialists' SC caseload, with an approximately equal number of reviews performed for each Specialist;

The Team Leader will review the specialist's calendars for the preceding two week period and will select several clients to visit who live in the same general area of the reservation. The Team Leader will plan to visit 3 - 5 clients during the field trip. The number actually visited will depend upon time required for travel and the amount of time spent at each home. The Team Leader will select more than 5 clients to visit, as it is anticipated that some clients will not be at home when the Team Leader arrives.

Clients whose cases exhibit special problems. Based upon familiarity with cases from casefile review and discussion with Specialists, the Team Leader will select clients who have special problems and have made little or no progress in developing a relocation plan. The Team Leader will work in phone and field contact with these clients along with the scheduled field trips.

2. Reviewing the Case. Prior to the field visit, the Team Leader will review the casefile and the contact and narrative reports submitted by the Specialist following the recent interview with the client. The Team Leader will familiarize himself/herself with the basic information about the case and subjects discussed during the recent interview.

3. Conducting the Interview. The Team Leader will discuss the client's case with the client, and will ask questions about the client's satisfaction with the pre-move counseling process. The Team Leader will make notes about the discussion during the interview or immediately after it has concluded. The Team Leader may ask:

- Is the client satisfied with the amount of time the Specialist spends with him/her, in terms of frequency of contacts and amount of time spent during the contact?

- Is the client satisfied with the information which the Specialist has provided about the relocation process?

- Is the client satisfied with the information which the Specialist has provided about what the client would face during and after relocation?

- Is the client satisfied with the help that the Specialist has provided him/her in preparing for relocation?

4. Report on Interview. Upon returning to the office, the Team Leader will prepare a brief report of the interview with each client. The Team Leader will meet with the client's Specialist to discuss the interview results and any statements by the client about information or assistance needed.

5. Report to Relocation Operations Branch Manager and the Executive Director. The Team Leader will submit a brief report on the field interview and follow-up discussion to the relocation Operations Branch Manager and the Executive Director. If the Team Leader observed discrepancies between the Specialist's narrative reports and the client's statements of services received, the Team Leader will note them. The Team Leader will include any comments and observations which should be brought to the Relocation Operations Branch Manager's attention.

6. Action of the Relocation Operations Branch Manager. The Manager will review the report and discuss it with the Executive Director if necessary. The Manager will provide the Team Leader with any needed follow-up direction.

SECTION 1400 COUNSELING PROCEDURES

SUBJECT 1440 Hopi Partitioned Land Residence Record

POLICY. The Office will maintain a record of the certified clients living on the Hopi Partitioned Lands, (HPL) This record will distinguish certified applicants whose current actual residence is located on the HPL from certified applicants who have moved from the HPL pursuant to the terms of P.L. 93-531, as amended, and are awaiting benefits. The HPL residence record is not intended to reflect the client's claim to legal HPL residence, which was validated at the time the client was certified.

Definition. "Current actual residence" is the dwelling where the client has his/her possessions, and to which he/she returns on a regular basis at the end of the day. A client whose immediate family (spouse and children) occupies the dwelling on a daily basis even though the client is away for employment or other reasons, may also be considered a current actual resident of the dwelling.

The HPL residence record is subject to change, to reflect the client's move from or back to their original HPL homesite.

Information about the location of the client's actual residence will be recorded and maintained by the Relocation Specialist. The Specialist will be responsible for updating this information up to the point in time that the Relocation Contract is signed. The HPL residence record will not be updated after contract signing.

PROCEDURES.

1441. Creating and Maintaining the HPL Residence Record.

1. Pre-Move Location Description. The HPL record will be based upon information about the location of the client's house. This information is recorded on pg. 1 of the "Survey of Housing Conditions," which is administered at the time of the initial interview or during an update contact. The Survey will be re-administered at the time of an update contact whenever the Specialist learns that the client has moved from the house described in the initial survey to a new house.

2. Checking the Client Master HPL Code Against the Pre-Move Location Description and Code. Page 1 of the Housing Survey has a question which asks whether or not the location of the client's pre-move residence is on the HPL. After checking the appropriate entry, the Specialist will check the automated client master file to determine if the client is currently listed as an HPL resident (HPL code '1'). If the client needs to be added to or deleted from the HPL file, the Specialist will fill out an HPL Residence Record.

3. HPL Residence Record. The HPL Residence Record, **Form MM#1440.1**, will be filled out by the Specialist to correct the HPL code in the client master file if the pre-move location of the house and the master HPL code do not agree. That is:

-The client has an HPL code of '1' but the client is living off of the HPL and the location description and the current location code show an off-reservation location.

OR

-The client is living on the HPL on a daily basis but has no HPL code. This could occur under three (3) circumstances:

a. The client has always lived on the HPL but the information was not entered in the file due to an administrative error;

b. The client has recently been certified and the file information about the client is incomplete.

c. The client has returned to his/her HPL homesite after living off of the HPL for a period of time.

4. Correcting an Administrative Error. If information in the client casefile shows that the client has always lived on the HPL but was not listed in the HPL file due to administrative error, the Specialist will fill out page 1 of the HPL Residence Record. The Specialist will consult with the Legal Department and will obtain concurrence with the determination that the client is a long term resident of the HPL. Legal Branch designated staff member will sign the form after the Team Leader has reviewed it.

5. Newly Certified Clients. HPL clients who have been recently certified through the appeals process, the divorced spouse eligibility review, or other Office procedures, will not have a current location description, and may not have an HPL code. The Relocation Specialist will fill out the HPL Residence Record Form and route the form to the Team Leader. The Legal Department designated staff member will sign the form after the Team Leader has reviewed it.

6. Client Who Has Returned to the HPL. Part 2 of the Residence Record Form will be filled out by the Specialist for clients who are being added to the HPL record because they have moved back to the HPL. In order to be added to the record, the client must meet the following criteria:

a. They must have returned to the quarter quad location which they claimed as their original homesite when they were determined eligible for benefits. If the original dwelling no longer exists, the client must have returned to another existing dwelling within the same camp.

EXCEPTION: A client who has not yet received benefits will not be added to the HPL List if they have returned to an improvement which has been quit-claimed to ONHIR by the owner of record, and turned over to the Hopi Tribe.

b. They may not have another place of resident located off of the HPL (with the exception of full-time students, clients who are enlisted in the military, or incarcerated clients.)

c. They must submit an Affidavit of HPL Residence, **Form MM#1440.5.**

In order to fill out Part 2, the Specialist will conduct a field visit to the client's HPL residence and interview the client about their return to the HPL. If the information provided by the client does not demonstrate clearly that the client has returned permanently to the HPL and relinquished the off-HPL residence, the Specialist shall interview the client's former landlord or residents of the dwelling which the client occupied prior to returning to the HPL. The Specialist shall verify that the client and the client's family have vacated the residence off the HPL.

APPROVED 4/30/90; REVISED AND REISSUED 8/20/90; 4/26/96; 3/27/98; Dec 31, 2010.

7. Waivers to the Residency Requirement. In order to maintain integrity of records, a code of "1" will be used only to designate current actual residents of the HPL. However, the Office recognizes that clients who are living off the HPL because they are full-time students, are enlisted in the military, or are incarcerated, have not left the HPL with the intention of establishing residence elsewhere. These cases should be handled as follows.

a. When an HPL resident leaves the HPL for school, military, or incarceration, the Specialist will fill out pg. 1 of the Residence Record Form. The client's residence status will be changed from a "1" to a "W". If the client's school, military enrollment or incarceration has ended and the client did not return immediately to the HPL, the client is not entitled to a waiver.

b. Documentation to Support Waiver. In order for a waiver to be approved, the casefile must document the client's status as a student, in the military, or incarcerated. A client who has enlisted in the military will be requested to submit copies of the induction or discharge papers. A student shall be requested to submit copies of transcripts for the current school year.

8. Review by Team Leader and Relocation Operations Branch Manager. The HPL Residence Record will be forwarded to the Team Leader, who may require additional field investigations and documentation before recommending the add/delete action. The Team Leader will route the form to the Relocation Operations Branch Manager and the Executive Director after completing the review.

9. Approval by Executive Director. The Executive Director will approve or disapprove the change to the HPL residence record.

10. Data Entry. Following the Executive Director's approval, the form will be routed to the Chief Information Officer who will perform data entry and initial the form. The original will be routed to the data room for the casefile and a copy will be retained by the Information Systems Branch.

_/s/CJB__
APPROVED

SECTION 1400 RELOCATION OPERATIONS - COUNSELING SERVICES

SUBJECT 1460 Post Move Counseling Services

AUTHORITY: 25 CFR 700.135.

POLICY.

After the client has moved into the relocation house, the Office of Navajo and Hopi Indian Relocation will provide post-move services for two years. Post -move services fall into two categories: housing services and counseling services.

Housing Services.

1. Warranty. The ONHIR enforces a requirement for a two year warranty on all new construction homes on the Navajo Reservation regardless of the state in which they are located. Houses built off-reservation out-of-state are warranted according to state or local law. Resale houses may be covered by warranty, depending upon their age and location. The Office's responsibility for assuring that any defects in original construction will be corrected by the contractor is described in the **Warranty Program Procedures, MM#1560**.

2. Home Maintenance Training. The Office will conduct home maintenance training with all clients within 60 days of their relocation. The Home Maintenance Training Program Procedures are described in **MM#1575**.

Counseling Services.

The two year period following relocation is a transition period during which staff of the ONHIR will maintain direct contact with relocatees to the extent described in this section. As of the date of this revision of **Form MM#1460**, the ONHIR will not contract for post-move counseling services as it has in previous years. A client's participation in the Post-Move Services Program will terminate after two years. Under limited circumstances, as authorized by ONHIR management, services may be extended beyond two years on a case by-case-basis.

PROCEDURES.

1. Contact Schedule.

The Post-Move /Relocation Specialist will continue to work with the client after he/she has relocated. Clients will be contacted once after relocating; within the first four months. Additional contacts may be scheduled as requested by the client or as directed by the Relocation Operations Branch Manager until the post -move period expires.

2. Making A Contact Appointment.

For purposes of these procedures, "contact" means a person-to-person discussion between the Post-Move /Relocation Specialist and the client, either by phone or visit to the client's house, as dictated by program needs.

1. Client Contact Report. Clients who have relocated who require a post move visit are listed on the automated client contact report, which is generated and delivered to the Post-Move/Relocation Specialist monthly. The report shows the date when a contact is due.

2. Scheduling the Appointment. The Specialist will phone or write the client and make an appointment for a home visit. If a client cannot be contacted by phone and is not responsive to a letter, the Specialist may include the contact in a schedule of post-move visits to the geographic area where the client has moved.

3. Rescheduling Appointments. If the client is not home at the scheduled appointment time, the Specialist will reschedule the home visit. If the Post-Move/Relocation Specialist is unable to make personal contact with the client after two attempts, the Specialist will write to the client and tell him/her that the Specialist will leave it to the client to initiate further contact.

4. Clients Relocated to Distant Locations. Clients who have moved out of state, farther than New Mexico or Utah, or beyond the Four Corners area will generally be contacted by phone or letter. Home visits may be made upon written documentation of need with the approval of the Executive Director.

3. Purpose of Contact

General. The Post-Move/Relocation Specialist will contact the client in order to gather information about the client's situation since relocating, and to provide the client with information about local service agencies which may be able to assist the client, if referral assistance is required. In exceptional circumstances the Specialist may provide limited informal counseling during assessment of the client's need for referral to appropriate service agencies.

The post-move contact will have three principal concerns.

1. The Relocation House. The Post-Move/Relocation Specialist will discuss the client's adjustment to the new house, and any concerns the client may have about the house. The Specialist will remind the client that if there are problems which may be covered by warranty, the client should contact the Inspections and Compliance staff before the warranty expiration date and request an inspection. The client may phone or write Inspections and Compliance staff about the problem; or the Specialist may help the client fill out the top portion of the Warranty Complaint Form (**Form MM#1560.1**). The Specialist will turn in the form to the Administrative Assistant upon return to the office.

2. Referral Needs. The Post-Move/Relocation Specialist will discuss the client's need for referral services. The Specialist will ask the client if he/she is utilizing services available from local service providers, and the results of the client's contacts with the service agencies. The Specialist may intercede with

service providers on the client's behalf. The Specialist will record the client's referral service needs on the Record of Post -Move Counseling Visit, **Form MM#1460.1**.

3. General Update on the Family's Situation. The Post-Move/Relocation Specialist will inquire into the other subjects listed on the Record of Post-Move Visit, including: employment, income, school enrollment of children. The Specialist will check on the client's continued receipt of non-wage income/resources, such as Social Security, AFDC, Food Stamps, etc. The Specialist will complete the Record of Post-Move Visit within one week of the contact visit. Additional information may be recorded on the Case Narrative form.

SECTION 1500 RELOCATION OPERATIONS - INSPECTIONS AND COMPLIANCE

SUBJECT 1520 RESERVATION LAND LEASES, ASSIGNMENTS, AND OTHER TYPES OF ACQUISITIONS

POLICY.

A client who wants to relocate to reservation lands must first obtain a lease or assignment issued by the tribe exercising jurisdiction. The Office of Navajo and Hopi Indian Relocation will administer an in-house homesite lease program to assist the client with lease and assignment processing. The homesite lease program will be administered by the inspections and compliance staff (hereinafter referred to as "Relocation Operations designated staff or the Homesite Lease Specialist") assigned to the Relocation Operations Branch. The process followed by staff in assisting a client with a lease acquisition will vary according to the type of acquisition and location of the site.

The majority of leases requested by clients are located on the Navajo reservation. Guidelines established by Navajo Land Department (NLD) for homesite lease applications are set forth in the homesite lease application packet. (NOTE: Those sections of Attachment A regarding homesite certificates are not applicable to relocation clients). In addition to leases located on tribal lands on the existing Navajo reservation, will assist clients with residential leases on private land allotments; land assignments on the Hopi reservation; New Lands rural community and range cluster housing leases; leases awarded by other tribes; subdivision leases; and a few other types of land acquisitions.

PROCEDURES.

1521 HOMESITE LEASES ON THE EXISTING RESERVATION: INITIAL APPLICATION PHASE.

General: Homesite Lease processing generally takes place concurrently with the counseling phase of case processing. A client must be certified for benefits in order to receive lease processing assistance from the Office. Clients will be referred to this section of the Relocation Operations Branch as soon as the Specialist determines that the client wants to pursue a homesite lease on the Navajo Reservation.

A certified client may contact the Navajo Land Department (NLD,) independent of the relocation process in order to obtain a lease application packet and start the lease acquisition process.

When a client is referred for homesite lease processing, the Homesite Lease Specialist will check the automated records to verify that the client has been certified eligible for benefits. The client will be interviewed about the proposed location of the lease to determine which type of application is appropriate, and will advise the client about the actions which the client must take during the application process.

Relocation Operations staff will be available to travel to the client's home to explain the lease application process and assist the client to fill out the application documents. In special circumstances as approved by the Executive Director, staff may provide the client with transportation incidental to obtaining local approval.

1521.1 Application for Homesite Lease.

1. Clients who want to build their relocation house on a homesite lease generally come to the Office to get an application packet. Packets may also be sent to the client by mail.

2. The Homesite Lease Specialist will give the client a copy of the homesite lease application packet, containing forms and instructions for leases on the existing reservation. The client will be instructed to return the forms in the packet to the ONHIR, completed as follows:

a. Completed Homesite Lease Application Form, with three (3) signed copies of the signature page.

b. Consent to Use Navajo Tribal Lands, signed by the permittee and the Grazing Committee Member.

c. Sketch of the map location of the homesite.

3. The client will be instructed to obtain and provide a copy of the Certificate of Indian Blood (tribal enrollment form) which provides the client's name and census number as recorded on official tribal rolls. The client's name and census number on the homesite lease application must correspond with the information on the Certificate of Indian Blood.

If the client is legally married, both the client and spouse must apply for the lease.

4. The Homesite Lease Specialist will perform data entry of the date the client picked up the application documents (date appl doc recvd by client).

1521.2 Receipt of Completed Documents.

The documents which comprise the initial application packet may be returned together or separately by the client. As the documents are received, the Specialist will perform the following functions.

1. Document Review: The Specialist will review the application documents for the following:

a. All forms must be filled out completely, and signed by the required signatories.

b. The client and spouse names, signatures, and census numbers recorded on the forms must be identical in all respects to the names and census numbers recorded on the Certificate of Indian Blood.

2. Client Lease File. The Homesite Lease Specialist will prepare a file folder (the client lease file) for the client. Copies of all documents associated with the lease acquisition process will be inserted into the file, which will be the principal working file during the homesite lease activity. Documents will be filed according to activity, which generally occurs in

chronological sequence. (homesite lease feasibility study, archaeological clearance, water and sanitation facilities, utilities - electricity, solar.)

The file label will state the client's name and casefile number. It will be color coded to indicate the activity phase. The initial label will have a blue line, which indicates that the application forms are complete and an initial feasibility study is the next step.

The file folder will be maintained by the Specialist until all homesite lease activity has been completed; at that time the Specialist will integrate the lease documents into the main client casefile.

3. Data Entry. The Homesite Lease Specialist will perform data entry of the following information:

- date lease documents returned to ONHIR
- consent form returned (Y or X: not applicable)
- chapter resolution (Y or X: not applicable)
- money order (Y or X: not applicable)

4. Follow-up with Client.

A client who picks up a packet but fails to submit any documents will be contacted. Prior to the six month update, the Specialist will check the lease inquiry file to determine the status of the client's lease application. If the file reveals that the client has received a packet but has taken no action, the Specialist will discuss this issue during the update contact.

1521.3 Initial Feasibility Study.

1. When all of the initial lease documents have been received, the Homesite Lease Specialist will review the file and will assign the case to the Engineering Technician to perform the initial feasibility study. The Homesite Lease Specialist will maintain a manual suspense file of the date the feasibility study was assigned.

2. Upon receiving the case assignment, the Engineering Technician will contact the client by telephone or letter to schedule a field appointment at their lease site.

3. During the field appointment the Technician will observe and take notes for the feasibility study. The feasibility study will be completed within five (5) to ten(10) days of the field visit.

Report preparation will follow the steps in MM#1521.2. The report will include the following:

- cover memo
- map showing reservation location of the lease
- topographic map with plotted location of the lease
- homesite sketch
- surface soils analysis

4. The Homesite Lease Specialist will review the typed study for completeness, and will perform data entry of the date the feasibility study was performed, the result of the study (code table 57), and NPL status (I=inside; O=outside).

5. The feasibility study will be routed to the Supervisory Construction Representative (SCR for review. The SCR will note the date the study was performed in the suspense file and discuss the report with the Technician as necessary. Studies which are outstanding more than one month after assignment will be staffed by the Supervisory Construction Representative and the Technician to identify and resolve problems.

1521.4 Coordination with the Office of Navajo Land Department (NLD.)

1. Upon receipt of the monthly report, the Specialist will data enter the lease completion stage for each lease being processed (code table 59).

2. After the cadastral survey has been performed and the survey plat has been prepared, the contract surveyor will send a copy of the plat to the Office in advance of the approved lease application. A request for archeological assessment will be initiated when the survey plat is received.

5. After all approvals of the lease application have been granted by the Navajo Nation and Bureau of Indian Affairs Officials, NLD will send the completed lease documents to the Relocation Operations Branch. The Homesite Lease Specialist will record the date lease returned from NLD, and will change the label on the client homesite lease file from blue to red, indicating an approved lease, pending archeological clearance.

1522 ARCHEOLOGICAL ASSESSMENT.

General. Pursuant to 36 CFR 800, the Office of Navajo and Hopi Indian Relocation shall determine if construction will affect cultural or historic properties. In order to make this determination, the Office will conduct an archeological assessment for each homesite lease and adjacent land which will be used for relocation housing and associated utility lines.

As a general rule, the Office will contract with the Navajo Nation Archeology Department (NNAD) or other archeological contractors to conduct archeological assessments of individual homesites located on the Navajo reservation outside of the New Lands. These procedures describe the process which will be followed in requesting and evaluating individual lease assessments conducted by the archeologist. Equivalent procedures with modifications appropriate to the circumstances will be followed in conducting archeological assessments on the Hopi reservation and other Indian reservations which grant homesite assignments.

The Relocation Operations Branch will perform the administrative functions associated with archeological assessments. The Homesite Lease Program Specialist will review the survey reports and will route the report to the Relocation Operations Branch if mitigation actions are to be taken when cultural resources will be impacted by construction activities.

1522.1 Requesting an Archeological Survey.

1. When the survey plat of the homesite lease is received by the Relocation Operations Branch from the surveyor, the Homesite Lease Specialist will prepare a request for archeological assessment by NNAD**.** The Specialist will separate the requests according to whether or not the IHS service line should be included in the survey. The Specialist will type in the client's name, casefile number, chapter, and the name and phone number of the IHS contact (if a water line survey is needed).

2. The Specialist will attach the survey plat and the initial feasibility study, consisting of the cover memo, reservation location, topographic map, and homesite sketch.

3. The Specialist will check the amount remaining in the contract for archeological surveys, and determine if the current request would over-obligate funds remaining in the account. If so, the Specialist will inform the Contracting Officer who will modify the contract to provide the funds necessary for the requested surveys.

4. The original memo with attachments will be sent to NNAD at Northern Arizona University. Copies will also be placed in the client's homesite lease files.

5. The Specialist will also send a copy of the memo with the topographic map location and the homesite sketch to the appropriate IHS (Office of Environmental Services) contact. The names, phone numbers, and addresses of the IHS contacts can be obtained from the IHS District Engineer whose offices are located in the ONHIR complex.

6. The Specialist will perform data entry of the 'date survey requested' from the date on the memo.

1522.2 Tracking Outstanding Survey Requests.

On the first of each month the Specialist will run a retrieval report showing archeological assessments which have been requested but not received from NNAD. The Specialist will review the report, and will contact NNAD about any reports which are two months or more overdue.

1522.3 Reviewing the Assessment Reports and Determining Action.

1. The assessment reports prepared by NNAD will be date stamped by the Mail/File Clerk and routed to the Homesite Lease Specialist, who will perform data entry of the date the report was received.

2. The Specialist will make the following preliminary determinations based upon information contained in the report:

a. Does the report accurately show the client(s) name and casefile number? The casefile number is the ONHIR project number, followed by the NNAD project number and any other relevant project numbers.

b. Did the task order request an IHS service line assessment? If so, the project title on the report should state: "Archeological Survey of the Proposed Homesite Lease and IHS Service Line for ....". The acreage surveyed and the findings must demonstrate that the service line area was assessed. If it appears that the service line was not assessed, the Specialist will bring this to the attention of the NNAD director and request an amended report.

3. If the report recommends that clearance be denied, the Specialist will bring the report to the attention of the Manager, who will consult with NNAD to determine alternate action to be taken.

1522.4 Follow-Up Actions.

1. The client lease file copy of **Compliance Form** will be routed through the Relocation Operations Branch Manager prior to filing in the client lease file. The Manager will take action in accordance with NNAD's determination.

a. If NNAD has granted an unconditional clearance the Manager will assign the case to an Engineering Technician for final feasibility study.

b. If NNAD has granted a conditional clearance, the Manager will determine the appropriate action. If NNAD has recommended routine mitigation actions (ie. moving the lease 50 ft. or less; assigning a monitor during construction; erecting a temporary fence during construction) or conditional clearance, the Manager will schedule the final feasibility study, and will take necessary action to meet any mitigation requirements (ie. requesting an amended survey plat from surveyor).

c. If NNAD has denied clearance, two alternative courses of action are possible.

(1). The client will have to select a new lease location and begin the application process over again. The application for the initial site will be voided. ONHIR will absorb the costs for administrative processing of the lease, without charge to the client's benefits.

(2). If no other site is available to the client, the Relocation Operations Branch Manager will request a proposal and cost estimate for testing the site from NNAD or other archeological contractor. The approval of the Executive Director must be obtained before a testing plan is undertaken.

1523 FINAL FEASIBILITY STUDY, REQUEST FOR UTILITY ESTIMATES, AND COMPLETION OF LEASE PROCESSING.

1523.1 Final Feasibility Study.

1. After the archeological clearance determination, the Homesite Lease Specialist will assign the case to an Engineering Technician for final feasibility study. The Specialist will maintain a manual suspense file of the date the feasibility study was assigned, and the Specialist will perform data entry of the date in the automated lease file.

2. Upon receiving the case assignment, the Engineering Technician will telephone the client requesting a field appointment at their homesite lease.

3. The process and content of the study will follow the process and content of the initial feasibility study, with these additions:

a. The Engineering Technician will check the survey pins and bearings against the locator points on the survey plat. If pins are missing, the Relocation Operations Branch Manager will notify the surveyor, who will replace the pins according to the terms of the contract.

b. The final study will refer to the archeological clearance, and will update any information which may have changed since the initial study.

4. The final study will be prepared as outlined in the homesite lease application packet**,** and will be routed to the Supervisory Construction Representative for review. The Supervisor will note the date that the study was performed in the suspense file and will discuss the results of the study with the Technician as necessary.

5. The Homesite Lease Specialist will perform data entry of the date the final study was performed, and the result of the study. The client lease file label will be highlighted in yellow to indicate that the case has reached the stage of utility cost estimates.

6. The Supervisory Construction Representative (SCR) will run a retrieval report monthly of outstanding final feasibility studies. Studies which are outstanding more than one (1) month after assignment will be staffed by the SCR and the Technician to identify and resolve problems. The Relocation Specialist may be asked to assist in contacting the client and arrange the field appointment.

1523.2 Utility Cost Estimates.

1. After the Supervisory Construction Representative's review of the final feasibility study, the client's lease file will be routed to the Homesite Lease Specialist. The Specialist will request utility cost estimates for individual site hookups.

a. Electricity. Estimates for connecting the house to electrical power will be requested from the utility authority serving the area:

NTUA: Serves the majority of sites on the reservation.
Estimates will be requested from the NTUA district office.

APS: Serves Tuba City and vicinity.

City of Farmington: Serves reservation lands in the
Farmington area.

Jemez Utility Co: Serves the checkerboard area.

b. Water/sewer. Estimates for connecting the house to community water service and installing a septic tank or connecting to community sewer lines will be requested from the Indian Health Services. (IHS)

2. The Homesite Lease Specialist will issue a letter requesting that utility estimates be submitted within thirty (30) days. In addition, IHS will be requested to prepare a plot plan showing the location of the water and sewer stubouts.

3. When the cost estimate is received, the Homesite Lease Specialist will review and accept it. If the cost appears excessive in relation to similar projects, the Relocation Operations Branch Manager may contact the utility company and question the amount.

4. Cost estimates are valid for six months. If more than six months pass between the time the estimates are received and house construction begins, the estimates must be updated. IHS estimates may be updated by the Homesite Lease Specialist without a letter to the agency; a 3% increase will be calculated into the original estimate. However, the estimate for electric service must be updated by the provider. The Specialist will develop a letter to the utility company requesting a revised estimate. ONHIR will pay NTUA a $50 revision fee.

5. The Homesite Lease Specialist will insert the utility estimates into the client's lease file and route it to the Specialist. The Specialist will route the file to the Manager after performing data entry of the following information:

a. Electricity:
- company providing electrical service (code table 70)
- date the cost estimate was requested
- date cost estimate received
- estimated cost
- electrical service feasibility (code table 60)

b. Water/sewer:
- agency providing water service (code table 71)
- date the IHS estimate was requested
- date cost estimate received
- estimated cost
- water service feasibility (code table 60)

- type of sanitation facilities (code table 72)

Infrastructure Projects. The Homesite Lease Specialist will not handle utility costs for clients participating in infrastructure projects; costs associated with group projects will be calculated by the Manager based upon prorata share of the full project cost.

1523.3 Completion Stage.

1. The Manager will review the completed lease file and will perform data entry of the date that the client becomes 'HR' (housing ready). The Manager will verify the actual relocation site. The lease status will be updated to show 'C' processing stage.
2. The Manager will clip the Tracking Form to the cover of the client's lease file and route it to the Specialist for action.

a. If the Tracking Form is not in the file when the homesite lease processing has been completed, and the automated records show that the client is 'SC', the Manager will return the file folder to office files, to await completion of social counseling activity. If the automated records show that the client is 'CC' but there is no Tracking Form in the folder, the Manager will instruct the Specialist to contact the assigned Relocation Specialist and obtain a completed Tracking Form for the client.

3. The Homesite Lease Specialist will route the Tracking Form to the Relocation Specialist. The documents relating to homesite lease processing will be removed from the client homesite lease folder and integrated into the main client casefile. The lease file will be relabeled as the "Plan Check" file, and documents relating to the construction of the relocation house will be inserted into the file folder as the client goes through the construction phase of relocation processing.

1523.4 Action Upon Receipt of Relocation Contract.

1. The Relocation Specialist will route a copy of the executed relocation contract to the Inspections and Compliance staff. The copy will be filed in the client's plan check file.

2. A form letter will be issued to the utility providers, informing them of the anticipated construction completion date.

3. The estimated costs for water and electricity which were entered in the automated lease file at the time of utility data entry will be updated with actual costs incorporated into the relocation contract.

1524 RESIDENTIAL LEASES.

A client may obtain a residential lease within an area of reservation or non-reservation land which has been allotted to individual tribal members, by obtaining the consent of all descendants of the original allottee who share the allottment. Within the boundaries of the Navajo Reservation, the majority of allotted land is located within three governmental regions: the Eastern Navajo Agency, the Western Navajo Agency,

and the Fort Defiance Agency. While the residential lease application process required by the BIA is uniform for all agencies, the way in which the process is administered varies among the agencies. This affects the procedures in processing a client's request for a residential lease for the construction of a relocation house.

1524.1 Application for Residential Lease.

1. The client shall obtain a Residential Lease application form (BIA Form 5-1495-MOD) from the BIA/Real Property Management Office (Eastern Agency, Crownpoint; or Western Agency, Tuba City) or from ICB for allotments within the Fort Defiance Agency.

2. The client shall fill out the form, and will obtain the signatures of all known lessors of the allottment. Three original copies of the signature page(s) must be obtained and submitted to the BIA/Real Property Office. The names of the current lessors are available from the Real Property Office.

a. Clients applying for residential leases in the Fort Defiance Agency may obtain assistance in completing the form and obtaining signatures of lessors. Relocation staff will type the names of the lessors onto the signature pages from the allotment and estate card provided by the Fort Defiance Agency. Transportation will be provided if the client needs it in order to contact all the lessors and obtain their signatures.

3. Initial Feasibility Study. When the client informs the Relocation Operations Branch that he/she is seeking a residential homesite lease, a lease file will be set up by Inspections and Compliance staff. The Engineering Technician will schedule an initial feasibility study according to the procedures for initial feasibility studies for homesite leases. The study report will be inserted in the lease file.

4. Land Survey. After the initial feasibility study has been performed and the lease area has been approved as suitable for construction, the ONHIR shall request a land survey by a contract surveyor. The Surveyor shall provide one ariginal of the plat, which must include the legal description and the surveyor's professional registration stamp.

The Relocation Operations Branch Manager or designee shall assure that the survey plat is complete and conforms to the requirements of the BIA/Real Property Office. If the plat is associated with a lease in the Fort Defiance Agency, the Specialist will type the legal description onto the lease application. The plat (and lease application, for the Fort Defiance area) will be forwarded to the appropriate Real Property Office. A copy will be retained for the client's lease file.

5. Archeological Survey. Upon receipt of an executed residential lease from the BIA, the Relocation Operations Branch staff will request an archeological survey from NNAD according to the procedures in MM#1522.

6. Completion of Residential Lease Processing. The remainder of activities associated with residential lease processing shall follow the procedures for homesite lease processing outlined in MM#1523.

1525 HOPI LAND ASSIGNMENTS AND LEASES ON OTHER INDIAN RESERVATIONS

1525.1 Hopi Land Use Assignments.

General. Land assignments requested by Hopi clients for relocation housing purposes will follow a lease process equivalent to Navajo homesite lease processing.

1. Application. A client shall apply to the Hopi Tribe for a land use assignment. Hopi land use assignments are generally three (3) acres in size.

2. Initial Feasibility Study. When the client states that he/she is seeking a land use assignment from the Hopi Tribe, a lease file will be set up by the Relocation Operations Branch. The Engineering Technician will schedule an initial feasibility study according to the procedures for initial feasibility studies for homesite leases. The study report will be inserted into the lease file.

3. Land Survey. After the initial feasibility study has been performed and the lease area has been approved as suitable for construction, Relocation Operations Branch staff will obtain a land survey. The Homesite Lease Specialist will submit a written procurement request to the ONHIR Contracting Officer for a land survey by a licensed land surveyor or engineer. The land surveyor shall supply four copies of the plat, which must include the legal description and the surveyor's professional registration stamp.

The Relocation Operations Branch Manager will assure that the survey plat is complete. The original plat will be sent to the Hopi Tribe (OHL) and a copy will be inserted into the client's lease file.

4. Archeological Survey. Upon receipt of an executed land use assignment from the Hopi Tribe, the Inspections and compliance staff will submit a memo to the Contracting Officer, requesting an

archeological survey. The Contracting Officer will submit a task order to the Office of Hopi Lands, pursuant to the contract between ONHIR and OHL.

5. Completion of Land Use Assignment Processing. The remainder of activities associated with Hopi land use assignment processing shall follow the procedures for homesite lease processing outlined in MM#1523.

1525.2 Other Indian Reservations.

Occasionally a relocation client will apply for a homesite lease on another Indian reservation on which to build the relocation house. While the application, survey, and archeological clearance processing follow the same general outline as for Navajo homesite lease and Hopi land use assignments, there are minor differences in procedures followed by different tribes. The Relocation Operations Branch Manager will contact the appropriate tribal office and ascertain the process to be followed with respect to the particular application. The Office will reimburse costs incurred by the tribe in processing the client's lease application.

1526 SUBDIVISION LEASES.

The Office will construct a relocation house on a lease located in a subdivision developed on

reservation land which has been withdrawn for such purpose. As of the date of issue of these procedures, subdivisions have been withdrawn for development in Fort Defiance (Blackrock Acres) and Shiprock (Shiprock Northwest,) Tuba City Phase I and Phase II, Coalmine Canyon and Lechee. The New Lands Rural Community and range cluster residential developments are considered a type of subdivision development.

Lease processing is similar for all subdivisions, but there will be differences depending upon the nature of the development.

1527 PRIVATE LAND.

1. A client may seek to purchase a parcel of private land surrounded by reservation land for the construction of the relocation house. The Engineering Technician will conduct an initial feasibility study. If the study finds that the parcel is suitable for construction, the Relocation Specialist will request from a title co. a title search of county records, to verify that the seller holds clear title to the property, and there are no liens on it.

2. After the title has been verified, the client will negotiate with the land owner for the desired parcel. After they have reached agreement on the location and size of the lot, if a legal description and land survey does not exist, Relocation staff will arrange for a land survey. The Relocation Operations Branch Manager will submit a written procurement request to the ONHIR Contracting Officer for a land survey by a licensed land surveyor or engineer. The land surveyor shall supply four copies of the plat, which must include the legal description and the surveyor's professional registration stamp.

3. Upon receipt of the survey plat, the Inspections and Compliance staff will submit a memo to NNAD requesting an archeological survey pursuant to the contract between ONHIR and NNAD.

4. Final Feasibility Study and Utility Estimates. If the lot is part of a subdivision (ie. Apache subdivision at St. Michael's), Inspections and Compliance staff will not conduct a final feasibility study or request for utility estimates. If the lot is not located within a subdivision (ie. New Mexico checkerboard area), a final feasibility study and request for utility estimates will be conducted according to procedures in MM#1523.

5. Data Entry. Private land acquisition is recorded as 'acquisition type "P"' in the automated records, even though the lot may be located within a subdivision.

1528 RETENTION, RELINQUISHMENT, AND ASSIGNMENT OF A HOMESITE LEASE.

POLICY:

The Office of Relocation has determined that it may expend Federal funds to assist relocatees to obtain a homesite lease on the reservation on which to build their relocation house. Accordingly, the ONHIR has contracted with the Navajo Land Department (NLD) for administrative processing and land survey, and with the Navajo Nation Archaeology Department (NNAD) for archaeological assessments required for site clearance. Costs for these services will be paid from housing funds.

Only one site may be acquired by the ONHIR for the replacement house. A client who acquires a homesite lease with ONHIR assistance but changes their mind about their relocation site and selects a new location must make a decision about the disposition of the original lease application. The client may retain the lease, or may assign it to another individual, or may relinquish it. Acquisition fees paid by the ONHIR for the original site will be charged to the client's relocation benefits, unless the charge is waived by the Executive Director pursuant to section 1528.4.

Tribal Policy. At the time of the development of these procedures, the Navajo Nation will not allow a tribal member to have more than one lease. If in the future the Nation cancels leases which relocation clients do not use for relocation housing, the Office will not reimburse a relocatee for any fees forfeited as the result of tribal action.

PROCEDURES:

1528.1 Client Advisement.

At the time the client receives a lease application packet, the staff will inform the client of the ONHIR's contracts for expedited lease processing with NLD and NNAD. The client will be informed that ONHIR will pay the costs for processing the homesite lease application provided the client intends to have their house built on the lease. The client will be informed that if they change their mind about moving to the homesite lease after the application has been sent to NLD for processing, lease acquisition costs may be charged against their benefits. The client will be asked to sign **Form MM#1528.6** acknowledging this policy. The client will be informed of the retention, relinquishment and assignment alternatives if they change their mind about the relocation site.

While the client is in SC and CC status, the RelocationSpecialist will repeat the information provided by Inspections and Compliance

If the homesite lease is located in an area to be served by an infrastructure project, the staff member and Relocation Specialist will inform the client of the amount of the infrastructure entitlement which has been committed to the project. The client will be advised that if they withdraw from the project, their infrastructure funds will remain committed and this amount may be deducted from the infrastructure amount which they will receive at their new site (see MM#1530).

1528.2 Client Decision Not to Move to the Homesite Lease.

If the client changes their mind about the relocation site, the following options are available depending upon the stage which lease processing has reached. The client will be referred to the Homesite

Lease Specialist to complete the appropriate paperwork.

1. Cancellation. If the lease application is still in the initial stages of local approval and initial feasibility study and has not yet been sent to NLD for processing, the lease application may be cancelled with no charge to the client's benefits. The documents submitted by the client will be stamped "void" by the Homesite Lease Specialist and routed to the data room to be filed in the client file.

2. Retention. A client who wants to retain the lease even though the client has decided to move off-reservation must fill out **Form MM#1528.3**, Retention of Homesite Lease. The client's benefits will be charged for any NLD and NNAD services which have been performed. The Relocation Operations Branch Manager will notify NLD that the client's relocation house will not be constructed on the homesite, and the lease will be removed from the list of leases being processed under the NLD contract. A client who retains a homesite lease may not apply for another lease on the reservation.

3. Assignment. The client may assign, or transfer, the lease to another individual.

a. If the individual receiving the assignment is not a certified relocatee, the action is treated as a relinqishment; see #4 below.

b. If the lease is assigned to a certified relocatee who has not yet relocated, the client will fill out **Form MM#1528.2**, Assignment of Homesite Lease, and the Relocation Operations Branch Manager will notify NLD of the transfer. In this case fees will not usually be charged against the client's benefits. The client to whom the lease is assigned must submit a lease application and obtain the consent of the traditional land users and a chapter resolution. After local consent has been obtained, lease processing by ONHIR and NLD will resume.

(1). If the client to whom the lease is assigned is unable to get local approval, the lease will be treated as a relinquishment, with fees chargable to the original client's benefits.

4. Relinquishment. The client may relinquish the lease to the Navajo Tribe. In this case the client will fill out **Form MM#1528.1**, Relinquishment of Homesite Lease. The Relocation Operations Branch Manager will notify NLD that the application is being withdrawn and all processing action should cease. Processing fees will be charged against the client's benefits according to the stage that lease processing has reached, unless a waiver is granted by the Executive Director.

5. Relinquishing a New Lands Homesite Lease. Procedures for applying for, and relinquishing New Lands homesite leases are set forth in MM#1820. A client who has received a lease committment from the New Lands Branch must submit a relinquishment form, **Form MM#1528.1a,** before the client may select another New Lands lot or apply for an off-reservation site or ONLA lease.

1528.3 Charging Processing Fees to Client Benefits.

A client who retains or relinquishes their lease or assigns it to someone who is not a pre-move client will have processing fees which have been paid by ONHIR charged against the client's housing benefits, unless the charge is waived by the Executive Director. The amount charged by NLD and NNAD for services varies according to the circumstances of each lease application. At the time of issuance of these procedures, the fees for NLD processing are approximately $1500 up to the survey stage; and approximately $2500 including the land survey. The minimum charge for an archaeological assessment is about $260, but the cost can be substantially higher if the site contains historic items and mitigation and

resurvey are required.

Recording the Charge to Client Benefits. The Relocation Operations Branch Manager will record fees to be charged for homesite lease processing and for infrastructure obligation on **Form MM#1528.5.** The form will be filed on top of the homesite lease documentation in the client casefile, for use by the Relocation Specialists in processing obligation documents.

1528.4 Waiver of Processing Fee Charge.

If a client who is subject to the processing fee charge requests a waiver, the request will be determined by the Executive Director. Requests for waiver of charge to benefits will be considered on a case-by-case basis. If the lease is located in an area to be served by an infrastructure project and the client is also requesting a waiver of the deduction from their infrastructure allowance, this request will be considered at the same time.

1. Recommendation by Relocation Operations Branch Manager. The client will inform the Manager of their reasons for changing the relocation site when they submit the relinquishment or assignment form. The Manager will consider the reasons and develop a recommendation to the Executive Director.

2. Determination by Executive Director. The Director will review the client's request for waiver of charges, and the Relocation Operations Branch Manager's recommendation. The Executive Director's decision will be communicated to the client in writing by the Relocation Operations Branch Manager. Valid reasons for the Executive Director to grant a waiver of fee charges may include, but are not limited to:

-Reasons considered beyond the client's control, such as land dispute or denial or archaeological clearance.

-Client applied for the lease before the New Lands were ready for occupancy and has now decided to move to the New Lands.

-Client has changed their site to the New Lands as part of a Hopi Partitioned Land extended family move.

-Client has decided to move to another location because their personal circumstances have changed since they selected the homesite. Legitimate personal reasons may include employment at the new site.

-Changes in the client's household membership or marital situation (i.e. marriage or divorce since the application was submitted) make the homesite lease a poor relocation site choice.

A client who disagrees with the decision may request a review by the Executive Director.

1528.5 Special Situations.

New Lands Homesite Leases. **Cross reference MM#1820**.

Procedures relating to applications for New Lands homesite leases are set forth in MM#1820. A

client who already has a "Big" reservation homesite lease application in process must dispose of the application before the ONHIR will process an application for a New Lands homesite lease.

Tuba City Subdivision and Equivalent Situations.

Cross reference MM#1734.

The ONHIR has entered into agreements with chapters for the cooperative development of subdivisions, to be occupied by relocatees and non-relocatee chapter members. The demand for lots within the subdivision may exceed the number of lots available, most notably in Tuba City. In this case, the ONHIR will develop a prioritized list of clients to receive lots, based upon factors set forth in MM#1734.

A client who is on the priority list for a lot in the Tuba City subdivision will be removed from the list if/when the client applies for a homesite lease somewhere else or submits a request for an off-reservation move. If the client subsequently changes his/her mind again and asks to be put back on the priority list, his/her name will be added to the bottom of the list to receive a lot on a first come, first serve basis. The client must be informed that when he/she applied for another relocation site in his/her name will be removed from the priority list and the client may not subsequently change his/her mind and reclaim his/her place on the original priority list.

This policy will apply to other development areas where there are fewer lots available than the number of clients who want to move there.

SECTION 1500 RELOCATION OPERATIONS INSPECTIONS AND COMPLIANCE

SUBJECT 1530 Infrastructure Projects

CROSS REFERENCE: Management Manual Vol. 4, Sec. 1700, Subj. 1770: Infrastructure Costs Associated with Replacement Housing.

POLICY.

In order to provide a client with decent, safe and sanitary housing, pursuant to P. L. 93-531, the Office of Navajo and Hopi Indian Relocation may engage in cooperative agreements with agencies such as the Indian Health Service (hereinafter referred to as IHS) and the Navajo Tribal Utility Authority (hereinafter referred to as the NTUA) to extend water and power to relocation homes. The ONHIR may contribute 100% of the per household cost for each relocatee household that is in the process of acquiring a homesite lease in the area to be served by the project. In addition, the ONHIR may contribute an amount up to 30% of the per household cost for relocatees who moved to the community prior to the infrastructure project, and may contribute up to 30% for remaining project costs.

The per household share will be paid from the client's infrastructure allocation, which is an amount not to exceed 30% of the total housing benefit plus infrastructure cost. Infrastructure project costs will be paid from Discretionary Funds, pursuant to 25 CFR 700.451.

On a per household basis, the cost to the Government for the construction of new infrastructure is substantially higher than the cost to connect a relocation house to existing infrastructure systems. Once an infrastructure construction project is underway, the withdrawal of a client may jeopardize the entire project by increasing the per house cost to a level which may result in cancellation of the project. This may adversely affect the opportunity of other clients to obtain grid electric and/or water to their homes. For this reason, once an interagency agreement has been executed, funds committed to an infrastructure project from client infrastructure allocation will remain committed to the project even though the client changes their mind about the relocation site and withdraws from the project. Clients will be informed of this policy by the Inspections and Compliance Staff at the time they submit an application for a homesite lease located in the area of the infrastructure project.

PROCEDURES.

General. Proposals to extend water and/or power into areas of the Navajo reservation where relocation housing is being built may be initiated by any one of the involved agencies. The process of identifying the need for an infrastructure project and working out the details has evolved since the ONHIR was first established. During the earlier years of the relocation program, when large numbers of relocatees were moving to areas of the reservation where there were no water/power lines, the Relocation Commission(subsequently re-named the Office of Navajo and Hopi Indian Relocation) initiated negotiations with IHS and NTUA for the extension of infrastructure, and funded a major proportion of project costs.

Infrastructure projects on the existing Navajo reservation are typically initiated by the IHS or NTUA. The ONHIR participates in such projects in proportion to the number of relocatees living in or moving to the area to be served.

The Inspections and Compliance staff will have operating responsibility for determining if participation in an infrastructure project on the existing reservation may be feasible.

1530.1 Interagency Agreements with the Indian Health Service.

General. In 1988 the ONHIR and the IHS entered into an interagency agreement for the construction of sanitation facilities for relocation homesites. If a particular infrastructure project exceeds $150,000 or requires the contribution of IHS funds, a Memorandum of Agreement (MOA) will be executed which sets forth the specifications of the project and mutual obligations of the two agencies.

1. Preliminary Feasibility Study. In cases where water line extension is proposed, a preliminary feasibility study may be initiated by the IHS and presented to ONHIR; or may be requested of IHS by ONHIR. The study will take into consideration the number of relocatees who are in the process of acquiring homesite leases in the area, and the number who have already moved there. The District Engineer, Tuba City District, will assign an engineer to assess the feasibility and prepare cost estimates. The District Engineer will submit a report on the preliminary study to ONHIR. The study will outline the work to be done, cost calculations, and nature/amount of commitment required from ONHIR, IHS, and the Chapter.

2. Development of Memorandum of Agreement (MOA). The preliminary study will be reviewed by the Relocation Operations Branch Manager, the Contracts Officer, and the Executive Director. If the study concludes that water can be extended to relocation houses at a cost which is within allowable infrastructure amounts, considering the clients' infrastructure allocation and other types of infrastructure needs, the Contracts Officer will notify the District Engineer, in writing, of the ONHIR's preliminary approval and request that the IHS submit a formal Memorandum of Agreement for the project.

3. Review and Execution of MOA. When the MOA is received it will be reviewed by the Relocation Operations Branch Manager, the Contracts Officer, the Finance Officer, and the Executive Director. Meetings will be held with the District Engineer and other IHS representatives as necessary to reach mutual understanding on project details.

When the MOA has been finalized, the District Engineer will obtain the necessary signatures from IHS offices. The Executive Director will sign the MOA on behalf of ONHIR. Copies of the signed agreement will be routed to the Contracting Branch and the Relocation Operations Branch.

1530.2 Interagency Agreements with the Navajo Tribal Utility Authority.

General. In 1989 the ONHIR and the Navajo Tribal Utility Authority executed a master agreement for the construction of electrical power lines and related services on the existing reservation (excluding New Lands infrastructure construction). Individual project proposals shall be approved by means of task orders or an equivalent project description document. ONHIR will assure that the homes which are constructed in the project area will be wired and ready for hookup.

1. Project Proposal. The NTUA will provide the ONHIR with a proposal for the power line project. The proposal will set forth:

a. Description of the work to be done, including the number of miles of power line to be constructed, location of the line and the names of the chapter members, including relocatees, who will be connected to the line.

b. Detailed budget for the project, including the funds which will be contributed to the project by the Chapter in which the project is located. NTUA will contribute $1500 per customer provided the house is wired and ready for hookup.

c. A schedule for the construction of the power line and anticipated date of completion.

d. Any special conditions applying to the project.

2. Review by Inspections and Compliance. The Relocation Operations Branch Manager will review the project proposal and will negotiate details of the project agreement with representatives of the NTUA and the chapter as necessary. The Manager will verify the identity of relocation clients who have moved to the area and will be moving in the future. The Manager will then calculate the authorized amount of ONHIR contribution to the project, based upon the formula stated on p. 1 of this section.

3. Review and Approval by the Executive Director. The Relocation Operations Branch Manager will submit the project proposal and cost analysis to the Executive Director. Additional meetings with project representatives and ONHIR management officials will be held as necessary to reach mutual understanding on project details.

When the project description has been finalized, the Executive Director will sign the project description document on behalf of the ONHIR. The Relocation Operations Branch Manager will distribute copies of the signed project document to the NTUA project representative, and to the ONHIR Finance Branch.

1530.3 Client Participation in Infrastructure Projects.

General. The ONHIR will commit a per-household share for infrastructure construction from the infrastructure allowance of all pre-move clients who have applied for homesite leases in the area to be served by the project. A client who submits a homesite lease application for an area to be served by an infrastructure project will be told the amount which will be applied from his/her infrastructure allowance. If a client subsequently changes their mind about the lease application and relinquishes it, the infrastructure funds will remain committed to the project. This amount will be deducted from the amount required for infrastructure at their new relocation site, unless the deduction is waived by the Executive Director.

1. Information to Cooperating Agencies. When the interagency project agreement is developed, the Relocation Operations Branch Manager will verify the names of clients who have moved to the area, and will identify by name, census number and casefile number any clients who are in the process of acquiring homesite leases in the area.

2. Information to the Relocation Operations. The Relocation Operations Branch Manager will notify the Relocation Team Leader of new infrastructure projects to which the ONHIR has made a financial commitment. The Team Leader will keep the Relocation Specialists (s) informed of the projects, so that they know which of their clients are moving to a project area, and be able to advise the clients of potential impact upon benefits if they decide to change their relocation site without a good reason.

3. Client Advisement. The Relocation Operations Branch Manager will inform all pre-move clients who have applied for homesite leases in the project area of their inclusion in the project. The clients will be advised that if they change their mind about the relocation site and relinquish the lease, the amount committed from their infrastructure allowance will remain obligated to the project, and will be deducted from the amount

required for infrastructure at the new site. The client will be requested to sign **Form MM#1528.6**, acknowledging the commitment of infrastructure allowance funds to the project.

4. Waiver of Charge to Infrastructure Allowance.

Cross Reference MM#1528.4. The Executive Director may waive the deduction of the amount committed for infrastructure if the lease can be transferred to another pre-move client; or if the client is granted a waiver of homesite lease processing fees. The request for waiver of infrastructure deduction will be considered at the same time as the request for waiver of homesite lease processing fees. The request will follow the procedures set forth in **MM#1528.4,** as follows:

a. Recommendation by Relocation Operations Branch Manager. The client will inform the Relocation Operations Branch Manager of their reasons for changing the relocation site when they request a waiver of the infrastructure deduction. The Manager will consider their reasons and develop a recommendation to the Executive Director.

b. Determination by the Executive Director. The Executive Director will review the client's request for waiver, and the Relocation Operations Branch Manager's recommendation. The Director's decision will be communicated to the client in writing by the Relocation Operations Branch Manager. Valid reasons for the Director to grant a waiver of fee charges may include, but are not limited to:

*The client relinquished the homesite lease for reasons beyond his/her control, such as, a land dispute or archaeological features on the site.

*The client changed relocation sites for legitimate personal reasons, such as changes in marital status or employment at the new site.

1531 ON-RESERVATION INFRASTRUCTURE COSTS.

Cross Reference MM#1770.

General. The Inspections and Compliance staff shall prepare the On-Reservation Infrastructure Computation Sheet (**Form MM#1770.1**) listing estimated infrastructure costs for clients moving on-reservation (excluding New Lands). The form will be completed as part of the plan review process (**see MM#1540, p. 6**).

1. Cost Estimates. Cost estimates for the items listed in Part A of the computation sheet will be entered by the Relocation Operations Branch Manager based upon initial estimates submitted by NTUA for grid electric power, IHS for water/sewer; historic experience regarding the costs of propane systems; and the cost estimates submitted by a contractor for a solar photovoltaic system selected by the client, when grid electric is not available.

2. Updated Estimates. If an updated estimate for electrical service is needed, the Homesite Lease Specialist will issue a letter to the servicing power company and place the computation sheet in a suspense file. When the response is received, the form will be completed.

3. Subdivision Lot Costs. In order to enter infrastructure costs for subdivision leases located on reservation, the Relocation Operations Branch Manager will contact the developer in order to obtain

information about lot development costs, excluding any land costs associated with lot acquisition (ie. St. Michael's private subdivision).

4. Navajo Housing Authority (NHA) Houses. If the client is buying an existing NHA house, the ONHIR will pay infrastructure costs which would otherwise be charged to the client as part of the housing cost, if NHA can provide a statement of the amount of housing cost which represents infrastructure development. Infrastructure costs for NHA houses will not be obtained by Inspections and Compliance staff but by the Relocation Specialist while the client is in home search. These costs will not be recorded on form **MM#1530.1/1770.1**, but will be reviewed and approved by the Relocation Operations Branch Manager in the same manner as off-reservation infrastructure computations. Navajo Housing Authority infrastructure costs exceeding $15,000 will require approval of the Executive Director.

5. Totals. After entering the estimated infrastructure costs, the Relocation Operations Branch Manager will complete the calculations in Part B of the computation sheet which set forth the percentage required for infrastructure and the amount over $15,000.

6. Review/Approval of The Relocation Operations Branch Manager. The Manager will review and sign the Infrastructure Computation Sheet for on-reservation moves.

7. Approval of the Executive Director. If the estimate exceeds 30%, the Relocation Operations Branch Manager will justify the expenditure, based upon information obtained when the feasibility studies were conducted. The Manager will attach the IHS and NTUA cost estimates and the final feasibility study, and route the computation sheet to the Executive Director for review/approval. The Director will take action on the case within three days of receipt of the comp sheet and return the completed form to the Manager.

8. Plan Check File. The Manager will review the Executive Director's action and place the computation sheet in the Plan Check File, for delivery to the Relocation Specialist when plan check is completed.

1532 ALTERNATE SYSTEMS. (cross reference MM#1774 and Policy Memorandum #8)

1532.1 Solar Photovoltaic.

General. Because of the evolutionary nature of solar photovoltaic technology, the Relocation Operations Branch Manager will be responsible for keeping abreast of the principal changes in the industry and the commercial products available. The Manager will determine if a house built on a reservation homesite lease will be served with grid electric or photovoltaic. The following guidelines will be observed, but cases will be reviewed according to the particular circumstances.

1. Remote Sites: Wiring at the Time of House Construction. Houses which are built in remote locations which are not served with grid electric and for which no electric project is planned, will be provided with twenty-four volt SPV systems. Houses will be wired during construction so that grid electric can be connected in the future if electricity is run into the area.

2. Grid Electric Planned But Not Immediately Available. A client may be moving to an area where a grid system is planned but is not immediately available. The Relocation Operations Branch Manager will advise the client delay their relocation until grid electric is available. If the client is unwilling to wait, the ONHIR may approve the move and the installation of twenty-four volt SPV paid from the client's

infrastructure allowance if the client justifies the request and agrees to the provisions of **Form MM#1530.2.**

Form MM#1530.2 states that the client is aware of the planned electric grid system but wants to move immediately and have SPV rather than wait for grid electric as recommended by the ONHIR. The client must acknowledge that when the project is built, the ONHIR will not come back and connect the house to the grid system. The client must sign the form.

The Relocation Operations Branch Manager will review the client's request and prepare a recommendation for action by the Executive Director. The Manager will communicate the Executive Director's decision to the client.

3. SPV As A Housing Option. A client who is having a house built in an area served by grid electric will not ordinarily be provided with solar photovoltaic from the infrastructure allowance. A client who wishes to install a photovoltaic system as an option in addition to grid electric may purchase it from their housing benefit. If the client does not want to be connected to grid electric, but wants SPV and is capable of maintaining the system, and an SPV system is less expensive than grid electric, the ONHIR may approve SPV installation.

The Relocation Operations Branch Manager will review the client's request and prepare a recommendation for action by the Executive Director. The Manager will communicate the Executive Director's decision to the client.

1532.2 Cistern Water.

1. Installation of Cisterns and Septic Tanks. Cistern water tanks and pumping systems will be provided from infrastructure funds for houses built in remote locations not served by grid water. The Construction Contract will provide for the contractor to obtain and install the cistern, pumping system, and septic tank for the house.

2. Installation of Grid Water. The IHS will install septic tanks and water systems for houses built in areas served by grid water.

a. Notification at the Time of Contract Signing. After the Relocation Contract is signed, the Relocation Specialist will order a check to the IHS for clients who are being connected to grid water but are not included under a prepaid project agreement. The Specialist will pick up the check when it arrives and forward it to the IHS District Engineer along with the anticipated date of house completion.

b. Notification at the Time of Interim Inspection. At the time the house passes interim inspection, a form letter will be automatically generated to the IHS District Engineer. The letter will inform the IHS that house completion is anticipated in 30 days, so that IHS can schedule the septic tank installation and connection to grid water. The Specialist will sign and route the letter to the Engineer.

3. Grid Water Planned But Not Immediately Available. If a client obtains a homesite lease in an area where plans for a grid water system are being developed, contract signing and house construction will be deferred until the project is underway and the house can be connected to grid water when house construction is completed.

SECTION: 1500 RELOCATION OPERATIONS - INSPECTIONS AND COMPLIANCE

SUBJECT: 1540 Construction Inspection

AUTHORITY: 25 USC 640d-14; 25 CFR 700.53; 25 CFR 700.55

POLICY

The Office of Navajo and Hopi Indian Relocation (ONHIR) will inspect or have inspected all replacement housing prior to acquisition in order to ensure that each unit meets applicable federal, state and local housing codes, as adopted by the ONHIR. The inspections and compliance staff will have the operating responsibility for conducting inspections.

The construction inspection function will operate in close coordination with the housing acquisition function. The Relocation Specialist will inform inspections and compliance staff of the acquisition; and the number and nature of the inspections performed will depend upon the type of acquisition and the location of the replacement house.

1541 SITE CLEARANCE AND PLAN REVIEW

General During the home search phase of the case processing, a client will be assigned to a Relocation Specialist who will advise the client on the acquisition process and the choices the client must make. With a few exceptions, relocation to an on-reservation location will require a new construction house. A client who moves off-reservation may have a new construction house or may purchase a resale house. The Relocation Specialist will ascertain the client's decision regarding the type of acquisition, choice of contractor and choices regarding house design and features of the house plan. The Relocation Specialist will assure that all necessary information about the house plans and contractor selection is communicated timely to inspections and compliance staff and that all houses pass inspection and compliance inspection before funds are disbursed and the acquisition is completed.

1. Referral from the Relocation Specialist The Relocation Specialist will refer a case to the inspections and compliance staff by means of a Plans/Proposal Transmittal Memorandum (**MM#1640.6**). The Specialist will attach documentation to the Memorandum, as applicable to the type of acquisition.

a. New construction or remodel/addition:

1) Energy efficient home: pre-construction worksheet approved by the Construction Representative and three sets of blueprints/floor plan. The blueprints will be 1/4" per one (1) foot scale on standard quality blueprint paper.

2) Custom home or remodel/addition to a home already owned by the client: two sets of blueprints.

b. Resale, NHA house or existing mortgage, where no remodel or additional is requested: Usually there are no attachments to the Plans/Proposal Transmittal Memorandum.

2. Logging a Referred Case The Homesite Specialist will log the receipt of Memorandum on the Plan Review Log (**Form MM#1540.a**). The following information will be recorded in the log:

- Client name (as shown in computer)
- Date received from the Relocation Specialist
- Name of Relocation Specialist
- Type of Acquisition
- Date the Plan check file is route to the Construction Representative.
- Date the green file is returned to the Specialist.

3. Plan Check File The Homesite Specialist will determine if a Plan check file (also known as the green file) should be set up for the case. The Plan Check file will serve as a working file which will be maintained by inspections and compliance staff during the construction process for houses involved in new construction. The file will be established to facilitate routing blueprints and other specification sheets and filing inspection reports and related documents which are received during construction. Plan Check files are not usually established for acquisition or resale house or houses already owned by the client which do not require construction. The Plans/Proposal Transmittal Memorandum will be used to route information about these types of acquisitions.

The file folder used during the homesite lease processing will reused for the Plan Check file.

Documents which the Relocation Specialist will extract and provide to the contractor will be filed on the right side of the file. Documents which the Relocation Specialist will use during the acquisition process will be placed on the left side of the file. Underneath these documents on the left side of the file will be documents retained in the file until construction is completed. The Homesite Specialist will clip these documents together with a pink "do not remove" note while the file is circulating between the Relocation Specialist and inspections and compliance staff.

All Plan Check files will contain the following forms: On-Site Clearance Form, Plan Review Form, and Inspection Chart. Other documents to be inserted will vary depending upon where the house is being built. The documents will include:

a. On-reservation: Documents placed on the right side of the folder to be given to the Contractor will include:

- Approved Homesite Lease
- Lease location map and Final Feasibility Study (providing directions to the site)
- Archaeological clearance document
- IHS/NTUA Plot Plan

Documents placed on the left side of the folder for the Relocation Specialist will include:

- Pre-Construction Worksheet
- IHS Plot Plan and utility information
- Approved Homesite Lease
- Cost Estimates from IHS/NTUA

Documents placed on the left side of the folder to be retained until construction is completed include:

- Plans/Proposal Transmittal Memorandum
- Final Feasibility Study
- IHS Plot Plan (four copies)
- All copies of blueprints submitted by the contractor.
- Copies of documents related to house features: Exhibit B, Color Sheet, Change Orders, etc.

b. Off-Reservation: For new construction houses, all copies of the blueprints plus the description of materials will be placed in the file. The blueprints must be approved by the jurisdiction having authority and contain a copy of the local building permit.

c. Remodel/addition: If the client is requesting remodel/addition to an NHA or existing mortgage house, a Plan Check file will be established and the blueprints and description of materials placed in it.

The Homesite Specialist will prepare an On-Site Clearance form and insert it into the Plan Check file or attach it to the Plans/Proposal Transmittal Memorandum.

d. Utility Cost Estimates: For on-reservation construction, excluding New Lands and certain subdivisions, the Homesite Specialist will verify that cost estimates have been received from IHS and NTUA or APS, as applicable to the location. If the cost estimates have been received but are out-of-date, and need to be updated, the Homesite Specialist will issue letters to IHS/NTUA requesting updates. The Homesite Specialist will also verify that a preliminary IHS plot plan has been received.

e. Flood plain check: For off-reservation acquisitions the Relocation Operations Branch Manager will determine if the house is located in a flood plain. The Manager will determine this by checking FIRM maps in the ONHIR files, or by calling or writing the engineering department of the political jurisdiction in which the house site is located. The Manager will enter the flood plain zone on the On-Site clearance form.

1) If the site is not in a flood plain, the Manager will route the Plan Check file to the Construction Representative.

2) If the site is located in a flood plain (zone A), the Manager will record the information on the On-Site Clearance form and route the file to the Construction Representative. The Representative will disapprove the site and route the file to the Relocation Specialist who will inform the client that a new site must be selected.

4. Assigning the Plan Review When the Homesite Specialist has finished the file review, the Plan Check file will be routed to the Construction Representative. Within three (3) days of the Construction Representative will review the file and assign the case for plan review. The Construction Representative will maintain a log of assigned cases.

5. Plan Review The Construction Representative will conduct plan review within ten (10) working days. The plans will be reviewed for technical adequacy, following the outline of items on the

Plan Review Checklist. As the review is conducted, the Representative will make notes on the subjects which should be covered during the pre-construction conference. After completing the review, the Representative will fill out the Plan Review form, **MM#1540.3** and insert it into the folder.

a. Unsatisfactory/incomplete Plans If the Representative cannot complete the review because required information is missing or because changes are needed in order for the plans to comply with ONHIR requirements, the Representative will check item #1 on the Plan Review Form, insert it into the file and route the file to the Relocation Specialist through the Construction Representative. The Representative will provide as complete a list as possible of all items which need correction or clarification so that the plans will not have to be returned a second time.

b. Resubmitted Plans When the Relocation Specialist has obtained information from the contractor on all of the items identified by the Representative, the Specialist will insert the information and any revised plans into the green folder and return it to the inspections and compliance staff. The Homesite Specialist will log the re-submittal on the Plan Review Data Form and will give the folder to the Construction Representative for assigned to a Construction Control Inspector. Assignment and review will follow the process described herein.

6. Pre-Con Notes The Construction Representative's notes of items which need to be covering during the Pre-Construction Conference will be route to the Relocation Operations Administrative Assistant for typing onto Form **MM#1540.4**, Pre-Con Notes. The Assistant will complete the typing assigned within two (2) days and return it to the Representative. The Inspector will sign the typed Pre-Con Notes and insert the form into the green folder. The Inspector will deliver the folder to the Construction Representative for final review.

7. Review by Construction Representative Within three (3) days of receipt, the Construction Representative will review the content of the file and will discuss the plans with the reviewing Construction Control Inspector as necessary. The Construction Representative will sign the Plan Review Form and will forward the file to the ROB Manager for infrastructure calculation.

8. Infrastructure Computation Sheet If the case involves new construction on-reservation or off-reservation, including New Lands and subdivisions, The Construction Representative will route the green file to the Relocation Operations Manager for completion of Parts A and B of the Infrastructure Computation Sheet, **Form MM#1770.1.**

9. Final Review by Relocation Operations Branch Manager After the technical reviews have been completed, the Manager will review the file and take the following action.

a. On-Site Clearance Form The Manager will review the On-Site Clearance Form regarding flood plain location, if applicable, and sign the form. This is an on-reservation move, the Manager will review the client's homesite lease documentation and will complete Items #1 and #2 on the On-Site Clearance Form. If these entries require verification of homesite lease approval and archaeological clearance, the Manager will enter them under Item #2 on the form.

b. Infrastructure Computation Sheet The Manager will complete the Infrastructure Computation Sheet for on-reservation moves. If the amount required for infrastructure exceeds 30%, and the approval of the Executive Director is needed, the Manager will complete the sign

Part C of the form. The form will be attached to the IHS and NTUA cost estimates and the final feasibility study, and routed to the Executive Director for review/approval.

10. Transfer to Relocation Operations Housing Acquisition Phase The Manager will deliver the green file to the Relocation Branch Administrative Assistant when review is completed. Within two (2) days the Assistant will verify that the review is complete and that logging entries are current. The Assistant will make the final log entries and route the file to the Relocation Specialist.

a. The date plans were accepted will be logged onto the Inspection Chart from the Plan Review Form.

b. The date plans are returned to the Relocation Specialist will be logged on the Inspection Chart and the Plan Review Log.

1542 PRE-CONSTRUCTION CONFERENCE

General Pre-construction conferences will be held for all acquisitions involving new construction. The conference will be held at the time of contract signing. A representative of the inspections and compliance staff will be present to review the house plans with the contractor, the client, and the Relocation Specialist. All items listed on the Pre-Con Notes will be discussed and resolved, and any/all changes to the plans resulting from the conference will be recorded on the blueprints.

1. Scheduling the Conference When the Plan Check file is returned to the Relocation Specialist with the completed inspections/compliance review, the Specialist will schedule the Pre-Construction Conference with Relocation Branch Administrative Assistant. The conference will include the client, the contractor, the Specialist, and an inspections/compliance representative. The client will be notified by letter or phone of the date and time scheduled and requested to telephone the Specialist to confirm the appointment.

2. Reviewing the Pre-Con Notes During the conference the inspections and compliance representative will review all items listed on the Pre-Con Notes with the client and the contractor. As the items are clarified and resolved, the inspections/compliance representative will check them off the list, and will write comments beside the item or will mark the house plans accordingly. After all items are covered, the contractor and client(s) will sign the Pre-Con Notes form indicating their understanding and agreement to the decisions made on each item.

3. Changes to the Housing Plan Both the inspections and compliance representative and the contractor will have a set of the blueprints in front of them during the conference. As changes are agreed upon, they will each mark the changes onto the blueprints in red ink. After the conference the inspections/compliance representative will double check the changes made by the contractor on his/her set of blueprints and will stamp both copies “Approved” and will initial and date the plans. As time permits during the conference or after it has concluded, the inspections/compliance representative will mark the changes on the back up set of plans provided by the contractor, and will approve and date this set.

a. If there are extensive changes to the house plans, the contractor may be required to submit revised blueprints which incorporate all red line changes. The revised blueprints must be

submitted before the contractor schedules a footing inspection. A inspections/compliance representative will compare the revised plans with the red line plans to assure that all approved changes have been incorporated.

b. Changes made to the house plans afer the initial plans have been approved must follow the ONHIR's procedures for change orders. (See Management Manual 1640.)

4. Exhibit B After the items on the Pre-Con Notes have been discussed and decided, the Relocation Specialist will cover any remaining items from the Pre-Construction Worksheet which have not already been discussed. Final decisions regarding house features and options will be reached by the client and contractor with technical advice from the Construction Representative and from the Relocation Specialist.

The final decision regarding house style, required features, and optional features will be listed on Exhibit B to the Construction Contract. This form will be typed for the client(s) and contractor to sign before the pre-con ends.

5. Color Sheet The client's selections among available manufacturers, styles, colors, and similar choices for appliances, fixtures, fixtures and paint will be recorded on the Color Selections and Component Identification Form (HAB form COLORSEL). This form may be submitted with the Pre-Construction Worksheet or at the time of the Pre-Con. The Specialist will assure that this form has been signed and submitted as part of the house construction documentation.

6. Transfer of Plan Check File to Inspections and Compliance staff After the pre-construction conference has been completed and all contract documents have been signed, the Relocation Specialist will assure that the documents required by inspections and compliance for the inspection process are inserted into the Plan Check file and routed back to inspections and compliance staff. These documents are:

- Pre-Con Notes, as reviewed and approved
- Three (3) copies of the updated house plans
- Exhibit B
- Color Selection form
- Memo to the Engineering Technician stating the projected date of house completion and the contract amounts allocated for utilities

7. Notification to Utility Providers In cases of on-reservation homesite leases, the Relocation Specialist will issue two (2) sets of letters to the cooperating utility companies.,

a. Within five (5) days after receiving the memo, the Relocation Specialist will notify IHS/NTUA (or other utility provider) of the following, and request completion of the utility lines by the time the house has finished construction.

1) Date the relocation contract was signed and projected completion date of the house.

2) Payment amount orders for the water or power line hookup.

3) Name and phone number of the contractor.

1543 INSPECTIONS

General Six (6) inspections will be conducted as house construction proceeds. The inspections, in the order in which they are conducted are: (1) footing (2) foundation form (3) foundation (4) interim (framing, electrical, plumbing, mechanical) and insulation (5) lath and sheetrock and (6) final. Each preceding stage must pass inspection before the next stage is inspected.

1543.1 Preliminary Activities

1. Plan Check File After the contract is signed and the Plan Check File is returned to inspections and compliance staff by the Relocation Specialist, within two (2) days the Homesite Specialist will assure that the Plan Check File contains two (2) complete sets of the following documents and is inserted into the Inspections and Compliance file cabinets for reference:

- Approved Blueprints
- Pre-Con Notes
- Exhibit B
- Color Sheet

Change Orders If change orders are executed during the course of construction, the Relocation Operations Administrative Assistant will make copies of the approved orders and insert them and any accompanying blueprints into the Plan Check File.

2. Inspector's Working Files While preparing the plan check file the Administrative Assistant will provide the inspectors with a copy of the Plans/Proposal Transmittal Memorandum for the case and a copy of the final feasibility study providing directions to the site. If the On-Site Clearance Form contains instructions which the contractor is required to following during construction (ie., fencing or avoidance) the Administrative Assistant will give a copy to the inspectors. The inspectors will prepare working files for each house under constructions. Files are generally set up alphabetically by contractor.

1543.2 Scheduling an Inspection

General The majority of inspections which are conducted are for new construction. Other types of inspections include: warranty complaints submitted by the client, warranty repairs, evaluations of resale houses, and evaluations of houses already owned by a client.

1. Authority to Request Inspection The Office, or person who may request an inspection, will depend upon the type of acquisition or type or inspection.

a. New construction inspections may only be scheduled or cancelled by the general contractor or designated representative. The contractor will inform the Relocation Specialist, in writing, of the name of the authorized representatives(s).

b. Resale inspections will be scheduled by the Relocation Operations Administrative Assistant upon the receipt of a Plan/Proposal Transmittal Form from the Relocation Specialist, and

verification of flood plain clearance. The inspection appointment may be arranged by either the Administrative Assistance or the realtor/seller.

c. Evaluations of houses already owned by the client will be scheduled by the Relocation Operations Administrative Assistant upon receipt of the Plans/Proposal Transmittal Memorandum from the Relocation Specialist. The Assistant will contact the client to set up an appointment.

d. Warranty inspections will be scheduled by the Relocation Operations Administrative Assistant according to the procedures set forth in MM#1560.

Monitoring Visits An inspector traveling in an area may stop at a construction site even though no formal inspection is scheduled for the purpose of monitoring inspection activity.

2. Scheduling and Cancellations The contractor will notify inspections and compliance staff to set up an inspection. The contractor must provide a minimum of two (2) days advance notice, calling by 4:00 o'clock p.m. two (2) days prior to the date he wants the inspection. If the schedule for the requested date is already full, the contractor will have to wait until the next date an inspector will be in the area.

The contractor will be informed that the inspection will be scheduled for the morning or for the afternoon. If the contractor needs to know more specifically what time during the morning or afternoon the inspector expects to arrive, the contractor can call inspections and compliance staff or the inspector on the date of the inspection. Due to unforseen circumstances encountered during travel to distant locations, the ONHIR will not assure a specific arrival time.

If a contractor requests an inspection on short notice, inspections and compliance staff will attempt to accommodate the request (1) if an inspector is schedule to be in the area, and (2) if an additional inspection can be worked into the schedule.

The contractor may cancel a scheduled inspection by close of business the day before without incurring a penalty. Inspections which are cancelled the day they are scheduled are subject to a re-inspection fee of $150.00 at the discretion of the Construction Representative. The fee may be waived if the inspector has not left for the appointment at the time the contractor's call is received; or if there is other field work which can be substituted for the cancelled inspection.

3. Checking Results of Prior Inspections Generally, inspections are scheduled or cancelled by telephone. When a contractor calls in for an inspection, the Relocation Operations Administrative Assistant will pull the Plan Check file and check that the prior stage passed inspection and that the inspection report is on file. The written report may not be in the file if the inspector is still in the field and has not had the opportunity to submit it. In this case, the Assistant may schedule an inspection based upon the inspector's telephone report of inspection results.

4. Verifying Receipt of Required Certificates The Relocation Operations Administrative Assistant will also verify that any required certificates have been submitted. If the contractor intends to give the certificates to the inspector when the inspection is conducted, the contractor must so inform the Assistant who will note this on the Inspection Appointment Form. The following certificates are

required:

a. Certificates Required at Interim Prior to, or at the time of an interim inspection, the contractor must submit (1) truss certificates, (2) concrete delivery tickets, (3) termite soil treatment certificates, and (4) NTUA wiring compliance form. The Relocation Operations Administrative Assistant will log the receipt of these certificates on the Inspection Chart and route them to the Construction Representative for review. Following review the certificates will be retained in the Plan Check file until construction is completed.

b. Certificate Required at Final Prior to the final inspection, the contractor must submit documentation provide by the appropriate propane or natural gas supplier that gas appliances in the house have been connected to the gas source.

5. Logging the Appointment When an inspection is requested, the Relocation Operations Administrative Assistant will make an appointment for the inspector assigned to the area on the next available date and will record the date and morning/afternoon inspection time on the Construction Appointment/Inspection Form. The Appointment/Inspection Form will be placed in the assigned inspector's incoming box, set up by days of the week. If the inspector will not be coming into the Office before the scheduled inspection appointment, the Assistant will inform him of the appointment by telephone, from the information records on the Construction Inspections Appointment Log.

The Assistant will fill out the Appointment/Inspection Form completely. In addition to the other information, the Assistant will record name of the contractor representative who called to request the appointment; the date and morning or afternoon appointment time requested; and the date and AM/PM schedule for the inspection. If the Assistant is not able to make the appointment for the date or time the contractor requests, the reason will be recorded on the form.

If the contractor cancels the inspection before the inspector leaves for the field, the Assistant will retrieve the appointment form and delete the inspection from the log.

6. Time Requirements In scheduling appointments, the Administrative Assistant will take into consideration (1) approximate time required to conduct each type of inspection, and (2) approximate travel time to and between sites. The inspector will establish the travel route so as to avoid backtracking to the extent possible. Approximate time requirements for the different inspections are:

footing	-	20 minutes
foundation	-	20 minutes
interim (framing, rough wiring)		
plumbing, mechanical) and insulation	-	1 ½ hour
sheetrock and lath	-	15 minutes
final, resale, or already owned house	-	1 ½ hours to 2 hours
warranty complaint or inspection	-	variable according to number of items to repair

1543.3 Conducting an Inspection

General The standards set forth in the following publication has been adopted by the ONHIR for relocation housing. The inspectors will be equipped with copies of these standards and will apply them in reviewing house plans and conducting an inspection:

"International Residential Code for One or Two Family Dwellings, " *Current Edition.*

1. Materials/Equipment to be Taken into the Field When the inspector travels into the field, he/she will take copies of the standards and the appointment forms and specification sheets for the house which he/she will be inspecting. He/she will also take a supply of inspection checklists as required for the types of inspections which he/she will be conducting.

Equipment to be taken into the field will include:

- Camera
- Compass to check house orientation
- Extension ladder and step ladder to reach attic crawl space, examine roof, vents, chimney, truss supports, etc.
- three prong receptacle tester to check continuity and loose wires in electrical lines

Three-part checklist forms have been developed for each type of inspection conducted. They are:

- Footing Inspection Checklist
- Foundation Inspection Checklist
- Framing Inspection Checklist
- Plumbing Inspection Checklist
- Rough Electrical Inspection Checklist
- Mechanical Inspection Checklist
- Masonry Inspection Checklist (for block construction)
- Insulation Inspection Checklist
- Drywall/Lath (sheetrock) Inspection Checklist
- Final Inspection Checklist

2. Item Examination The inspector will locate and examine each item listed on the inspection checklist. Items which pass inspection will be checked off the list. Items which do not pass inspection will be circled. On the bottom of the form under "Instructions" the inspector will reference each circled item by number and will describe the deficiencies in complete, coherent sentences. The inspector will not instruct the contractor how to correct the deficiencies. If additional space is needed, the inspector will use a continuation sheet.

3. Pass/Fail Determination After completing the examination of each item on the checklist the inspector will determine whether the construction passed or failed. This determination is recorded on the inspection checklist and also on Part B, Inspection Results, or the Appointment/Inspection Form..

The inspection may pass even though one or more items have been circled. In this case, the inspector will write instructions about the items to be rechecked at a future inspection.

The inspector will direct any questions or instructions to the contractor or designated representative. If the inspector notes problems in work performed by a subcontractor, the problems may be discussed with the contractor or representative, if they are present, or with the subcontractor.

The inspector will give the pink (last page) copies of the appointment form and the checklist to the contractor or designated representative before he/she leaves the job site. If there is not a representative present at the time of the inspection, the pink copies will be attached to the house plans which are in a secure location at the job site.

a. Reinspection If the work fails inspection, the contractor must correct the deficiencies before proceeding to the next stage of construction. When the corrections have been made the contractor will request a reinspection. Ordinarily only those items which failed the previous inspection will be examined.

b. Pass with stipulations The inspection may pass but the inspector may have comments which need to be brought to the attention fo the inspector making the next inspection. The comments will be recorded on both the appointment form and the checklist.

The inspector make take photographs of items for the record. As courtesy to the Relocation Specialist, at the time of final inspection the inspector will take photographs of the house for insurance purposes: front and back views of the house and woodstove installation.

4. Reinspection Fee If the inspection fails the inspector will determine if a reinspection fee should be charged. This determination will be entered on the Appointment/Inspection Form. The amount of the reinspection fee is $150.00. In making this determination, the inspector will take into consideration the following factors:

- Number and extent of deficiencies
- Location of the house and need for a special trip to conduct a reinspection.
- Prior performance of the contractor, such as repeated problems with a particular item; or repeated problems on the job being inspected.
- Serious safety violations

The reinspection fee will be deducted from the contractor's next draw when the draw is prepared by the Relocation Specialist.

5. Review of Report Upon returning to the Office, the appointment form and checklist (white and yellow copies) will be routed to the Construction Representative. The Representative will review the reports within one (1) day of receipt, and initial them beside the inspector's signature. In the absence of the Construction Representative the Relocation Operations Manager will review the report.

The Construction Representative will discuss the results of the inspection with the inspector as necessary. If the Construction Representative changes the pass/fail determination, the contractor will be notified by telephone and will be sent a copy of the changed form. If the Construction Representative identifies issues/problems which need to be discussed with the contractor, the Construction Representative will inform the contractor of the problems and action to be taken.

6. Forms Distribution After review by the Construction Representative, the Relocation Operations Administrative Assistant will record information from the forms and distribute them within two (2) days.

a. Inspection Chart The Inspection Chart is a summary record of inspections for each client. It is filled out with basic identifying information and filed on top of other inspections/compliance documentation on the left side of the Plan Check File when the file is created. When the checklist and appointment form from an inspection have completed review, the Relocation Operations Administrative Assistant will enter on the Inspection Chart the type of inspection, date of the inspection, inspector's initials, pass/fail determination, and reinspection fee determination. The Assistant or designee making the entries will initial them.

b. Inspection Report Log The Inspection Report Log is a running record of all inspectors conducted. It is maintained in a binder and its principal purpose is to track routing of the inspection reports for housing acquisition. The Relocation Operations Administrative Assistant will record the client's name, type of inspection, pass/fail determination, date sent to the Relocation Specialist be the inspector's initials on the log.

c. The yellow copies of the inspection checklist and the appointment form will be filed in the Plan Check File.

d. The white (original) copies of the inspection checklist and appointment from will be routed to the Relocation Operations Administrative Assistant who will distribute them to the Relocation Specialists. The Specialists will make note of the pass/fail determination and the reinspection fee determination and then route the forms to the Data Room for the client file. Payments to the contractor pursuant to the Construction Payment Contract will be contingent upon receipt of passed inspection reports.

7. Contractor Disagreement with Determination If the contractor disagrees with the inspector's determination, he/she may request a review by the Construction Representative. Disagreements which cannot be resolved at the branch level may be submitted to the Executive Director. Pursuant to the terms of the construction contract, the dispute may also be submitted to the American Arbitration Association by either party. The contractor is not entitled to a time extension while the disagreement is being resolved, unless the contractor prevails and the terms of the settlement provide for an extension.

8. Stop Work Order The ONHIR uses two types of Stop Work Orders:

[1] A failed inspection determination constitutes notice to the contractor that he may not proceed with the next phase of construction until the current phase passed inspection.

[2] If there are major problems with a contract, either the Construction Representative or the Relocation Operations Manager may issue a letter to the contractor instructing that all work on the house stop. If the problems relate to construction issues, ie. repeated structural problems, the letter will be issued by the Construction Representative. If the problems relate to other issues covered

by the Construction Contract, ie. homesite lease dispute, potential contractor bankruptcy, the letter will be issued by the Relocation Operations Manager. The letter will specify the reasons for the stop work order and remedial actions to be taken by the ONHIR and/or the contractor. The Construction Representative and the Relocation Operations Manager will consult between themselves and with the Executive Director on the stop work order.

9. Notice to Occupy The house is ready for occupancy after it passes final inspection. Generally, the contractor/realtor informs the client when the house has passed the final inspection and gives them the keys and a final tour of the house with explanations of the operations of the various features.

10. Completion of Case When the house has passed final inspection, the inspections and compliance activity on pre-move cases has been concluded. Subsequent activity of the inspection and compliance phase of the relocation process relates to home maintenance training (MM#1575) and warranty (MM#1560.) The Plan Check file will be removed from the inspections and compliance files and routed to the Data Room for placement in the client file.

1543.4 Out-of-State Inspections

New Construction Houses

At the time of Plan Review, the Construction Representative will contact the jurisdiction within which the house is being constructed to get information about local requirements relating to residential inspections. The Representative will determine if the local requirements are sufficient to ensure that the house will meet ONHIR standards. Ordinarily, if the house is being constructed in a planned subdivision, the ONHIR will accept the standards established for the subdivision. If the Construction Representative determines that the local standards are inadequate, he/she will inform the Relocation Operations Branch Manager. The ONHIR will work with the client, the contractor, and officials of the local jurisdiction to identify and accomplish the actions required so that the client may get a new house which meets ONHIR standards at the relocation site he/she has chosen.

At the time of the Pre-Con, the ONHIR will specify the inspection reports which will be accepted from the local jurisdiction and the inspections which will be performed by the inspectors. In most cases, inspections and compliance will accept local reports of the footing, foundation, and sheetrock inspections and the inspectors will travel to the site and conduct the final inspection, in addition to equivalent inspections performed locally.

The Construction Representative will request that the local jurisdiction submit copies of their inspection reports and the certificate of occupancy issued upon completion of the construction. The Representative will review the reports and will route copies to the Relocation Specialist for payment processing.

Resale Houses

An ONHIR inspector will ordinarily conduct one inspection of a resale house located out of state. In order to assure that any deficient items have been rectified prior to final acquisition, the

Construction Representative shall specify the documentation which must be submitted by the realtor/developer.

1543.5 Evaluation of Home Owned by Client

Inspections of resale houses will be scheduled as described in 1543.2. The inspector will use the Resale Inspection Checklist in performing the inspection.

1543.6 Evaluation of Home Owned by the Client

Cross Reference: Management Manual #1730, Specialized Procedures.

Background: If a client already owns or is in the process of building or buying a home off of the partitioned lands at the time the client's relocation plan is developed by the Relocation Specialist, two determinations must be made:

1. Is the house decent, safe and sanitary?

Pursuant to 15 CFR 700.187, if the house is not decent, safe and sanitary the ONHIR has the discretion to either: 1. Repair and remodel the house to bring it up to ONHIR standards. Or, 2. Acquire a new house for the client. If it is determined that the house is decent, safe and sanitary, the second determination comes into play.

2. Does the client want to acquire the existing house as the relocation house?

If the client wants to acquire the existing house as the relocation house, the ONHIR will expend the client's benefits, up to the maximum entitlement, to bring the house up to code standards. Actions may include razing the house and constructing a new house on the site, if the client is unable to obtain an alternate site in the vicinity.

If the client does not want to acquire the existing house as the relocation house, the Relocation Specialist will prepare the case for decision by the Executive Director.

Procedures

1. Scheduling an Inspection of a Client-Owned House An inspection will be scheduled as described in 1543.2 (1) c., upon receipt of a Plans/Proposal Transmittal Memorandum. Requests for inspection of an existing home may be scheduled at two points during the case processing:

a. While the client is in the counseling phase, a preliminary inspection must be performed in order to determine if the home is decent, safe, and sanitary.

b. If the client wants to acquire the existing house, a thorough detailed inspection must be performed after the client is referred to home search.

2. Requests Submitted by the Relocation Specialist When an inspection is requested by the Relocation Specialist while the client is in the counseling phase, the Specialist must attach to the Memorandum a copy of the Survey of Housing Conditions, any photographs of the dwelling, and any additional information which will help in evaluating the dwelling.

3. Conducting the Inspection The inspector will use the final inspection checklist and continuation form to record information about work needed on the house. If the documentation submitted (housing survey and photographs) by the Relocation Specialist is clear and comprehensive, it may not be necessary for the inspector to conduct a field inspection of the house.

4. Results of the Inspection The inspector will submit the record on the work required to bring the house up to code to the Construction Representative. The Representative will make a rough estimate of the cost of repairs and will develop a recommendation regarding the feasibility of repairing and remodeling the house. The report will be routed to the requesting Relocation Specialist following review by the Construction Representative.

CONSTRUCTION INSPECTION PROCEDURES

APPENDIX 1. Standards of Conduct for Construction Inspectors.

1. Direct your questions and comments to the contractor, the contractor's representative, or job foreman. It is not appropriate to discuss the work, particularly deficiencies, with the workmen or with clients.

2. Evaluation should be restricted to the adequacy of workmanship, materials, and adherence to approved specifications. It is not appropriate to criticize the design or aesthetic features of the house, such as paint or wallpaper color, cabinet style, etc.

3. Maintain a professional approach. Stick to the duties required for the inspection, and avoid personal comments or political issues related to the ONHIR and its employees, the contractor and his employees, or the clients.

4. Consider alternatives if there are alternatives available to the contractor in meeting the code requirements.

5. Don't accept favors. Review the section of the Personnel Policies Manual relating to Employee Responsibility and Conduct (sec. 735). It is contrary to ONHIR policy for employees to accept gifts or favors, including meals or refreshments, from any persons doing business or seeking to do business with the ONHIR.

6. Treat all contractors equally and conduct all inspections impartially. Each inspection should be performed on a 'clean slate' approach. Even though prior experience has shown that a particular job should be examined carefully, no job should be pre-judged.

7. Don't argue with the contractor in the field; or with any of the contractor's workers or representatives.

8. Don't criticize the contractor to the clients or workmen who are at the job site. Don't give instructions about what should be done to subordinate workers - only the contractor or his authorized representative.

_/s/CJB__
APPROVED

SECTION 1500 RELOCATION OPERATIONS INSPECTIONS AND COMPLIANCE

SUBJECT 1555 CONSTRUCTION INSPECTION Contractor Performance Evaluation

POLICY.

In 1980 the Navajo and Hopi Indian Relocation Commission, now the Office of Navajo and Hopi Indian Relocation (ONHIR), adopted a program for the inspection of all houses acquired for relocatees. The program, as initially instituted and subsequently modified and expanded, requires inspections of houses being constructed, at six specified construction completion points, and random monitoring of construction sites by the Construction Control Inspector. The checklists and supplemental notes prepared during the inspections provide routine monitoring of contractor performance, and a method for communicating the ONHIR's evaluations to the contractor.

If review of reports prepared pursuant to routine inspection procedures reveals excessive deficiencies on the part of a contractor, the contractor will be notified. Failure to correct deficiencies following notification will result in remedial action with regard to construction contracting, and may result in the contractor's probation, suspension, or disbarment from further contracting activity.

PROCEDURES.

General The inspections and compliance staff, (Construction Representative and Construction Control Inspector) in coordination with the Relocation Specialists, will monitor the performance of contractors who build relocation houses. The Construction Representative may at any time review the record of a contractor whose performance under the terms of the Relocation and/or Construction Contracts is in question.

1555.1 Initial Determination of Deficiency and Warning.

1. The Construction Representative will have operating responsibility for conducting the initial evaluation of a contractor whose performance is in question, and preparing a report with recommendations to the Relocation Operations Branch Manager. The Construction Representative will base the evaluation upon review of reports submitted by the Construction Control Inspector. The Construction Representative may, at his discretion, inspect job sites.

2. The written report prepared by the Construction Representative may include the following items and any additional items which are appropriate to the case:

a. The number, frequency and type of failed inspections.
b. The number, frequency, and type of failed inspections on successive contracts and over a period of time.

c. Quality of workmanship.

d. Quality of materials used.
e. The nature and number of warranty complaints.
f. The contractor's responsiveness to warranty complaints.
g. Contractor's compliance with the terms of the construction contract, such as deadlines, cleanliness of the worksite, etc.
h. Unacceptable activities of contractors and their employees and sub-contractors of their employees, such as drinking on the job site.
I. Evidence of fraud
j. Any other matters relevant to the contractor's performance, such as complaints from sub-contractors and suppliers regarding non payment.

3. If the evaluation determines that the contractor's performance is deficient, the Construction Representative will recommend that the Relocation Operations Branch Manager issue a warning to the contractor informing him of the areas of deficiency, corrective action expected, and time frame.

4. The Relocation Operations Branch Manager, after discussion with the Construction Representative, may request a meeting with the contractor if they determine that discussion will be an effective means of correcting deficient performance. Following the meeting, or in lieu of the meeting if none is held, the Relocation Operations Branch Manager will issue a written warning to the contractor. The warning will specify the areas of deficiency, corrective action expected, time frame, and follow up monitoring by the Office. The letter will reiterate agreements reached at the meeting, if one was held. The warning will inform the contractor that if performance deficiencies are not corrected, the ONHIR will take further action.

5. In exceptional circumstances where the performance deficiencies are determined to be very serious, the Construction Representative may recommend to the Relocations Operations Branch Manager that the Office omit the warning to the contractor and proceed immediately to probation, suspension or disbarment. In this case the Manager will proceed to 1555.2 #3.

1555.2 Contractor Failure to Correct Performance Deficiencies.

1. The Construction Representative will monitor the performance of a contractor who has been issued a warning about performance deficiencies. If the contractor fails to correct the deficiencies within the time period specified in the letter of warning, the Representative will submit a written report and recommendations for remedial action to the Relocation Operations Branch Manager.

2. The Relocation Operations Branch Manager and the Construction Representative will assess the impact of proposed disciplinary action upon current contract activity.

3. The Relocation Operations Branch Manager and the Construction Representative will meet with the Executive Director to inform him of the situation and discuss a proposed course of action. Following review of all factors, the Executive Director will issue the contractor a Notice of Remedial Action (**Form MM#1555.1,** attached).

4. The Notice of Remedial Action will be issued certified mail. The Notice will inform the

contractor of the performance deficiencies and the intended remedial action. The Relocation Operations Branch Manager will schedule a meeting with the contractor within a week to discuss the conditions of the remedial action, and the Notice of Remedial Action will inform the contractor of the date, place and time of the meeting. After the meeting the Final Notice of Conditions of Remedial Action will be issued.

5. Remedial action will ordinarily be effective the date that the Notice of Proposed Remedial Action is issued, even though the details about the conditions may change following the meeting with the contractor. Remedial action may include:

a. Probation;
b. Suspension;
c. Permanent disbarment from further construction contracts with the Office. Disbarment shall generally be imposed only as a last resort following probation or suspension; or in instances of fraud or criminal activity on the part of the contractor.

6. If the contractor is unable to attend the meeting on the date scheduled, he may request that it be rescheduled. The request for extension may not exceed two weeks. If the contractor fails to appear for the meeting without notifying the Office; or cancels a meeting after rescheduling it, the ONHIR will issue the Final Notice of Conditions of Remedial Action without the contractor's input.

1555.3 Final Notice of Conditions of Remedial Action.

The Final Notice of Conditions of Remedial Action will be issued certified mail. It will inform the contractor that he is being placed on probation. Probation will carry a time frame and conditions regarding work currently in progress. While the terms of the action will vary according to the nature of the case, the Notice will at a minimum specify that the contractor must satisfactorily complete houses currently under construction. The contractor will be instructed to inform clients with whom he is working, in writing, of the remedial action.

A contractor who fails to comply with the terms of the Notice will be permanently barred from future construction contracts with the Office.

SECTION 1560 **RELOCATION OPERATIONS WARRANTY PROGRAM**

AUTHORITY AND POLICY

AUTHORITY 42 USC §4622; 25 CFR §700.55, A.R.S. Title 32, Chapter 10

POLICY

The Office of Navajo and Hopi Indian Relocation shall require contractors and vendors constructing or selling relocation houses on the Navajo or Hopi reservations or off-reservation in the State of Arizona, to meet the construction standards defined in the Arizona Manual of Minimum Workmanship Standards and to warranty their work for two years following completion of construction.

The Office shall perform warranty inspections and dispute resolution for houses acquired on-reservation during the period of time that the warranty coverage is in effect. The Office shall be the final authority for resolution of complaints on houses located on-reservation. Clients who acquire houses off-reservation in Arizona will be referred to the Registrar of Contractors.

The warranty programs for houses constructed or purchased in states other than Arizona shall adhere to the laws of the particular state. In these cases, the Office may conduct post-move warranty inspections and intercede with the contractor on the client's behalf in addition to any remedy which the homeowner may seek under state law. Warranty inspection services will be extended to houses acquired in states outside of Arizona on a case by case basis as determined by the Executive Director if found to be cost effective and in the best interests of the Government and the Relocatee.

At its discretion, the Office may require a two year warranty on houses built by the tribal housing authority which are acquired by the Office for a relocatee, if the contract requires significant new construction to (remodeling) the unit.

Warranty under the Housing Repair Process If the Office determines that the client shall receive a replacement house under the Housing Repair Program, the construction shall be warranted according to the policies stated above. If the client's house is repaired and not replaced, the repairs shall be warranted for one year, according to the Federal Acquisition Regulations (FAR).

Termination of the Warranty Coverage Warranty coverage shall be in effect for the specified term as long as the house is owned by the relocatee. Coverage will cease if the owner sells or conveys the house to another person.

Warranty Agreement The Warranty Agreement shall be incorporated into the Relocation Contract by attaching the Agreement to the contract as an Exhibit thereto. At the time of contract signing, the contractor, relocatee, and the Office shall execute the Warranty Agreement.

To assure that warranty defects will be corrected, the Office will withhold a warranty deposit of $1,000.00 from the negotiated sales price for all new construction **on-reservation.** The Office may reduce

or waive the warranty deposit for additions to existing Navajo Housing Authority (NHA) houses; provided, however, the contract shall incorporate the Warranty Agreement.

If a contractor fails to correct warranty defects within a reasonable period of time as determined by the Construction Representative, the Office will utilize the warranty deposit to contract for the necessary repairs. If the cost of the repairs exceeds $1,000.00, the Office may bill the contractor for the excess, or may utilize other funds due the contractor through other new construction contracts to make the necessary corrections.

The Construction Representative will inform the Contracting Officer of the repairs needed, and the Officer will contract for the work according to Government procurement procedures.

A contractor who fails to reimburse the Office for the costs of repairs which exceed the sum of $1,000.00 may be excluded from future business with the Office until all monies due and owing the ONHIR by the contractor have been paid in full. The Office may pursue such legal action against the contractor as is available.

In the event there are no outstanding repairs to be made to the relocation house, any unused portion of the warranty deposit remaining will be refunded to the contractor at the end of the warranty period.

Corrective Action Against a Contractor

A contractor whose work results in an excessive number of warranty complaints regarding materials, workmanship, response time or other problems, may be excluded from future construction contracts to which the Office is a party. The Construction Representative may recommend barring contractors from future contracts based upon documented repeated instances of unsatisfactory performance. Any such recommendations will be considered by the Relocation Operations Branch Manager and Senior Management Officials on a case by case basis.

PROCEDURES

1561 Reporting Complaints During the Warranty Period

General The type of warranty and duration of the warranty coverage will be entered in the automated records at the time of the Final Inspection. The type and duration of warranty coverages are found in Code Table 98. They are:

N	=	New Construction, 2 year warranty
T	=	Remodel, 2 year warranty on additions to the house
S	=	Replacement house
H	=	Housing Repair warranty, 1 year
B	=	BIA Warranty, 1 year
X	=	No warranty

The client will be informed of the warranty program during pre-move advisement. The client will be instructed that problems with the house must be reported to the ONHIR as soon as they are observed, so that the problems can be inspected and corrective actions can be tracked.

Corrective actions will require a response by the contractor in accordance with the time frames established in these procedures. These time frames may be extended at the discretion of the Construction Representative on a case by case basis. If the contractor fails to take corrective action within the specified time period, the Office will initiate action to repair the warranty defects.

Emergency Situations The time periods established in the procedures below apply to actions required on the majority of warranty complaints. A problem which requires an immediate remedy will be considered an emergency situation. "Emergency Situations" are defined as those situations which present an immediate threat to the health or safety of the occupant(s) of the house; or if allowed to continue would result in serious, extensive damage to the house. Examples of such emergency situations include: plumbing leaks, broken water lines, interior gas line leaks, and electrical shorts. All emergency situations will be repaired in accordance with instructions issued by the Construction Representative who will establish a fixed time period within which the contractor must complete the necessary repairs to the relocation home.

The Relocation Specialists will inform clients during pre-move that all emergency situations must be reported to the ONHIR **immediately** at the time they are first observed. The client should also be instructed to take immediate action to correct the problem to prevent any further damage to the house. Any temporary repairs which are performed by the client to prevent additional damage to the house shall in no way relieve or ameliorate the responsibility of the contractor to make the necessary repairs.

If the client believes that the problem presents an eminent threat to the safety of the family (ie., fire or explosion) the client should move all the occupants from the house immediately and notify the local fire or police departments if appropriate.

1561.1 Receiving a Warranty Complaint.

1. The client may submit warranty complaints by telephone or by letter, or may discuss them with Relocation Staff during post-move field contacts. Complaints which are telephoned in by the client or discussed with an ONHIR representative in the field, will be recorded on the Warranty Complaint Form (Form MM#1560.1) by the ONHIR staff person who receives the complaint.

2. All Warranty Complaint forms, letter from the clients, and or documentation of telephone calls from clients concerning warranty problems must be routed to the Administrative Assistant by the ONHIR employee who receives the complaint.

3. The staff member who receives the complaint will ask the client to furnish as much detail as possible so that the problem(s) can receive a thorough preliminary evaluation by the Construction Representative. The complaint should include the following information:

- Does the problems constitute a health or safety hazard?
- Exactly where in the house is the problem located?
- What is the nature of the problems?

- Has the problem gotten worse over time?
- Is the problem affecting other areas in the home (for example, is a leaking pipe damaging flooring?)

1561.2 Actions of the Administrative Assistant

1. All complaints will be processed by the Administrative Assistant within one (1) day of receipt.

2. The Assistant will check the client's warranty record to make sure that the warranty is still in effect.

3. The Assistant will date stamp (or write the date received) on the warranty complaint and will perform the necessary data entry in the automated file.

4. The Assistant will prepare a manual file for the warranty complaint, place the the complaint in the file, and transfer the file to the Warranty Officer.

1561.3 Review by the Construction Representative

The Construction Representative will review the Complaint and will determine whether or not an inspection is appropriate.

Inspection not required The Construction Representative may be able to determine that the problem complained of is not covered by warranty and that no inspection is necessary. In such cases, the Representative will issue a letter to the client explaining the decision and informing the client that the problem is homeowner maintenance responsibility. The Administrative Assistant will then be directed to enter an "H"code in the "Type of Complaint" entry screen in the automated files.

Inspection is required. In the majority of instances, the ONHIR will conduct an inspection to determine if the complaints are covered by warranty. If the Construction Representative concludes that an inspection is necessary, the representative will direct the Administrative Assistant to schedule an appointment.

1561.4 Scheduling and Initial Inspection

Notification to Client The Administrative Assistant will telephone the client to schedule the inspection appointment approximately two weeks in advance. The client will be asked to call and reschedule if the date or time is inconvenient. A copy of the letter will be sent to the Contractor and a copy will be placed in the client file.

Warranty File The Administrative Assistant will enter the date of the scheduled inspection in the appointment notebook and will record it on the Construction Inspection Appointment Form to the Warranty Officer. The Representative will note the inspection date and time and insert the form into the client warranty file.

Automated Records The Administrative Assistant will enter an "I" Code in "Type of Complaint" and date of inspection in the scheduled inspection date.

1561.5 Initial Inspection

The Warranty Officer will inspect each item listed on the Complaint Form. If the client has additional complaints on the date of inspection those complaints will also be addressed by the Representative. The Representative will make a note of the fact that additional items have been inspected as well as those listed on the original complaint.

The Representative will make notes of his observations and will record the summary results of the inspection (pass, fail, or no-show by client) on the appointment form.

1561.6 Initial Inspection Report

Content and Time frame Within one week of the inspection the Construction representative will prepare a report listing the items which and are covered by the warranty, as well as those items which are homeowner responsibility.

Distribution A copy of the report will be mailed to the client and to the Contractor by certified mail, return receipt requested. A copy will also be placed in the client Warranty file.

Data Entry The Administrative Assistant will enter the results of the inspection in the automated file. If the result is "F" (failed) the type of warranty complaint will be changed to "W". If the inspection was conducted on a different date than originally scheduled, the date of the inspection will be updated. The Assistant will also enter the date of the Report (the date the Contractor was notified.)

1561.7 Corrective Action by Contractor

Items Needing Immediate Repair The Construction Representative will determine if there are items which need immediate repair. Repair to items which are considered minor repairs will be deferred until the end of the warranty period in anticipation that additional minor items will be reported prior to the end of the two year period.

As to repairs which require immediate attention, the Contractor shall have ten days (10) from the date of the report to Notify the Inspections and Compliance staff of the date by which he intends to make the repairs needing immediate attention. The repair date scheduled by the Contractor shall not exceed sixty (60) days from the date of his response, unless an extension of time is approved by the Construction Representative.

The Contractor will be instructed to notify the ONHIR when the repairs have been completed so that a Final Inspection can by conducted.

The Contractor's Response The Contractor's response may be by telephone or in writing. If the Contractor calls in, the response will be recorded by the Construction Representative. The original response will be routed to the Representative for review who in turn will place documentation of the response in the

warranty file. A copy will be forwarded to the Contractor as confirmation of the scheduled repair date and a copy will also by delivered to the client.

Data Entry The Administrative Assistant will enter the date of the intended repair in the automated files and an 'S" (scheduled) in the type of contractor response.

No Response by Contractor If the Contractor fails to notify the ONHIR within ten (10) days of the date by which he will make the repairs needing immediate attention, the Construction Representative will notify the Contractor that the Office will initiate action to hire another contractor to make the necessary repairs utilizing the $1,000.00 warranty holdback. The Administrative Assistant will enter an 'N' Code (no response) in the type of contractor response.

Repairs Completed When the Contractor notifies the Office that the repairs have been completed, the Administrative Assistant will record the information on the case log located in the warranty file. The secretary will enter the date of the Contractor's notification in the automated records. This date will supersede the earlier date of intended repairs. The Assistant will change the type of response from Code 'S' to Code 'C' (completed by contractor.) The Assistant will also alert the Construction Representative that an inspection should be scheduled.

Follow-up by Construction Representative. The Construction Representative will follow the same procedures in scheduling and conducting a final inspection as in scheduling and conducting an initial inspection. (See §s 1561.4 and 1561.5 above.)

If all items have passed inspection the Assistant will enter the result, Code 'P' and confirm the date of inspection in the automated file. If the warranty period has expired, the amount remaining from the warranty holdback will be refunded to the Contractor. (See §1563 below.)

In the event one or more items have failed the inspection, the Administrative Assistant will enter the result, Code 'F' in the automated file. The Inspection Report will direct the Contractor to notify the ONHIR within ten (10) days of the date by which he intends to correct the items. The Contractor will then have 30 days within which to correct the items which fail the final inspection.

If the second inspection fails, the Construction Representative will consult with the Relocation Operations Manager about the action to be taken. The Representative may initiate action to use the contractor's warranty holdback to make repairs; or may allow the contractor additional time to repair the items, if circumstances justify extension. The Construction Representative will inform the Contractor by Letter of the action which ONHIR will take.

1562 Notification to Client of Expiration of Warranty Period

Not less than 90 days before the expiration of the warranty period, the Administrative Assistant will issue a letter reminding the client of the date that the warranty expires and ask the client to notify the Inspections and Compliance staff of any problems which should be inspected prior to the expiration of the warranty coverage. This letter should must be sent certified mail, return receipt requested.

If the client submits a complaint in response to this notification, the standard procedures for scheduling and reporting an inspection will be followed.

1563 Releasing Warranty Holdback

The Construction Representative will prepare the voucher for the release of the $1,000.00 holdback (or the remaining amount thereof) after all the warranty repairs have been completed and have passed final inspection.

Note: The "Warranty of BIA Homes" section has been deleted from these procedures.

SECTION 1500 RELOCATION OPERATIONS

SUBJECT 1575 Home Maintenance Training Program

POLICY

The Office of Navajo and Hopi Indian Relocation will provide home maintenance training to clients after they have occupied their relocation house. The Home Maintenance Training Program will be administered by the Relocation Operations Branch (ROB). This training is intended to complement the Warranty Program by informing relocatees of homeowner responsibilities and providing them with basic instructions on monitoring and maintaining features of the new house.

PROCEDURES

1575.1 Pre-Contract Advisement

The Relocation Specialist will discuss with the client the ONHIR warranty coverage, homeowner's insurance, and homeowner maintenance responsibilities. The Specialist will advise the client that the ONHIR Home Maintenance Training Contact Person will conduct training with them after they have moved into the relocation house.

1575.2 Activities at Pre-Construction Conference

On the day of the client's Pre-Construction Conference the client will be shown a home maintenance training videotape which the ONHIR developed in both English and Navajo. The Construction Control Inspector will then be available to answer any questions the client may have about the tape or general questions the client may have concerning routine home maintenance. The Construction Control Inspector inform the client that after they have moved into their relocation home that the ONHIR Home Maintenance Training Contact Person will visit with them at their relocation home to conduct In-Home training and answer any specific questions they may have about their new home.

At the conclusion of the Pre-Construction Conference the Relocation Specialist will ask the client to sign a Home Maintenance Training Information Sheet **(Form MM#1575B)** which states that they have viewed the video and understand and agree that when they have occupied their relocation home they are expected to participate in the In-Home training to be conducted by the Home Maintenance Training Contact Person.

After the client has signed the Information Sheet, the Relocation Specialist will file the original in the client file and route a copy of the form to Relocation Operations Branch Administrative Assistant for data entry in compliance with §1575.36 of these procedures.

1575.3 In-Home Maintenance Training

1575.31 Scheduling Home Maintenance Training

The Relocation Operations Branch Administrative Assistant will run a copy of the report Home Maintenance Training Needed/Scheduled quarterly. This report groups clients with open cases according to relocation site, who have relocated but have not had home maintenance training. If the training has been scheduled but not yet held, the scheduled date is shown on the report. The report shows the date the client relocated and also provides the client's mailing address, age, education level, English fluency, original quarter quad location, Relocation Specialist, HPL code, and warranty complaint information.

The Relocation Operations Administrative Assistant will use this report to schedule field visits to conduct the In-Home training. Clients will be scheduled for training within three months of their move into their relocation home. Older clients with traditional lifestyles and limited English fluency will be prioritized over clients who have lived and worked off-reservation and are familiar with living in modern housing. The Assistant will inform the client that delays in electric or water connections can cause delays in scheduling the training.

The training will be scheduled two to three weeks in advance. The Home Maintenance Training Contract Person will spend three to four days per week in the field and will schedule all clients living in a particular area before moving on to the next area. If several family members have moved to an area, the Specialist may arrange a group training session.

The training sessions will be scheduled at 9:00 o'clock a.m and 1:00 o'clock p.m. with each session lasting two to three hours. This daily schedule may vary and should take into consideration the number of clients in an area, the likelihood of the client being home, and the anticipated length of time needed to conduct the training. The duration of the training session will vary according to the client's age, English fluency, prior knowledge of the subjects to be covered, and other factors.

The Relocation Operations Administrative Assistant will prepare a list of the clients to be scheduled and the date and time of the training. A letter will be sent or a telephone call made to the client informing them of the training schedule asking the client to call and reschedule the training if the date or time is inconvenient for them.

1575.32 Conducting the Training

The training will take place in the relocation home. The training will be conducted in either the Navajo or the English language as appropriate to the individual client. The Home Maintenance Training Contact Person will cover general maintenance subjects and answer any questions the client may have regarding their home using the features of the home to illustrate the instructions. The Contact Person will bring to the training session a Home Maintenance Book to be furnished to the client.

1575.33 Rescheduling the Training

The ONHIR is committed to a policy of assuring that all clients receive the In-Home maintenance

training in order that they may possess the necessary skills and knowledge of routine home maintenance to maintain their relocation home in good condition. Therefore, the In-Home maintenance training is considered mandatory. In furtherance of this goal the Home Maintenance Training Contact Person will make every continued effort possible to meet with the client and conduct the training.

If the client is not at home on the scheduled date and time of the training, and has not called to reschedule the training, the Home Maintenance Training Contact Person will make a note on his/her copy of the list of clients to reschedule the training at a later date (when he/she is again conducting field training in the same general location) and instruct the Relocation Operations Branch Administrative Assistant to notify the client of the new training date. The Home Maintenance Training Contact Person will make three (3) attempts to meet with the client and conduct the training in the relocation home. In the event the training has yet to be conducted, the client's name will be placed on a separate list of "Clients Awaiting Home Maintenance Training Unresponsive."

During the third or final attempt, the Home Maintenance Training Contact Person will leave the Home Maintenance Book with someone who is home. If there is no one home, the Contact Person will not leave the book and make a note that no book was left. The Relocation Specialist will make a final attempt to deliver the book during the Post-Move Visit. If the Relocation Specialist is unsuccessful, the book can be picked up by the client at the Relocation Office if they want a copy.

1575.4 Repeat Training

At the request of the client or at the recommendation of the Relocation Specialist, repeat training will be conducted for clients who are less familiar with the features of a modern home. At the conclusion of the first training session, the Home Maintenance Training Contact Person will make a note to reschedule such clients for a return training session. This follow-up training will be worked into the regular training schedule.

1575.35 Geographic Area Covered

Home maintenance training will be provided for all clients who move to the greater Navajo Reservation including the "New Lands," and adjacent border communities (the area most commonly referred to as the "Four Corners") as well as Arizona and New Mexico cities and towns, including Phoenix, Tucson, the White Mountain area, and Albuquerque.

Training it not generally provided for clients who have moved to other out-of-state communities. However, if the client requests the training, or at the recommendation of the Relocation Specialist, the Executive Director may authorize out-of-state travel for the Home Maintenance Training Contact Specialist to conduct training. The client must assure the ONHIR that he/she will be at home when the Contact Person arrives to conduct the training.

1575.36 Data Entry and File Documentation

The following codes will be utilized to update the client records in the automated file:

M	=	The client has viewed the video and been advised that the In-Home Maintenance Training will be conducted after relocation.
S	=	The In-Home Maintenance training has been scheduled.
Y	=	The In-Home Maintenance Training has been completed.

As set forth in MM#1575.2 of these procedures, at the conclusion of the Pre-Construction Conference the Relocation Specialist will route to the Relocation Operations Branch Administrative Assistant a copy of the Home Maintenance Training Information Sheet which was signed by the client at the conference. The Administrative Assistant will update the client record in the automated files by entering an "M" in the automated file.

When training is scheduled and the client is sent a letter about the date/time, the Administrative Assistant will enter the "S" code and the date the training will be held. This date may be changed if the training is rescheduled.

Upon returning from the field, The Home Maintenance Training Contact Person will give the Relocation Operations Branch Administrative Assistant **(Form MM#1575C)** Home Maintenance Training Checklist, reflecting the results of the field activity: training held, training rescheduled, or client(s) not at home. The Administrative Assistant will enter the "Y" (training held) code for training which was successfully completed in the automated records and will change the date in the record if applicable. After completion of the data entry the Administrative Assistant will then route the Home Maintenance Training Checklist to the File Room to be filed in the client's main casefile.

1575.37 Program Reports

The Home Maintenance Training Contact Person will prepare a monthly and quarterly status report on the training program. The programmed reports which are available from the electronic files are:

Home Maintenance Training Needed/Scheduled

Closed Cases with no HMT code.

Completed Home Maintenance Training

SECTION 1600 RELOCATION OPERATIONS - HOUSING ACQUISITION

SUBJECT 1610 IMPROVEMENTS LOCATED ON THE PARTITIONED LANDS

AUTHORITY: P.L. 93-531, as amended; 25 CFR 700 Subpart B.

POLICY: In the process of implementing the requirements of P.L. 93-531, the Office of Navajo and Hopi Indian Relocation has defined the following policies regarding appraisal and acquisition of improvements owned by individuals required to relocate pursuant to the Act.

1. APPRAISAL OF IMPROVEMENTS.

Public Law 93-531 directed the ONHIR to enumerate the habitation(s) and improvements owned by households required to relocate pursuant to the Act, to determine the fair market value of such habitations and improvements, and to pay the head of household this amount plus any additional sum required to purchase decent, safe and sanitary replacement dwellings, subject to the maximum amount specified in the Law.

Pursuant to this mandate, the ONHIR initiated a comprehensive enumeration and appraisal of all Navajo-owned properties located on the HPL and Hopi-owned properties located on the NPL. The majority of properties were identified and appraised in 1977 and 1978. Some properties which were identified could not be appraised due to the owner's refusal to allow examination by appraisers.

As additional properties are identified, or as reappraisal is required, the ONHIR shall conduct appraisal as set forth in these procedures.

2. PAYMENT TO HEADS OF HOUSEHOLD.

Prior to 10/18/86 the ONHIR added the fair market value of any improvements owned by the head of household to the housing benefit authorized by law and regulation. Effective 10/18/86, the date of passage of the FY-87 Appropriations Act (P.L. 99-500), the ONHIR was instructed to calculate housing benefits according to the method described in the Opinion issued by the Solicitor, Department of Interior, dated August 25, 1986. This calculation provides that the value of improvements owned by the relocatee will be applied first toward the cost of a replacement dwelling. To this will be added an amount necessary to acquire a safe, decent and sanitary dwelling; the total will not exceed the maximum amount established pursuant to 25 U.S.C. 640d-14(b)(2). If a relocatee has an appraisal that exceeds the current amount of replacement home benefits to which he is entitled, the appraisal amount will become the benefit entitlement.

A client who had received by 10/18/86 a Notice of Determination of Value of Improvements and a Notice of Benefit Determination authorizing appraisal payment in addition to housing benefit will not be affected by this change in policy, even if the Relocation Contract is signed after the effective date of the policy. Such clients may elect to receive either housing benefit plus appraisal, or housing benefit plus infrastructure (see MM#1770), whichever amount is greater. Clients in this circumstance shall not be entitled to both appraisal and infrastructure.

3. CASH PAYMENTS.

Cash payment for improvements may be issued in the following specific circumstances.

1. Payment to Estates. Cash payment for improvements may be issued to the estate of a deceased certified head of household with no household remaining to be relocated, upon receipt of a Court Order of Distribution issued by a court of competent jurisdiction. See Management Manual Vol. 4, Payments to Estates, MM#1790.

2. Payment to Denied Applicants. Cash payment for improvements may be issued to denied applicants, pursuant to 25 CFR 700.127. See Management Manual Vol. 3, MM#1625, immediately following this section.

3. Payment to Certified Applicants Who Own a Decent, Safe and Sanitary House. A client certified for relocation who owns a decent, safe and sanitary house at the time of eligibility determination and thus is not eligible to receive a replacement house, pursuant to 25 CFR 700.187, shall receive a cash payment for any improvements owned on the land partitioned to the Tribe of which they are not a member.

4. PURCHASE OF IMPROVEMENTS BY THE OFFICE OF RELOCATION.

No later than the date of contract signing a relocatee who owns improvements on the partitioned lands according to ONHIR appraisal records must decide whether to apply their value to the housing benefit or retain and remove them. The client shall transfer all improvements not retained to the ONHIR by means of a Quit Claim Deed when the Relocation Contract is signed. "ONHIR appraisal records" means the appraisal files developed by the ONHIR in 1977 and 1978, as subsequently updated by ONHIR staff field work and by property transfers between clients prior to 5/12/87. The ONHIR will not process nor accept quit claim deeds to individuals executed by the owner and/or received by ONHIR after 5/12/87.

The ONHIR will review cases of property transferred between 8/25/86 and 5/12/87 where the total amount of appraisal exceeds the client's benefit entitlement. The ONHIR shall determine if the property transfer was accomplished in accordance with the spirit and intent of P.L. 93-531. The ONHIR shall disallow cash payment for appraisals exceeding benefit entitlement if it is determined that property transfer was contrary to the intent of P.L. 93-531.

5. PROPERTIES CONSTRUCTED WITH GOVERNMENT MONIES.

Improvements appraised by the ONHIR which were constructed on a client's traditional use land with tribal, State, or Federal funds will not be purchased by the ONHIR. Such improvements are typically range improvements such as wells, dams, dikes, ditches, spring improvements, and fence lines. The ONHIR also will not purchase improvements built as community facilities, such as the Coal Mine Chapter house and community livestock dipping, corral and hauling impoundment areas.

6. ILLEGAL CONSTRUCTION.

Pursuant to Legal Opinion 79-26, the ONHIR will acquire improvements built on the HPL since 1972 which a client claims as part of his/her appraisal. Compensation for the improvements will be incorporated into the housing benefit in the same manner as other properties claimed by the client.

7. DISTRICT VI PROPERTIES.

Pursuant to P.L. 93-531, as amended by P.L. 96-305, the ONHIR shall not purchase improvements located in District VI.

8. TRANSFER OF PROPERTY TO THE TRIBE EXERCISING JURISDICTION.

The ONHIR will offer acquired properties to the tribe exercising jurisdiction over the area from which the relocatee is moving (25 CFR 700.125). Properties owned by Navajos who are relocated from the HPL will be offered to the Hopi Tribe when the client relocates to the replacement dwelling. Properties owned by Hopis who are relocated from the NPL will be transferred to the Navajo Tribe upon relocation of the last Hopi to own property.

PROCEDURES:

BACKGROUND. The Bureau of Indian Affairs was involved in the initial appraisal program. BIA appraiser Wendall Thomas developed the Appraisal Handbook which was adopted for use by the ONHIR, then the Relocation Commission. The Appraisal Handbook is referenced in these procedures and is available in the Relocation Operations Branch. In addition to developing the appraisal system, BIA appraisers conducted preliminary enumeration and appraisal of some of the improvements on the partitioned lands. These individual ownership records were incorporated into the appraisal files subsequently developed by ONHIR.

Systematic appraisal of improvements located on the partitioned lands was undertaken in 1977 by field staff of the ONHIR. Staff were sent to all camps of Navajos living on the HPL, and to residences of Hopis living on the NPL. Geographic locations of the camps were identified by the system of quarter-quad locations developed by the BIA during the JUA enumeration 1n 1975-76.

Because the dwellings and other improvements were constructed, occupied and used according to tribal custom and no documentation regarding ownership existed, record of ownership was based on self-identification. The head of household and spouse living at the residence were asked to identify the improvements which they owned, and they were listed as the property owners on the appraisal records. Procedures relating to the posting of improvements (see subsection MM#1616.2) provided for settlement of counterclaims, in the event of dispute over ownership.

This section of the Management Manual includes background information on the appraisal program in order to explain the program's operations. While the basic program activities have remained the same since the inception of the program, procedural details have changed. This section is a revision of procedures adopted by the Branch of Housing and Land Development in 1983-1984. Copies of these earlier procedures are available for reference in the ONHIR Archives. The Relocation Operations Branch has operating responsibility for the administration of these procedures.

For instruction purposes, these procedures are worded in terms of the acquisition of Navajo improvements located on the HPL. Acquisition of Hopi improvements on the NPL, which have been largely completed as of the date of approval of these procedures, are equivalent unless otherwise noted.

1611. IDENTIFYING, DESCRIBING AND EVALUATING IMPROVEMENTS LOCATED ON THE PARTITIONED LANDS.

GENERAL. Historic appraisal activity was conducted by the ONHIR in 1977-78 in accordance with the procedures described below. New appraisal/reappraisal activity follows these procedures with minor variations as described subsequently in this section.

1. Identification of Improvements. Improvements which needed to be appraised were identified primarily by (1) requests from potential relocatees, (2) field interviews and questionnaires filled out on

potential relocatees, and (3) information compiled by the BIA in the form of the JUA roster.

2. Request for Appraisal. When an improvement was identified, an Appraisal Request form, signed by an agency management official, was filled out and submitted to the Appraisal Office. The Request stated the owner's name, census number, social security number and mailing address; and the quarter-quad location (QQL) and chapter. This form is no longer used; see subsection MM#1614.

3. Field Record. The ONHIR Appraiser sent teams of two staff members into the field to record and describe the improvements. Each separately identifiable improvement was numbered and described. Two types of field sheets were used:

a. Residential Field Sheet. Dwellings were recorded on Residential Field Sheets (an example of this form can be found in the Appraisal Handbook). Two types of dwellings were identified: hogans and conventional dwellings.

b. Miscellaneous Improvements. After all dwellings had been numbered in sequence and described, the field staff recorded other types of improvements (ie. ramadas, corrals, sweathouses, clotheslines, trees, fields) on the Miscellaneous Improvements Sheet (an example of this form can be found in the Appraisal Handbook). Miscellaneous improvements were numbered in sequence and listed three to a sheet, with a brief description of each.

c. Photographs. A photograph was taken of each improvement. The photograph was labeled with the number assigned to the improvement, and the date taken.

d. Sketch. The team drew a sketch of the principal camp improvements, showing rough dimensions of the principal improvements and relative distances between them.

4. Government-Built Improvements. Field records were prepared for improvements which appeared to have been built by Federal, State, or tribal agencies.

5. Refused Appraisals. No field records were prepared on improvements in cases where the homesite occupant refused to allow the field team to conduct an appraisal.

1611.1 Evaluation Criteria.

1. Appraisal Values. Appraisal values are assigned to improvements according to the appraisal system contained in the Appraisal Handbook. All improvements, whether appraised during the initial appraisal program or later, will be assigned a dollar value calculated at the fair market value in effect in 1977. This includes improvements which have been built since 1977. Only improvements as described in the Appraisal Handbook will be appraised. No land value will be considered in the appraisal.

2. Original/Historic Value. The system for valuing improvements took into consideration the age and condition of the improvement as of 1977, depreciated in accordance with the formula set forth in the Appraisal Handbook. The resulting value is referred to as the "historic value" or "original value" in agency records.

3. Improvements Which Deteriorate Prior to Client Relocation. The client's appraisal record will be reviewed prior to execution of the relocation contract. Improvements which were identified and appraised during the initial appraisal but which no longer exist (due to vandalism, deterioration, etc.) will continue to be listed in the inventory of improvements, with their historic value.

4. Marshall & Swift/Boeckh Cost Modifier. At the time the relocation contract is prepared, the historic appraisal value will be automatically updated by the current percentage of the Boeckh cost modifier to provide the client with the fair market value at the time the property is acquired by the ONHIR.

a. Denied Clients. In cases of request for payment of improvements to denied clients, the Boeckh cost modifier in effect on the date of initial denial will be applied to the historic appraisal value to determine the fair market value of the improvements to be paid a denied client pursuant to MM#1625.

b. Deceased Clients. In cases of payment to estates, the Boeckh cost modifier in effect on the date of the client's death will be applied to the historic appraisal value to determine the fair market value of the improvements to be paid an estate pursuant to MM#1790.

c. Closed/Not Relocated. In cases of clients requiring special handling, the Boeckh cost modifier in effect on the date of the Executive Director's (formerly the Commissioner's) decision to close the case will be applied to the historic appraisal value to determine the fair market value of the improvements owned by a certified client who is not able to receive a replacement home pursuant to MM#1746. Payment for appraisal in these cases shall be issued as determined by the Commissioner.

1612. CREATION OF APPRAISAL RECORDS.

GENERAL. Manual file records were created when the improvements were enumerated and appraised. Information from the manual files was incorporated into the agency's automated records system in 1987. The manual appraisal files are maintained as separate files within the Relocation Operations Branch until the improvements are transferred to the tribe exercising jurisdiction. At this time the files are transferred to the data room and filed with the client casefile.

1612.1 Manual Files.

1. Envelope Files. The original materials were filed in envelopes which were labelled with the following information:

a. Appraisal number. This was a hyphenated five digit number which started with the last two digits of the year in which the appraisal was conducted (ie. 77) followed by the sequential number of the appraisal (ie. 001)

b. Owner's name.

c. Owner's relocation casefile number.

d. Quarter quad location.

e. Chapter in which the improvement was located.

f. Names of the appraisers.

g. Date the appraisal was performed.

2. Envelope Contents. The following information was placed in the envelope files:

a. Copy of the request for appraisal.

b. Any available computer printouts listing improvements appraised by the BIA.

c. Field sheets and photographs of all identified improvements, with the value of each improvement according to the fair market value in 1977.

d. Sketch of the homesite.

e. Appraisal summary listing all improvements and their values.

3. Subsequent Documentation. Additional documentation collected during case processing which related specifically to the improvements was added to the file. Such documentation included:

a. Affidavit of Ownership.

b. Notice of Intent to Purchase Improvements.

c. Affidavit of Publication.

d. Notice of Determination of Value.

e. Quit Claim Deed to ONHIR.

f. Quit Claim Bill of Sale to Hopi Tribe.

g. Incidental documents, such as quit claims of improvements to the client by other family members, correspondence. **Form MM#1610.3,** Owner Retention of Improvements.

4. More Than One Owner. Due to instances where the original owner quit claimed items to other family members, usually children, many appraisal files have more than one owner. In these cases, the names of all owners should appear on the appraisal file. The automated records and the rolodex file should cross-reference the multiple ownership.

5. Government Properties. Improvements which appeared to have been built with Federal, State, or tribal funds, such as range improvements and community facilities, were appraised by field staff. As a general rule, records of improvements located within a client's traditional use area were filed with the client appraisal record for reference purposes; while records of improvements located in a common area, such as the Coal Mine Chapter house/community service facilities were filed in separate folders.

6. Refused Appraisals. In a minority of cases, the residents refused to allow ONHIR staff to conduct an appraisal. In these instances, an envelope was prepared with the information listed in #1 above, but no field records were prepared.

7. Transfer to File Folders. As of the date of these procedures, documents contained in the appraisal envelopes will be transferred to hard cover file folders for transfer to the data room when activity on the appraisal has concluded (at the time of turnover to the tribe exercising jurisdiction). The

folders will be labelled with the appraisal number, client name, and casefile number.

8. Rolodex File. Information from the appraisal files was recorded on rolodex cards which were filed in alphabetical order by owner name. The information listed in a. above was recorded on the cards, along with notes of activity relating to acquisition of the improvements.

1612.2 Automated Files.

GENERAL. The automated computer file was created in 1987 to record the most frequently needed information in the manual records. Information in the automated files will be updated by the Relocation Operations Branch Manager or the Administrative Assistant as necessary, as action is taken in the course of program operations.

The following information is recorded in the automated files, and accessed by the client casefile number:

a. appraisal number.

b. QQL

c. location of the QQL (NPL, HPL, or District 6).

d. historic (1977) value of the improvement.

e. date the appraisal payment was obligated.

f. type of obligation (code table 34).

g. actual (date of obligation) value of the improvement.

h. date of turnover to the tribe exercising jurisdiction.

i. type of turnover.

j. comments.

1613. REQUESTING A NEW APPRAISAL OR RE-APPRAISAL.

GENERAL. As of the date of these procedures, the majority of improvements on the partitioned lands have been appraised, and follow-up posting and advertising procedures have been accomplished. However, the client's appraisal file will be reviewed during case processing to assure that it is complete. If a specialist learns that improvements owned by a client have not been appraised, the specialist will initiate a request for appraisal. (For detailed instructions regarding appraisal file review during case processing, see Subsection MM#1617.)

1. Request for Appraisal. A request for an appraisal of HPL improvements may be initiated by the specialist when the client's case is being processed by Eligibility/Appeals or Relocation Operations. If the request is from Eligibility/Appeals it should be in the form of a memo to the Relocation Operations Branch Manager. The memo should provide the following information:

- the name, address, and casefile number of the client.
- the QQL of the improvement(s) requiring appraisal.
- the approximate number and types of improvements which need to be appraised.
- appraisal file number, if the client already has an appraisal record.
- the best way to contact the client.

2. Refer Client to Relocation Operations. If the client is in the office when the Eligibility/Appeals staff member or specialist learns of the need for an appraisal, the client will be referred to Relocation Operations so that a specialist may be assigned to the case and can make an appointment with the client to meet him or her at the HPL homesite.

3. Improvements to be Appraised. The request may be for appraisal of all improvements owned by the client, if the client has no appraisal record or it may be for appraisal of miscellaneous improvements which the client failed to identify when the original appraisal was conducted.

1614. CONDUCTING AN APPRAISAL.

GENERAL. Upon receipt of a request for appraisal, the Relocation Operations Branch Manager will assign the job to a Relocation Specialist.

1. Appointment to Conduct Appraisal. If the client is in the office, the Relocation Specialist will make an appointment to meet him or her at the homesite. The Specialist will ask for directions to the homesite, and the types of improvements which need to be appraised.

If the client is not in the office, the Specialist will attempt to reach the client by phone, or will issue a letter to the client, setting an appointment to meet the client at the homesite. The letter will request the client to phone and reschedule the appointment if the date and time is inconvenient.

2. Appraisal Record. If the client already has an appraisal record, the Specialist will familiarize him/herself with the contents. If the client does not have an appraisal record, the Specialist will instruct the Administrative Assistant to assign the next sequential number and prepare a file folder and rolodex card for the records.

3. Field Appraisal. When he/she arrives at the homesite, the Specialist will ask the client to point out all improvements to be appraised. The Specialist will perform the following actions:

a. record the improvements on the appropriate field sheet (Residential Field Sheet or Miscellaneous Improvements).

b. photograph each improvement recorded.

c. prepare a sketch of the homesite showing the approximate dimensions of each improvement and its relationship to other improvements.

d. the Specialist may obtain an Affidavit of Ownership (or an amended Affidavit) and post the property while still at the homesite.

4. Value of the Improvements. Upon return to the office, the Specialist will calculate the 1977 Fair Market Value of each of the improvement(s) and enter the values on the field sheets.

5. Appraisal Summary. The Relocation Specialist will route the appraisal information to the Administrative Assistant, who will file the documents in the client's appraisal record. The assistant will prepare an appraisal summary, which is a list of all of the client's improvements with their historic value and total. The summary is headed with the client's name, appraisal file number, and casefile number. The appraisal summary is kept in the appraisal file for reference.

6. Manual Record. If the client had no previous appraisal record, the assistant will assign the next sequential appraisal number and prepare a manual file.

If the client already has an appraisal record, the information will be filed in the manual appraisal file. The earlier appraisal summary sheet and Affidavit of Ownership will be voided, and new forms inserted in the file.

7. Data Entry. The Administrative Assistant will perform the following data entry.

a. New Appraisal. The assistant will create a new appraisal record in the automated files and will enter all information collected to this point in time.

d. Addition to Existing Appraisal Record. The assistant will increase the amount of the historic improvement value by the amount of the added item(s). No other data entry is required for added items.

1615. AFFIDAVIT OF OWNERSHIP.

The Affidavit of Ownership, **Form MM#1610.1**, will be obtained from the client at the earliest practicable time. As of the date of these procedures, the majority of appraisal files contain Affidavits of Ownership.

1. Preparation of Affidavit. The Administrative Assistant will prepare the Affidavit of Ownership from the appraisal summary. The Affidavit will list the client's improvements in sequential order, without the monetary value. The client will be requested to sign the Affidavit in the presence of a notary.

a. Signature Obtained in Office. If the client is present in the Office and identifies improvements which need to be appraised, the Affidavit may be prepared before the appraisal is performed based upon the client's description of the improvements. The client will be requested to sign the Affidavit while he/she is in the office.

b. Signature Obtained in Field. The Relocation Specialist may obtain the client's signature on the Affidavit at the time the Specialist travels to the homesite to perform the appraisal. In this case the Specialist must be a notary.

c. Affidavit Mailed to Client. If the Affidavit is prepared after all office interviews and field work have concluded, the Affidavit will be mailed to the client to sign and return. The assistant will mail the form to the client with a cover letter instructing the client to sign the Affidavit in front of a notary and have the Affidavit notarized. The assistant will enclose a pre-paid, addressed envelope for the client to return the Affidavit.

1616. ISSUING THE NOTICE OF INTENT TO ACQUIRE IMPROVEMENTS AND POSTING THE PROPERTY.

GENERAL. After the Affidavit of Ownership is obtained, the ONHIR will publish a Notice of Intent to Purchase Improvements, and will post the property. This is done in order to issue public notice of the Government's intended action, and allow counter-claimants to the property to come forward to assert their claim.

1616.1 Posting and Publishing.

Posting and publishing activities have been completed for the majority of improvements which were appraised during the initial appraisal program. In the event that a new appraisal is conducted, or review of the appraisal record reveals that notice and posting have not yet been accomplished, the following actions will be performed.

1. Preparation of the Notice of Intent to Purchase Improvements, MM#1610.2. The Relocation Specialist will prepare the Notice of Intent to Purchase Improvements. The Notice of Intent to Purchase must list all improvements the client is claiming, whether or not all the improvements have been appraised. The Notice of Intent to Purchase will be signed by the Relocation Operations Manager or his/her representative. The Notice will state:

- description of the improvements.
- the location of the improvements (QQL and chapter).
- that the Office of Relocation intends to purchase the improvements described.
- names of the persons claiming the improvements.
- that anyone else asserting a claim to the improvements must file a claim within the Office of Relocation within thirty (30) days of the date the Notice of Intent is posted.

2. Publishing the Notice. The ONHIR will publish the Notice of Intent to Purchase in the following newspapers: * Arizona Daily Sun * The Navajo Times * The Holbrook Tribune.

3. Action of the Administrative Assistant. The assistant will send a copy of the Notice of Intent to these newspapers, with a cover letter requesting that the Notice be published. The assistant will request that the newspaper provide the ONHIR with Proof of Publication and a tear sheet of the legal notice.

4. Posting the Improvements. The Specialist will travel to the field to post the Notice of Intent to Purchase Improvements. This action constitutes preliminary acquisition notice to the client. Arrangements should be made in advance for the client to meet the Specialist at the homesite. The Specialist will sign and date each copy of the Notice and will post copies at the following locations:

- the dwelling or principal improvement at the homesite.
- the bulletin board of the chapter house.
- the bulletin board of the nearest trading post.
- other locations which the Specialist deems appropriate.

5. Posting at the Time of Appraisal. The improvements may be posted at the same time the appraisal or reappraisal is conducted, if the ONHIR has obtained an Affidavit of Ownership from the owner.

6. File Document. The Specialist will give a signed and dated copy of the Notice of Intent to Purchase to the Administrative Assistant to be filed in the appraisal file.

1616.2 Resolution of Ownership Disputes.

GENERAL. Individuals asserting a counterclaim to the property are allowed thirty (30) days from the date of publication of the Notice of Intent to Purchase to file a counterclaim. Historically, the ONHIR has received few counterclaims and they have subsequently been settled between the disputing parties without recourse to higher authority. In the event of a dispute, the following procedures will apply:

1. Counterclaims. Counterclaims must be submitted in writing by the claimant and must set forth factual statements indicating the basis of the claim. Any relevant documentation possessed by the claimant must be submitted with the claim.

2. Action of Relocation Operations Branch Manager. The Manager will review the claim and will notify the owner of record that there is a dispute regarding ownership, and the identity of the person submitting the counterclaim. The Manager will instruct the client to come to an agreement with the other claimant and inform ONHIR of the decision. The client will be informed that their relocation will not be processed until an agreement is reached.

3. Resort to Court of Competent Jurisdiction. In the event that the claimants cannot reach agreement, they may submit the dispute to a court of competent jurisdiction or seek other resolution sanctioned by Navajo Tribal Code.

1617. REVIEW OF APPRAISAL RECORD DURING CASE PROCESSING.

The issue of client ownership of improvements on the partitioned lands will be covered by case workers in the Eligibility/Appeals and Relocation Operations branches during client case processing.

1617.1 Review at the Time of Eligibility Determination.

1. Newly Certified Clients. While reviewing documentation pertaining to eligibility, the Eligibility/Appeals Specialist will determine if the applicant is currently an HPL resident and/or owns property on the HPL. The Eligibility/Appeals Specialist will check the appraisal files to see if the applicant already has an appraisal record. If the applicant does not have an appraisal record but owns property on the HPL, and is determined to be eligible for relocation assistance, the Eligibility/Appeals Specialist will issue a memorandum to the Relocation Operations Branch Manager, requesting that an appraisal be conducted. The request for appraisal will contain the information set forth in section MM#1613.

At the time of the approval of these procedures, clients who may be determined eligible for benefits include: (1) people who failed to apply for relocation assistance by 7/7/86 but who meet the eligibility requirements of 25 CFR 700.138; (2) divorced spouses, pursuant to Management Manual Sec. 1220; and (3) denied clients whose denial has been reversed through the ONHIR appeals system.

1617.2 File Review During Counseling.

1. Check of Appraisal Records by Specialist. The Specialist will determine from the automated records whether or not the client has an appraisal file. The Specialist will also ask the client if they own improvements on the partitioned lands. If the client is an HPL resident but states that they do not own the improvements they occupy on the HPL, the Specialist will ask about ownership and will record the information on the Case Narrative.

2. Review of Appraisal File. If the client owns improvements and has an appraisal file, the Specialist will check out the file from the Relocation Operations Branch and will review the file contents with the client. The Specialist will assure that the file is complete; all improvements owned by the client have been appraised and all required documentation is in the file.

3. Appraisal Needed. If the client owns improvements on the partitioned lands but has no appraisal record, or there are additional improvements which need to be appraised, the Specialist will request an appraisal according to MM#1613.

4. Documentation Needed. The Specialist will check that the appraisal file contains the (1) Affidavit of Ownership and (2) Notice of Intent to Purchase Improvements. If either of these documents is missing, the Specialist will refer the client to the Relocation Operations Branch before they leave the office.

a. Affidavit of Ownership. If the client has not yet signed an Affidavit, the Relocation Operations Administrative Assistant will prepare an Affidavit for the client to sign in the presence of a staff member who is a notary.

b. Notice of Intent to Purchase Improvements. If the improvements have not yet been posted with a Notice of Intent to Purchase Improvements, a Relocation Specialist will be assigned to the case. The Specialist will make an appointment with the client for a field visit to the homesite. The Specialist will also assure that the improvements are advertised according to MM#1616.1 of these procedures.

5. Advice by Specialists. During the discussion about the appraisal file, the Specialist will explain the ONHIR's policies regarding the HPL improvements which the client owns. The client will be informed that they may retain any or all of the improvements, provided they move them from the HPL homesite. (NOTE: the client may only retain improvements which can be moved. The client may not retain land improvements such as cornfields and earthen dams). If they do not choose to retain the improvements, they must execute a Quit Claim Deed to the ONHIR at the time they sign the relocation contract. The Specialist will inform the client that all improvements owned by the client will be turned over to the Hopi Tribe for removal thirty (30) days after the date of final inspection, which is the date that the client takes possession of the relocation house. Any improvements which the client has retained but has failed to remove will be subject to removal by the Hopi Tribe.

6. Owner Retention of Improvements. If the client wants to retain one or more improvements, the Specialist will list the improvements by improvement number and description on **Form MM#1610.3**. The Specialist will route the original to the file room for the client casefile, and will place a copy in the appraisal file.

1617.3 File Review During Housing.

1. Initial Interview. At the time of the initial interview the Specialist will once again ask the client if he/she owns improvements on the HPL, and ask the client to verify that the list of improvements on the Appraisal Summary and Affidavit of Ownership is complete and correct. The Specialist will do the following.

a. Verification That All Improvements Have Been Appraised. If the client claims improvements which have not been appraised, the Specialist will schedule a field trip to conduct the appraisal prior to scheduling the contract signing (see previous sections MM#1613 and MM#1614).

b. Completion of File Documentation. The Specialist will obtain the client's signature on documents which the Administrative Assistant has identified as needed; or, if the Specialist learns that new appraisal/reappraisal is needed, he/she will assure that associated documentation is completed. The specialist will initial **Optional Form MM#1610.6** to show that action has been completed.

c. Owner Retention of Improvements. The Specialist will ask the client whether or not they want to retain any of the improvements. If the client wants to retain one or more improvement(s), but did not previously complete a Owner Retention of Improvements form, the Specialist will obtain a signed Owner Retention of Improvements form. The original will be held in the mini-file to be attached to the Relocation Contract. A copy of the owner retention form will be placed in the appraisal file.

2. Notice of Benefit Determination. **Cross reference MM#1710 and MM#1640**. The Specialist will incorporate the amount of appraisal to be applied to the housing benefit into the Notice of Determination of Value. The client will have thirty (30) days to appeal the appraisal amount if they disagree with it. The Notice of Benefit Determination may be reissued prior to contract signing if there is a change in the value of the appraisal.

3. Quit Claim Deed. Prior to the pre-construction conference, the Specialist will draft a Quit Claim Deed, **Form MM#1610.4**, for the Administrative Assistant to type for the client's signature. The Specialist will enter the following information on the Deed.

- Quarter Quad location of the client's primary homesite. This information is obtained from the automated Client Master File inquiry.
- legal description of the quarter quad location. This information is obtained by checking the USGS topographic maps.
- if the client is quit claiming one or more improvements to the ONHIR, the items will be listed on the Deed.
- client(s) name beneath the signature line.

4. Executing the Deed. When the client comes to the office for contract signing, the Specialist will obtain their signature on the Quit Claim Deed, the assistant will type the date onto the Deed. The Deed will be notarized.

5. Relocation Contract. The following information about the client(s) appraisal will be incorporated into the relocation contract: amount to be applied to the housing benefit; QQL; and legal description of homesite quit claimed to ONHIR. If the client is retaining one or more of the improvements, the contract will state this fact, and will incorporate the requirement that the client will remove the improvements at their own expense. The client will agree through the contract as well as on the Owner Retention of Improvements form that any improvements not removed within thirty (30) days after the date of final inspection will be considered ONHIR property and will be transferred to the Hopi Tribe for removal. The original Quit Claim Deed with the Owner Retention of Improvements form, will be attached to the contract and filed in the client casefile. Copies of the quit claim deed and the owner retention form will be placed in the appraisal file.

6. Data Entry. The Relocation Operations Branch Manager will enter the date of contract signing in the automated file. Entry of this date automatically updates the date of obligation of the appraisal amount and code (type) of obligation. The automated system will compute and enter the actual improvement value, as updated by the Boeckh cost modifier, for all cases with a date of obligation and "B" (benefit) obligation code.

7. Data Entry for Cash Payment for Appraisals and Other Types of Appraisal Actions. In cases of cash payments to estates or to denied clients, or other cases of appraisal disposition which require special action, the Manager will access the automated appraisal file to perform the following entries.

a. Date of Obligation. The Manager will enter the date of obligation of payment. This is the date that the ONHIR receives the properly executed (1) request for payment and the (2) Quit Claim to the ONHIR.

b. Code of Obligation. The Manager will enter the code of obligation: 'C' for cash payments, 'N' for no payment, or 'O' for other.

c. Actual Improvement Value. The Manager will manually calculate the amount to be paid based upon the Boeckh cost modifier for estate payments or payments to denied clients, and will enter this amount.

d. Appraisal Comment. The Manager will enter a brief explanation about the type of payment or other action.

1618. PROPERTY DISPOSAL.

GENERAL. Pursuant to the terms of the contract between ONHIR and the Hopi Tribe, HPL improvements acquired by the ONHIR will be turned over to the Tribe's Office of Hopi Lands for assessment and removal.

1. Quit Claim to ONHIR. The Quit Claim Deed relinquishes ownership of the improvements to the ONHIR. The ONHIR will retain ownership of the property for thirty (30) days following the date of final inspection, which is the date the client takes possession of the relocation house. The thirty (30) day period will be utilized by the client to remove personal property, including any retained improvements, from the HPL homesite.

2. Notification to Hopi Tribe at the Time of Contract Signing. The Relocation Operations Branch Manager will notify the Hopi Tribe when a client who owns property on the HPL signs the relocation contract. The notification will be issued within three days of contract signing, and will inform the Tribe of the client's name, ONHIR casefile number, appraisal number, quarter quad location of the property, and projected date for completion of house construction (see sample letter MM#1610.6)

3. Quit Claim to the Hopi Tribe. No less frequently than the beginning of each month, the Administrative Assistant will run the computer report entitled Appraisals Needing to be Turned Over to Hopi. The assistant will check that thirty (30) days have passed since the date relocated and will prepare the following documents to send to the Hopi Tribe:

a. Quit Claim Deed for Each Appraisal. The assistant will prepare a Quit Claim Deed, **Form MM#1610.5**, listing all improvements owned by the client. If the client has retained any of the improvements, these will be marked with an asterisk. When ready, the Quit Claim Deed will be signed by the Relocation Operations Branch Manager and notarized.

b. Owner Retention of Improvement Forms. The Administrative Assistant will make a copy of the Owner Retention of Improvements form (if one or more improvements have been retained) and attach it to the Quit Claim Deed.

c. Photographs of the Improvements. The assistant will make a copy of the photographs of the improvements which are in the appraisal file. The sheets of original photographs will be attached

to the Quit Claim Deed. The copies will be placed in the appraisal file; they may be discarded when the Hopi Tribe returns the original photographs.

d. Cover Letter. The assistant will prepare a cover letter to the Director of Hopi Lands for the Relocation Operations Branch Manager's signature, to accompany the documents being forwarded to the Hopi Tribe. The letter will list the appraisals being turned over, by appraisal number. The letter will request the OHL Director to sign and return the original Quit Claim Deed, and return the photographs when the Tribe finishes recording the information they need.

4. Cases Where There is More Than One Owner. In many instances there is more than one owner of the various improvements. This usually occurred when the original owners quit claimed one or more items to their children. Usually the quit claimed properties fall into the category of miscellaneous improvements - corrals, outbuildings, etc. Occasionally dwellings were quit claimed to children. The assistant will follow this guideline in preparing appraisals for turnover:

Guideline. An appraisal with more than one owner will not be turned over to the Hopi Tribe until the owner/occupant of the dwelling(s) has relocated. After the principal owner/occupant has relocated, his/her improvements plus minor improvements owned by other relocated clients who share the appraisal will be quit claimed to the Hopi Tribe. If there are still one or two family members who own miscellaneous improvements who have not relocated, their improvements will not be turned over until they relocate. The assistant will enter a comment on the client's rolodex card and in the automated file that the rest of the appraisal has already been turned over.

The Administrative Assistant may request assistance from the Relocation Operations Branch Manager in determining how to handle problematic cases.

5. Data Entry and Mailing. The Administrative Assistant will perform the following data entry and will mail the documents regular mail to the Office of Hopi Lands.

a. date of turnover, which is the date on the Quit Claim Deed.

b. type of turnover: 'H' for Hopi Tribe.

c. Appraisal Comments: The assistant will enter explanations as appropriate, such as the numbers of the improvements which the client has retained, or the names of other clients owning portions of the appraisal.

6. Follow-up Activities. When the executed Quit Claim Deed and original photographs are returned by the Hopi Tribe, the assistant will file the documents in the appraisal file. The appraisal file will be placed in a suspense file. If the documents are not returned within a month, the assistant will telephone the HPL office to inquire about the status of the documents.

7. Transfer to Data Room. When all action by ONHIR staff on an appraisal has been completed, the appraisal file will be transferred to the data room to be filed in the client casefile. If the casefile is too voluminous to accomodate the appraisal file, the appraisal file will be filed right next to the casefile.

a. More Than One Owner. If there was more than one owner of the improvements listed in the file, the file will be placed in the casefile of the principal owner - the client who owned the dwelling(s). This is usually the original owner, before items were quit claimed to other family members. The location of the file will be cross-referenced in the casefiles of the other owners.

SECTION 1600 RELOCATION OPERATIONS - HOUSING ACQUISITION

SUBJECT 1625 ACQUISITION OF IMPROVEMENTS OWNED BY DENIED APPLICANTS

AUTHORITY: 25 CFR 700.127

POLICY.

Applicants who are denied eligibility for relocation assistance benefits may receive a cash payment for improvements which they own on the partitioned lands.

In order to receive a cash payment, the denied applicant must be shown as the owner of the improvement(s) according to Office of Relocation records as of the date of initial eligibility determination. The improvement must be located on land partitioned to the tribe of which the owner is not a member. In addition, the person must have exhausted all administrative appeals, or must have informed the Office of Relocation that he/she does not intend to appeal the denial. The time period of time allowed for filing appeal following receipt of denial must have expired before the request will be processed.

PROCEDURES.

1626. REQUEST FOR PAYMENT OF IMPROVEMENTS.

GENERAL. The Relocation Operations Branch Manager shall exercise the operating responsibility for processing requests by denied applicants for cash payment for improvements. The Manager will consult with the ONHIR Legal Counsel regarding the applicant's eligibility and appeal status.

Processing payment for improvements for applicants who have been denied eligibility for relocation assistance but who own improvements on the partitioned lands may be initiated in one of several ways, as follows.

1. Request by Applicant. A denied applicant who requests payment for improvements which he/she owns on the partitioned lands must submit the request in writing to the Relocation Operations Branch Manager. If the applicant has a legal representative, the representative should submit the request.

2. Referral by ONHIR Legal Counsel. The ONHIR Legal Counsel will notify the Relocation Branch Manager by memo when Final Agency Action is taken on denials of applicants who claim to own improvements on the partitioned lands. If the applicant has an appraisal file, the memo will reference the appraisal file number. If the applicant does not have an appraisal file, Legal Counsel will attach copies of information about the improvements which was considered at the time of initial eligibility determination. Legal Counsel will issue a letter to the applicant at the last known address informing them that they may be entitled to appraisal payment, and requesting that they contact the Relocation Operations Branch Manager to initiate the process.

3. Review of Automated Records by Relocation Operations Branch Manager. Periodically the Manager will request a report from the Information Systems Branch of denied applicants with completed or no appeal who have open appraisal records. The Manager will issue a letter to the applicant at the last known address informing the applicant that he/she may be entitled to appraisal payment, and requesting that they contact him/her to initiate the process.

1627. REVIEW OF APPEAL STATUS.

General. The Relocation Operations Branch Manager shall verify that the applicant has received notification of denial, and shall determine the appeal status of the case. This information is available through the appeal and determination files in the automated records, and from the Eligibility/Appeals (Legal) Branch.

1. Applicant With Open Appeal. If the applicant has filed an appeal which is pending action in the administrative review process, the Manager shall inform the applicant that no action can be taken on the request for payment until there is Final Agency Action on the appeal or it is withdrawn. The Manager will document the instructions to the client.

2. Client Did Not File Appeal. If the applicant has not filed an appeal, the Manager will verify that the applicable time period has expired since the applicant received the Notice of Denial. The date the applicant received the Notice is available through the automated records. No action will be taken on the request for payment until the period allowed for filing an appeal has expired.

1628. REQUIRED FILE DOCUMENTATION.

1. Affidavit of Ownership. After receiving a written request for cash payment for improvements and verifying the applicant's appeal status, the Relocation Branch Manager will review the denied applicant's appraisal file. The Manager will assure that an appraisal summary has been prepared from the field records, that an Affidavit of Ownership is on file, and that the property has been advertised and posted.

a. No Affidavit on File. If the applicant has not signed an Affidavit of Ownership, the Manager will instruct the Relocation Operations Administrative Assistant to prepare an Affidavit listing the applicant's improvements in sequential order, without the monetary value. The assistant will mail the Affidavit to the applicant with a cover letter instructing the applicant to sign the Affidavit in front of a notary and have the Affidavit notarized. The assistant will enclose a pre-paid, addressed envelope for the applicant to return the Affidavit. When the Affidavit is returned by the applicant, it will be routed to the file room for filing in the applicant's case file. A copy will be inserted in the appraisal file.

2. Notice of Intent to Acquire Improvements and Posting the Property. The Manager will assure that the improvements claimed by the applicant on the Affidavit of Ownership have been posted with the ONHIR's Notice of Intent to Acquire Improvements, and that the Notice has been published. If posting and publishing have not been accomplished, the Supervisor will follow the procedures in MM#1616.

3. Notice of Determination of Value and Offer of Fair Market Value for Improvements. The Notice of Determination of Value and Offer of Fair Market Value for Improvements, **Form MM#1625.1**, will be issued no sooner than 30 days after the improvements have been posted and advertised. The Notice will list the improvements in sequence according to the assigned appraisal number, and will state the value of each improvement and the total value as modified by the Boeckh Building cost modifier. The Notice will inform the applicant that he/she has 30 days from the date of the letter in which to appeal the amount offered. This time period may not be waived by the applicant nor by the ONHIR.

a. Marshall/Swift Boeckh Building Cost Modifier. In cases of request for cash payment of appraisal by denied clients, the Boeckh Building cost modifier in effect on the date of original denial will be used to determine the fair market value of the improvements. The Relocation Operations Branch

Manager will calculate the amount manually, and will enter it in the automated records at the time the Notice of Determination is prepared.

4. Quit Claim Deed. When the Notice of Determination of Value is prepared, the Relocation Operations Administrative Assistant will also prepare a Quit Claim Deed for the applicant's signature. The Quit Claim Deed will list the improvements owned by the applicant. The Deed will be enclosed with the Notice of Determination and sent to the applicant with a cover letter instructing him/her to sign the Deed in the presence of a notary and have his/her signature notarized. The Administrative Assistant will enclose a pre-paid, addressed envelope for the client to return the Deed.

5. Funds Obligation and Disbursement Voucher Request. When the signed Quit Claim Deed is returned by the applicant, the Supervisor will route a copy of the Deed to the Finance Branch and request that funds be obligated for the appraisal payment. The Manager will prepare a Disbursement Voucher Request and route it to the Finance Branch for processing. The payment for the quit claimed improvements will be sent directly to the applicant.

6. Data Entry. The Relocation Operations Administrative Assistant will perform data entry of the actual appraisal value, the date of obligation, and obligation code ©, and will note in file comments that this is a denied applicant payment.

1629. PROPERTY DISPOSAL.

Property acquired from denied applicants shall be offered to the tribe exercising jurisdiction over the land on which the improvements are located. Transfers of acquired improvements will be processed as described in MM#1618.

1630. DENIED APPLICANTS WHO CLAIM TO OWN IMPROVEMENTS ON THE PARTITIONED LANDS BUT DO NOT HAVE AN APPRAISAL FILE.

General. In order to be paid for improvements, the denied applicant must be shown as the owner of the improvements according to ONHIR records as of the date of the original determination of denial. If the applicant claims to own improvement(s) on the partitioned lands, but the ONHIR does not have an appraisal file for the applicant, the Relocation Operations Branch Manager will determine the validity of the applicant's claim. The Manager may consult with the ONHIR Legal Counsel and other management staff in assessing the validity of the applicant's claim.

1. Applicant's Assertion of Claim. The applicant will submit the claim to improvements in writing and will explain the basis for the claim and attach any relevant documents. Legal Counsel will inform the applicant that the claim to ownership of improvements must be supported by records which date from the period prior to denial. No payment shall be issued to applicants whose claim is not supported by documentation. The posting process verifies the applicant's ownership of improvements (see MM#1616) but for denied applicants, it is not used as the sole means of validating a claim to improvements.

2. Acceptable Documentation. The ONHIR may consider the following records in support of the applicant's claim of ownership. The property must be described in sufficient detail to enable the Supervisor to determine the type, condition, and exact location of the property.

- will
- court award
- quit claim deed
- JUA enumeration listing the applicant as owner of the improvements claimed
- information developed by ONHIR Legal Counsel at the time of the initial determination
- Findings of Fact issued by the Hearing Officer during the appeal process, recognizing applicant's claim to ownership of improvements at the time of initial determination of denial
- Information from the applicant's case file or other casefiles relating to the ownership of improvements

3. Initial Appraisal. If one or more of the improvements claimed by the applicant has not been appraised, the Relocation Operations Manager will assign a Relocation Specialist to conduct a field appraisal and create an appraisal record according to MM#1614. The applicant will be told that it may be necessary for him or her to accompany ONHIR staff who conduct the appraisal in order to locate and identify the improvements. The Relocation Operations Administrative Assistant will assure that required file documentation is obtained for the newly-created record (appraisal summary, Affidavit of Ownership, posting/publishing activity, and data entry).

3. Determination by Relocation Operations Branch Manager . The Manager shall determine whether or not records submitted by the applicant and/or contained in the ONHIR system of records support the applicant's claim of ownership. If records support the applicant's claim, the Manager will process the cash payment according to MM#1628.

4. Denial of Claim. If the Manager determines that records do not support the applicant's claim, the Manager will issue the applicant a letter denying the payment. Denial of payment may be reviewed by higher management officials, but is not subject to appeal through the formal appeals process.

SECTION 1600 RELOCATION OPERATIONS BRANCH

SUBJECT 1640 HOUSING ACQUISITION

AUTHORITY: P. L. 93-531, as amended; 25 CFR 700 Subpart E.

POLICY.

The Office of Relocation will enable certified clients and their families to acquire replacement housing at a location of their choice. The ONHIR will expend the replacement housing benefits to which the client is entitled to purchase a house of the client's choice, provided it meets the specifications of 25 CFR 700.53 and 700.55. Each acquisition will be handled as an individual transaction, whereby the client on behalf of the household contracts with the ONHIR to relocate, and contracts with a contractor or realtor for the construction and/or purchase of a replacement home.

Upon executing the relocation contract, the client will agree to vacate permanently any improvements owned on the Former Joint Use Area, and will remove or quit claim to the ONHIR any and all habitations and improvements located on the land partitioned to the tribe of which he/she is not a member.

Public Law 93-531 provides for two levels of housing benefit amount: housing benefit for a family of three or less and housing benefit for a family of four or more. The specific amount is subject to change to reflect changes in the cost of acquiring decent, safe and sanitary replacement housing.

The assistance payment (incentive bonus) authorized pursuant to sec. 14(b) of P.L. 93-531 shall be issued to the head of household upon verification of actual occupancy of the replacement dwelling.

PROCEDURES.

GENERAL. The Relocation Specialist will initiate housing acquisition activities when all counseling phase and site acquisition activities have been completed. Housing acquisition activities will be coordinated with the activities of the Inspections Section to accomplish timely review of house plans and inspection of replacement housing.

1641. Establishing the Housing Benefit Amount.

General. Pursuant to P. L. 93-531 and 25 CFR 700.183 (b), the ONHIR may increase or decrease the amount of housing benefit to reflect changes in the cost of acquiring decent, safe and sanitary replacement housing.

1. Review of Housing Costs. Relocation Operations Branch (ROB) staff will monitor housing costs. The ROB Manager will prepare a written recommendation annually for action by the Commissioner. The ROB Manager may recommend that the housing benefit be increased, decreased, or remain the same. **Cross reference Management Manual Vol. 4, Sec. 1710 Benefits**.

2. Recommendation to Executive Director. The written recommendation will be in the form of a memorandum to the Executive Director. The recommendation shall ordinarily be prepared in March, in

order to receive action by the first Friday in April as required by 25 CFR 700.183(b). In the memorandum, the Manager will set forth the factors which constitute the basis for the recommendation. The recommendation may cover all types of acquisitions, or may affect only (1) minimum or maximum housing benefit, or (2) on or off-reservation acquisitions.

The recommendation as approved by the Executive Director may be amended later in the year and prior to the next year's recommendation, if required to meet the exigencies of housing acquisition costs.

3. Basis for Recommendation. The Relocation Operations Branch Manager will recommend a change in housing benefit based upon the following factors.

a. Increases or decreases in basic house costs per square foot and options costs as submitted by contractors for new construction houses.

b. Appraisal reports of off-reservation houses which show changes in construction costs per square foot.

c. Changes in residential housing costs for Arizona as published in Marshall and Swift's Residential Cost Handbook and the Marshall/Swift Boeckh Building Cost Modifier.

d. Information regarding changes in HUD housing costs, provided by the Phoenix District Officer.

4. Review and Action by Executive Director. The Executive Director will review the recommendation and discuss it with the ROB Manager as necessary. The Manager may be instructed to obtain additional information. If an increase in benefit is recommended, the Executive Director will determine the impact of the potential increase on current budget allocations and budget planning. The Executive Director shall approve or disapprove the recommendation. If the approved recommendation results in a change in benefit amount, the new benefit amount(s) will be effective the date of the Executive Director's approval. The ROB Manager shall disseminate information about the revised amounts to all departments.

1642. Transferring Client Cases to the Housing Acquisition Phase of Case Processing.

General. The client's case will be transferred from the 'SC' phase of activity to the 'HS' phase of activity after the client has completed counseling activity, and after the client's site has been acquired and all necessary clearances obtained or performed by the Homesite Lease Section of the Relocation Operations Branch.

1642.1 Action to Transfer Case.

1. Relocation Services Checklist. The Specialist will select the Relocation Services Checklist which is applicable to the client's case. When all counseling actions have been completed and the client's homesite lease has been completed (for clients moving on-reservation), the specialist will fill out page 1 of the checklist and route it to the Relocation Operations Branch Team Leader for review and approval. The Specialist will attach any documentation which the team leader will need to review in order to approve transfer to HS status.

The checklist is available in form-fill format. Page 1 will be filed in the casefile after the team leader has approved HS status. The specialist will keep a copy in the mini-file. Entries on the remaining pages will be made as the case progresses through housing acquisition. When the contract has been signed, the Specialist will print the checklist and route it through the team leader for signature before filing it in the casefile. Entries will continue to be made on the checklist until post move counseling has been completed; at that time the final page will be printed and filed in the casefile.

2. Transfer to HS by Team Leader. Page 1 of the checklist serves as a case tracking form and verifies that all actions preparatory to the initial housing interview have been completed. If the Team Leader agrees that the case is ready for the initial housing interview he/she will approve and date page 1, and enter the approval in the automated records. Data entry will transfer the case to HS status.

If the Team Leader determines that additional information or action is required before the case is ready for housing, he/she will return the casefile and the checklist to the specialist with instructions.

3. Computer Generated Forms. Data entry will generate the Client Information Summary Printout (See MM#1640.c). The Specialist will receive a message that the printout is ready.

4. Actions of the Administrative Assistant. Upon receiving the printout, the Specialist will ask the assistant to prepare a mini-file and file dividers for case documents.

a. Mini Files. The "mini file" is the working file maintained by the Relocation Specialist while the client is in Housing Acquisition. The assistant will prepare a file folder labeled with the client's name, casefile number, and census number. **Original documents relating to the client's case will be filed in the client casefile**. Copies of documents which the Specialist wants readily available will be placed in the mini file for reference during case processing. The contents of the mini file will be discarded after housing acquisition activity has been completed.

Under no circumstances shall mini-files be locked up in Specialists' desks. The files must be accessible to the Team Leader and other Branch staff when the Specialist is out of the office.

b. File Dividers. The Specialist will file the originals or copies of all documents relating to the case in the client casefile as they are received or created. The documents will be organized according to the headings listed below, and will be filed behind the appropriate file divider. The Administrative Assistant will type the headings on fifth cut file dividers and deliver them to the Specialist with the mini file. The Checklist will be filed on the left side of the middle section of the case file, and the dividers will be filed on the right side underneath the "T" sheet. The dividers will be in the following order, top down:

(1) Inspection Reports; Invoices; Truss, Termite and Concrete Trip Tickets
(2) Contracts, Change Orders & Time Extensions
(3) Worksheet, Color Sheet, Infrastructure, Escrow Documents, Appraisal, Deed Restriction
(4) Insurance
(5) Initial Interview Documents, Correspondence & Miscellaneous

1643. Initial Housing Interview.

General. At the initial housing interview the Specialist will inform the client of the specific actions required to select a house, house plan, contractor, or realtor. If the client does not take timely action after the initial housing interview, the specialist will contact the client regularly to determine the reasons. If it appears that the case may require pro-active intervention, the Specialist may request a case staffing with the team leader, ROB Manager, Executive Director, and any other staff who may have ideas which will expedite the case.

1643.1 Scheduling the Initial Housing Interview.

1. Scheduling the Initial Interview. The Specialist will schedule the initial interview within five days of the client's transfer to HS status. The Specialist will inform the Administrative Assistant of the date and time for the appointment, and any special instructions which should be incorporated into the appointment letter. The Specialist will review the casefile to determine if there is any additional information which the client should bring to the interview.

2. Actions of the Administrative Assistant. The assistant will type a letter to the client informing him/her of the date and time of the initial interview (see sample letter MM#1640 Attachment B). The letter will include a signature line for the client to confirm the appointment. A postage paid addressed envelope will be enclosed for the client to return the signed letter. The letter will also remind the client to take his/her mileage reading for expense reimbursement. The letter will request the client to call and reschedule the appointment if he/she unable to travel to Flagstaff on the date/time scheduled. The letter will be sent regular mail. The Specialist will record the appointment on their schedule.

3. Preparing Materials Needed for the Initial Interview. After instructing the Administrative Assistant to schedule the initial interview, the Specialist will prepare a packet of materials to be used during the initial interview. These materials include: **For on-reservation moves:**

* on-reservation initial interview checklist
* letter of introduction to contractor and instructions for completing the pre-construction worksheet
* pre-construction worksheet with Part 1 completed by the Specialist (3-5 copies)
* copy of the IHS plot plan attached to each worksheet
* color and appliance worksheet
* NTUA plot plan
* IHS plot plan
* list of contractors
* search expense reimbursement form and instructions

For off-reservation moves:

* off-reservation initial interview checklist
* letter of introduction: off reservation acquisitions
* deed restriction
* list of contractors
* search expense reimbursement form and instructions.

4. "T" Sheet. The Specialist shall prepare the ONHIR Funds Obligation and Disbursement Record, known as the "T" sheet (see Attachment MM#1640.T), for the client casefile. The T sheet is a running record of the funds obligated and expended for the client's benefits. It is filed on top of the documents pertaining to Housing Acquisition activity. At the time of case preparation, the specialist will enter the client's name, casefile number, escrow number if applicable, and amounts obligated for housing benefit, moving, and bonus on the sheet. The document, vendor number, and payee numbers are entered later by the Finance Branch (see MM#1645.3 #4). The specialist will enter the date, payee, reason for payment, escrow number if applicable, and amount of payment each time a voucher is prepared. The payment history recapped on the T sheet is compared with information in the automated records to verify accuracy.

5. Special Handling Cases. If the case requires special handling, the Specialist will assure that the casefile contains the instructions necessary for the case to be processed correctly. If the Specialist is uncertain about the way in which the contracts should be signed or the way payments or property should be issued, the Specialist will consult with the Relocation Operations Branch Manager for instructions. The Manager will consult with the Executive Director and/or Legal Counsel for direction as necessary. Such cases may include:

* conservatorships
* power of attorney
* client occupying temporary emergency housing
* housing requiring extensive handicap modifications.

1643.2 Conducting the Initial Housing Interview.

1. Initial Interview Checklist. There are two checklists for initial interviews: On-Reservation Initial Interview Checklist, **Form MM#1640.1**, and Off-Reservation Initial Interview Checklist, **Form MM#1640.2**. The Specialist will follow the appropriate checklist while conducting the interview. At the end of the interview, the Specialist will have the client sign the checklist, to verify that all subjects have been discussed.

The Specialist may prepare additional notes on issues to cover with the client during the initial housing interview.

2. Verifying and Updating Casefile Information. At the initial housing interview the specialist will verify and update any relevant client data which has changed since the specialist's last contact with the client. Changes which are significant enough that they require changes to the client's automated records will be routed to the Relocation Operations Administrative Assistant for data entry.

Client information which must be updated regularly in the manual and automated files up to the time when the client signs the relocation contract is:

* household membership information
* employment/income for clients moving off-reservation
* mailing address
* HPL residence status
* pre-move location description.

3. Appraisal and Retention of Improvements. If the client has an appraisal, the Specialist will review the file with the client during the initial housing interview and verify that the client understands that all of the property will be quit claimed to the Office of Relocation at the time of contract signing unless the client chooses to retain one or more items. If the client wants to retain the improvements, the specialist will assure that the client has signed an Owner Retention of Improvements form which correctly lists the property the client wants to retain.

4. Range Unit Moves. If the client is moving to a range unit, the Specialist will determine from the Client Information Summary whether the client is a permittee or sponsored family member, and will observe the following policy guidelines with regard to case processing (**cross reference MM#1820**).

a. Permittee.

(1) If this is a transferred permit (little "e"), the client who transferred the permit eligibility must sign their relocation contract first, unless a waiver is granted by the Executive Director.

(2) The Specialist will ask if the client has been contacted by a New Land range technician regarding the range management plan. If the client states that he/she has not been contacted, the specialist will arrange a meeting between the client and the Range Management office.

b. Sponsored Family Member.

(1) The client must be sponsored by a permittee living in the same range unit.

(2) The permittee must sign the relocation contract first.

5. Bonus Payment. The Specialist will inform the client of the ONHIR's policy regarding payment of the bonus. The bonus will be issued upon verification that the client has completed an application for homeowner's insurance **(cross reference MM#1670)** and has moved into the replacement house. As feasible, the bonus payment will be mailed or delivered to the client in the field. The client must sign the Inspection of Replacement House and Certification of Occupancy form in order to receive the bonus payment.

6. Homeowner's Insurance **(see MM#1670)**. The Specialist will inform the client that the ONHIR will pay the first two years of homeowner's insurance from the client's housing benefits, unless the client is taking out a mortgage on the house, in which case the insurance will be paid through the mortgage. After the first two years, the client will be responsible for the insurance premium if he/she wishes to continue the coverage.

7. Home Maintenance Training Program. The Specialist will inform the client of the ONHIR's home maintenance training program. The Specialist will inform the client that a home maintenance video will be shown the day of contract signing, and the Home Maintenance Trainer will make an appointment to conduct the training after the client moves into the replacement house.

8. Key Day. The Specialist will encourage the client to be present at the final inspection to take possession of the house. The Specialist will instruct the client to phone the office inspections and compliance staff or keep in contact with the contractor to find out the date when the final inspection will be performed.

9. Other Issues. After discussing general requirements associated with case processing, the specialist and client will discuss issues which the client should consider in selecting a house plan. These issues will include: number of bedrooms needed to accommodate the family; room arrangement; amount of storage space needed; maximum glazing on south side of house, for passive solar heating; handicap features required or desired by the client; and similar issues directly related to the specific circumstances of the client. The specialist may request that a construction inspector be present during this part of the discussion to provide technical assistance on questions the client may have about house construction.

If the client has ideas about options which he/she would like, the Specialist will discuss them with regard to the amount of housing benefit available and the basic house features which must be considered before options are added to the plan.

The Specialist will also cover any other subjects applicable to the client's type of housing acquisition, and will give the client the forms specified on the Initial Interview Checklist, and an ONHIR business card. Types of housing acquisition are covered in following sections of these procedures.

1643.3 Special Arrangements for Clients Requesting Assistance in Selecting a House Plan or Contractor.

If a client requests assistance from the ONHIR in selecting a house plan or a contractor, the specialist will submit the request to the Relocation Operations Branch Manager and the Executive Director. The Specialist will provide an analysis of the client's circumstances and a recommendation for action. The ONHIR will maintain a list of contractors in good standing who can be contacted on a rotational basis and requested to submit a bid on the project.

After a plan to facilitate the acquisition has been defined, the Specialist may assist by arranging meetings in the field between the contractor(s) and client; providing the client with transportation; and providing language interpretation. The Specialist may recommend a basic house plan model which can be modified by the client and the contractor.

ON-RESERVATION RELOCATION

General. The majority of clients who relocate to reservation sites acquire a new construction home. In a few instances, clients acquire the NHA home which they are currently occupying. The first part of these procedures will discuss new construction homes.

1645. NEW CONSTRUCTION HOMES.

1645.1 Activities Prior to the Pre-Con.

General. The process of acquiring a new construction home varies in minor respects according to the location of the home: 1) reservation homesite lease; 2) reservation subdivision; 3) New Lands Rural Community; 4) New Lands Range Unit.

1. Choosing a Contractor. The client shall select a licensed contractor to build his/her relocation house. At the time of the initial interview the Relocation Specialist will provide the client with a list of licensed contractors in good standing who have informed the ONHIR that they want their names made available to clients. The Specialist will advise the client to contact several contractors, look at houses they have built, and compare offers before making a final selection. **The Relocation Specialist will not recommend any specific contractor to the client nor discourage a client from selecting a contractor who is in good standing.**

2. ONHIR House Plan Requirements. Contractors who do business with the Office of Relocation will receive a written description of ONHIR approved materials and specifications. These specifications are referenced as Exhibit "C" of the contract documents. The specifications are revised periodically as needed and distributed to all contractors. Inspections and compliance staff will orient new contractors to the ONHIR's construction requirements.

3. Basic House Plans. In the early 1980's the ONHIR developed Basic House Plans incorporating energy efficient features. Use of the Basic House Plans has been largely superceded by the submission by contractors of custom plans incorporating the energy-efficient standards. Contractors who have built houses for ONHIR clients in the past have copies of the Basic House Plan technical specifications. New contractors will receive copies of the technical specifications if the client selects one of the plans.

4. Basic Plans Given to Clients. A client moving on-reservation will be given a non-technical set of the simplified floor plans for Basic House Plans during the initial interview. The client may select from among these plans or may work with the contractor to develop a set of custom plans which incorporate the ONHIR requirements.

5. Pre-Construction Worksheet. The Pre-Construction Worksheet, **Form MM#1640.3**, is used for on-reservation new construction housing. It is intended to help the client compare prices and options offered by different contractors. Prior to the initial interview, the Specialist will fill out Part 1 of the worksheet with the information required by the contractor to estimate construction costs. The Specialist will attach a copy of the approved materials and specifications and give the client three to five copies of this package of forms. As applicable to the client's situation, the Specialist will attach SPV specifications, cistern specifications, and/or septic specifications.

6. Letter to Contractor and Other Handouts. In addition to the copies of the Pre-Construction Worksheet and specification requirements, the Specialist will give the client the following additional handouts:

a. On-Reservation Construction Letter to Contractor, **Form MM#1640.5**. The letter to the contractor sets forth general requirements governing the contracting process, and specific instructions for filling out the Pre-Construction Worksheet.

b. Color and Appliance Selection, **Form MM#1640.4** (contract document Exhibit E). This form is attached to the Pre-Construction Worksheet and supplements the information provided by the contractor on the Worksheet. After the client has selected the house plan he/she wants, the contractor will discuss each of the items on the Color and Appliance Selection form with the client, and will record the client's choices. Both the client and the contractor will sign the form. At the time of contract signing, this form will be attached as Exhibit E to the contract documents.

The Color and Appliance Selection form must be returned to the Specialist at the same time as the Pre-Construction Worksheet.

c. Plot Plans. The Specialist will provide copies of the homesite lease plot plan and utility information (IHS and NTUA plot plans) for the contractor's use in preparing the house plan.

d. Travel Reimbursement Claim Form. The Specialist will give the client a copy of the travel claim form and instruction sheet MM#1640.B.

7. Returning the Pre-Construction Worksheet. Only one Pre-Construction Worksheet should be returned to the Specialist, the one for the contractor which the client has selected. If the client wants assistance in choosing a contractor, he/she may bring in worksheets filled out by several contractors and ask for the Specialist's help in analyzing and comparing options and costs. The Specialist's help will be limited to comparison of quantifiable items listed on the worksheets. The Specialist will not state an opinion on the merits of the different contractors being considered.

The Worksheet may be returned to the Specialist by either the client or the contractor. If the contractor submits the form, it must contain the client's signature, and the Specialist will contact the client to verify that the client has selected this contractor. The following documents must be attached:

a. The contractor will submit four sets of blueprints. The plans shall include a statement that they meet ONHIR's specifications and must be signed by the client.

b. The contractor will obtain an estimate of the premium for one (1) year of homeowner's insurance from an insurance company willing to insure homes on the reservation. The quote obtained must be on company letterhead and should be for the minimum deductible offered by the insurance company.

c. Color and Appliance Selection form.

d. If applicable, cost estimates for an SPV and propane system, and/or for individual cistern and septic, plus a detailed description of the materials and the work which will be done.

8. Review by Relocation Specialist. The Specialist will review the worksheet, blueprints, and insurance estimate, and will contact the contractor if necessary to clarify any issues. The Specialist will verify that the contractor has provided the following information:

a. The Worksheet is complete; all required entries have been made by the contractor.

b. The client has signed the Worksheet and has verified contractor selection.

c. The contractor has submitted four sets of blueprints, and the blueprints have been signed by the client.

d. The submission includes an insurance estimate from a company which is willing to insure on-reservation homes and the estimated cost for two (2) years of coverage has been accurately calculated and recorded on page 2 of the Worksheet.

e. The Specialist will double check the accuracy of the cost totals entered on the Worksheet for the basic house and options.

9. Contractor License Number. If the contractor is a new contractor who has not previously done business with the ONHIR, and the contractor is operating in a state which has a contractor registry, the Specialist will contact the contractor registry to verify that the contractor has a valid license. If the contractor does business with ONHIR regularly, the Specialists will routinely verify the validity of the license twice a year.

10. Transmitting the Plans to Inspections staff. After verifying that all required documents have been received and that the costs have been calculated correctly, the Specialist will fill out **Form MM#1640.6**, Plans Transmittal Memorandum, and attach the blueprints and Worksheet. The Specialist will make a copy of the transmittal memo for the mini file and route the original and attachments to inspections staff.

11. Plan Review by the Inspections staff. Inspections staff will set up a plan check file for the client and conduct plan review according to the procedures in MM#1540. The plan reviewer will check the square footage of the house as shown on the blueprints against the square footage entry on the Worksheet to make sure the contractor has calculated the square footage accurately.

The plan reviewer will contact the contractor directly if clarification of minor technical points is needed. The Specialist will not generally be involved during this phase of activity. If there are major or numerous problems with the plans the plan reviewer will return the plans to the Specialist with the Plan Review Form stating all of the items requiring correction or clarification. The Specialist will contact the contractor about the problems and will resubmit the changed/corrected plans when they are received from the contractor.

If discussions with the contractor over problem issues do not result in agreement, the Specialist will instruct the client to look for another contractor. **(Cross Reference MM#1641.)**

12. Review by the Construction Representative. The Construction Representative will review the work of the plan reviewer and will identify any problem issues which must be discussed with the contractor prior to or during the pre-construction conference. The Construction Representative will calculate the cost of the house per square foot and the cost of options selected by the client, and will determine whether or not the cost is reasonable. The determination is based upon experience with historic and current residential construction costs.

13. Approval by Relocation Operations Branch Manager. After all staff reviews have been completed, the house plans, Pre-Construction Worksheet, Pre-Con Notes and any other related documents will be routed to the Relocation Operations Branch Manager for final review and preparation of the On-Reservation Infrastructure Computation Sheet. After approval of all documents, the plans will be routed to the Specialist in the "green file".

14. Contents of the Green File. The green file contains all the documents which the Specialist will need for the Pre-con. On the right side are copies of documents which will be given to the contractor, with the exception of the On-Site Clearance Form.

Right Side:
* On-Site Clearance
* Homesite Lease approval and tract description
* Feasibility Study with directions to the site
*Archaeological clearance (with special instructions, if applicable)
* IHS and NTUA plot plans
* Copies of Exhibits B,C,D,E, F.

On the left side are documents which the Specialist will use to prepare the contracts. All documents beneath the Inspection Chart are returned to inspections and compliance staff after the Pre-con and the green file is then used for the documents created during construction inspection.

Left Side:
* Plan Review Form
* Transmittal Memorandum
* Pre-Construction Worksheet with attachments, color sheet, utility information, insurance quote

Return to Inspections and staff:

* Inspection Chart
* Four (4) copies of the Feasibility Study

Inserted loosely into the file are the 4 sets of blueprints, preconstruction notes, preconstruction conference checklist, and the On-Reservation Infrastructure Computation Sheet.

15. Notice of Benefit Determination. The Specialist will issue the Notice of Benefit Determination to the client when the house plans are routed to inspections and compliance staff for review. If adult children are included in the household, the Specialist must complete the Declaration of Household Membership before the Notice of Benefit Determination is issued. The Specialist will route the signed Notice to the Administrative Assistant who will mail it certified mail, return receipt requested. The Notice informs the client that he/she has thirty (30) days to appeal the determination if he/she disagrees with it.

1645.2 Pre-Construction Conference (cross reference MM#1540)

General: Pre-construction conferences will be held for all acquisitions involving new construction. The Relocation Specialist will coordinate the activities of the conference. There are two principal functions of the conference: 1) comprehensive review of the house plans to reach final agreement about construction items and house plan options, and 2) detailed review of the contracts and other official documents which are executed at the conclusion of the conference. Prior to the Pre-con, the client will view the home maintenance training video.

1. Scheduling the Pre-Construction Conference. When the inspections staff returns the green file, the Relocation Specialist will schedule the pre-construction conference. The conference will include the client, the contractor, the Specialist, a Construction Control Inspector and a representative from the Range Management Office, if the client is a permittee.

The client will be notified by letter or phone of the date/time the session will begin. The letter will instruct the client to phone to reschedule the appointment if the date/time is inconvenient.

The Administrative Assistant will enter the date/time the Pre-con is scheduled in the main desk appointment book.

2. Pre-Con Notes **(Cross-reference MM#1540)** The Administrative Assistant will enclose a copy of the Pre-Con Notes, **Form MM#1540.4**, initialled by the plan reviewer, in the letter to the client. The Specialist will inform the client of the items which he/she must be prepared to discuss at the Pre-con, and will instruct the client to think about these items. The Administrative Assistant will also send a copy of the Pre-con notes to the contractor.

3. Review of Contract Documents by Relocation Team Leader. Ten days prior to the Pre-con, the Specialist will assemble the files containing the information necessary to prepare the contract documents. The specialist will prepare the contract documents for review by the Relocation Team Leader, using the Contract Review Checklist (see attached example) to assemble the information and documents. The Specialist will complete the entries on the Contract Review Checklist and forward the Checklist and the typed contract documents to the Team Leader. The Specialist will include these files:

* green file (plan review file)
* client casefile
* mini file
*appraisal file (if client has an appraisal)

4. Review by Relocation Team Leader. The Team Leader will review the contract documents against the information in the relevant files, including the automated records, for accuracy, consistency, and completeness. The Team Leader will note any necessary corrections and instruct the Specialist as appropriate. The Specialist will prepare the final contract documents from the drafts as corrected or changed by the Team Leader. The contract documents are:

1. Contract for Relocation: New Construction
2. Quit Claim Deed and Owner Retention of Improvements, if applicable
3. Construction Contract
4. Exhibits A, B, and C
5. Disbursement Schedule - Exhibit G
6. Warranty Agreement
7. Memorandum - Utility Information

The contract documents will be computer generated. The Specialist will type or write the required entries onto the Contract Data Worksheet. The Administrative Assistant will type up the Contract Data Worksheet and will generate the contract documents through merge. The Assistant will deliver the contract documents to the Specialist after they have been generated and the Specialist will proof the final documents to assure that all provisions applicable to the case have been included in the contract documents.

Examples of contract documents are available from the Administrative Assistant. They are not included with the forms attached to this section of the management manual.

5. Home Maintenance Training Video. Prior to the Pre-con, the Specialist will show the home maintenance training video to the client and will discuss any questions which the client has about the subjects presented.

6. Review of Plot Plans. The pre-con will begin with review of the plot plan and the siting of the house with respect to the utility plot plans submitted by IHS and NTUA. If the house is being served with individual cistern and septic, the plot plan will be prepared by the engineering technicians. After the plot plan has been prepared, if either the contractor or client want a deviation of more than ten (10) feet for the house location, the plan must be resubmitted to the engineering staff who prepared it. The engineering technicians will determine if the water and sewer and electric service connections are impacted by the change and will calculate cost and material changes.

7. Review of Construction Plans. The Construction Control Inspector will discuss the house plans selected by the client, following the items on the Pre-Construction **Checklist MM#1540.6.** Copies of the blueprints will be spread out in front of the contractor and the Inspector. Conference participants will also have copies of the Pre-Construction Conference Notes. The Inspector will cover each item listed in the Pre-Con Notes. Items which are not applicable and/or are not incorporated into the plans will be crossed out on the Pre-Con Notes. Items which are clarified and are incorporated into the plans will be marked on the blueprints in red ink. Each red line change will be initialed by the Inspector. The inspector will write additional information on the Pre-Con Notes as appropriate, and will initial the notes. The contractor and the client will sign the Pre-Con Notes after decisions have been made on all items. The Pre-Con Notes will be attached to the construction contract as Exhibit D.

After all final changes have been made the Inspector will double check the contractor's copy and the backup copy of the blueprints and will verify that all red line modifications have been entered on all four sets of the blueprints. The contractor must initial each change on one set of plans. The Inspector will stamp the four copies "approved" and sign and date them.

The Inspector, contractor, and client will sign the Pre-Construction Conference Checklist verifying that all items were covered.

8. Exhibit B: Individual Specification Summary Sheet. The Specialist will fill out the Individual Specification Summary Sheet, **Form MM#1640.7**, in advance of the Pre-con. During the Pre-con, as final decisions are made about house style, required features, and options, the Specialist will change the entries on Exhibit B as necessary. The sheet will be typed by the Administrative Assistant for signature by the client and contractor before they leave the office. The Individual Specification Sheet will be attached to the construction contract as Exhibit B.

a. Special Conditions. Any special conditions which are not part of the house plans but are required for the accomplishment of construction will be written onto the Exhibit B by the Specialist. These additions will be initialed by the client and contractor. For example: client must remove trailer or other temporary dwelling from premises before construction can start.

b. Changes During the Pre-Con. If there are significant changes in the house plans or costs during the pre-con, it may be necessary for the Specialist to recess the conference in order to make changes to the contracts and reprint them. Changes which add to the house costs must be reviewed by the Construction Representative who will determine if the costs are reasonable. The conference will

reconvene when the contracts are ready. Change orders will not be used to make changes at the time of the Pre-con. They will be used only to make changes after the contracts have been signed. (See MM#1655.)

c. Rescheduling the Pre-Con. During the Pre-con there may be such major changes to the house plans that it becomes necessary to adjourn the meeting and reschedule it after new plans have been submitted and reviewed by inspections staff The conference may be rescheduled at the request of the client, the contractor, the inspections representative, or the Specialist.

9. Color and Appliance Selection Sheet. The client's selections among available manufacturers, styles, colors, and similar choices for appliances, fixtures and paint will be recorded on the Color and Appliance Selection Sheet, **Form MM#1640.4**. This form shall be signed and attached to the construction contract as Exhibit E.

10. Contract Documents. The Specialist will provide the client with the contract documents to review. The contract documents are:

* Contract for Relocation: New Construction
* Quit Claim Deed; and Owner Retention of Improvements, if applicable.
* Construction Contract
* Disbursement Schedule (Exhibit G)
* Warranty Agreement

The Relocation Specialist will explain the documents as necessary and will answer any questions which the client has about the provisions of the documents. If there are any last minute changes to any of the documents as a result of the review of house plans or for other reasons (i.e. client changes his/her mind about improvements to be retained), the Specialist will make the changes and the Administrative Assistant will produce a final document for signature while the client is in the office.

The Specialist will assure that the contractor and client sign each of the contract documents, as specified on the document, before leaving the office.

The contract documents will be arranged in the following order for review by the Relocation Team Leader and Relocation Operations Branch Manager and filing in the casefile:

* Contract for Relocation
* Construction Contract
* Exhibit B, Color Sheet, Precon Notes, Plot Plan
* Disbursement Schedule (Exhibit G)
* Warranty Agreement

11. Requirement of Client's Signature on Contract Documents. The person who is the certified relocatee is the head of household for purposes of relocation planning. This individual must sign all contract documents which require the relocatee's signature. If the certified head of household cannot write his/her name, the contract documents will be executed with the relocatee's right thumbprint. The Specialist will sign as witness to this act.

If the certified head of household cannot be physically present during relocation planning and document execution, or if the certified head of household is incompetent to participate in relocation planning and document execution, the ONHIR will assure that housing documents are executed by a

properly authorized power of attorney or court appointed guardian/conservator. These arrangements must be made while the client is in the counseling phase of case processing.

If the benefit entitlement has been transferred to the spouse or other family member as the result of the death of the original applicant, the casefile will contain documentation of the transfer and the surviving household representative will sign the contract.

12. List of Subcontractors and Suppliers. The contractor will submit a list of the subcontractors and suppliers he/she intends to use. The list should be submitted at the time of contract signing so it can be reviewed as part of the package of contract documents submitted to the Relocation Operations Branch Manager for review and signature.

13. Homeowner's Insurance. **(Cross Reference MM#1670, Homeowner's Insurance**.) The Specialist will give the client a copy of the insurance quote which the contractor has submitted. The Specialist will inform the client of the following ONHIR requirements regarding homeowner's insurance:

a. Insurance Application. If the company is willing to provide blank copies of its insurance application form, the Specialist will have the client fill out the application at the pre-con. If the company requires the client to come into its offices and fill out an application in person, the Specialist will so instruct the client. The ONHIR will authorize round trip mileage reimbursement from the client's pre-move location to the offices of the insurance agent for this purpose. The Specialist will instruct the client to submit the claim as soon as the trip has been completed and to attach evidence that he/she has been to the insurance company and filled out the application form. Such evidence may be a copy of the signed application form or copy of the insurance binder, intent to insure, or equivalent documentation.

b. Evidence of Completed Application for Bonus Payment. The Specialist will inform the client that the bonus will not be issued until the client has moved into the new house and also until the ONHIR has received confirmation from the insurance company that coverage is ready to go into effect.

14. Utility Deposits. At the Pre-con the Specialist will get the client's signature on applications for water and power service in areas served by NTUA and/or CDEC. The completed applications will be placed in the green file and routed back to the inspections staff. The amount required for deposits will be withheld from the client's moving money and issued to the utility provider by the ONHIR. Clients moving to areas served by other providers will have to go to the company offices to fill out an application and make the deposit.

15. Clients Who Are Receiving New Lands Grazing Permits. After the contract documents have been signed, the Specialist will contact the representative of the New Lands Range Office who has been scheduled to meet with the clients. The range official will obtain the client's signature on the term permit and on the Range Management Plan for the unit to which he/she is moving. **(Cross reference MM#1820.)**

16. Invoices. The contractor must invoice the OHNIR for work done. Since the amount of each draw is predetermined and specified in the Disbursement Schedule Exhibit G, the contractor may submit all invoices at the time of the Pre-con and the Specialist will hold them until inspections staff submits a passed inspection report for each of the invoiced construction stages.

17. Search Expense Claim. The Specialist will pick up the pre-move search expense claim from the client at the pre-con, and make sure that all entries have been completed and the client has signed the form. The specialist will explain how the claim is processed.

18. Post Move Expense Claim. The Specialist will give the client an expense reimbursement form for one post-contract trip. The ONHIR will authorize search expense reimbursement for one trip for the client to travel to the insurance agency to submit the homeowner's insurance application. The expense reimbursement will be processed when the client submits evidence of completed insurance application. The ONHIR will not reimburse a client for post-contract travel for any other purpose.

1645.3 Activities Immediately Following the Pre-Con and During the Remainder of the Housing Acquisition Phase of Case Processing.

General. The Relocation Specialist will double check all contract documents to verify that they are complete and all entries are correct. The Specialist will route the documents as instructed below. During the construction process the Specialist will process construction payments and serve as the primary contact for any issues or problems which may impact completion of the house according to the terms of the construction contract.

1. Review by Relocation Team Leader. After the Pre-con has concluded, the Specialist will submit the contract documents as a package to the Relocation Team Leader for review. The Team Leader will check documents to make sure that the contents are accurate and complete and are arranged in the required order for signature by the Relocation Operations Branch Manager.

2. Approval by Relocation Operations Branch Manager. After the Team Leader has reviewed the contract documents they will be routed to the Manager for approval and data entry. The Manager will sign as provided on the documents.

3. Data Entry by Relocation Operations Branch Manager. The Manager, or Team Leader in his/her absence, will perform the following data entry. Data entry of the date of contract signing automatically transfers the client case from the housing phase to the construction phase in the automated records.

(a). Screen #1: Contract Information Update.

* date contract signed
* anticipated completion date
* contractor vendor number
* benefit amount
* appraisal amount
* infrastructure amount
* moving expense amount
* square footage of house
* fiscal year obligation

(b). Screen #2: Relocation Home Legal Description.

*state
*county
*tax parcel number (off-reservation only)

*legal description

©. Screen #3: Payment Schedule Entry:

*amounts of the draws to be disbursed to the contractor
and to IHS and NTUA, per the schedule listed in the Construction Payment Contract.

4. Distribution of Copies of Contract Documents. After all signatures have been obtained, the Relocation Specialist will file the original contract documents in the client casefile. The Specialist will tab the payment schedule for ready reference and will distribute copies as follows:

a. Client Copies. The client will receive copies of all documents which he/she has signed, except the house plans. A copy of the house plans will be sent to the client by inspections staff after construction has been completed.

b. Contractor Copies. The Relocation Specialist will mail the contractor the following documents after the Relocation Operations Branch Manager has signed them: Construction Contract, Disbursement Schedule, Color and Appliance Selection Sheet, Pre-Con Notes, Exhibits, Warranty Agreement, and any other documents from the right side of the green folder.

c. Plan Check File. The Specialist will place the following documents in the green file/Plan Check File and route it to inspections staff: NTUA utility application, Pre-Con Notes, four copies of the approved house plans, Exhibit B, Color and Appliance Selection sheet, plot plans for homesite and utilities, and **Form MM#1640.8**, Information for Utility Providers.

5. Coordination With the Finance Branch. The Relocation Specialist will make copies of the relocation contract and the disbursement schedule for the finance branch. The Specialist will highlight the amounts listed in the relocation contract, and the prepayments and moving expense on the disbursement schedule. He/she will deliver the copies and the casefile to the Finance Officer. The Finance Officer will assign the vendor number and document numbers for disbursement of housing, bonus, and infrastructure funds. The Finance Officer will enter these numbers on the ONHIR Funds Obligation and Disbursement Record (the "T Sheet").

The Finance Officer will set up the vendor file and create the Client Obligation and Payment Record. Vouchers and supporting documents (as appropriate) submitted by the Relocation Specialists, along with the corresponding fiscal activity documents, will be filed in the vendor file. The Finance Officer will enter the funds obligated, payments, dates of payment, and batch numbers on the Client Obligation and Payment Record, and maintain a running balance of funds disbursed and remaining in the vendor account.

The Finance Officer will return the casefile and the “T” sheet to the Specialist, who will enter the amounts obligated for each expenditure category on the “T” sheet.

6. Utility Deposits. If utility deposits are not covered by pre-paid agreements, the Relocation Specialist will prepare vouchers for utility deposits. The checks will be sent to ONHIR, and when they are received the Specialist will issue the checks and the application for service, signed by the client, to the service providers.

7. Travel Claims. The Finance Branch will provide the Specialist with a copy of the client's search expense claim after reviewing and approving it. The Specialist will send the claim to the client with a cover letter alerting the client that he/she will be receiving the payment within two weeks.

8. Letter to the Insurance Company. At the sheetrock draw, the Specialist will issue the First Year Insurance Letter (see attached example) to the insurance company which submitted the cost estimate, informing them that the client has selected them as the insuring agent and has signed the relocation contract. The Specialist will provide the client's name, address, phone number (if applicable), ONHIR casefile number, the legal description of the house location, and directions to the house. The letter will also instruct the insurance company that any refunds should be issued to ONHIR and not to the client.

The Relocation Specialist will be responsible for providing any other information or documents required by the company, (i.e. photographs). At the time of the final inspection, the Specialist will contact the insurance company to verify that everything is in place for the homeowner's policy to go into effect.

9. Notifications to Indian Health Service. **(Cross reference MM#1774**.) After the house has passed the footing and foundation inspections, the Specialist will issue Notification of Passed Footing and Foundation, **Form MM#1774.2**, to the Indian Health Service (IHS) District Engineer. This report will alert the Engineer that the contractor's heavy equipment is off the site and IHS can proceed to install the septic tank and/or begin construction on the water and/or sewer lines.

A second notification to Indian Health Service will be automatically generated when the house passes interim inspection. This signals that the house will be completed in about sixty (60) days and the water and septic should be completed when the house is finished.

Other Notifications. The Specialist will inform the District Engineer by memo if construction is halted for any reason, or any other unusual event occurs which will impact the construction work to be done by Indian Health Service.

10. Change Orders. The Relocation Specialist will process change orders in accordance with MM#1655.

11. Review of Inspection Reports. The white copy of the inspection reports will be routed through the Construction Representative to the Relocation Specialist. There are four possible results of a scheduled inspection: passed, passed with carry-over items, cancelled, and failed. The Administrative Assistant will data enter the following information from the inspection reports, as applicable, and route the reports to assigned Relocation Specialist.

*number of failed items
*number of items carried forward
*'contractor not ready for inspection' code

12. Construction Draws. Upon receipt of a passed inspection report the Relocation Specialist will prepare a voucher for funds disbursement. The Specialist will check the inspection report to see if the contractor will be charged a reinspection fee. If so, the Specialist will record it on the “T” sheet and on the disbursement schedule next to the draw from which the fee will be deducted.

Five payments or more are issued to the contractor during the course of house construction. Specific dollar amounts of the payments are stated in the Disbursement Schedule. When the Specialist receives a "passed" or "passed with carry over" inspection report, the Specialist will pull the pre-submitted invoice and prepare a Disbursement Voucher Request Form. If the contractor did not submit invoices at the pre-con, the Specialist will suspense the payments until the invoices are received.

The Relocation Specialist will enter the vendor number, payee number, document number, amount of payment, date, and face-of-check comment on the voucher. At the bottom of the voucher the Specialist will enter the total payment, client name and casefile number and calculate and enter any funds to be deobligated from the original contract amounts due to reinspection fees or change order modifications. Only one draw is permitted per voucher; any other entries on the voucher can only be a deobligation with explanation.

The Relocation Specialist will initial the voucher and route it to the Construction Representative to double check the entries and calculations. After it is checked the voucher will be routed to the Finance Branch. Vouchers are due every Wednesday by 10 a.m. unless otherwise instructed on holidays. The voucher will be filed in the vendor file by the Voucher Examiner. The contractor's invoice and the white copy of the inspection report will be filed in the casefile by the Relocation Specialist behind the apppropriate file divider.

Partial Payments: No partial draws will be made to a subcontractor or supplier without a written request from the contractor and the approval of the Relocation Operations Branch Manager.

13. House Wiring Compliance. When the house passes interim inspection the contractor is responsible for insuring that the electrical subcontractor submits a statement that the electrical system installed in the house meets code requirements. This statement or form is submitted to the Relocation Operations Branch Administrative Assistant.

14. Action at the Time of Sheetrock Inspection. The sheetrock inspection signals that the house should be ready for final inspection in about six weeks. At the time the house passes sheetrock, the Relocation Specialist will do the following:

*Order the remaining moving expense allowance;

*Order the insurance premium;

*Mail the insurance application, plot plans, and directions to the homesite with the "First Year Insurance" letter; and

*Write the client about the final inspection.

a. Moving Expense Allowance. At the time the house passes the sheetrock inspection the Relocation Specialist will prepare a Disbursement Voucher Request for the amount of moving expense allowance remaining after the utility deposit has been subtracted.

b. Insurance Premium. **(Cross reference MM#1670**.) The Relocation Specialist will order the first year insurance payment when the house passes the sheetrock inspection. The check will be sent directly to the insurance agent.

c. Bonus Check. The Specialist will order the bonus check at the time of sheetrock inspection. The check will be sent to the ONHIR.

d. Letter to Client. When the house passes sheetrock, the Specialist will write to the client and inform him/her that the/she will soon be receiving the moving allowance check and will inform the client of the approximate date of final inspection. The Specialist will encourage the client to be present at the final inspection to take possession of the house and will instruct the client to telephone the Construction Representative, or keep in contact with the contractor, to find out the date of the final inspection.

15. Action after Final Inspection. When the Relocation Specialist receives the passed final inspection report, he/she will do the following:

*Order the final draw.

*Send the photographs to the insurance company and request the company initiate coverage.

*Issue the "Inspection of Replacement Dwelling and Certification of Occupancy Form."

*Complete the "Case Closing Sheet."

*Make sure that lien waivers have been received from all subcontractors and suppliers.

a. Transmitting Photographs to the Insurance Agent. As of the date of these procedures, insurance agents providing coverage for reservation houses require photographs of the stove and two exterior views of the completed home, prior to effecting coverage. The photographs will be taken by the Construction Control Inspector at the time of final inspection and routed to the Relocation Specialist along with the passed final inspection report.

The Relocation Specialist will assure that the photographs accompany the final inspection report, and are correctly labeled. The Specialist will transmit the photographs to the insurance agent within 24 hours, using overnight mail or delivering the photos personally if the agency is located in Flagstaff.

b. Case Closing Sheet. After receiving the passed final inspection and ordering the contractor's final draw, the Relocation Specialist will fill out the Case Closing Sheet, **Form MM#1640.20**. This form is available in ONHIR "Forms Made Easy." The Relocation Team Leader will review the closing sheet and perform the following data entry: date of final inspection, warranty expiration date, type of warranty, benefit document number.

c. Lien Waivers. The Relocation Specialist will review the list of subcontractors and suppliers submitted by the contractor at the time of contract signing and verify that all subcontractors and suppliers have submitted lien waivers, **Form MM#1640.21,** stating that they have been paid in full. The list should reflect any changes which have occurred since contract signing. The final draw will not be issued until all lien waivers have been received.

16. Client Possession of Home. When the house has passed the final inspection, the contractor will give the client the keys to the house. This usually takes place at the homesite, frequently at the time of final inspection. Generally the contractor takes the client through the finished house and explains the features of the house and the operation of the mechanical systems and appliances.

17. Inspection of Replacement House and Certification of Occupancy. This form is generated by the computer entry of the date of passed final inspection. A Warranty Complaint form will be attached to the Inspection/Certification form. The form requires the client to inspect the house and report any observable defects on the Warranty Complaint form. A client may not subsequently complain that something was wrong when he/she moved in if he/she does not report it at the time of move-in.

The bonus check will be sent certified mail after the Inspection/Certification form has been signed, notarized, and returned to the Relocation Specialist. Before issuing the bonus check, the Specialist will verify that all actions to effect homeowner's insurance are completed.

If workload permits, the Relocation Specialist will schedule a field visit to obtain the client's signature on the Inspection/ Certification form and deliver the bonus check. If a field visit is not possible, the bonus check will be sent by certified mail.

No Homeowner's Insurance Application. If the client has failed to submit a completed application for homeowner's insurance, the Specialist will notify the client that the bonus check will not be sent out until the application is submitted.

18. Property Disposal. If the client claimed ownership of improvements on the HPL the property will be conveyed to the Hopi Tribe by means of a Quit Claim Deed, approximately thirty (30) days after the house passes final inspection. The Administrative Assistant will prepare these conveyance documents monthly according to the procedures set forth in MM#1610.

19. Case Transfer to Post-Move Status. When the house passes final inspection, data entry of the date of final inspection by the Relocation Team Leader will transfer the case automatically into post move (PM) status.

20. Closing Out the Mini-File. When the housing acquisition is completed and the mini-file is no longer needed, the Relocation Specialist will file any original documents in the main casefile and destroy copies of any documents which are no longer needed.

21. Second Year Insurance. The Relocation Specialist will run as needed a report of outstanding second year insurance premiums for his/her clients. The report will reflect:

*client name *date relocated
*casefile number *date first year policy expires.

If the insurance agent has not yet invoiced the ONHIR for the second year premium, the Relocation Specialist will phone the insurance agent and request an invoice. The agent may provide a verbal quote, to be followed by a invoice, from which the Specialist can prepare the voucher. The payment will be issued electronically to the agent or regional office, as appropriate. The Specialist will notify the client by letter that payment has been ordered. A copy of the letter will be sent to the agent.

Refunds. All refunds will be issued to the ONHIR. The Relocation Specialist will inform the insurance company of this policy. When a refund is received, the Specialist will check the records and if the client used personal funds (including bonus and moving money) for the purchase of the house the refund will be reissued to the client.

Data Entry. When the second year insurance is paid the Relocation Specialist will enter this in the automated records. This entry eliminates the client's name from the list of outstanding second year payments.

The Relocation Specialist will notify the client by letter that the premium has been paid and that this is the final premium payment by ONHIR. A copy of the letter will be sent to the insurance company.

1645.4 Special Conditions Affecting Clients Moving to the New Lands and Reservation Subdivisions.

There are minor variations in procedures for moves to reservation subdivisions, depending upon the subdivision. The Relocation Operations Manager will inform the Relocation Specialists of any special conditions which must be observed in moving clients to subdivisions located on the reservation. Special conditions may include the following:

1. Construction Requirements. Subdivisions may have certain housing design specifications or technical building requirements. The Relocation Specialist will provide the contractor with specifications and requirements applicable to the subdivision.

2. Infrastructure Allowance. In cases where the ONHIR is building the infrastructure for subdivisions there will be no infrastructure allowance added to the client housing benefit.

1645.41 Special Conditions Applicable to the New Lands.

1. Infrastructure Allowance. Because the ONHIR is funding infrastructure on the New Lands, there is no infrastructure allowance added to client housing benefit.

2. Utility Service. After the house passes interim inspection the Relocation Specialist will send the following forms to "Continental Divide Electric Cooperative," with a cover letter.

*Application for Electric Service,

*Meter Deposit Fee (The current amount required by Continental Divide Electric Cooperative.)

*Two (2) Data Cards,

*Letter of Compliance, and

*Map with the legal description of the property.

Copies of the above documents will be filed in the client casefile.

3. Grazing Issues.

a. Permittee.

1. If the client or spouse is a permittee, the Relocation Specialist will assure that a representative from the Range Office is present at the Pre-con to obtain the permittee's signature on the Range Management Plan and the term grazing permit.

2. If the client has a transferred permit, the Relocation Specialist will assure that the person who transferred permit eligibility has already signed a contract; or that the Relocation Operations Branch Manager has obtained a waiver of this requirement from the Executive Director.

b. Sponsored Family Member.

If the client is a sponsored family member, the Relocation Specialist will assure that the sponsor is a permittee who has already signed a contract or that the Relocation Operations Branch Manager has obtained a written waiver of this requirement from the Executive Director.

1646. Acquisition of Navajo Housing Authority (NHA) Housing.

General. A client who has moved off the Hopi Partitioned Land and is buying a house may acquire the house as his/her relocation home. On the Navajo reservation a client may be purchasing a home through the Navajo Housing Authority's mutual help or home ownership programs which are funded by the Department of Housing and Urban Development. Acquisition of such homes will follow the procedures contained in this section, with necessary modifications as determined by the Relocation

Specialist and the Relocation Operations Branch Manager, based upon the circumstances of the particular case.

The client's benefit will be applied to the acquisition in the following manner: 1) problems or defects which represent safety items must be repaired; 2) benefit monies remaining after the repairs have been made will be applied to the purchase price of the house; 3) if any benefit funds remain after essential repairs have been made and the house has been paid off, the remainder may be used for options desired by the client as approved by the Relocation Operations Branch Manager.

Depending upon the amount which the client owes on the NHA house and the cost of required repairs, the payment made by ONHIR to NHA may not result in the house being full paid off. However, the payment will substantially reduce the number of years the client will be making payments. Some of the procedures stated below will depend upon whether the house can be paid off completely or whether the client will still be making payments under the terms of the NHA contract.

1. Inspection of the House. When a client wants to acquire his/her NHA house the Relocation Specialist will request the Construction Representative schedule an inspection of the house.

2. Requesting Pay-Off Figure. The Relocation Specialist will write directly to the Navajo Housing Authority central office in Window Rock and request an updated statement of the account balance on the housing contract. The Specialist will also request the infrastructure cost for the project.

3. Safety Items Which Must be Repaired. The Relocation Specialist will review the Inspection Report and will discuss the report with the Construction Representative in order to determine an estimated cost of repair. In cases of NHA house acquisition the report will be prepared as a narrative list which the client can use to obtain bids from contractors. The report shall separate the required corrections from the items desired by the client.

4. Initial Housing Interview. After the Relocation Specialist has obtained the pay-off figure and the inspection report, the initial interview will be scheduled. The Specialist will inform the client of the updated pay-off amount and the approximate amount of benefit required for essential repairs. If the client wants additional remodeling or modifications to the house, he/she will submit the items to the Relocation Team Leader and the Relocation Operations Branch Manager for approval.

5. Selecting A Contractor. The Relocation Specialist will encourage the client to take the list of corrections and the list of desired items to several contractors to compare price estimates. The contractor whom the client selects to make repairs will submit a bid detailing the work to be done, the cost for repairing or remodeling each item, and the anticipated amount of time required for the repairs and remodeling. If an addition is going to be built onto the house, the contractor will submit four copies of blueprints for the addition.

If it will be necessary for the client to move out of the house while the repairs/remodeling are accomplished, the contractor will estimate how long a period this will be so that the Relocation Specialist can make arrangements for temporary accommodations for the client and family (**Cross reference MM#1754, Temporary Accommodations During Initial Acquisition**). The Specialist will inform the client that any costs for temporary accommodations, including furniture storage, will be charged to the client's housing benefit.

6. Homeowner's Insurance. If the house will be completely paid off by ONHIR, the contractor's bid must include an estimate for two years of homeowner insurance coverage from a company willing to insure the home on the reservation. If the house will not be completely paid off, no insurance bid is

required; the house will be covered by NHA insurance while the client is still making payments.

7. Reviewing the Bid. The Relocation Team Leader and the Relocation Operations Branch Manager will review the repair/remodeling bid and approve or disapprove it. Infrastructure costs will be allowed only if NHA has provided information about the project infrastructure cost and the number of units served, for a per capita breakdown of infrastructure allowance.

8. Approval by Navajo Housing Authority. The Navajo Housing Authority must approve repairs to the house. The Relocation Specialist will send a copy of the list of proposed repairs and remodeling items to NHA and check with the NHA contact official to verify approval.

9. Review of Blueprints. If blueprints for an addition or for remodeling are required the contractor will submit four copies of the blueprints. The Relocation Specialist will route the blueprints to the Construction Representative.

10. Contract Signing. After the blueprints (if any) and costs have been reviewed and approved, the Relocation Specialist will set a date for contract signing. The Construction Representative will be notified to have a representative present at the meeting even though there may not be an addition to the dwelling, as all repairs must pass inspection before the contractor's draws will be issued.

11. Contract Documents. Depending upon the amount and type of repair required by the dwelling, the Relocation Specialist shall decide whether to use (a) Contract for Relocation and Repairs, or (b) Contract for Relocation and New Construction Contract. These contracts must be individually prepared in order to incorporate the clauses applicable to the acquisition. If the ONHIR has agreed to arrange temporary commercial accommodations during housing renovation, information about the location of the accommodations and the amounts to be charged to the client's benefits will be stated in the contract.

Warranty Deposit. The Relocation Operations Branch Manager will determine whether or not the contract will provide for the $1,000.00 warranty deposit. Generally there is no warranty hold back but the decision will be based upon the list of repairs/remodel items.

12. Memorandum of Agreement (MOA). The Office of Relocation will utilize a Memorandum of Agreement between the ONHIR and the Navajo Tribal Housing Authority to formalize the purchase of an NHA home. The MOA will reference the client's existing contract to purchase the NHA house, and will specify the project number and unit to be acquired and the amount which ONHIR will pay for the unit. The MOA will be signed by the Relocation Operations Branch Manager and the Director (or designated official) of the Navajo Housing Authority, Window Rock, Navajo Reservation, Arizona.

13. Issuing the Check to Navajo Housing Authority. The Relocation Specialist will prepare the Memorandum of Agreement and obtain the signature of the Relocation Operations Branch Manager. After the contract documents have been signed, the Specialist will give a copy of the relocation contract and the first two pages of the relocation contract to the Finance Branch, and will prepare a voucher for the amount to be paid to the Navajo Housing Authority. The Finance Branch will direct that the check be mailed to the ONHIR office.

When the check is received, the Relocation Specialist will prepare a cover letter to the Director of the Navajo Housing Authority in Window Rock requesting that the Director (or designated official) sign and return the Memorandum of Agreement as soon as possible. The Relocation Specialist will inform the Director of the date when repair work will begin on the house.

The Relocation Operations Administrative Assistant will make copies of the cover letter, the

check, and the Memorandum of Agreement for the client casefile. The original letter, check and agreement will be sent certified mail, return receipt requested, to the Director of the Navajo Housing Authority in Window Rock. The Administrative Assistant will type the return mail receipt number on the cover letter.

14. Construction Start Date. The construction contract will specify a tentative construction start date which will be no sooner than 30 (thirty) days following the date of execution of the contract, so that the payment to NHA can be ordered by the Relocation Specialist and received by NHA. The contract will provide that the contractor shall not begin work until notified to proceed by the Specialist. If it is necessary for the Specialist to extend the start date, the extension will be accomplished by means of a contract amendment signed by the client.

Regardless of the date that the Navajo Housing Authority Director signs and returns the Memorandum of Agreement, receipt and deposit of the check by NHA will constitute action to proceed with housing repair/remodeling.

15. Other Activities Relating to the Acquisition of a Navajo Housing Authority House. With certain exceptions as noted, activities following the execution of contract documents follow the general outline for new construction houses set forth in section 1644.3 of these procedures. In broad outline, these activities are:

a. The Relocation Operations Branch Manager will review and sign the contract documents. (MM#1645.3 #2)

b. The Relocation Operations Branch Manager will perform data entry as appropriate to the case. (MM#1645.3 #3)

c. Copies of the contract documents will be distributed as provided in MM#1645.3 #4.

d. Insurance Premium. If the payment to NHA results in the house being fully paid off, the contractor will obtain an estimate for insurance coverage and submit it with the bid for corrections. The Relocation Specialist will obtain a completed insurance application from the client, or will instruct the client to go to the insurance agency to fill out an insurance application as described in MM#1645.2 #11. The Specialist will order the insurance check at the time the contract documents are signed. The Specialist will arrange for insurance coverage to go into effect as soon as possible after the house payoff.

No ONHIR Insurance. If the house is not fully paid off the ONHIR will not arrange for insurance coverage, as the house will continue to be covered under the terms of the Navajo Housing Authority Purchase Contract.

e. Moving Expense. The moving expense money may be issued to the client at any time following the execution of contract documents.

f. Payments to the Contractor. The Relocation Specialist will prepare vouchers for payments according to the schedule set forth in the payment contract, upon receipt of passed construction inspection reports.

g. Closing Sheet. The Specialist will prepare a case closing sheet after ordering the final draw.

h. Bonus Payment. In cases of NHA acquisitions, the Specialist will not travel to the home to verify occupancy and deliver the bonus check. Provided the Specialist has received verification that the

client has applied for homeowner's insurance, the bonus payment will be mailed to the client. The Specialist will send the client the Inspection of Replacement Dwelling and Certification of Occupancy Form upon completion of repairs. The form will be sent to the client with a cover letter instructing the client to sign the form in the presence of a notary and return the form to ONHIR. A postage paid pre-addressed envelope will be enclosed with the form.

i. Transfer to Post Move. Data entry of the date of final inspection by the Relocation Operations Branch Administrative Assistant will transfer the case to Post-Move status.

Note: All forms referenced in this section can be found at the end of the section referred to.

___/s/CJB__
APPROVED

SECTION 1600 RELOCATION OPERATIONS BRANCH -HOUSING ACQUISITION

SUBJECT 1648 Off-Reservation Relocation

AUTHORITY: P.L. 93-531, as amended: 25 CFR 700 Subpart E

POLICY.

1648. OFF-RESERVATION RELOCATION.

General. A client who is moving off-reservation will acquire a replacement house through one of three methods: (1) new construction; (2) resale (purchase of a house available on the local housing market); (3) mortgage payoff or paydown plus remodeling and repair on the house currently occupied by the client (commonly referred to as "existing mortgage").

The principal difference between the acquisition of a home on the reservation and a home off the reservation relates to land title. A client moving to a reservation site will obtain a lease interest in the one (1) acre homesite or lot on which the house is built. Off reservation the client will obtain title to the parcel of land on which the house is built. Title will be obtained according to the laws and procedures of the jurisdiction to which the client is moving.

Purchasing Land Off-Reservation: The ONHIR will purchase a lot in order to build a new house for a relocatee moving off reservation. The size of the lot will vary according to local market conditions, but the total cost of the land and house may not exceed the amount of the client's benefit or benefit plus additional financing arranged by the client. The ONHIR will not purchase land parcels on behalf of the client for any purpose other than the construction of the relocation house.

Original Documents. Frequently documents required for an off-reservation purchase are faxed to the Relocation Specialist. The Specialist will require that faxed documents which have legal significance be followed up by mailed originals. This includes the relocation contract documents and the appraisal.

Data Entry of Actual Relocation Site. Data entry of the actual relocation site for off reservation moves will be made by the Relocation Operations Branch Manager when the contract has been signed and data entry of contract data is performed.

1648.1 Housing Initial Interview.

General. During the initial housing interview with clients who are moving off reservation, the Relocation Specialist will inform the client of the actions required to acquire both new construction and resale housing. The Specialist will also provide general information about the housing market at the location to which the client is moving.

The Specialist will follow the Off-Reservation Initial Interview Checklist, **Form MM#1640.2**, in conducting the interview. After the interview is over, the Specialist will ask the client(s) to sign the form, confirming that all subjects were covered. General information which must be discussed with all clients during the initial interview regardless of relocation site is set forth in MM#1640.3.2. Information

which is applicable only to off-reservation moves is listed below.

The Off-Reservation Initial Interview Checklist will be filed in the client casefile under the correspondence tab.

1. Housing Expenses. Pursuant to 25 CFR 700.53 (d), monthly expenses of the replacement house may not exceed 25% of the monthly gross income of the household. Monthly housing costs off reservation include: utilities, homeowner's insurance, real property taxes, and mortgage payment. The Specialist will prepare an analysis of the client's household income in relation to anticipated housing costs to determine maximum allowable housing expense. This figure will be incorporated into the letter to the contractor or real estate agent. If the client applies for mortgage financing, the Specialist will inform the lender of the 25% requirement.

In order to prepare the income and expense analysis, the Specialist will do the following:

a. Income and Employment. The Specialist will update casefile information on the client's (household) annual income and employment. If the information on the Client Information Summary is not correct, the Specialist will record the information provided by the client on the Client Information Summary. The Specialist will use code table 19 for occupations and code table 2 for location of job. The Specialist will route the corrections to the secretary for data entry.

If the household income has dropped below $35,000 the case will be put on hold until the income goes up, or the Specialist will ask for an income waiver. If the household income is still $35,000 or higher but the client or spouse has changed jobs or employment status, supporting documentation is needed. Acceptable documentation is: income tax records, W2 copies, cumulative wage statement, year-to-date; employer statement of earnings. Supporting documents are not needed to verify routine annual salary increases in the same job.

b. Credit Report. The Specialist will order a credit report if there is no credit report in the file; or if there is a credit report which is more than six (6) months old. The credit report will be used to advise the client about the wisdom of applying for mortgage financing, and the amount of mortgage which the client can reasonably assume given his/her current debt structure.

c. Income/Housing Cost Analysis. **Form MM#1640.17**, Income/Housing Cost Analysis is used to provide the client with a comparison of his/her annual income and current expenses vs. the housing expenses he/she will incur following the off-reservation move. The Specialist will enter the client's income, loan and credit card payments, and an approximate figure for post-relocation utility, property tax, and insurance payments. The Specialist will discuss the anticipated expenses and will give the form to the client so he/she can enter the amount of the mortgage loan after the client has selected a house and applied for mortgage financing.

d. Advice to Client. The Specialist will discuss the advantages and disadvantages of a mortgage, and appropriate size of mortgage considering the family income and obligations. The Specialist will advise the client about the need to budget for monthly and annual payments for utilities, mortgage, property tax and insurance.

1). Property Taxes. The Specialist will explain that if the client takes out a mortgage, property tax and homeowner's insurance will be collected through the monthly payments if it is

a PITI loan. PITI stands for "principal, interest, taxes and insurance." Not all loans provide for the collection of taxes and insurance premiums. If the client does not have a PITI loan, the client will have to budget and set aside money for the bi-yearly tax payment and homeowner's insurance (after the first two years). The Specialist will explain the consequences of not paying the property tax.

2). Property Tax Proration. The Specialist will explain to the client that taxes are due every six months (by October 31 and April 30 in Arizona). Depending upon the date that escrow closes, a client may either owe taxes on the property or may receive a tax credit. Tax payment or credit will be handled through escrow. The Specialist will advise the client about the tax payment which applies in the client's particular situation.

3). Special Assessment Districts. If the purchase agreement shows that a resale house is located in a special assessment district, the Specialist will explain to the client what this means. Usually the seller will be required to pay the special assessment fee. If this is not feasible, the Specialist may negotiate a lower house purchase price and ONHIR will pay the special assessment from infrastructure allowance.

If the client is building a new construction house in a rural area which has been designated a special assessment district, the ONHIR will pay the assessment from the infrastructure allowance.

Special assessment fees which are identified prior to contract signing will be paid in full as part of the contract process, so that the client will not encounter subsequent extraordinary fees. However, if a client moves to a rural area which is designated a special assessment district after the client has relocated, the ONHIR will not be responsible for fees.

2. Types of Ownership Titles. The Specialist will inform the client of the different types of ownership titles in the jurisdiction where they are moving. The Specialist will explain the differences in the types of titles, and the advantages and disadvantages of the different types, with specific regard to the client's personal circumstances. The Specialist will inform the client that the real estate agent/vendor will ask him/her how he/she wants to take title, because the title company will need the information. The Specialist may provide the client with a copy of **Attachment MM#1640.15**, Forms of Ownership, if the client wants a written explanation of the different ways of taking title in Arizona.

3. Infrastructure Allowance. **Cross reference MM#1770**. The ONHIR may contribute from discretionary funds an amount not to exceed 30% of the total housing benefit plus infrastructure cost for infrastructure to be brought to the lot line. Infrastructure may include water, sewer, natural gas, electricity; and items which meet subdivision development requirements, such as streets, sidewalks, curbs, gutters, and streetlights. Infrastructure does not include telephone or cable.

During explanation of the client's benefits, the Specialist will explain the off-reservation infrastructure allowance. The Specialist will inform the client that ONHIR can pay an amount equal to the costs for off-site infrastructure if the developer or seller can provide a statement of development costs. This means that the housing benefit will be increased by the amount spent on the approved infrastructure development. If the contractor/seller does not provide documentation on infrastructure cost, no allowance will be provided when the client contracts for his/her house. The Specialist will explain that the infrastructure allowance is not a set amount; it depends upon what the developer spent.

4. ONHIR Deed Restriction. The Specialist will inform the client that the title will contain a deed restriction which is applicable for the first two years that the client owns the home. The deed restriction is intended to assure that the client makes an informed decision if he/she wants to sell the house or borrow money using the home as security. The deed restriction requires that the client consult with ONHIR if he/she proposes a transaction which will alter the terms of the title. **Cross reference MM#1780, Deed Restrictions**. If the client obtains mortgage financing in order to build or buy the house, the deed restriction does not apply to the lender, who is in first position on the lien.

5. Letters of Introduction. The Specialist will give the client as many copies as needed of the Letter of Introduction - Off-Reservation Acquisitions. The Specialist will carefully explain the terms of acquisition which are contained in the letter of introduction:

* the ONHIR will not pay more than the appraised value of the house.

* the house is subject to the inspection and approval of the house by the ONHIR.

* the acquisition is contingent upon the client raising sufficient funds, which may include a mortgage and personal savings in addition to the government housing benefit and infrastructure.

6. Instructions to Client. The Specialist will instruct the client about contacting real estate agents/contractors, and will inform the client of the process which will occur once he/she has found a house or house plan that he/she wants to acquire. The Specialist will advise the client not to sign any purchase agreement without prior approval of the ONHIR; the ONHIR may reject any purchase agreement negotiated by the real estate agent/contractor and client without ONHIR review and approval.

The Specialist will answer the client's questions and conclude the interview with instructions to contact the Specialist as soon as he/she finds a house or a contractor.

7. Checklist #3. Checklist #3, which is available in the form-fill word processing library, will be used by the Specialist for off-reservation moves. As the case proceeds, the Specialist will use Checklist #3 to enter actions and receipt of documents. If the client chooses a new construction house, the Specialist will fill out Part A of Checklist #3. If the client chooses a resale house, the Specialist will fill out Part B of the Checklist.This form will be filed in the client casefile when the acquisition has been completed.

1649. OFF-RESERVATION NEW CONSTRUCTION.

General. Acquisition of a new construction home off reservation varies from acquisition of a new construction home on reservation in these principal respects:

(1) ONHIR does not perform feasibility studies on off reservation lots. However, flood plain clearance and archaeological clearance are required.

(2) Payments are disbursed through escrow rather than directly to the contractor. In Arizona, escrow is administered by a title company, and these procedures describe this type of disbursement. Disbursement methods vary from state to state, and the Specialist will process payments according to the requirements of the locality where the client is building.

(3) The Pre-Construction Worksheet and associated forms are not used for off-reservation construction. The contractor shall submit a sales agreement which describes what is being provided, including lot, utility hookups, and completed house.

(4) The contractor must provide at his/her expense an appraisal of the house plans on FNMA 1004 Appraisal Report.

(5) The client will frequently obtain mortgage financing in order to acquire the house of his/her choice.

(6) The ONHIR warranty agreement and $1, 000 warranty hold back applicable to on-reservation construction shall not apply to off reservation construction. The home owner shall have recourse to the protections and indemnification procedures established by the jurisdiction to which he/she is moving.

1. Lot Acquisition. When the client chooses a contractor and house plans, the contractor will identify lots which are available for building and will acquire the lot selected by the client. Lot costs will be incorporated into the sales agreement and the construction payment contract.

Occasionally a client will find a lot and will want to purchase it before he/she has selected a contractor; or will already own or be making payments on a lot. These cases are unique and must be handled by the Specialist according to the circumstances of the acquisition. The Specialist will develop wording to be incorporated into the relocation contract and payment contract which states the purchase terms, and will obtain approval from the Relocation Operations Branch Manager and the Executive Director. The following guidelines will apply to such acquisitions.

a. Purchase of Lot by ONHIR. The ONHIR cannot disburse housing acquisition funds until the relocation contract is signed. Lot cost is the first payment issued pursuant to the construction payment contract after the relocation contract is signed. If a client wants the ONHIR to purchase a lot before he/she has selected a contractor, the Specialist will strongly advise that the sales agreement between the client and the lot seller allow for a 60-90 day closing in order for the following contingencies to be met:

(1). The lot must receive floodplain clearance and archaeological clearance. The Relocation Specialist will initiate these reviews (see section 1654 of these procedures).

(2). The title company handling the transaction must submit a preliminary title report or condition of title report.

(3). The purchase of the lot will be contingent upon the client selecting a contractor and submitting blueprints and having them approved by ONHIR within the specified closing period.

Under no circumstance will the purchase of the lot be finalized before the contract is signed. If the client has secured the lot by making an earnest deposit and subsequently changes his/her mind, the ONHIR will not reimburse the forfeited deposit.

b. Purchase of a Lot by the Client. If the client is making payments on a lot, the client may instruct ONHIR to use the amount necessary from the housing benefit to pay off the lot through the relocation contract and construction payment contract. Alternately, the client may prefer to continue making payments independent of the relocation contract in order that all of the housing benefit be available for construction of the house.

No ONHIR deed restriction will be placed on lots purchased by the client.

Lots which are being purchased or are owned outright by the client must meet the requirements of (1) and (2) above: there must be a title report stating that the lot is free of liens; and the lot must receive floodplain and archaeological clearance.

2. Selecting a Contractor. The Specialist will advise the client to contact several contractors who build houses in the community where the client is moving, and discuss development of a house plan which meets the client's needs. The Specialist will recommend that the client compare offers from several contractors before making a final selection. The Specialist may provide a list of contractors, but will not recommend a specific contractor to the client. If the client wants assistance in choosing a contractor, he/she may ask for the Specialist 's help in analyzing and comparing house plans and costs submitted by different contractors.

3. House Plans. In consultation with the contractor, the client will choose a house plan which is within the amount of the client's benefits and infrastructure allowance, plus any additional financing that the client may obtain. ONHIR's Letter of Introduction - Off-Reservation Acquisition states the conditions which must be met in order for the ONHIR to build the house. The Specialist will clarify any questions which the contractor may have regarding the terms of purchase.

4. Documents Required From Contractor. The Specialist shall obtain the following documents from the contractor selected by the client:

a. Sales Agreement. The contractor selected by the client will submit a sales agreement to the ONHIR. The agreement may take the form of a letter, contract, or other written document. The sales offer must contain the following contingencies:

1). The sale is subject to the inspection and approval of the home by the ONHIR.

2). The sale price (price negotiated) will be $ (specific amount) or ONHIR approved appraisal, whichever is less.

3). The sale is contingent upon the client obtaining sufficient funding through housing benefits, infrastructure, loan, and personal funds.

b. House Plan. The contractor must submit plans which include:

* 4 copies of working blueprints signed by the contractor and the client.
* 4 copies of Federal Specification Form 2005, Description of Materials
* plot plan

* mechanical schedule (as appropriate)
* schedule of windows and doors
* cross section drawings and elevation plans
* truss certificates

The contractor may submit ONHIR **Form MM#1640.4**, Color and Appliance Selection Sheet as an optional form, and/or may submit additional specification sheets for house components.

c. Appraisal. The contractor must submit an Appraisal of Fair Market Value of the house. The appraisal shall be in the form of FNMA 1004 Appraisal Report.

d. Insurance Estimate. If the client fails to obtain an insurance estimate, the contractor must obtain and submit a cost estimate for one year hazard insurance with the minimum deductible offered by the company. The estimate must be on insurance company letterhead **(cross reference MM#1670)**.

e. Infrastructure Breakdown. In order for the client to receive an allowance for the cost of bringing infrastructure to the lot line, the contractor must provide a breakdown of the lot development costs, as listed on **Form MM#1640.14 (cross reference MM#1770)**. Infrastructure costs must be set forth on the contractor's letterhead, signed by the contractor/developer.

f. Copy of Contractor's State License. The contractor must provide either a copy of his/her state license, or the license number. The Specialist will contact the Registrar of Contractors (or other appropriate office, depending upon the jurisdiction) to verify that the license is valid and the contractor is in good standing.

5. Title Company. An escrow shall be established with a title company for the purpose of processing the documents and disbursing all funds required for the purchase. The contractor may recommend a specific title company to the client; however, the client, as buyer, shall have the right to make the final decision as to which title company is selected to handle the transaction. When the title company has been selected, the Specialist will obtain the following documents from either the title company or the contractor:

a. Preliminary Title Report. The title company will provide a preliminary title report for the land and will initiate a title insurance policy for the lot. After the house is built the insurance policy will be amended to include the value of the house. The Specialist will verify that the preliminary title report includes the following information:

* client's name and signature must match
* method of vesting
* legal description
* any liens against the client must be shown on the preliminary title report
* any tax liens or special assessments on the property.
* commitment to insure

b. Covenants, Conditions and Restrictions attached to the land. This information may be submitted separately from the preliminary title report.

c. Escrow Instructions if available. A sales agreement, or a letter from the Specialist stating ONHIR requirements as set forth in **Form MM#1640.20**, Letter of Introduction - Off-Reservation

Acquisition, may serve as escrow instructions.

6. Loan Approval. Any additional financing obtained by the client must be finalized before the relocation and housing contract documents are signed. The client and/or lending institution must provide the Specialist with the following information, which may be in the form of a letter of commitment or good faith estimate of settlement costs:

* amount of the loan
* interest on the loan
* terms and conditions of the loan, including: do the installment payments include or exclude tax and insurance impound; any balloon payment, number of months of loan.

The Specialist will analyze the monthly payments in relation to the requirement that total monthly housing costs may not exceed 25% of the gross household income. The Specialist will incorporate the information about the loan into the contract documents.

7. Review by Specialist . The Specialist will use **Form MM#1640.14** Items Needed for Off-Reservation New Construction as a self-check that all essential documents required for the purchase have been received. The Specialist will assure that all issues related to the acquisition have been satisfactorily addressed by the contractor, title company, finance institution, and client. If negotiations with the contractor over price or other issues do not result in agreement, the Specialist will instruct the client to look for another contractor.

8. Review and Approval by Relocation Operations Branch Manager. The Specialist will submit the infrastructure breakdown to the Relocation Operations Branch Manager. The Manager will fill out **Form MM#1770.2**, Off-Reservation Infrastructure Computation. If the amount which the Manager approves exceeds $20,000 the Manager will submit the infrastructure cost calculations to the Executive Director for final approval. The Manager will also review and approve the appraisal.

9. Transmitting the Plans to Inspections and Compliance. The Specialist will fill out **Form MM#1640.6**, Plans Transmittal Memorandum, and attach the blueprints and required documents. The Specialist will route the memo and attachments to Relocation Operations/Inspections and Compliance staff.

10. Plan Review by ICB. Inspections and compliance staff will set up a "green file" for the client and conduct plan review according to the procedures in MM#1540. If the Construction Representative requires additional information, he/she will inform the Relocation Specialist who will contact the contractor for the information.

11. Notice of Benefit Determination. The Specialist will issue the Notice of Benefit Determination to the client when the house plans are submitted to Inspections and Compliance. If adult children are included in the household, the Specialist must complete the Declaration of Household Membership by Specialist before the Notice of Benefit Determination is issued. The Notice must be reviewed and signed by the Relocation Operations Branch Manager. The Specialist will route the signed Notice to the Relocation Operations Administrative Assistant, who will mail it certified mail, return receipt requested. The Notice informs the client that he/she has thirty (30) days to appeal the determination if he/she disagrees with it.

12. Scheduling the Pre-Construction Conference. When the inspections staff returns the green file to the Relocation Specialist, the Specialist will schedule the Pre-Construction Conference. The conference will include the client, the contractor, the Specialist, and a construction inspector.

The client will be notified by letter or phone of the date/time the session will begin. The letter will instruct the client to phone to reschedule the appointment, if the date/time is inconvenient.

The Administrative Assistant will enter the date/time the pre-con is scheduled in the main desk appointment book.

13. Pre-Con Notes **cross reference MM#1540 p. 5 #7**. The assistant will enclose a copy of the Pre-Con Notes, **Form MM#1540.4**, initialed by the plan reviewer, in the letter to the client(s). The Specialist will inform the client of the items which he/she must be prepared to discuss at the pre-con, and instruct the client to think about these items. The Administrative Assistant will also send a copy of the pre-con notes to the contractor.

14. Review of Contract Documents Relocation Operations Team Leader. Ten (10) days prior to the pre-con, the Specialist will assemble the files containing the information necessary to prepare the contract documents. The Specialist will prepare the contract documents for review by the Relocation Operations Team Leader, using the Contract Review Checklist (see attached example) to assemble the information and documents. The Specialist will complete the entries on the Contract Review Checklist and forward the Checklist and the typed contract documents to the team leader. The Specialist will include these files:

* green file (plan review file)
* client casefile
* mini file
* appraisal file (if client has appraisal)

15. Review by Relocation Operations Team Leader. The Team Leader will review the contract documents against the information in the relevant files, including the automated records, for accuracy, consistency, and completeness. The Team Leader will note any necessary corrections and instruct the Specialist as appropriate. The Specialist will prepare the final contract documents from the drafts as corrected or changed by the Team Leader. The contract documents are:

1) Contract for Relocation: New Construction
2) Quit Claim Deed; and Owner Retention of Improvements, if applicable.
3) Construction Contract
4) Disbursement Schedule

The contract documents will be computer generated. The Specialist will type or write the required entries onto the Contract Data Worksheet. The Administrative Assistant will type up the Contract Data Worksheet and will generate the contract documents through merge. The assistant will deliver the contract documents to the Specialist after they have been generated, and the Specialist will proof the final documents to assure that all provisions applicable to the case have been included in the contract documents.

Examples of contract documents are available from the Relocation Operations Administrative Assistant. They are not included with the forms attached to this section of the Office's Management Manual.

1649.1 Pre-Construction Conference and Activities During the Remainder of the Housing Acquisition Phase of Case Processing.

General: Procedures for the pre-construction conference and contract signing, and activities subsequent to contract signing are substantially the same for off-reservation moves as they are for on-reservation acquisitions. **Cross Reference MM#1645: On-Reservation Relocation.**

The principal differences between procedures followed by the Specialist for an off-reservation acquisition as opposed to an on-reservation acquisition relate to the close of escrow. At the time the final payment is issued to the title company, the Specialist must assure that:

(1). The Specialist has confirmed in writing the closing costs which will be charged to the buyers/clients as incidental expenses.

(2). The title company has provided or is in the process of providing ONHIR with a copy of the updated title insurance policy and a copy of the deed to the house.

(3). The ONHIR deed restriction has been incorporated into the copy of the deed provided to ONHIR.

1650. OFF-RESERVATION RESALE HOUSING.

General. During discussions between the Relocation Specialist and the client, resale houses are generally described for convenience purposes as either "spec" homes or older homes. "Spec" homes are newly constructed houses offered by the contractor through realty listings. Resales which are not "spec" houses have been previously owned.

All resale houses will be inspected by the Construction Control Inspector. The Specialist will advise the client that resale houses may have hidden problems which cannot be detected through the inspection process; the older the house, the more likely it is to have problems. If the inspector notes safety or health items which do not meet ONHIR standards, the seller will be required to correct them.

The ONHIR will require termite inspection. Depending upon the results of the inspection, termite treatment may be required. Costs of termite treatment will be paid by ONHIR from incidental costs.

The seller has the right to withdraw from the purchase transaction if the ONHIR inspection results in a determination of repairs which the seller is unwilling to make.

The ONHIR will not require the seller to remodel or to make minor maintenance or cosmetic repairs to the resale house. The client will be advised that the house must be satisfactory "as is" and any remodeling or minor repair must be negotiated by the client as part of the purchase contract. Spec homes offer the client more opportunity to negotiate upgrades and changes with the developer.

Historic Properties. The ONHIR will not acquire houses which are fifty or more years old for replacement housing.

Modular Units and Mobile Homes. The ONHIR will not acquire modular units and mobile

homes for relocation housing.

Appraisals. Residential appraisals will be required for all resale acquisitions. The appraisal will be initiated by either the seller or the lender. The Relocation Operations Branch Manager will review and approve the appraisal amount, and may order an independent appraisal. As a general rule, the ONHIR will not pay more than the ONHIR approved appraised value of the house. Exceptions may be made on a case-by-case basis as approved by the Manager and the Executive Director.

1. Selecting a Real estate agent. The Specialist shall instruct the client to contact real estate agents and/or developer's sales offices in the community where he/she plans to relocate. The Specialist will give the client copies of **Form letter MM#1640.11** Letter of Introduction - Off-Reservation Acquisition to give to the real estate agent and title company. The client will be instructed to call the Specialist when he/she has found a house he/she wants to buy. The client will be instructed not to sign a sales agreement until it has been approved by ONHIR.

2. Sales Agreement. When the client has found a house that he/she wants to purchase, the Specialist will contact the real estate agent about the terms of the sales agreement. The Specialist shall verify that the agreement contains the following contingencies:

a. The sale is subject to the inspection and approval of the home by the ONHIR.

b. The sale price (price negotiated) will be $ (specific amount) or ONHIR approved appraisal, whichever is less.

c. The sale is contingent upon the client obtaining sufficient funding through housing benefits, infrastructure, loan, and personal funds.

If the client makes an earnest deposit on the house, the deposit may be refunded to the client if the purchase agreement is approved by ONHIR and if there are sufficient funds available from the housing benefit after the purchase transaction is completed.

3. Inspection of House. The Specialist will submit a Plans Transmittal Memorandum to Inspections and Compliance requesting that an inspection of the house be conducted. The inspector will use the resale inspection checklist when conducting the inspection. The inspector will report any items which do not meet ONHIR safety standards and which must be corrected before the purchase is consummated. A copy of the report will be given to the real estate agent or seller.

a. House Meets Code Standards. If the house passes inspection and does not require repairs, the Specialist will proceed with final review of the purchase contract and all other documents required to draft the housing contracts.

b. House Does Not Meet Code Standards. If the house does not pass inspection and requires repair/modification to bring it up to ONHIR safety requirements, the Specialist will provide the real estate agent with a list of the repairs which must be made by the seller. After the seller has made the repairs, the real estate agent will notify the Relocation Operations Inspections/Compliance Administrative Assistant who will arrange for a reinspection.

If the seller has agreed to make repairs to non-safety items, reinspection may not be necessary. The Construction Representative has the discretion to approve repairs based upon written verification signed by the real estate agent and client that the seller has made the agreed-upon repairs.

c. House Requires Extensive Repair. If the house requires extensive repairs and the construction inspector recommends against the purchase, the Construction Representative will submit the recommendation in writing. The Specialist will advise the client to look for a different house.

The ONHIR will not acquire the house if the cost of repairs will exceed the housing benefit. If the cost of repairs will not exceed the housing benefit and the client wants to purchase the house despite the recommendations of the construction inspection office, the client's request must be approved by the Executive Director.

The Relocation Specialist and the Construction Representative will prepare a report to the Executive Director through the Relocation Operations Branch Manager which details the inspection findings and potential problems with the house; the client's reasons for wanting to buy the house; and alternatives available to the client. The client may be required to sign an acknowledgment that ONHIR is unable to inspect certain features of the house - ie. mechanical systems - which would require removing walls, flooring, etc.

4. Title Company/Escrow Instructions. As set forth in paragraph 5, pg. 7, of these procedures, the client/buyer shall make the final decision in deciding which title company will handle the pending transaction. Subsequent to the establishment of an escrow with the selected title company, the Specialist will contact the escrow officer to begin work on the transaction.

5. Other Documents Required. In addition to the purchase contract, the following documents will be obtained by the Specialist from the real estate agent, developer, or other appropriate agent:

* infrastructure and cost breakdown
* FNMA 1004 Appraisal Report
* written estimate for homeowner's insurance
* preliminary title report for the property or commitment to insure
* escrow instructions (may be verbal or confirmed in writing by the Specialist)
* preliminary settlement statement, RESPA, obtained prior to closing for the purpose of ordering funds.

Obtained	-	final settlement statement
After	-	title insurance policy
Closing	-	deed/title conveyance containing the ONHIR deed restriction

6. Commercial Financing. Any additional financing obtained by the client must be finalized before the relocation and resale contract documents are signed. The client and/or lending institution

must provide the Specialist with the following information, which may be in the form of a letter of commitment or good faith estimate of settlement costs:

* amount of the loan
* interest on the loan
* terms and conditions of the loan, including: do the installment payments include or exclude tax and insurance impound; any balloon payment, number of months of loan.

The Specialist will analyze the monthly payments in relation to the requirement that total monthly housing costs may not exceed 25% of the gross household income. The Specialist will

incorporate the information about the loan into the contract documents.

7. Verification of Specialist that all Requirements Have Been Met. The Specialist will use **Form MM#1640.16** Items Needed for Resale Purchase as a self-check that all required documents have been received. The Specialist will review all documents received in connection with the purchase and assure that they are complete and correct.

8. Review by Relocation Operations Branch Manager. The Specialist will submit the infrastructure breakdown to the Manager for review and approval. The Manager will prepare the Off-Reservation Infrastructure Computation Sheet. If the amount which the Manager approves exceeds $20,000 the Manager will submit the infrastructure cost calculations to the Executive Director for final approval.

The Manager must also approve the appraisal and may review the purchase contract and other associated documents as necessary, depending upon the complexity and circumstances of the purchase.

9. Contract Signing. The Specialist will prepare the contract documents and arrange for contract signing with the client. It is not necessary for Construction Control Inspector to be present for the signing of a resale contract.

The resale contract will specify the exact amounts, sources, and recipients of all funds to be applied to the acquisition. If the client has acquired commercial financing the terms of the loan will be detailed in the resale contract. Incidental costs which will be paid by the ONHIR are not listed in the contract.

10. Letter of Confirmation of Payments to be Issued to the Title Company. After the contract has been signed and the funds have been ordered, the Specialist will issue a letter to the title company stating the number of payments which the title company will receive, the amount of each payment, and the costs to which the payments must be applied. The incidental fees which ONHIR is paying are stated in the letter. Fees which ONHIR will not pay are also stated in the letter. Payments are transferred electronically.

If the client has obtained financing, the letter will identify the lender and the amount to be deposited with the title company by the lender.

The Specialist will also reiterate ONHIR requirements that specific documents be submitted after the acquisition has been finalized. These documents are typically a copy of the final settlement statement, title insurance policy and copy of the deed with ONHIR's deed restriction attached.

11. Refunds. Overpayments of incidental expenses are refunded to ONHIR. Refunds of escrow deposit or pre-paid taxes are issued to the client.

1651. EXISTING MORTGAGES.

General. In a small number of cases, a client may have obtained commercial financing and purchased a home off the partitioned lands prior to developing a relocation plan. These acquisitions are commonly called "existing mortgages" or "existing houses." If a client wants to acquire his/her own house as the relocation house, the ONHIR will expend replacement housing benefits in the following manner: 1) problems or defects which are safety items must be repaired; 2) benefit monies remaining after the repairs have been made will be applied to the purchase price of the house; 3) if any benefit funds

remain after essential repairs have been made and the house has been paid off, the remainder may be used for options desired by the client and approved by the Relocation Operations Branch Leader.

Acquisition of off-reservation existing mortgage houses follows a process similar to acquisition of NHA houses on-reservation.

1. Request for Inspection. The decision to acquire the existing house is usually made by the client during the social counseling phase. The Specialist will request an inspection and compliance staff to determine if there are safety items which need to be repaired. The Specialist will fill out a Plans Transmittal Memorandum, and will ask the client to provide photos of the house which will help the inspector to determine the condition of the house.

2. Results of Inspection. The construction inspection staff will inspect the house using the final inspection checklist. The report will be submitted to the Construction Inspector, who will make a rough estimate of the cost of repairs, and will develop a recommendation regarding the feasibility of repairing and remodeling the house. The inspection report will be routed to the Specialist.

a. Report Determines Safety Items Can Be Repaired. If the Inspection Report concludes that any items which fail to meet safety requirements can be satisfactorily repaired, the case will proceed.

b. Report Recommends Against Acquiring the House. If the Report concludes that there are significant problems with the house which cannot be repaired, or that it will be difficult and expensive to do the work, the Specialist will advise the client about alternatives. The Specialist may request team staffing by the Construction Representative and the Relocation Operations Team Leader. If the client still wants to acquire the house after considering alternatives, the case must be submitted to the Executive Director for decision. The Specialist will communicate the decision to the client.

3. Initial Housing Interview. At the Initial Housing Interview the Specialist will discuss the results of the inspection and the repairs which must be made to the house. The Specialist will find out from the client the name and address of the mortgage company, the loan account number, and other pertinent information about the loan in order to find out the pay-off amount.

The Specialist will provide the client with a rough estimate of how much money it will take to repair the house, and approximately how much of the benefit will be left to pay off the house and do any remodeling the client wants. The Specialist will inform the client that any costs for temporary accommodations required while the house is being repaired/remodeled will be paid from the client's benefits, reducing the amount available for repair and mortgage payoff.

4. House Repairs/Additions. The Specialist will give the client a list of the repairs which must be made to the house. The client has a choice between making the repairs him/herself, or obtaining bids from three licensed contractors to make the repairs. The decision is generally dictated by the extent of repairs required. If the client chooses to make the repairs him/herself, he/she must satisfy the Construction Representative that he/she is qualified and willing to make the repairs.

If there will be funds remaining after mortgage payoff, the client may request remodeling and additions to the house. The contractor selected to do the work must submit plans for additions to the house to the Specialist . The Specialist will transmit the plans to the Construction Inspector for review and approval.

5. Mortgage Payoff. The Specialist will contact the mortgage holder and request a written

statement of the payoff amount. Immediately prior to finalizing the contract the Specialist ill contact the loan company for a final update of the amount due. The Specialist will determine whether or not the amount remaining after repairs have been made will be sufficient to pay off the mortgage completely, or if the client will continue to carry a mortgage. This information will be incorporated into the contract.

The Specialist must always remind the client to continue making mortgage payments until the transaction is completed.

6. Other Information Required for Acquisition of an Existing Mortgage House.

a. Infrastructure Costs. In order for the client to receive infrastructure payment, the client must obtain a statement of infrastructure costs from the developer or builder **(see MM#1770)**.

b. Condition of Title. The Specialist will contact a title insurance company to request a condition of title report on the house. The Specialist will ensure that the report identifies the trustor, trustee, beneficiary information, and any liens on the property. If the title policy does not reflect the current value of the house the Specialist will request an updated policy.

c. Hazard Insurance. If the mortgage will be fully paid by the benefit, the Specialist will arrange for two years' homeowner insurance coverage for the client. If the mortgage is not fully paid off, the client will continue to make insurance payments through mortgage impound.

7. Items Not Required. The ONHIR will not require an appraisal report for an existing mortgage house, and will not require that the deed be amended to incorporate the ONHIR two year deed restriction.

8. Housing Contracts. When the ONHIR has accepted the contractor's bid for repairs and all other information has been assembled, the Specialist will prepare the necessary contracts. The contracts are individualized to state the specific circumstances of the case.

a. Resale Contract. If the amount of repair/remodel does not exceed $20,000, the Specialist will utilize a standard resale contract, modified as appropriate to reflect the circumstances of the case.

b. Repair Construction and Repair Payment Contracts. If the amount of repair/remodel exceeds $20,000 the Specialist will use a repair construction contract and repair payment contract setting forth inspection and disbursement schedules typical for new construction.

9. Reinspection. When the client or contractor has completed the specified repairs, the work will be reinspected. Payment for repairs completed satisfactorily will be disbursed according to the terms of the contract.

1652. INCIDENTAL EXPENSES.

General. **Cross Reference 25 CFR 700.195 Subpart F Incidental Expenses**. The ONHIR will pay reasonable expenses incurred by the client which are incidental to the purchase of a replacement dwelling. Incidental expenses are incurred during the acquisition of an off-reservation house, whether it is a new construction or resale purchase. Incidental expenses are rarely incurred for the acquisition of an on-reservation house.

The types of expenses will vary somewhat depending upon the conditions of purchase and the location of the replacement house. The Specialist will determine what expenses are reasonable, and will negotiate proration of expenses between the seller and the buyer (ONHIR). The Specialist will attempt to get the seller to pay as many of the negotiable expenses as possible.

Disbursement to Client. The client will be responsible for certain incidental expenses, i.e. expenses associated with a loan application, such as the residential appraisal. Because it is difficult to calculate the exact amounts to be paid for various fees, any excess amounts paid by the client for incidental expense will be reimbursed through escrow to the client when escrow closes. The Specialist will determine whether excess amounts should be refunded to ONHIR or to the client, and will inform the escrow officer.

1. Payments to Title Company: Settlement Statement. The title company will provide ONHIR with a copy of the settlement statement of costs (sometimes called a preaudit). Costs incidental to closing escrow may be disbursed by ONHIR at any time during the course of construction; but no later than the close of escrow, when the final payment is issued to the title company by ONHIR.

a. New Construction House. If the client is buying a new construction house, the settlement statement is generally issued at the time of closing. After the relocation and construction contracts have been signed, the Specialist will provide the title company with a copy of the first two pages of the ONHIR construction payment contract, which shows the disbursement schedule and amounts. Incidental costs are not listed in the construction payment contract. The title company may or may not update the settlement statement to reflect the construction payment schedule.

b. Resale House. The title company will set up an escrow account and issue a settlement statement to ONHIR when the real estate agent notifies the title company of the pending sale.

2. Confirmation of Payments to be Made to the Title Company. Following receipt of the settlement statement of costs, the Specialist will issue a letter to the title company setting forth the specific amounts which ONHIR will disburse to the title company. In the case of new construction housing, the letter will state the incidental costs but will not include the construction draws, which have already been detailed in the copy of the ONHIR construction payment contract sent to the title company. In the case of resale housing, the letter will state the amounts to be applied to purchase of the house and will also detail the incidental costs which ONHIR will pay.

3. Authorized Settlement Expenses. As a general rule, ONHIR will pay the following closing costs to the title company:

* ½ of the escrow fee
* recording fees
* title insurance on the house and/or mortgage title insurance (Seller pays to title insurance on the lot.

4. Fees Associated With a Loan. The Specialist will obtain a good faith estimate of loan closing costs from the title company. The fees charged by the lender will vary according to the terms of the loan. As a general rule, the ONHIR will pay the following fees from incidental expenses:

* credit report
* lender's inspection fee

* document preparation fee
* tax service fee
* ALTA charge (lender's insurance)

5. Other Incidental Costs. Depending upon the circumstances of the purchase, ONHIR may pay other fees, including the appraisal, septic tank inspection, termite inspection, flood certification, and chimney certification fees.

6. Expenses Which ONHIR Does Not Pay. The ONHIR will not pay the following costs:

* discount points for a loan
* loan impound charges
* prorated taxes
* homeowner's association fees

7. Processing Incidental Expenses. Incidental costs are recorded on the Funds Obligation and Disbursement Record ("T" sheet) but they are not listed in the construction contracts. The Specialist will prepare a Disbursement Voucher Request Form for the payment of incidental expenses. The Specialist will enter the vendor number, payee number, document number, amount of payment, date, and face-of-check comment on the form. At the bottom of the voucher the Specialist will enter the total payment, client name and casefile number.

The Specialist will initial the voucher and route it to the Relocation Operations Team Leader who will double check the entries before the voucher is routed to the Finance Branch. The voucher will be filed in the vendor file by the finance staff.

8. Exceptional Expenses. Prior to preparing the Disbursement Voucher Request, the Specialist will obtain the approval of the Relocation Operations Branch Manager for the payment of fees which do not fall within the scope of charges usually paid by the ONHIR.

SECTION 1600 RELOCATION OPERATIONS - HOUSING ACQUISITION

SUBJECT 1653 OFF-RESERVATION MOVES: CULTURAL RESOURCE ASSESSMENT

General: Pursuant to 36 CFR 800, the ONHIR shall determine if any historic properties are affected by the acquisition of off-reservation housing. Due to the time frame established by the escrow procedures, survey and assessment of off-reservation properties shall be given top priority. The ONHIR will proceed with the acquisition independent of the cultural resource assessment process. The relocation contract for clients moving off-reservation will include a clause which states that ONHIR will perform cultural resources assessment pursuant to Section 106 of the Historic Preservation Act and will take any necessary action required by the outcome of the assessment.

PROCEDURES.

1. Plans Transmittal Memorandum. Action to conduct cultural resources assessment will be initiated by the Relocation Specialist through the Plans Transmittal Memorandum. The Specialist will deliver a copy of the Plans Transmittal Memorandum to the Cultural Resources Manager (CRM) when the original is routed to Relocation Operations/Inspections and Compliance. The form will specify whether this is a new construction house, involving the acquisition of an undeveloped lot, or a resale or existing mortgage house.

Three questions have been added to the Memorandum for off-reservation acquisitions. This information can be provided by the contractor or realtor and will give the CRM a better idea of the potential for historic properties. The Specialist will provide the CRM with any additional information available at the time the Memorandum is prepared which will assist the CRM to conduct the assessment.

2. Inspection of Site by CRM. From the information provided by the Specialist, the CRM will decide whether or not a site visit is necessary.

a. New Construction Housing. If the house is going to be built in a rural area, the CRM will generally travel to the site to conduct an assessment. A lot in a prepared subdivision may not require an on-site assessment.

Time Frame for Completion of Assessment. Assessment reports which do not require a field visit will be processed within three (3) days. Assessment reports which necessitate a field inspection will be processed as soon as possible. Properties located within a 250 mile radius of Flagstaff that require a field inspection will be visited within ten (10) working days. Properties located outside this area will be visited as soon as possible.

b. Resale of Existing Mortgage House.

Inspection. The ICB Inspector who inspects the house will take photographs which will be used by the CRM in performing the assessment. The inspector will label the photos with the client name and casefile number, date of the photographs, and what they show.

* exterior views of the house, front, back, and side views, showing the way the house is situated on the lot,

* photos of the landscaping,

* photos showing the boundaries of the lots, if obvious,

* photos of any other structure on the lot.

The inspection report and the photographs will be routed to the Specialist. The Specialist will give the photographs to the CRM.

Use of Appraisal. The Specialist will require two copies of the appraisal report for a resale house and will route one copy to the CRM. Note: If the appraisal is received by fax transmission, the Specialist will request an original for the client file. In the meantime, the information contained in the faxed report will be used by the Relocation Specialist and the CRM to complete the cultural resources assessment, the "Site Clearance" Form, and other acquisition activities.

Time Frame for Completion of Assessment. The CRM will determine whether an on-site assessment is necessary. Assessment reports for resale or existing mortgage homes will be processed by the CRM within three (3) days of receipt of the appraisal and photographs.

3. Fee Inspections. In the event that an inspection is conducted out-of-state by a fee inspector, the Inspections Supervisor will instruct the fee inspector about the need for photographs for cultural assessment and what the photographs must show.

4. Site Clearance Form. Inspections and Compliance staff will continue to conduct flood plain review and clearance for off-reservation new construction housing and existing mortgage acquisitions. Flood plain review and clearance for off-reservation resales will be done by the Relocation Specialist. The Specialist will check the flood plain determination on the appraisal and will enter the information on the "Site Clearance" form. The Specialist will sign the form in lieu of the Relocation Operations Branch Manager. The form will be routed to the CRM, who will enter comments and initial Item No. 2, (archaeological clearance and stipulations) when the assessment is completed.

Flood Plain Zone A. If the appraisal report shows the house to be located in a flood plain A, the ONHIR cannot acquire the house. The Specialist will advise the client to look for another house.

5. Contract Documents. The Specialist will prepare the contract documents and will assure that the clause regarding historic properties is inserted into the relocation contract.

6. Assessment Report. The CRM will prepare and type the report utilizing site photographs, the results of the on-site survey, if one was conducted; information from the appraisal, and other relevant information. If the CRM needs additional information, he/she will work with the Relocation Specialist to get it. The report will be prepared as soon as all information required to complete the assessment has been assembled. The CRM will make copies of the report for Office records and will send the original with a cover letter to the SHPO.

7. Report to Specialist. The CRM will return these documents to the Specialist:

* Original Appraisal Report,

* "Site Clearance" Form,

* Copy of the assessment report and letter to the SHPO.

These documents will be filed in the client casefile after the Specialist has finished working with them.

If the Cultural Assessment Report concluded that there are historic properties which will require mitigation and may cause inconvenience to the client, the Specialist will inform the client of the situation and may advise the client to look for another house.

SECTION 1600 RELOCATION OPERATIONS - HOUSING ACQUISITION

SUBJECT 1655 New Construction Change Orders

POLICY.

Any changes to the house plans or specifications which take place after the construction contract is signed, and which are incorporated into the construction contract by reference, represent contract modifications and must be approved in writing before the contractor proceeds with the modifications. Modification work orders, also called change orders, must be approved by the contractor, the client, Relocation Specialist, and Inspections and Compliance Inspector, with final approval by the Relocation Operations Branch Manager. The change may require technical review by the Inspections and Compliance. The change must be approved prior to the inspection of the work covered by the change order.

The ONHIR will not approve a change order which results in a cash payment by the contractor to the client. Any savings in the cost of the contract which results from an approved change order, will accrue to the Government, or will be expended in a manner approved by the Relocation Operations Branch Manager

A contractor who proceeds with modifications without prior written approval by all parties shall be informed that he/she will be liable for corrections and reinspection fees if the change is subsequently disapproved.

A client who requests a change shall be informed of the approval process, and shall be told that the request may extend the contract completion date.

PROCEDURES.

1. **Requesting a Change Order**. A request for a change order may be initiated by the contractor, the client, or the Relocation Specialist. As soon as either the contractor or client decides to request a change to the plans and specifications, the client must notify the Specialist that a change order is pending.

2. **Writing up the Change Order**. The change order may be written up by the contractor, the client, or the Relocation Specialist. Change orders may be submitted on ONHIR **Form MM#1655.1** or an equivalent form or statement. The change order must specify:

a. Nature of the change;

b. Reason for the change;

c. Impact of the change on contract cost, whether addition or reduction. If the change results in additional cost, the change order must specify the source of funds which will be used to cover the cost: unused housing benefit, bonus, moving, personal.

d. Impact of the change, including the time required to process the change order, on the contract completion date.

e. The change order must be signed by the contractor, the client, the specialist, the Inspections Supervisor (if review is conducted), and the Relocation Specialist.

3. **Action of the Relocation Specialist**. The Relocation Specialist will determine if the change requires additional blueprints, and will instruct the contractor to provide them. The Specialist will also determine if the change requires technical review by the Inspections and Compliance. If so, the Specialist will forward the change order to ICB for review before submitting it to the Relocation Operations Branch Manager for approval.

The Specialist will make sure that the change order has been approved and signed by all parties. If the Specialist was not present when the client signed the change order, the Specialist will contact the client by phone, mail or personal contact, to confirm the client's understanding and approval of the change. The Specialist may request a client who provides a verbal phone confirmation to submit a brief written confirmation.

The Specialist will inform the contractor that if he proceeds with the changes before receiving a copy of the executed change order he is proceeding at his own risk. The Specialist shall inform the client that requests for major changes, or delay by the client in approving a requested change, may result in extension of the contract completion date.

4. **Action by ICB**. Inspections and compliance staff will review and return all change orders which require technical review within two days of receipt from Relocation Operations. In conducting an inspection, the inspector will not pass an item which has been changed unless or until it has been approved by the Relocation Operations Manager. If the inspector is in the field at the time the approval is granted, the Specialist can communicate the Manager's decision by phone or radio.

5. **Action by the Relocation Operations Manager.** After the inspections and compliance review is completed, the change order will be routed to the Relocation Operations Branch Manager for final approval. After approving the change order, the Supervisor will perform the following data entry, as applicable:

- date change order received
- date change order approved
- contract extension date
- cost of change
- source of funds
- brief comment on the type of change.

The change order will be routed to the Housing Administrative Assistant who will make copies of the completed order and route them to the casefile, the contractor, the client, inspections and the Relocation Specialist.

SECTION 1600 RELOCATION OPERATIONS - HOUSING ACQUISITION

SUBJECT 1656 VOIDING CONSTRUCTION CONTRACTS UNDER CIRCUMSTANCES WHICH DO NOT INVOLVE A BREACH OF CONTRACT

POLICY.

The Construction Contract and the Construction Payment Contract may be voided or cancelled by mutual agreement of the relocatee, contractor, and the ONHIR for reasons which do not involve a breach of the contract terms. Such reasons may included threats by third parties against the client and/or contractor or site conditions which cannot be mitigated and which require the house to be built in a different location. The contracts may also be cancelled by the ONHIR upon the death of a client with no household remaining to be relocated, if the client dies after the contracts have been signed, but before construction has been completed. (Cross Reference MM#1790-Payments to Estates.)

PROCEDURES.

General. After the Construction Contract and Construction Payment Contract have been signed, the Relocation Specialist is the principal point of contact for the client and contractor regarding change orders, problems encountered during construction, construction draws, and other issues.

Progress on house completion is monitored by both the Relocation Specialist and the Construction Inspectors. Progress toward house completion can be monitored in the field and through inquiry into several automated client inquiry files: Contract/Housing Information, Contract Payment Schedule, and Inspections Inquiry.

The circumstances which may require a contract to be voided are unique to each case and must be reviewed and evaluated on a case-by-case basis. The decision to void a contract must take into consideration cost factors, inevitable delays in selecting a new contractor to complete the job, and/or difficulties in obtaining a new construction site. The Relocation Operations Branch Manager has the principal responsibility for taking action to void a contract, in consultation with the Executive Director, Relocation Operations Branch Team Leader, Inspections Supervisor, and the Relocation Specialist in charge of the case.

1. Recommendation to Void Contract. When a situation develops which makes it necessary to void a contract, the Relocation Specialist will investigate the situation, obtain any documentation bearing on the problem, and prepare a recommendation to the Relocation Operations Branch Manager.

2. Action by Relocation Operations Branch Manager. Within three (3) days of receipt of the Specialist's recommendation, the Relocation Operations Manager will review the case and may investigate the circumstances further. The Manager will prepare a memorandum to the Executive Director which states the circumstances and recommends a course of action. The memorandum must include estimates of costs which will be incurred by the proposed course of action and anticipated time extensions which will be required. The Manager will assure that

the documentation supports the proposed action. The memorandum will include concurrence line for the Executive Director's signature.

3. Action of the Executive Director. Within three (3) days of receipt of the Relocation Operations Manager's recommendation, the Executive Director shall review and approve or disapprove, the recommendation. The Executive Director may obtain legal review by the Office's Legal Counsel and will discuss the situation with the Relocation Operations Branch staff as necessary.

4. Contractor and Client Agreement. In the event a contract needs to be cancelled for reasons beyond the control of the client or the contractor, the Relocation Operations Manager will obtain the signature of the contractor, or the contractor's representative, and the client on **Form MM#1656.1**, and will counter-sign the form.

5. Notification to Finance. The Relocation Operations Branch Manager will provide the Finance Officer with any instructions regarding the deobligation of contract funds or allocation of additional funds required to rectify the situation.

SECTION: 1600 RELOCATION OPERATIONS - HOUSING ACQUISITION

SUBJECT: 1660 New Lands Construction Contracts: Stipulations Regarding Archaeological Discovery and Off-Road Travel

AUTHORITY: National Historic Preservation Act, Section 106; Archaeological Treatment/Historic Properties Plan (ONHIR)

POLICY.

Under the terms of the National Historic Preservation Act, the Office is mandated to take positive action to protect historic resources on the New Lands. The Office will penalize persons violating the provisions of the Archaeological Treatment/Historic Properties Plan, depending upon the extent of the Office's authority to require such persons to adhere to the Plan.

The Office shall ensure that archeological monitors are present when construction is proceeding in the vicinity of archaeologically sensitive areas. If archeological artifacts are found in non-sensitive areas, the monitors shall be available to travel to those sites and provide instructions about how construction should proceed.

Contractors. Contractors who are building houses in the rural community and on the range units shall notify the Office when archeological artifacts are uncovered during the course of construction. In addition, the contractor shall be informed that the Archaeological Treatment/Historic Properties Plan prohibits cross-country travel to and from construction sites. The contractor shall be required to use established roads to travel to construction sites, and shall be responsible for requiring his subcontractors, employees, suppliers and agents to utilize established roads to reach the sites. Contractors who violate this policy will be subject to penalties levied by the Office.

Employees. Supervisors shall instruct employees performing authorized field travel on the New Lands to travel on existing roads. No off road travel is allowed except within identified project areas. Employees shall also be instructed that potsherds, stone chips, and other items with potential historic significance on the New Lands may not be removed.

Field activities shall be conducted within identified project areas in accordance with the existing Cultural Resources Compliance documents. If any cultural resources are discovered during project activities the project shall stop and the Cultural Resource Manager and Supervisor shall be notified.

Employees whose duties consist of field work on the New Lands are required to have a signed Work Order, MM Form # 1660.4 before proceeding with any work duties in the field in order to ensure that the cultural resource clearance process has been completed and reviewed by the Cultural Resource Manager and the Supervisor.

Employees who violate these policies may be disciplined according to the terms of the Office's Human Resources Branch Policies and Procedures.

PROCEDURES.

A. Housing Acquisition.

1. Effective December 13, 1988, contracts for construction on the New Lands will incorporate stipulations requiring contractors to notify the Office when archaeological artifacts are uncovered during the course of construction. The contracts shall also incorporate stipulations requiring contractors and their subcontractors, suppliers, employees and agents to travel to construction sites by means of established roads. The contracts shall specify the penalties to be applied if these provisions are violated.

2. The contractor shall sign as a party to the contract, and receive a copy of it.

a. If the contractor encounters unanticipated archaeological artifacts and does not know where on the New Lands the archaeological monitors are working, the contractor will notify the New Lands Administrative Assistant at Sanders. The assistant will attempt to contact the Archaeologist immediately. The contractor will halt construction until the Archaeologist arrives and gives further instructions.

3. Client Advisement. The Relocation Specialist will instruct the client to use established roads to drive to the homesite if the client wants to visit the site during construction. The Specialist will emphasize that delays may occur in housing construction if this requirement is violated.

B. Reporting Violations.

1. Copies of these procedures will be distributed to all field staff. Staff will be advised by Supervisors of the importance of using established roads to reach construction and homesites. Staff will be instructed to record violations which they observe on the Violation Report, **Form MM#1660.1.**

2. Completed Reports will be submitted to the New Lands Manager.

C. Action by the New Lands Manager.

1. When the New Lands Manager receives a Violation Report he will bring the incident to the attention of the agency's Staff Archeologist within three days. The Archaeologist will determine whether or not an archaeological site was affected.

a. If the off-road travel affected a site, the Archaeologist will determine whether or not there was damage to artifacts or structures. If so, the Archaeologist will determine whether or not the damage can be repaired or restored, and the approximate cost to repair or restore damage. The Archaeologist may consult with the State Historic Preservation Officer regarding appropriate action to restore and repair the damage.

b. The Archaeologist will complete **Form MM#1660.2**, Assessment of Damages, and submit it to the New Lands Manager within two weeks.

2. The Manager will review the report and the information relating to the violation, and determine if the identity of the violator is known. If the violator has been identified and is a contractor or a contractor's agent, employee, supplier or subcontractor, the Manager will fill out **Form MM#1660.3**,

Penalty for Violating Archaeological Stipulations, and forward it to the Relocation Operations Branch Manager, who will issue it to the contractor and will also deduct the penalty fees from the amount owed the contractor.

a. If the contractor disagrees that he is responsible for a violation, or he disagrees with the amount or type of penalty levied, he may request a hearing by the Office's Legal Counsel within three (3) working days of receiving the penalty form.

b. Legal Counsel will schedule a hearing within ten (10) working days, and will issue a decision within three (3) working days of completion of the hearing. The decision by Legal Counsel will be final.

3. If the Manager determines that the violation was committed by an ONHIR employee, the Manager will notify the employee's supervisor and will attach a copy of the Violation Report. The supervisor shall administer disciplinary action according to the provisions of the ONHIR's Human Resources Policies and Procedures.

4. If the Manager determines that the violation was committed by a client, the Manager will request the client's Relocation Specialist to discuss the incident with the client and remind him/her that off-road travel is strictly prohibited. Violation may adversely affect the project and delay the client's relocation.

5. If the Manager determines that the violation was committed by an employee of another agency involved in New Lands development activities, the Manager will contact officials of the agency and emphasize the potential consequences should violations continue. The Manager will inform the Executive Director if external agencies appear to be disregarding the archaeological stipulations.

6. If the Incident Report states that tracks were observed but the violator is unknown, the Manager will request contractors and other persons working in the area to watch for violators and report future incidents.

D. Application of Penalty.

1. Upon receipt of the Penalty for Violating Archaeological Stipulations from the New Lands Manager, the Relocation Operations Branch Manager will issue the Penalty to the Contractor and will attach copies of the Violation Report and the Assessment of Damages form. The Manager will deduct the amount specified from the contractor's next draw; and will take other action as required.

2. If the contractor disagrees with the Penalty and requests a hearing, the Manager will withhold action until final decision is issued by Legal Counsel.

SECTION 1600 HOUSING ACQUISITION

SUBJECT 1670 HOMEOWNER'S INSURANCE

AUTHORITY: Executive Director's Memo of 09/22/83.

POLICY

Effective October 1, 1983, clients will be required to carry homeowner's insurance on the relocation home for a period of two (2) years. The cost of the insurance will be paid from the client's housing benefit.

Choice of Agent The client may choose an insurance agent. If the client does not choose an insurance agent, the agent will be selected by the contractor or the real estate agent.

Homeowner Coverage Only The ONHIR will pay for a basic homeowner's policy only. It will not pay for any additional insurance coverage the client may desire. If the client wishes to add riders to the insurance policy, it is the client's sole responsibility to arrange and pay for the additional coverage.

Effective Date Coverage will be effective on the date the insurance agent receives all of the required documentation.

Withholding from Client Benefits (Houses Without Mortgage Impound Accounts) The first year insurance will be paid as directed in the payment contract. Funds equal to the first year's premium, plus 10%, will be withheld from the client benefits for the second year insurance payment. If the funds withheld are insufficient to cover the second year cost, the ONHIR will make up the difference. If there is an overage, the difference will be returned to the U. S. Treasury. These funds are only available for insurance purposes and at no time will they be available in the form of cash to the client.

Off-Reservation Relocation Houses Which Have Mortgage Impound Accounts A client who acquires a new construction or resale house off-reservation may obtain mortgage financing in addition to the ONHIR housing benefit. Depending upon the amount of the mortgage, the lender may require evidence of homeowner's insurance coverage, to be paid from an impound account. In such a case, the ONHIR will withhold the cost of the first year insurance premium from the client's benefit. This amount will be paid as part of the closing costs at the time escrow closes. The ONHIR will not withhold funds from the client benefit for the second year premium.

Cancellations If the client cancels the insurance during the two year period, or the insurance company determines that the client is uninsurable, the money that is refunded by the insurance company will be returned to the U. S. Treasury, unless the insurance premium was paid through mortgage impound, in which case the money will be refunded to the client.

PROCEDURES - Cross reference MM#1640

1670.1 Counseling

While the client's case is in the counseling phase, the Relocation Specialist will advise the client of the requirement for two years homeowner's insurance coverage. The Specialist will explain in general terms what the insurance covers and approximately how much it will cost, depending upon the client's preferred relocation site.

The Relocation Specialist will explain that the cost of the insurance premium will be paid from the client's housing benefit. The Specialist will encourage the client to renew the policy after the initial two year period.

1670.2 Housing Acquisition

General While the house is under construction, it is covered by the contractor's course-of-construction insurance. This ends as soon as construction is completed. Homeowner's insurance coverage of the property should commence within three days of the date of final inspection. In order to accomplish coverage within this time frame, the ONHIR will transmit payment and all documentation for which it is responsible within two (2) days following the final inspection (or escrow for resale houses). The ONHIR will endeavor to assure that the client fills out the insurance application form no later than the date of final inspection (or close of escrow, as appropriate).

While in theory the client is free to choose the insurance company he/she wishes, in actuality the choice is limited for clients moving to reservation homesite leases. Clients moving off reservation have a greater choice.

1. Initial Interview At the time of the initial interview, the Relocation Specialist will remind the client of the requirement of two years' insurance, to be paid from the client's housing benefit. The Specialist will explain the following:

- coverage for on-reservation houses is expensive because of the distance of the houses from a fire department;

- ONHIR will issue the second year payment to the insurance company. No action is required by the client.

- the insurance company has the authority to cancel the insurance or deny a claim under certain conditions, which could include renting the home without notifying the company of the arrangement; failure to maintain the home in a reasonable manner; failure of the client to occupy the home on a regular basis.

- the basic policy covers fire, vandalism, theft, and damage from natural disasters. A more detailed explanation can be obtained from the insurance agent.

2. Obtaining Cost Quotes

a. New Construction The contractor selected by the client must submit an estimate from an insurance agent for two (2) years homeowner insurance coverage, with the pre-Construction Worksheet and house plans. The quote should be for the minimum deductible offered by the company - either $100 or $250. The Relocation Specialist will double check that the contractor has applied the correct multiplier for the cost for two years' coverage.

b. Resale The real estate agent must submit an estimate from an insurance agent with the purchase offer/ agreement. The quote should be for the minimum deductible offered by the company - either $100 or $250. The Relocation Specialist will double check that the real estate agent has applied the correct multiplier for the cost for two years' coverage.

3. Insurance Payment Information Incorporated into the Contracts In preparing for the pre-con, the Specialist will provide the payment information for the contracts.

a. Relocation Contract contains vendor name and total (2 yr) amount of insurance premium.

b. Construction Payment Contract contains vendor name, the first year insurance payment, to be paid at the time of sheetrock draw or escrow, and the amount of benefits to be withheld for the second year premium payment.

4. Instructions to Client at the Time of Pre-Con **Cross Reference MM#1640.** The Relocation Specialist will give the client a copy of the insurance quote which the contractor has submitted.

a. Insurance Application The Relocation Specialist will instruct the client that it will be necessary for them to go to the insurance office sometime before the house is finished construction and fill out the application papers. The ONHIR will authorize round trip mileage reimbursement from the client's pre-move location to the offices of the insurance agent for this purpose. The Specialist will instruct the client to submit the claim as soon as the trip has been completed. In order for travel expense to be reimbursed, the client must attach evidence that he/she has been to the insurance company and filled out the application form.

b. Evidence of Completed Application for Mileage Reimbursement and Bonus Payment In order for the client to receive the mileage payment for the trip to the insurance agent and also to receive the bonus check, the client must produce evidence that he/she has been to the insurance company and filled out the application form. Such evidence may be:

- copy of the signed insurance application form, submitted by the client or faxed by the agency;

- copy of a binder, intent to insure, or equivalent documentation.

5. Letter to the Insurance Company After the Pre-Con After the pre-con, the Relocation Specialist will issue a letter to the insurance company which submitted the cost estimate informing them that the client has selected them as the insuring agent and has signed the relocation contract. The Specialist will provide the client's name, address, phone number (if applicable), ONHIR casefile number, the legal description of the house location, and directions to the house. For on-reservation houses the Specialist will also provide a copy of the feasibility study containing (1) reservation location map; (2)

topographic map with plotted house location; (3) homesite sketch; (4) survey plat.

The Relocation Specialist will inform the insurance company that the client has been instructed to make one trip to the agency office to fill out the application form and take care of any other paperwork requirements. The Specialist will inform the agent that the ONHIR requires the client to submit evidence that they have filled out the application form. The letter will also state that the Specialist will be responsible for providing any other information or documents (i.e. wood stove specifications and photographs), and should be contacted by the agent on any issues regarding the policy.

6. Ordering the Insurance Payment When the house passes sheetrock inspection (or close of escrow for resales), the Relocation Specialist will prepare a voucher for the first year insurance payment. The check will be sent directly to the insurance agent. The Specialist will send the agent a letter which contains the following instructions:

a. The invoice for 2nd year insurance should be sent to the ONHIR and not the client.

b. If the insurance is cancelled for any reason, the refund should be issued to ONHIR; not the client.

7. Houses With Mortgages If the client is taking out a mortgage on the house, the Relocation Specialist will find out if this is a PITI (principal, interest, taxes and insurance) loan. If the client is going to be paying homeowner's insurance through the impound account, funds will be withheld from the housing benefits for only the first year of insurance. The second year premium will be paid from the impound account.

8. Reminder to Client If the Relocation Specialist has not received a copy of the completed insurance application form by the time of the sheetrock inspection, the Specialist will write to the client and remind them that they must submit evidence that they have completed the form in order to receive the bonus check.

9. Woodstove Questionnaire Some insurance agents require a completed woodstove questionnaire, giving the specifications of the stove installed in the house. The Relocation Specialist will obtain completed questionnaires for all houses with woodstoves. The questionnaire will be completed by the Construction Control Inspector at the time of final inspection, and routed to the Relocation Specialist with the final inspection report and photographs.

10. Photographs Most insurance agents require three photographs of the home: (1) woodstove as installed in house; (2) exterior view of front of house, and (3) exterior view of back of house. The photographs will be taken by the Construction Control Inspector at the time of final inspection and routed to the Relocation Specialist along with the passed final inspection report and woodstove questionnaire.

11. Transmitting Photographs and Questionnaire to the Insurance Agent The Relocation Specialist will assure that the photographs and woodstove questionnaire accompany the final inspection report, and are correctly labeled. The Specialist will get the items to the insurance agent within 24 hours, using overnight mail or delivering the photos personally if the agency is located in Flagstaff. A copy of the questionnaire will be filed in the client casefile.

12. Final Reminder to Client If the Relocation Specialist has not received confirmation that the client has applied for homeowner's insurance by the time of passed final inspection, the Specialist will phone or write the client that the field visit to deliver the bonus check will be delayed until confirmation is received.

13. Insurance Policy The insurance policy is issued by the agent to the client. ONHIR does not ordinarily receive a copy. In the event that the Relocation Specialist receives the policy, he/she will make a copy for the client casefile and send the original to the client, in case the insurance agent sent the policy to ONHIR by mistake.

1670.3 Second Year Insurance Payment

General The Relocation Specialist will contact the insurance agent to renew the coverage for a second year.

1. IS Suspense Report The Information Systems Branch will generate an automated weekly report eleven months from the date relocated. The report will be delivered to the Relocation Operations Branch Manager , who will route it to each of the Specialists. The report will show:

- client name
- casefile number
- Relocation Specialist
- date relocated

2. Action of Relocation Specialist If the insurance agent has not yet invoiced the ONHIR for the second year premium, the Specialist will phone the insurance agent and request an invoice. The agent may provide a verbal quote, to be followed by a invoice, from which the Specialist can prepare the voucher. The check will be mailed directly to the agent. The Specialist will notify the agent that a check has been ordered; and will repeat the instruction that if the insurance is cancelled for any reason, the refund should be issued to ONHIR and not the client.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES -Multi Branch-

SUBJECT 1710 BENEFITS

AUTHORITY: 25 U.S.C. 640d-13; 25 CFR 700.181-189; 25 CFR 700.205

BACKGROUND: A certified eligible head of household is entitled to a minimum housing benefit for a family of three or less, or a maximum benefit for a family of four or more. The specific amount required to obtain a safe, decent and sanitary house will be reviewed annually and may be adjusted.

Housing Benefit. The housing benefit incorporates the amount paid to compensate the client for the improvements, if any, relinquished upon relocation from the partitioned lands; plus such additional amount as necessary to bring the total to the authorized maximum. If a relocatee has an appraisal that equals or exceeds the current amount of replacement home benefits to which he is entitled the appraisal amount will become the benefit entitlement. The amount of appraisal payment which exceeds the maximum benefit amount will be paid to the client in cash.

Assistance payments. Assistance payments, also called 'incentive bonus', are issued to clients pursuant to 25 USC 640d-13. The amount of bonus entitlement is considered a benefit in terms of notice and appeal rights provided to the client.

Determination of Benefits. The client's entitlement to benefits is initially established when the eligibility determination is issued. Final determination of the amount of the benefit is made at the time the Relocation Contract is signed, based upon number of family members and on the current level of appraisal valuation and housing benefit entitlement. All issues related to calculation of specific benefit amounts must be resolved prior to Contract signing. The benefit vests when the Contract is signed.

Entitlement of household members. Relocation assistance benefits and other payments are issued to the certified client, who is identified as the head of household and acts in behalf of the household members for the purposes of relocation case processing. Prior to July 7, 1986, individuals identified as household members when the client applied for relocation assistance, who subsequently separated from the household as the result of divorce, attainment of independent head of household status, or other circumstance, were required to file separate applications in order to obtain a determination as to their eligibility independent of the original household (see MM#1714, Household Membership Determinations). Due to the August 31, 2010, application deadline persons who separated from the household on or after July 8, 1986 will not be counted for benefit entitlement but may no longer submit applications for voluntary relocation assistance benefits.

Infrastructure. Clients whose housing benefit is calculated as stated in these procedures may receive payment of infrastructure costs associated with the acquisition of the replacement house. Clients whose housing benefit was calculated according to procedures in effect until 10/18/86 (appraisal amount added to housing benefit rather than incorporated into the benefit) will not be entitled to infrastructure costs.

The allowance for infrastructure costs is calculated in accordance with Section MM#1770 of this Management Manual. Items which may be paid from infrastructure allowance include: community or individual water system, grid electric or solar photovoltaic system, community sewer or septic system, propane tanks and associated gas lines. Other infrastructure costs may be paid if they are required for the development of lots located in subdivisions, including: natural gas, street, curb, gutter, sidewalk.

Additional information about infrastructure payments may be found in MM#1770.

Other disbursements. Payments other than benefits which are issued to clients include search expense (MM#1750) and moving expense (MM#1752).

PROCEDURES

1. Determination of Housing Benefit Amount.

For planning and discussion purposes the Relocation Specialist will make a preliminary determination of the amount of the client's housing benefit at the time of the initial counseling interview, based upon the number of household members who will relocate with the client. Instructions for determining and documenting household membership are set forth in MM#1714. The Relocation Specialist will record the preliminary benefit determination on the Household Relocation Plan.

After the initial interview the Specialist will inquire about changes to the household membership during each update contact, and will assure that the automated and manual records correctly reflect the number and identity of household members.

The final determination regarding the number of household members and the amount of the client's benefit will be made prior to contract signing.

2. Determination of Bonus Amount.

The amount of bonus entitlement is set forth in sec. 14(b) of P. L. 93-531. The schedule established by the Act is:

- Applications signed before or on July 7, 1982: $5,000
- Applications signed from July 8, 1982 to July 7, 1983: $4,000
- Applications signed from July 8, 1983 to July 7, 1984: $3,000
- Applications signed from July 8, 1984 to July 7, 1985: $2,000
- Applications signed on or after July 8, 1985: -0-

The amount of bonus to which a client is entitled is determined by the date the client signed the application for voluntary relocation assistance. The date will be entered in the client's master file at the time of application. The computer will automatically compute and enter the amount of bonus in the client records.

In the event of a divorce, if the divorced spouse was listed as a household member on the original application and filed a separate application for benefits after the divorce and was determined to be eligible for relocation assistance benefits, he/she will be entitled to the bonus amount calculated from the date of the original application.

The client may elect to apply all or part of the bonus to the acquisition of the replacement house. The amount not applied toward the replacement house will be issued to the client when he/she vacates the dwelling on the partitioned lands and occupies the replacement home. The Specialist will prepare a voucher for bonus disbursement at the time of sheetrock inspection. The bonus will be delivered or mailed to the client when the Specialist determines that the client has moved into the replacement home and has submitted proof of homeowner's insurance. The client must sign a Certification of Occupancy Form and have it notarized. If the check is delivered by the Specialist, the client will also sign a receipt. **[Cross reference MM#1640**.]

3. Determination of Appraisal Amount.

The value of the client's improvements on the partitioned lands is calculated according to the formulas set forth in the Appraisal Handbook, as adjusted by the Boeckh Cost Modifier. Changes in the Boeckh Cost Modifier may alter the appraisal amount up to the time the contract is signed.

The Office will not pay for improvements which were located on District 6; nor will the Office pay for improvements constructed on the partitioned lands by the Government.

4. Notice of Benefit Determination.

General. A Notice of Benefit Determination will be issued to the client approximately 4 - 6 weeks before contract signing. The Notice shall state the amount of housing benefit based upon current household membership, and shall specify the portion, if any, of the housing benefit which represents payment for an appraisal. The Notice shall also state the amount of bonus, if any, referencing the date the client signed the application.

a. When the case is being prepared for transfer to home search and the initial housing interview, the Specialist will review and verify household membership in order to determine the amount of housing benefit. **[Cross reference MM#1714]**

b. Approximately 4 - 6 weeks before contract signing the Specialist will generate **Form MM#1710.1**, Notice of Benefit Determination, and route the completed letter to the ROB Team Leader for review and signature. This time frame is signaled by the data entry for "Housing Search," (HS) for clients purchasing a new construction house on-reservation and for clients moving off-reservation.

c. After the Notice has been signed, it will be returned to the Administrative Assistant to be mailed by certified mail, return receipt requested.

d. If the client disagrees with the entitlement amounts stated in the Notice, the disagreement shall be handled according to procedures stated in MM#1330, Benefit Appeals.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES

SUBJECT 1714 HOUSEHOLD MEMBERSHIP

AUTHORITY: 25 USC §640d-14; 25 CFR §700.69, 25 CFR §700.143, 25 CFR §700.145, 25 CFR §700.147.

POLICY. The certified client represents the household for the purposes of relocation case processing. At the time the application for voluntary relocation assistance was submitted, the client identified the household members and verified their membership by providing documents requested by the intake worker. After the client has been certified and referred into the social counseling stage of case processing, the Relocation Specialist will ask at each interview about changes in marital status and household membership.

If persons have been added to or deleted from the household, the Relocation Specialist will write up the change and assure that the automated records are corrected to show the addition or deletion. The Specialist will determine if verifying documents are required and will ask the client to provide the specified documents.

Final determination of household size and membership will be made immediately prior to the execution of the Relocation Contract.

The amount of the client's relocation benefit will be determined by the number of persons who are legal members of the household. For purposes of these procedures, 'legal household members' are (1) a spouse, where the legal relationship is documented by a copy of the marriage license and marriage certificate; and (2) children under the age of eighteen who have not attained head of household status through marriage, custodial parenthood, or financial self-support. In addition to legal family members, the client may identify other persons living in the household full-time who will be participating in the benefit. The documentation which must be on file to support their household membership is described under Verifying Documents, pg.11 of this section.

Guidelines for Determining Special Household Membership Issues

Households which do not conform to the standard pattern of client, legal spouse, and dependent children will require special review and documentation by the Relocation Specialist. The Specialist will record the members of the household on the Household Relocation Plan (HRP) and computer printouts, and will explain the composition of the household on the Case Narrative form. The Relocation Specialist shall be guided by the following instructions in preparing cases which fall into exceptional circumstances. Cases which are not covered by these guidelines will be brought to the attention of the Team Leader who will request direction from the Relocation Operations Branch Manager and the Executive Director.

1714.1 Adult Inclusion

POLICY. The client may include adults (other than the legal spouse) for the purpose of benefit determination, provided the adult(s) they include are long-term actual residents of the client's household.

ONHIR household membership records will not show inclusion if the member does **NOT** make a difference in the amount of benefit. Examples of situations where other adults can be included are:

* Live-in partner (sometimes referred to as a common-law spouse) who may have dependent children by a previous relationship in addition to children by the client.

* Children who have reached the age of majority (over eighteen.)

* Older children, either married or unmarried, with children of their own who live with the client (three generations occupying the home.)

* Elderly parent or other relative of the client or spouse who lives in the client's household.

Criteria for inclusion. In order for the client to include these adults and any dependent children which they may have in the relocation benefit, the person must meet the following criteria:

1. They must have lived with the client full-time for two or more years prior to the date of the client's request to include them, and they must state an intention to continue living with the client following relocation.

2. They must have no other place to live such as a rental apartment or house. When they are away for occasional absences, which may include job seeking or employment, they stay with friends or relatives on a temporary basis, or in a camper. Except for personal possessions needed for a brief absence (change of clothes, toiletries, miscellaneous items) their personal possessions must be located at the client's home. Except for occasional absences, these persons could be located at the client's house by anyone seeking to contact them. Unless they move with the client, they will be homeless.

3. The adults must be willing to sign an affidavit that they live in the client's house on a full-time basis.

4. Adults with dependents who live with the client must name the dependents on their affidavit. For example, an LP (Live-In Partner) may have dependents by a previous relationship; the client's adult children may have young children of their own (client's grandchildren).

5. An adult who applied separately and was denied must withdraw any pending appeal of the denial in order to participate in the client's benefits.

WAIVERS. The ONHIR may waive the requirement of two years' full-time residence in the client's household in cases where the client's unmarried adult children are temporarily away looking for work; or for education, incarceration, or medical reasons. In order to request a waiver, the adult being considered for inclusion must have been a full-time resident of the client's household before temporarily leaving. The adult child must intend to return to live with their parents after completing college, incarceration, or medical treatment. If the adult child is successful in job search, he/she may not be included in the household benefit. If unsuccessful he/she may be included upon returning to live with the client.

PROCEDURES.

General. The information about the household membership of individuals who would ordinarily be considered separate heads of household will be carefully examined, particularly if the person's inclusion increases the amount of the client's benefit. Unless the person qualifies for a waiver, case file information must show a consistent pattern of residence in the client's household for a minimum of two years prior to the date of review in order to be included in the relocation benefit.

1. Initial Identification of Household Members During Counseling Phase. At the initial counseling interview the Specialist will ask the client to identify all household members who are living with the client and who will be moving with the client. The Specialist will record the names and demographic information about the household members on the Household Membership Form.

2. Updates of Household Membership During Counseling Phase. During the counseling phase of case processing, the Specialist will check on household membership during update contacts. Any changes in household membership will be recorded on the Household Membership form and will be explained in the case narrative.

3. Affidavits. The Relocation Specialist will obtain Affidavits of Household Membership (**Forms MM#1714.1 and MM#1714.2**) from the client and all adults who make a difference in the amount of benefit. **If the adults do not make a difference in the amount of benefit, no affidavit will be obtained**. EXCEPTION: An Affidavit must be obtained for the LP, even if he or she does not make a difference in the benefit amount.

Timing: The Specialist will determine when to obtain the affidavits based upon how active the case is. Except for the LP, affidavits should be obtained as the case approaches the housing phase and must be based on well-documented evidence of the member's residence with the client.

4. Declaration of Household Membership. When the Specialist is preparing the case for transfer to HS status and housing interview, the Specialist will prepare a Declaration of Household Membership (**Form MM#1714.5**) confirming the household membership of all adults who make a difference in the benefit amount.

The Specialist may need to do a field investigation if the Case Narrative information is more than six months old or if the Specialist has reason to think that there may have been recent changes in the household.

5. Minor Dependents. Minor dependents of adult household members who are moving with the client will be listed on the Affidavits.

6. Review by Higher Authority. The Declaration of Household Membership and Adult Inclusion Forms must be reviewed by the Relocation Operations Branch Team Leader, the Relocation Operations Branch Manager and approved by the Executive Director. The Director may request a review by the Office Legal Counsel.

7. Final Verification of Household Membership and Notice of Benefit Determination. The Specialist will conduct a final review of household size before contract signing in order to ensure that the amount of benefit has not changed since the housing interview. The Notice of Benefit Determination will be issued approximately four to six (4-6) weeks before contract signing.

1714.2 Inclusion of Minors

POLICY. The client may include minor children they are raising who are not the client's natural children. These are usually cases where the client is raising grandchildren, nieces and nephews or other children not related to the client. **A Court Order is required in all cases.**

PROCEDURES.

1. Case file Documentation by Relocation Specialist. The Relocation Specialist shall request proper court documentation from the client on the Adoption or Legal Guardianship of minor children to be included.

1714.3 Benefit Entitlement of the Surviving Household of a Deceased Client

If a client dies before the Relocation Contract is signed, the case will be reviewed to determine if there is a household remaining to be relocated.

a. No Household. If the client had not identified any household members to participate in the benefit, no benefit will be issued. The Specialist will fill out **Form MM#1714.4** and request that the case file be closed.

b. Existing Household. If the client was legally married and there is a surviving spouse the Office will work with the spouse to develop the household relocation plan. If there is no surviving spouse but there are minor dependents of the deceased client, the Office will work with a Court appointed guardian or a household member who has attained age of majority in order to provide the remaining household with a relocation house and other applicable benefits. The Office may retain an attorney to represent the minor child(ren) of a deceased client during guardianship/conservatorship proceedings **(see MM#1746**).

If it is determined that any member of the household who was previously identified by the client is also deceased, then, in such event, the ONHIR will require the submission of a copy of the Death Certificate of the deceased household member prior to proceeding with processing of the relocation case.

The amount of the housing benefit will be determined by the number of members remaining in the household at the time the relocation contract is signed.

c. Special Household Situations. 25 CFR §700.145 does not provide for payment of benefits to the surviving household of a deceased client except in cases of legal marriage or minor children. If the household identified by the client prior to death consists solely of individuals who had some other relationship to the client (i.e. grown children with dependents; live-in partner/common-law spouse) the case will be referred to the Executive Director for a determination of action to be taken.

In the case of a live-in partner/common law spouse, the surviving partner must endeavor to obtain a Validation of Marriage from the Navajo Nation in order to receive the benefit entitlement of the deceased client. The ONHIR will not consider a waiver of regulations pursuant to 25 CFR §700.13(b) until the client has attempted to obtain a marriage validation.

1714.4 Death of a Family Member

POLICY. If there is a death of a family member **other than the client** before the relocation contract is signed, the Specialist will correct the household membership records to reflect the change. If the death reduces the client's benefit the Specialist will inform the client of the reduction in benefit amount. This reduction may not be appealed through the Office administrative appeals system.

1714.5 Benefit Entitlement in Cases Where there is a Guardian/Conservator

POLICY. In cases where a guardian and/or conservator has been appointed to process the client's relocation, the guardian/conservator may be entitled to participation in the benefit depending upon the circumstances of the case.

If the guardian/conservator is going to reside physically in the relocation home to provide care for the client or the client's survivors, the guardian/conservator and any immediate family members (spouse, children) may be included in the household for purposes of benefit determination provided they have not already received relocation benefits.

1714.6 Incarcerated Client

POLICY. Depending upon the circumstances of the case, as outlined in this section, the Relocation Specialist will continue to process the case of a client who is incarcerated. The Specialist will contact court, probation, or prison officials to obtain written confirmation of the client's sentence and anticipated release date. The Specialist will visit or phone the client as often as practical to process the case to the point where the relocation site has been acquired and the case is ready for the initial housing interview.

Single/Unmarried Client If the incarcerated client is single or has a live-in partner the case will remain in pending status with an INCAR action code until the client is released from prison.

Married Client If the client is legally married and wants the spouse to pursue the relocation benefits on behalf of the family, the client must provide the spouse with a notarized power of attorney. The specialist will advise the client about the consequences of putting the spouse's name on the homesite lease or the house title. The specialist will work with the spouse to acquire the relocation house; the Specialist will not take direction from other family members unless authorized by the client.

1714.7 Legally Married Clients who are Separated

POLICY. Clients who are separated from a legal spouse do not have to get a divorce in order to obtain a relocation house. However, the legal spouse (and children, if any) will be included in the ONHIR benefit whether or not they are living with the client. It is therefore desirable to resolve household membership issues before the relocation is processed.

A 'live-in partner' who is known to be legally married to someone else can not be included in the client's relocation benefits.

PROCEDURES.

The Specialist will advise the client of the ONHIR policy and will counsel the client to dissolve the legal marriage if the client does not want to include legal members of the household who are not living with the client.

After the necessary legal actions have been taken and household relationships have stabilized to the point that the client can identify and document the persons participating in the benefit case processing will proceed.

1714.8 Legal Spouse Who Refuses to Participate in the Benefit

POLICY. All legal members of the current household will be included as persons participating in the benefit at the time the Relocation Contract is signed. If the legal spouse states that he/she is unwilling to sign the Relocation Contract or other relocation documentation, the relocation will proceed without the member's active participation.

PROCEDURES.

The Relocation Specialist will document the member's objections. The client will be informed that the member's refusal to participate does not mean that the member can be excluded from benefit participation. The dissenting member will be named in the Notice of Benefit Determination. Relocation documents which are usually signed by both the client and spouse will be signed by the client only.

1714.9 Client/Spouse is Pregnant and Would like the Anticipated Child Counted to Increase the Benefit from Minimum to Maximum

POLICY. The benefit amount is determined according to actual number of family members relocating with the client at the time the Notice of Benefit Determination is issued. In order to count the newborn for maximum benefits the client will have to delay signing the Relocation Contract until after the baby is born. If the client is not willing to postpone contract signing the anticipated baby will not be counted toward the amount of benefit entitlement. The amount of benefit stated in the Relocation Contract will be final.

The Relocation Specialist will document the file that the client has been advised of this determination and the client will sign a statement that he/she has been so advised.

1714.10 Divorce After the Application Deadline

POLICY. A person who was legally married to a certified head of household on July 7, 1986, (the application deadline date) and was divorced prior to the date the Relocation Contract was signed, may be considered for separate eligibility pursuant to 25 CFR §700.143(2). The divorced spouse's case will be referred to the Eligibility and Appeals Branch for determination. **For additional information refer to Management Manual Section 1220**.

1714.11. Clients Separately Certified who Subsequently Marry

POLICY. Individuals who are separately certified who later get married (legal marriage) before either of them receives benefits shall receive only one housing benefit. The case files shall be merged and the couple shall identify which one of them will be the head of household to represent the household during case processing.

1714.12. Client Who Marries a Relocatee Who Has Already Received Benefits

POLICY. A certified client who marries another certified client who has already relocated is still entitled to a housing benefit. However, the relocated spouse and any dependents who already received benefits cannot be included in a second benefit. They will be recorded as "relocate N" in the automated records and will not be listed in the Notice of Benefit Determination. They will be identified in the Relocation Contract, with the information that while they are moving with the client they are not participating in the client's benefits.

1714.13. Clients Who are Separately Certified and Who are Living Together.

POLICY. Clients who are separately certified and are living together but are not legally married may receive separate benefits or elect to combine their benefits.

1714.14 Custody of Children Under Divorce Decree

A. Client Who has Joint Custody of Dependent Children

POLICY. A client who shares joint custody of a dependent under the terms of a divorce decree must exercise custody, control and care of the dependent for more than one-half of the year in order to include the dependent as a household member. The client must provide the ONHIR with a copy of the Decree of Dissolution.

B. Client Who Exercises Actual Custody of Dependent Children Awarded to the Divorced Spouse

POLICY. A client who actually supports and cares for children, even though they were awarded to the ex-spouse in a divorce settlement, may include them in the client's benefit if he/she can demonstrate full-time financial support and custody of the children. The Specialist will follow the criteria and procedures for **Section 1714.2, Inclusion of Minors**. In addition, the Specialist must obtain a notarized statement from the ex-spouse that he/she has agreed to have the client raise the children on a permanent basis.

1714.15 Documenting Household Membership

PROCEDURES.

General. The Relocation Specialist will obtain supporting documentation for each household member who is identified by the client to participate in the benefit. Household membership records in the casefile and in the computer will be up continually updated until the client signs the relocation contract.

All household members participating in the benefit are listed on the Notice of Benefit Determination. Household membership records will not be changed after the client has signed the relocation contract, with these exceptions:

a. If the client dies after the contract has been signed but before house construction or acquisition is completed the benefit entitlement will be transferred to the surviving head of household.

b. If the client dies while the case is in post-move status the Information Systems Branch staff will change the household membership records so that any mailed notifications will go to the surviving head of household.

1. Recording Household Membership

a. Intake. At the time of initial application the applicant will identify the household members and will provide identifying information (names, census numbers, social security numbers, birthdates, sex, and education level) to the intake worker. This information is entered in the automated records and is usually not updated until the applicant is certified and the case has been transferred to the Relocation Operations Branch.

b. Initial Counseling Interview. The Relocation Specialist will review the household membership information which the client provided at intake. During the interview the Relocation Specialist will ask the client to identify all current household members and will inform the client of the documents needed to verify membership.

Household membership will be recorded on the Household Relocation Plan (HRP) during the initial interview. The Relocation Specialist will perform the duplicate census number check as instructed in MM#1716. If the Duplicate Census Number check shows that neither the client nor any family member has previously participated in a relocation assistance benefit, the Relocation Specialist will request the client sign the Household Membership Form in the HRP. The Relocation Specialist will sign as a witness.

c. Data Entry. Household membership will be recorded in the automated records by the ROB Administrative Assistant. The documents required to verify household membership will be recorded in the files (Code Table #158), and the household members will be shown as "relocate N" until the documents are received. When the documents are received the records will be updated to show "relocate Y".

d. Pre-Contract Updates. The Relocation Specialist will update household membership information whenever contact is made with the client, up to the time the contract is signed. Explanations of any changes which occur will be recorded on the Case Narrative Form and verified with required documents.

e. Initial Housing Interview and Client Information Summary. Household membership information will be printed out on the Client Information Summary and confirmed with the client. Any changes will be routed to the Administrative Assistant for data entry.

f. Notice of Benefit Determination. The Notice of Benefit Determination will be issued approximately four to six (4-6) weeks prior to contract signing. The Specialist will prepare the Notice for the Relocation Operations Branch Manager's signature. The Notice and all supporting documents including the case file will be reviewed by the Manager before signing the Notice.

1. For clients moving on-reservation, the Specialist will prepare the Notice when the house plans are received from the contractor.

2. For clients moving off-reservation, the Specialist will prepare the Notice within three days after the initial housing interview.

2. Documents Required

a. Client:

1. CIB or Family Card.
2. Social Security Card.

b. Spouse (legal marriage).

1. CIB or Family Card.
2. Marriage license and certificate issued by the Navajo Nation.

To Delete Spouse: Decree of Dissolution issued by a Court of Competent Jurisdiction.

c. Children under eighteen and minor dependents.

1. Birth Certificates for each child.
2. Court award of guardianship or adoption.

To Delete Minor Children: The Decree of Dissolution showing that the ex-spouse has been awarded custody of the minor child(ren) who were originally part of the client's household.

d. Adult Children, LP's, and Other Adults:

1. Affidavits of Household Membership (**Forms MM#1714.1 and MM#1714.2**) and Declaration of Household Membership by Relocation Specialist. Note: If one of the included adults has dependent children, birth certificates must be provided.

To Delete Adults: If the client has broken up with an LP, or grown children who were household members at one time have left the household, the specialist will write up an explanation on the Case Narrative Form.

e. Death of client or household member.

The Specialist will fill out the "Record of Deceased Notification", (**Form MM#1714.4,** and route it to the ROB Administrative Assistant for data entry. If it is the client who is deceased the form must be routed (with instructions) for approval by the Relocation Operations Branch Manager and the Executive Director and data entry by the Information Systems Branch staff.

Required Documents/Death of Client.

1. Death Certificate.
2. Published Obituary.
3. Other written documentation reviewed and approved by the Relocation Operations Branch Manager and the Executive Director.

Required Documents/Death of Household Member.

1. Death Certificate.
2. Notice of funeral or memorial service.
3. Published Obituary.

4. Memorandum to File by the Relocation Specialist recording the information which they received about the death of the household member and when it occurred.
5. If the deceased household member was a member of the household remaining to be relocated upon the death of the client, a copy of the Death Certificate of said household member shall be required.

Transferring the Benefit Entitlement to the Surviving Spouse

Required Documents.

1. Death Certificate of client.
2. Marriage License and Certificate.

Data Entry:

1. Record client's date of death and deceased code "Y" in the automated records.
2. Change client from "relocatee Y" in the computer to "relocate D."
3. Type (AP) after the client's last name to indicate that this is a special case.
4. The name on the case file will not be changed. The surviving spouse will continue to be listed as spouse. Letters to the spouse will be manually generated so that there will be no automated generation of letters or other documents addressed to the deceased spouse.

Conservatorships:

Documents Required:

1. Court Order Appointing Guardian and/or Conservator.
2. Memorandum from Legal Counsel with instructions for case processing.

Data Entry:

1. Type (CS) after the client's last name to indicate this is a special case.
2. If the client is deceased, record the client's date of death and deceased (AP) in the computer.
3. If the client is deceased, change client from "relocatee Y" in the computer to "relocatee D."
4. Enter the Conservator's name with the designation "Consrvtr" in the household membership record. ***Do not enter any demographic information except the Conservator's Social Security Number and relocate "N" code.***
5. If the Conservator is also a household member and is moving as a part of the household, put in their name and demographics just like any other household member, with the "Consrvtr" designation.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED AND MULTI-BRANCH PROCEDURES

SUBJECT 1716 CLIENTS WHOSE NAMES APPEAR IN MORE THAN ONE CASEFILE (DUPLICATE CENSUS NUMBERS)

AUTHORITY 25 CFR §700.147(d); Recommendations of DOI/OIG Audit Report 7-86

POLICY Individuals are not entitled to separate benefits if it is determined that they are members of a household which has received benefits (25 CFR §700.147(d).

BACKGROUND: When a client applies for relocation assistance, he/she provides the names of his/her parents; and also lists the members of his/her current household. In making the determination of whether or not the applicant is eligible for benefits, it is the applicant's parents' household which is important. The applicant must demonstrate that he/she was a member of a family which resided on lands partitioned to the tribe of which they were not members.

After the applicant is certified information about the client's current household is required in order to determine the amount of benefit to which the client is entitled, and the identities of the household members who will be participating in the benefit and moving with the client. As there are continual changes in household membership as the result of marriage, divorce, death, birth of new children, etc., household membership records are updated continually until a certified client signs the relocation contract.

Benefits vest at the time the relocation contract is signed. With one exception, changes which occur in household membership after benefits have vested are not tracked by ONHIR. The exception is death of the head of household. In order to avoid improper post-move notifications to the household, the ONHIR will change household membership records to show death of a client which occurs after contract signing.

PROCEDURES (Cross Reference MM§1714, Household Membership.)

General.

1. Tribal Census Numbers.

Subject to the exceptions described in this section of procedures, no one may participate in more than one relocation benefit, whether as a client or a household member. The exceptions are set forth in Section III of these procedures, **"Resolving Duplicate Inclusions."** Because the tribal enrollment number (also known as the Census Number) is the single most unique identifier for Navajo tribal members, the inclusion of a client or household member in more than one casefile is best revealed through ONHIR computer records of client/household census numbers.

The term "duplicate census number" is a short-hand term referring to the fact that a client or member of the client's household may be listed as a client or household member in more than one casefile.

2. Certificate of Indian Blood and Family Cards.

Tribal enrollment numbers are issued by the Agency Office of the BIA/Tribal administrative district where the person lives. BIA/Tribal procedures for issuing census numbers have changed during the time

the relocation program has been in operation. Initially census numbers for family members were listed on a Family Card issued to the head of household. As of the date of these procedures, family cards are no longer issued; census numbers are shown on Certificates of Indian Blood (CIB) issued to individuals.

3. ONHIR Census Number Records.

Certified relocation clients must produce either a family card or CIB for themselves and all household members they want to include in their benefits. The census number is recorded in the automated records. The client shall be responsible for obtaining the CIB, and for supplying any supporting documentation, such as birth certificates, required by the BIA/Tribal Office for issuance of the CIB. The ONHIR will not reimburse the client for expenses incurred in obtaining the CIB or supporting documentation.

4. Relocate With Family Entry.

The automated files include a "relocate with family" entry for all household members. A "Y" entry means: "Yes, this person is relocating with the family." If the person is subsequently deleted from the household membership for any reason the Relocation Specialist (hereinafter the Specialist) must write a narrative explaining why they are no longer a family member. The person's name will not be deleted from the ONHIR records. Instead, the Relocate "Y" code will be changed to an "N" code (not relocating with the family.)

5. Household Members Who Are Not Members of the Navajo Nation.

Household members who are not enrolled with the Navajo Nation will be assigned "dummy" census numbers. The specialist will explain the situation in a narrative. The household member may be non-Indian, enrolled with another tribe, or a newborn who has not yet received a census number. The Specialist will determine which of the dummy numbers is appropriate. The dummy numbers are:

9999999	-	Non-Indian
9999998	-	Hopi
9999997	-	Other Indian Tribe
9999996	-	Newborn less than one year old.

6. Dummy Census Number for Newborns.

This number may be used only for clients who are in HS status. It should be used only for newborns who do not make a difference in the amount of benefit the family will receive. The purpose for inserting the "dummy" number is to avoid delaying contract signing by requiring that the family wait until a census number is issued.

7. Denied Applicants.

If an applicant is denied, the information about his/her current household provided at the time of application is not updated in the automated records. If the applicant appeals and the denial is subsequently reversed, household membership is updated when the client enters counseling.

8. Data Entry.

The ONHIR's automated client master file contains the census numbers of household members which the client provided at the time of application. Updates of census numbers and "relocate with family"

information is entered by the ROB Administrative Assistant.

I. COUNSELING

General. The Specialist assigned to the case will be responsible for updating household membership information.

1. Household Membership Form.

The Household Membership Form is page four (4) of the Household Relocation Plan, which is filled out at the time of the initial interview. The Specialist will record the names and other identifying information for each person named by the client as a member of the household. Verifying documents will be obtained as specified in MM§1714.

2. Updating Household Membership.

During each update contact the Specialist will obtain a printout showing household membership and inquire about changes. The Specialist will write up a Case Narrative explaining the changes and obtain verifying documents if appropriate.

3. Census Number Documentation.

The Specialist will make sure that each family member has a census number or dummy census number recorded in the automated files and that the casefile contains the supporting documentation: family card, CIB, or narrative explanation that the person with a dummy census number is not an enrolled member.

4. Checking Duplicate Census Numbers.

Instructions for duplicate census number checks are found on page three (3) of the Household Relocation Plan. When the household membership information is obtained at the time of the initial interview, or during updates, the Specialist will do the following:

a. Family List by Census. The Specialist will obtain a printout of the "Family List by Census Number" for the client. Based on the information contained in the list, the Specialist will:

① Make sure that all family members have census numbers recorded in ONHIR files in accordance with No. 3 above;

② Note whether or not any family member is listed in another casefile.

③ If a family member is listed in another casefile of a client who is certified, the Specialist will check the "relocate with family" code. If the household member is coded "N" (did not relocate with the other family) no further action is necessary. The family member can be included as a member of the client's household.

④ If the household member is code "Y" (has already relocated or is planning to relocate with another certified family) the Specialist will research the issue as set forth in Section III of these procedures, "**Resolving Duplicate Inclusions.**"

If the issue cannot be resolved, the Specialist will inform the client that the household member cannot participate in a second benefit, and an "N" code will be entered in the client's file beside the name of the household member in question.

b. No duplication. If the printout does not show any household members listed in other files by census number, the Specialist will ask the client about alternate name spellings or surnames. If a household member has used a different name, the Specialist will review the CLIENT/FAMILY MEMBER ALPHA LISTING, to determine if that person may be listed in another file. If so, the Specialist will repeat checks (3) and (4) above.

c. Affirmation by Client. If there is no record that the client, or any of his/her household members, has previously participated in a benefit, the Specialist will ask the client to sign the statement at the bottom of the Household Membership Form. This statement reads: "I hereby affirm that neither I nor any of the members of my household who are listed above, and who will participate in this relocation benefit, have previously received relocation assistance benefits from the ONHIR."

5. Transfer to CC Status.

A copy of the DUPLICATE CENSUS BY FAMILY REPORT will be attached to the case file when it is submitted to the Relocation Operations Branch Team Leader for review and transfer to CC Status. The Team Leader will check to confirm that all household members have actual or dummy census numbers before signing the TRACKING FORM and performing data entry.

The Team Leader may transfer a case to CC status even though one of more household members lack a census number if the Case Narrative states that the client is in the process of obtaining the CIB and it will be received before the case is transferred to Housing. The Specialist will be responsible for following up and assuring that the CIB is received and the census number is recorded in the files.

6. Updates While the Client is in CC Status.

The Specialist will continue to conduct updates with the client while the case is in CC status. The Specialist will assure that any changes in family membership during this period are recorded in the manual and automated files and that census numbers are entered for each new member. The checks described above for duplicate inclusion will be performed.

II. HOUSING

General. After the case is transferred into Housing Acquisition, the Specialist will be responsible for inquiring about changes in household membership and updating household membership records as required, up to the point in time when the client signs the Relocation Contract. **CROSS REFERENCE MM§1643.1.**

1. Client Information Summary

In preparation for the Initial Housing Interview, the Specialist will generate a Client Information Summary from the automated records. The Specialist will double check to confirm that:

① All household members codes "relocate with family - Y" have census numbers, and

② There are NO duplicate census numbers for family members relocating with this client.

2. Initial Interview.

At the time of the initial interview, the Specialist will ask the client to verify the accuracy of the household membership information.

3. Changes in Household Membership.

If the household membership information shown on the Client Information Summary is missing or incorrect, the Specialist will record the correct information on the "Client Information Summary" and route it to the ROB Administrative Assistant for data entry. If the change in household membership results in either an increase or decease in the benefit amount, the client must submit supporting documents. The types of supporting documents required are listed in MM§1714.

4. Census Numbers.

The Specialist will make sure that each relocating household member has a census number or dummy census number recorded in the automated files. If a client was instructed in the initial interview letter to bring in a CIB, the Specialist will record the census number and make a copy of the supporting documentation. The CIB will be routed to the ROB Administrative Assistant for data entry of the census number and then filed in the case file.

If a dummy census number is required, the Specialist will prepare the Case Narrative and route the information to the ROB Administrative Assistant for data entry.

5. Changes Prior to Contract Signing.

The client file information will be updated if the client informs the Specialist of changes in household membership which occur before the Contract is signed.

Major changes in household composition resulting from marriage, divorce, or death of the client or spouse may require the case to be returned to counseling. In such event the Specialist will be responsible for updating household membership data and obtaining supporting documents.

Minor changes in household members, such as the birth of a child, do not require the case be referred back to counseling status. The Specialist will obtain the necessary CIB for the newborn or will prepare a memo to file to justify the use of the "dummy" number for newborns. The Specialist will assure that the client files are updated as necessary.

III. RESOLVING DUPLICATE INCLUSIONS

General.

If the ONHIR automated records show that a client/ household member in a case currently being processed has previously participated in a relocation, the circumstances of the previous case will be researched and a determination made regarding this person's inclusion in the current case. It is the responsibility of the Relocation Specialist handling the current case to conduct the necessary research as soon as the situation is revealed by the DUPLICATE CENSUS REPORT.

The purpose of the research is to determine if this person was in fact relocated as a member of a previously relocated household and if so, did his/her inclusion make a difference in the amount of the relocation benefits previously awarded. Further, by virtue of the previous relocation is this person eligible to be included as a household member in the current case.

Note: There are circumstances in which the certified client in the current case was previously relocated as a member of another household. As a part of the certification process this issue may have been addressed by the ONHIR Legal Counsel and Legal Counsel may have issued a determination as to the amount of the benefit entitlement in the current case. The Specialist should carefully review the current case file to determine if such a decision has been made.

These cases will be handled on a case-by-case basis. The Specialist should follow the guidelines set forth below in conducting the research and preparing the recommendation on **Form MM#1716.1.**

Utilizing the steps set out in **Form MM#1716.1**, the Specialist will make a determination as to whether or not the client/ household member in the current case, who is the subject of this review, was included as a member of a household in a previous relocation.

1. This person did not move as a member of a previously relocated household.

If the client/household member in the current case who is subject to this review did not move as a member of a previously relocated household but the automated records indicate that he/she did, (and consequently they did not affect the amount of the benefit award) the Specialist will complete the "Comments" portion of **Form MM#1716.1**

describing the circumstances of the previous relocation and how the Specialist arrived at his/her determination. The Specialist will then complete the "Conclusions/Recommendation" portion of the form and recommend that the "Relocate Y" Code in the automated records be changed to a "Relocate N." **Form MM#1716.1** will then be delivered to the Relocation Operations Branch Manager for his concurrence who will in turn forward it to the Executive Director for Final Approval.

2. This person moved (relocated) as a member of a previously relocated household.

If the Specialist concludes that the client/household member in the current case who is the subject of this review, moved as a member of a previously relocated household, the Specialist will conduct a further investigation into the circumstances of the previous relocation to determine which of the following situation applies to the individual subject to this inquiry.

a. Was the person who is the subject of this inquiry the certified client in a prior relocation?

If the answer to this question is "yes" this person cannot be included in the current relocation. No further analysis is necessary. (The automated record in the current case should indicate "Relocate No.") If the answer to this question is "no" the Specialist will proceed to paragraph b.

b. Did the person who is the subject of this inquiry, by their inclusion as a member of a previously relocated household, make a difference in the amount of the relocation assistance benefits awarded in the previous case?

The inquiry into whether or not this person made a difference in the amount of the previously awarded relocation benefits is twofold. The Specialist must first carefully review the content of the casefile on the previous relocation to determine if this person's inclusion therein made a difference in the amount of the relocation assistance benefits paid.

EXAMPLE: IF THE PREVIOUSLY RELOCATED HOUSEHOLD CONSISTED OF FOUR MEMBERS AND THE HIGHEST BENEFIT WAS PAID, THEN THE ANSWER TO THE QUESTION IS "YES." THIS INDIVIDUAL MADE A DIFFERENCE IN THE AMOUNT OF THE BENEFIT. NO CHANGE IS REQUIRED IN THE AUTOMATED RECORD. THE "RELOCATE Y" CODE WILL BE RETAINED. THIS INDIVIDUAL CANNOT BE INCLUDED IN CURRENT RELOCATION AS A HOUSEHOLD MEMBER. **SEE SECTION IV. BELOW.**

If the Specialist determines that the person who is the subject of this inquiry relocated as a household member in previous relocation case (coded Relocate "Y") but did not make a difference in the amount of the benefit determination, the Specialist must then investigate the relocation history of all other household members who were included in the previous relocation.

The purpose of this inquiry is to determine if any of the other household members were subsequently independently certified eligible or included in another

household which relocated, and if so, were they eliminated (removed) as a household member in the previous relocation because they did not impact the amount of the benefit level in that relocation.

EXAMPLE: A CHILD WHO WAS INCLUDED IN HIS/HER PARENTS' PREVIOUS RELOCATION MAY HAVE BEEN SUBSEQUENTLY REMOVED AS A MEMBER OF HIS/HER PARENTS' HOUSEHOLD SO THAT HE/SHE COULD RELOCATE WITH A SPOUSE. IF THE HOUSEHOLD OF THE PREVIOUS RELOCATION CONSISTED OF FIVE MEMBERS, THE ELIMINATION OF ONE OF THOSE MEMBERS DID NOT AFFECT THE AMOUNT OF THE BENEFIT. HOWEVER, THE REMOVAL OF TWO OF THOSE HOUSEHOLD MEMBERS WOULD HAVE AFFECTED THE AMOUNT OF THE RELOCATION BENEFIT AWARDED.

After completion of the above analysis if the Specialist determines that the person who is subject to this review did not make a difference in the benefit level of the previous relocation and that actions taken by the Office on other household members after the previous relocation (were other household members who relocated in the previous relocation included in another relocation at a later date) did not affect the benefit level, then this person may be considered for inclusion in the household of the current relocation case. The Specialist shall recommend that the automated record be changed to the "Relocate N" code in the automated file relating to the previous relocation and forward the completed **Form MM#1716.1** "Duplicate Census Number Check" to the Relocation Operation Branch Manager for concurrence and transmittal to the Executive Director for his approval.

If the Specialist concludes that the removal of the name of the person who is the subject of this inquiry from the household membership of the prior relocation would cause the household membership total to fall below the minium number of household member is required to justify the benefit awarded, then, in such event, this person cannot be included as a household member in the current relocation. The Specialist will complete **Form MM#1716.1** and deliver it to the Relocation Operations Branch Manager for concurrence.

VI. SPECIAL CIRCUMSTANCES: A certified client who previously relocated with another household

If the inquiry conducted by the Specialist reveals that the individual who is the subject of the inquiry is the "certified client" in the current case, previously relocated with another household, and by
his/her inclusion in that previous household made a difference in the amount of benefits paid, the matter must be referred to ONHIR Legal Counsel.

Although generally this issue is addressed at the time of certification in the current case, if the Specialist's research confirms that the person did move as a part of a previously relocated household and thereby increased the amount of the benefits the previous household was paid, the case must be reviewed by Legal Counsel to determine if the amount of the housing benefit for the current case should be reduced.

The "Relocate Y" code will not be changed. The Specialist will write up the circumstances and route it to Legal Counsel through the Executive Director.

VI. ACTION BY IS TEAM LEADER

Upon the completion of **Form MM#1716.1** and approval by the Relocation Operations
Branch Manager and the Executive Director a copy shall be delivered to the IS Team Leader for review to confirm the accuracy of the automated records.

_/s/CJB__
APPROVED

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES

SUBJECT 1718 EMERGENCY MOVES

AUTHORITY 25 CFR 700.135, Relocation Advisory Services (General Oversight Responsibility).

POLICY

If the client requests that his/her case receive priority processing, the Specialist shall determine if the client has an emergency need as described in this section. A demonstrated emergency need may entitle a client to priority processing.

1719 CRITERIA FOR EVALUATING EMERGENCY NEED

In order for a situation to qualify as an emergency need, the client or immediate family member must have a situation directly related to the client's residence or living conditions. Prompt acquisition of the replacement house will remedy the client's emergency need.

1. Handicap

Definition: The client or immediate family member has a physical handicap which requires handicap accommodations. The client's current housing does not have handicap facilities.

Documentation: A statement from a physician identifying the nature of the handicap in detail and explaining how the client's well being will be improved by moving to a house with handicap accommodations.

2. Health/Medical Need

Definition: The client or immediate family member has a medical condition which requires that the client live in a community with immediate access to a hospital or clinic or client or immediate family member has a medical condition which is made worse by the client's housing conditions.

Documentation: A statement from a physician identifying the nature of the medical problem in detail and explaining how a move to relocation housing will remedy the problem.

3. Burn Out

Definition: The client must move from the current residence because it has been partially or totally destroyed by fire. The client must have no other residence available and reconstruction of the residence would not be feasible.

4. Court Order

Definition: Client has been issued a Court Order to move out of an illegally constructed dwelling.

Documentation: A copy of the Court Order.

5. Other: Lightning Strike or Death in Dwelling

Definition: The dwelling must be abandoned according to traditional beliefs because it was struck by lightning or a death occurred in the dwelling.

Documentation: For a lightning strike, the police or fire department report or a field investigation report by the Relocation Specialist. For a death in the dwelling, a copy of the death certificate, funeral service announcement, or equivalent verification.

1720 PROCESSING THE EMERGENCY NEED REQUEST

1. Emergency Move Request Form

The Relocation Specialist shall record the request and his/her recommendation on the Emergency Move Request Form, (**Form MM#1718.1)** and attach the supporting documentation. An additional explanation of the situation will be recorded on the Case Narrative Form.

2. Household Relocation Plan (HRP)

The Relocation Specialist will assure that a Household Relocation Plan (HRP) has been completed. The client's relocation plan as set forth in the HRP and related documentation must explain how the emergency need will be remedied by relocating the family as soon as possible. On page six of the HRP, the Specialist will check "Priority Code 1" and the line indicating that the client has an emergency need.

Relocation Site: Because the emergency determination is used to expedite homesite lease processing, emergency requests may not be submitted for clients who have not selected a relocation site.

Any emergency needs that the client may have should be identified while the client is in agency status "SC." If the need is identified after the client has progressed into CC, HR, or HP status, the client will be referred back to SC for case review and evaluation.

The Emergency Move Request Form and supporting documentation will be attached to the HRP and the case file and forwarded to the Relocation Team Leader for his/her concurrence and then routed to the Relocation Operations Branch Manager for review and approval. The file and recommendations will then be delivered to the Executive Director. The Executive Director will approve or disapprove the request.

Approval: If the Executive Director approves the request the Relocation Branch Administrative Assistant will enter Priority Code 1 in the automated file.

Disapproval: If the Executive Director disapproves the emergency move request, he/she will enter the reasons for disapproval on the Emergency Request Form. The Relocation Specialist will inform the client of the Executive Director's decision.

Data Entry: The Administrative Assistant will perform data entry of the date of the Relocation Specialist's request, date of decision, emergency code, and Y/N decision.

1721 USE OF EMERGENCY CODE

The emergency code will be used by the Relocation Operations Branch Manager in prioritizing the work to be done on homesite lease applications.

/s/CJB
APPROVED

SECTION 1700 **RELOCATION OPERATIONS- SPECIALIZED PROCEDURES**

SUBJECT 1722 **TEMPORARY EMERGENCY MOVES**

AUTHORITY **25 CFR 700.175, Temporary Emergency Moves**
Legal Opinion dated March 24, 1993

POLICY

The Office may grant a client a temporary emergency move under the conditions specified in 25 CFR 700.175. Temporary emergency moves are generally granted in exceptional instances when a client's living conditions are hazardous to the health and safety of the client or immediate family but permanent relocation housing is not immediately available.

Temporary emergency moves are available only to clients who on December 22, 1974, were living on the land partitioned to the other tribe and who have continuously lived there and are domiciled on the Partitioned Lands at the time of the temporary emergency move request. Any exceptions to this regulation must be approved by the Executive Director pursuant to the procedures in MM#1722.4.

In order to qualify for consideration for a temporary emergency move, the client must have an emergency need which meets the criteria described in MM#1722.1. In addition, the client must meet the administrative requirements stated in MM#1722.2.

If a request for temporary emergency move is approved, the ONHIR will pay the differential between rent and utility charges required for temporary housing and that paid by the client prior to temporary relocation. The ONHIR may pay reasonable moving and related expenses incurred by the client.

PROCEDURES

Requests for temporary emergency moves (TEM) are ordinarily initiated by the client while the case is being processed in the counseling phase. The Relocation Specialist will document the client's emergency need and request for temporary accommodations on Case Narrative Forms and on the Temporary Emergency Move (TEM) Request Form, **Form MM#1722.1**. Review and implementation of the request will require coordination among the Relocation, Inspections and Compliance, Finance and Procurement Branches. Requests must be approved by the Executive Director, who will consult with the agency Legal Counsel as necessary.

An official client representative who initiates a request for temporary emergency move for a client must submit information and documentation comparable to the information set forth on the Temporary Emergency Move Request Form. The representative must assure that the request satisfies the requirements of these procedures.

1722.1 Evaluation of Emergency Need

1. Health/Medical Emergency

Definition: The client or immediate family member has a medical condition which is made worse by the client's housing conditions. In addition, the client may need to move to a community with a hospital or clinic where medical treatment is readily available.

Documentation: The medical statement which must contain:

a. Statement must be current and must state the anticipated duration of the condition and must be signed and dated by the client's doctor.

b. Must state the client's specific health/medical problem and must explain what it is about the present housing conditions that aggravate the condition or place the client at greater risk of injury, debilitation, disease, or death.

c. If appropriate, it must state the specific facilities or features which are required in order to alleviate or remedy the client's emergency medical need. For example: handicap facilities, close proximity to hospital services, indoor bathroom facilities, controlled temperature environment, electricity for therapeutic health devices.

2. Burn Out

Definition: The client must move from the current residence because it has been partially or totally destroyed by fire and they have no other residence to live in.

Documentation: Police or fire department report and field investigation by the Relocation Specialist, including photographs.

3. Other

Emergency circumstances other than medical or burn out may justify a temporary emergency move. Unusual circumstances will be staffed by the Relocation Branch and the required documentation will be defined based upon the nature of the case.

1722.2 Administrative Requirements

After determining that the client's need meets one of the above definitions of an emergency, the Relocation Specialist will screen the case to determine if it meets the regulatory requirements of 25 CFR 700.175 and administrative requirements. These requirements are:

1. Residence

The client must be a full-time resident of the HPL. The Relocation Specialist will ask for a review of the client's residence status by the Eligibility/Appeals Specialist, who shall submit a memo to the file verifying that the client was a resident of the partitioned lands on 12/22/74 and has continuously resided at the homesite since that time, according to available information. The Eligibility/Appeals Specialist's statement will be attached to the TEM Request Form.

2. Improvements

The client must be willing to quit claim all improvements on the partitioned lands to the office when the Contract for Temporary and Permanent Relocation is executed. The client may request a waiver of the quit claim requirement for good reason. The Relocation Specialist's write-up must explain the reasons for the waiver request (ie., family members need to stay behind to take care of livestock, protect the property from vandalism.) The waiver request must be approved by the Executive Director.

3. No Other Residence

The Relocation Specialist must determine from information supplied by the client, and verified if necessary through field investigation, that the client has no other residence to which he/she can move which will remedy the emergency need.

4. Permanent Housing Not Immediately Available

In order to be eligible for temporary accommodations, the client must have decided upon an actual relocation site. If the client is moving on-reservation, the client must have submitted a homesite lease application (lease status+S or beyond). The Relocation Specialist will find out from Inspections/Compliance about how long it will take for the lease application to be completed. The Relocation Specialist will enter the client's relocation site and anticipated lease completion date on the TEM Request Form, **Form MM#1722.1**.

5. Permanent Housing Not Available for More than a Year

25 CFR 700.175(b)(3) requires that clients receiving temporary relocation assistance be provided with permanent housing within 12 months of the temporary move. If it appears that it will be more than a year before the relocation house can be built, the Relocation Specialist will explain the situation on the Case Narrative Form and request a waiver of the one year period. The waiver request must be approved by the Executive Director.

6. Available Housing

Temporary housing must be available for rent by the ONHIR.

a. On-Reservation Housing There is little housing available for temporary rental on the reservation. The client (or client's representative) must make a sincere documented attempt to locate temporary rental housing. The housing must be safe, decent, and sanitary and have the features needed to remedy the client's emergency need. The Relocation Specialist may assist the client to locate housing, if the client is physically unable to look for accommodations and there are no family members who can assist in the search. If no housing is available, the client may have to be accommodated off-reservation until the relocation house is acquired.

b. Off-Reservation Housing Rental units are generally available off-reservation. If the client requests or agrees to temporary housing off-reservation, the unit will be acquired by the Contracting Branch according to the instructions in the Procurement Request submitted by the Relocation Operations Branch Manager (see 1722.6.2) following the Executive Director's approval.

7. Justification The Relocation Specialist's recommendation must explain not only how the proposed move will remedy the client's emergency need but why the proposed arrangements are the best among the alternatives available to the client.

1722.3 Processing by the Relocation Branch

1. Information from the Relocation Specialist

The Relocation Specialist will complete the Temporary Emergency Move Request Form, **Form MM#1722.1**, and attach the documentation as specified on the form and required by these procedures. In addition, the Relocation Specialist will fill out the portion of **Form MM#1756.1** (Temporary Accommodations) which lists the client's rent and utility expenses at their pre-move residence. The client will be required to pay this amount toward the cost of emergency housing. If the client hauls their own water and cuts their own wood, and is unable to supply a specific cost for gas and vehicle expense, the Relocation Specialist will tell the client that the ONHIR will charge a flat rate of $30.00 per month toward emergency housing costs.

2. Consultation with Inspections/Compliance

The Relocation Specialist will submit the Temporary Emergency Move Request Form and attachments to the Relocation Operations Supervisor who will inform the Construction Representative that the client has requested a temporary emergency move and that the Relocation Specialist is preparing a recommendation to the Executive Director. The Representative will inform the Relocation Operations Branch Manager of actions which will be taken to expedite the client's site acquisition so that the estimated completion date can be moved up.

3. Consultation with Finance

The Relocation Operations Branch Manager will consult with the Finance Branch to obtain estimated costs for rent and utilities for temporary housing for p.2 of the Request Form. The Finance Branch will provide the information from file records of costs for temporary accommodations. If more up to date information is required, the ROB Manager may request the Contracting Officer to obtain cost estimates.

4. Forward to Executive Director

After all issues relating to the request have been reviewed and the details for temporary accommodations have been worked out, the Relocation Operations Branch Manager will recommend approval or disapproval of the request. The request will be submitted to the Executive Director for final decision.

1722.4 Action of the Executive Director

The Executive Director will evaluate the request for completeness, adequacy, and compliance with policy requirements, with particular regard for requests for waiver of regulatory provisions. The Director's decision will be returned to the Relocation Specialist for implementation.

1. Request for Waiver of HPL Residence

Waivers of HPL residence must be recommended by the Relocation Operations Branch Manager and approved by the Executive Director. The Relocation Operations Branch Manager may recommend a waiver of the HPL residence requirement only in extreme circumstances, where the housing poses imminent hazard to the client's health and safety. The client must have made every reasonable effort to acquire replacement housing and failure to obtain replacement housing up to the point in time of the emergency request must be due to circumstances largely beyond the client's control.

2. Request for Waiver of Quit Claim

The Executive Director may waive the requirement that the client quit claim the HPL property when they execute the Temporary and Permanent Relocation Contract. The waiver may be granted if the Director determines it to be in the best interests of both the client and ONHIR. Reasons for waiver may include the possibility that the client's condition may improve and he/she may be able to return to the HPL residence; family members need to remain behind to care for livestock and property; the temporary housing will not accommodate all members of the family. The waiver may be granted for the duration of the temporary move. At the time the permanent relocation contract is executed, the client will be required to quit claim the improvements.

3. Waiver of One Year Requirement

The Executive Director may waive the requirement that the permanent relocation site must be available within a year. If the site will not be ready for construction within a year, the Director shall determine if the provision of 25 CFR 700.125 (b)(3), should be waived in the best interests of the client and the Office. In making this determination, the Director will weigh the projected expense to the Government against the client's emergency need.

1722.5 Client Disagreement With Decision

If the request is disapproved and the client disagrees with the ONHIR's decision on an emergency move request, he/she may request review by the Executive Director. Decisions regarding temporary emergency move requests may not be formally appealed under SUBPART L 25 CFR 700.

1722.6 Action By Housing Acquisition

1. Information from Relocation Branch

Within one day of the Executive Director's action, the Relocation Operations Branch Manager will route copies of the approved TEM to the Relocation Specialist with any additional information needed to acquire temporary accommodations and prepare the Contract for Temporary and Permanent Relocation.

2. Procurement Request

Within two days of receiving the request, the Relocation Operations Team Leader will prepare a Procurement Request (See Management Manual #4000) for apartment/rental housing and

associated utilities, and submit the request to the Contracting Officer. The Relocation Operations Branch Manager will specify the community/location where accommodations are needed; the anticipated length of time the family will need the accommodations; the number of family members to be accommodated; all special requirements, such as storage facilities or furnished apartment; and any additional information which will help in making the arrangements. The Relocation Operations Branch Manager must allow a minimum of two weeks lead time for the Contracting Branch to make arrangements.

3. Action of the Contracting Officer

The Contracting Officer will delegate the procurement to Contracting Branch staff. Within three days of receipt of the procurement request, CB staff will initiate action to acquire rental accommodations and utilities, and will issue purchase orders to the vendors. Rent and utilities will be billed to the ONHIR. The Contracting Officer will inform the Relocation Operations Branch Manager of the arrangements and costs for each item.

4. Temporary and Permanent Relocation Contract

The Relocation Operations Branch Manager will issue a Notice of Benefit Determination to the client and the Relocation Specialist will prepare a Temporary and Permanent Relocation Contract. Because each temporary emergency move is unique, the content of the contract will vary according to the circumstances of the case. The contract will set forth the following agreements between the ONHIR and the client.

a. Reason for TEM The contract will specify the reason for the temporary emergency move and the people to be included in the move.

b. Permanent Relocation Site The contract will identify the client's permanent relocation site and if the ONHIR is requiring that the client take particular actions to acquire the site, the actions will be stated in the contract.

c. ONHIR Portion of Temporary Housing Costs The contract will list each of the expenses which the ONHIR will pay in connection with the temporary move. The Office will not pay for telephone or cable hookup or other nonessential features associated with temporary accommodations.

d. Client Portion of Temporary Housing Costs The contract will state the amount which the client will pay monthly toward the cost of accommodations/utilities. Check or money order payments will be received by the mail clerk and routed to the Finance Department.

e. Failure of Client to Pay Client Portion of Housing Costs The client will agree that if he/he fails to submit the monthly pro rata payment, this amount will be deducted from their housing benefit at the time the Construction and Payment Contracts are signed. If the client fails to make required payments after contract signing, the amounts due the ONHIR will be deducted from the moving or bonus payments. The Finance Officer will maintain a log of payments submitted by the client and will notify the Relocation Operations Branch Manager if the client fails to make the monthly payment.

f. Client Maintenance of Temporary Housing The client will agree to maintain the the accommodations in a reasonable manner. Upon vacating the unit, the client will agree to clean and

restore it to the original condition, except for normal wear and tear. The client will agree that the accommodations may be inspected by the ONHIR when the client moves out. The client will authorize the ONHIR to deduct repair costs from the client's bonus and/or moving payments, if inspection shows that there is damage resulting from intentional or negligent activity.

g. Temporary Moving Expense Pursuant to 25 CFR 700.175 (b) (4) (iv), the ONHIR will pay moving expenses for the client's move into temporary housing. Expenses will be paid in accordance with ONHIR procedures, MM#1752, and will be in addition to moving expenses paid at the time of the client's move into permanent replacement housing.

h. Permanent Relocation Benefits The contract will state the benefits which the client will receive upon relocating permanently and other conditions associated with this particular move.

I. Circumstances Under Which the Temporary and Permanent Relocation Contract Shall be Void

(1) Death of the Client In the event of the death of the client, or other family member for whom the temporary emergency move was approved, before the construction contract is executed, the provisions of the contract for temporary and permanent relocation will be automatically void and the situation will be reassessed. A provision to this effect will be inserted into the contract. The Office shall determine whether or not the surviving family members require continued temporary accommodations and shall specify the conditions associated with the provisions of such accommodations.

(2) Removal from Temporary Quarters In the event that the client is asked to vacate the temporary quarters due to client-caused abuse, misuse, damage, or other violations of the rules and conditions of the rental agreement, the ONHIR will not arrange other temporary accommodations for the client. The contract shall contain a provision that the ONHIR may cancel the contract for cause under these circumstances.

5. Quit Claim Deed

The Relocation Operations Branch Manager will obtain a quit claim deed for the client's property on the partitioned lands but shall not turn over the improvements to the Hopi Tribe, in the event that the client's need for temporary accommodations ceases and the client is able to return to the HPL homesite prior to permanent relocation.

6. Filing and Data Entry

The Relocation Operations Branch Manager will perform data entry of the date the contract is signed. Data entry will generate a "T" code (temporary emergency move code) in the client master file. The client will receive a copy of the contract and a copy of the contract will be routed to the Finance Branch. The original contract will be routed to the data room for the client case file.

7. Checking on Client Payment of Utility Expense

When the contract documents are prepared for the Pre-Construction Conference the Relocation Specialist will double check with the Finance Officer to confirm that the client has made the

monthly pro-rata share of utility costs. If the client is in arrears, the amount due will be deducted from the housing benefits.

8. Notification That Accommodations Will be Vacated

The Relocation Operations Branch Manager will notify the Contracting Officer and the Finance Officer when emergency accommodations are no longer needed. If the client is leaving the accommodations in order to move into permanent housing, the Manager will issue a memo to the Contracting and Finance Branches at the time the moving expense draw is issued, giving the projected date that the client will be moving. The Contracting Branch will notify the utility vendors of the date for disconnecting or discontinuing service to the unit.

9. Canceling Emergency Move Arrangements

Usually the client will occupy the rental until he/she is able to move into permanent relocation housing, although changes in the client's emergency need, or circumstances set forth in the contract may result in termination of the emergency housing arrangement.

1722.7 Review of Approved Temporary Emergency Moves

The client's assigned Relocation Specialist will conduct an update contact with the client every three months while they occupy temporary emergency housing. If the client's condition changes, and the original reason for the move approval is no longer operative, the Relocation Specialist will record the situation on the Case Narrative Form.

a. If the client wishes to return to the HPL residence, the Relocation Specialist must obtain a release from the client's doctor stating that emergency accommodations are no longer required. The Relocation Operations Branch Manager shall obtain authorization from the Executive Director to cancel the temporary emergency move arrangements.

b. If the client wishes to remain in the temporary accommodations pending permanent relocation, the Relocation Operations Branch Manager will submit the client's request to the Executive Director for decision.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES MULTI BRANCH

SUBJECT 1725 OFF-RESERVATION MOVES

AUTHORITY

POLICY

The replacement house selected by the head of household must be located in an area not generally less desirable than that of the partitioned lands homesite with respect to public utilities, public and commercial facilities, and schools. In addition, the replacement house must be available at a purchase price within the client's ability to pay. This means that anticipated monthly housing costs must not exceed 25% of the total monthly gross income of all adult members of the household. Monthly housing costs include utilities, real property taxes, insurance, and any mortgage payments.

In order to assure that the monthly housing costs associated with an off-reservation relocation are within the client's ability to pay, a client wishing to move off-reservation must have a minimum household income of $35,000.00 annually. Clients with less income may be approved for an income waiver if analysis of their circumstances demonstrates that they will be able to meet the expenses of off-reservation living without incurring debts which will jeopardize home ownership.

The minimum required income level for off-reservation moves may be adjusted by the ONHIR based upon analysis of changes in average costs at selected locations.

There is no minimum income requirement for clients moving to an on-reservation location, including subdivisions. Documents verifying the amount and source of income are not required for clients moving on-reservation.

1726 Recording and Recommending an Off-Reservation Move

The counseling provided to a client who is interested in moving off-reservation shall cover the client's income and ability to pay for monthly housing costs, as well as social factors which will affect the client's ability to make a successful adjustment to the new community.

For clients wanting to move off-reservation, the Relocation Specialist shall obtain verifying income documentation for all sources of income which are being counted toward the $35,000.00 annual income computation. Documentation must cover the past two years and may include the income of all adult household members, including those whose membership is verified by Adult Inclusion Forms. Acceptable documentation is: a.) Income Tax Records. b.) Copies of W-2s. c.) Cumulative wage statements, year to date. and, d.) Employer Statement of Earnings. If the client is self-employed acceptable documentation are federal income tax returns and/or financial statements showing profit/loss over the past two years.

Computation of Income

The minimum income requirement shall be computed on the basis of the client having earned no less than $35,000.00 in each of the two preceding calendar years. Provided, however, in the event the client's **averaged** income for the two preceding years exceeds the $35,000.00 base, upon the recommendation of the Relocation Specialist, the client may seek a waiver of the minimum income requirement.

The Relocation Specialist shall submit the recommendation for waiver to the Executive Director for approval, following the guidelines set forth in MM#1728 of these procedures. The recommendation shall incorporate a statement justifying the request and if the client's highest year's income is a pattern expected to continue.

Self-Employed Clients

If the client is a craftsperson and is unable to produce federal income tax returns, the Office may consider signed statements from regular craft buyers for the preceding two year period. Such statements shall not automatically qualify a client for an off-reservation move but will be considered by the Relocation Specialist in assessing all factors relating to the request.

Credit Report

The Relocation Specialist will order a credit report on the client and will discuss the report information with the client. Clients with substantial indebtedness and/or a poor credit history will be discouraged from pursuing an off-reservation move.

Off-Reservation Income/Expense Analysis

The Specialist will obtain information from the client about average monthly expenses, including payments listed on the credit report and will complete **Form MM#1725.1** , Off-Reservation Income/Expense Analysis. The Specialist will evaluate the client's anticipated ability to pay for off-reservation expenses and will prepare a recommendation for an off-reservation move.

If more than six months goes by between the time the client is approved for an off-reservation move and the initial housing interview, the Specialist will verify during the housing interview that the client's income has not dropped below $35,000.00 and that the client is still employed.

If the client's income and employment status changes during the housing acquisition phase of the case processing, the Specialist will re-assess the client's eligibility for an off-reservation move and the client's relocation site may have to be changed.

In addition to verifying that the client has sufficient income for an off-reservation move, the Specialist will advise the client with respect to other factors which predict success or failure for an off-reservation move.

1727 Social Factors and Location Choice

Besides evaluating the client's ability to pay costs for an off-reservation move, the Specialist shall evaluate social factors and the specific community preference in relation to other reasonable alternatives. Factors which must be considered include:

1. Income/Employment

- How many people are supported by the family income?
- What is the source of income: employment, assistance payments, etc.?
- How reliable is this income?
- Is any portion of the family income contributed by a household member who might move out of the household. For example: grown son or daughter?

How stable are the family relationships? What impact would there be if one of the income earners left?

- Is the community considered an "expensive" place to live? Check into utility and property taxes in the community, particularly in cases where an income waiver is being requested.
- How long has the client/spouse been employed? How stable is their job history?
- What job skills do the client/spouse have? If he/she loses their current job, how likely is it that they can get another job in the preferred community?
- Is the client employed in the community that he/she wants to move to? If not, why do they want to move there?
- What will be the commuting distance between the home and job site? Figure out the distance and gas mileage. Can the client afford to commute?
- If commuting is required does the client have young children?
- What provisions has the client made for day care, babysitting? How much is this expected to cost? Can the client afford this?

2. Social and Other Factors

- Has the client ever lived off-reservation? Where? How long? What was his/her experience?
- How well do the client/spouse speak English?
- Has the client tried to get a homesite lease on the existing reservation? Results?
- Has the client considered moving to the Rural Community? Conclusions?
- Where are the client's extended family members living now? Where do they plan to move?
- What are the family's needs for social services, schools, higher education, medical services? What does the preferred community offer?

1728 Income Waiver

A client with less than $35,000.00 annual income who wants to move off-reservation must receive an income waiver from the Executive Director. In order for the Executive Director to consider the request, it must first be recommended by the Relocation Specialist and endorsed by the Relocation Operations Team Leader and the Relocation Operations Branch Manager. The Specialist shall use a memo or case narrative form to record the client's request for a waiver and justify his/her recommendation to the client's request.

Requirements

1. The client's annual income must be derived from steady predictable sources: ie. permanent low income employment or business income, support payments. Temporary occasional jobs are not acceptable. Seasonal employment may be acceptable if it lasts at least six (6) months out of the year, the wage is above minimum wage, and the client has worked for the same employer every year for several years. The Specialist may require the client to produce a statement from the employer that the client is a permanent seasonal employee or that the employer intends to rehire the client for seasonal employment.

2. Clients must produce documentation of their income for the past two years and will be asked for documentation for the past five years in order to show that the income is steady and predictable.

3. Pledges of income from extended family members who are not moving as part of the household may not be included in calculations of the total household income.

4. The Specialist will advise the clients with less than $35,000.00 annual income against applying for a mortgage.

5. Clients with less than $35,000.00 in annual income, who also have a bad credit history, will not be recommended for an income waiver.

Action of the Specialist

The Relocation Specialist will prepare an "Off-Reservation Income Expense/Analysis Form" which sets forth realistic calculations of the anticipated post-move utility costs, property taxes, and homeowner's insurance. The Specialist will take into consideration that these costs are likely to increase rather than decrease in future years.

The Specialist will analyze the amount and source of the client's annual income and figure out if it will be sufficient to cover his/her expenses after the client has relocated. The Specialist will go over the income/expense analysis with the client. The Specialist will also review with the client the factors referenced above and consider whether an on-reservation move is a feasible alternative for the client.

The Specialist must determine if the client meets the requirements for an income waiver and if the client's employment and social history predicts success or failure for off-reservation home ownership.

Recommendation for Income Waiver

If the Relocation Specialist evaluates all factors and concludes that an off-reservation move is in the best interests of the client, (from the standpoint of assured employment and social and family support systems, and that the reliability of the client's income as well as spending habits predict a successful move) the Specialist will recommend an income waiver. The recommendation for an income waiver shall be made by Memorandum or Case Narrative and directed to the Executive Director as previously set forth herein. The Relocation Specialist will advise the client that the ONHIR will recommend against a mortgage and that it is unlikely that a reputable lending institution would approve a mortgage application.

Recommendation Against Income Wavier

If the Specialist evaluates all factors and concludes that the client is a poor candidate for an off-reservation move because of insufficient income, unpredictable employment, poor spending habits, and inadequate social/family support systems, the Specialist will tell the client that he/she will not recommend an income waiver.

Appeal to Relocation Team Leader

If the Specialist informs the client that he/she will not recommend the client for an income waiver, the client may appeal to the Relocation Team Leader.

Action of Relocation Team Leader

The Relocation Team Leader will review the case file information and the Specialist's evaluation and recommendation. If the Specialist's recommendation and analysis is unsatisfactory, the Team Leader will disapprove it and return it to the Specialist for further work

If the Specialist recommends an income waiver and the Relocation Team Leader determines that the recommendation and supporting documentation is satisfactory, he/she will recommend approval to the Relocation Operations Manager and the Executive Director.

Action of Executive Director

The Executive Director will review the request and supporting documents and approve or disapprove the income waiver request. If the Executive Director approves the request for a waiver he will refer the case to the ONHIR Legal Counsel for the preparation of an Affidavit, "Request for Waiver and Acknowledgment of Risk," to be executed by the client.

If the request for waiver is denied, the case will be referred back to the Specialist with instructions. The Specialist will inform the client of the decision and the reasons for it. If the client disagrees with the Executive Director's decision and is unwilling to reconsider the relocation site preference, the client may request review by the Executive Director. **Decisions regarding income waivers may not be formally appealed under Subpart L, 25 CFR §700.**

Disclaimer

A client who insists upon moving off-reservation despite the ONHIR's advising against it, must sign an Affidavit, "Request for Waiver and Acknowledgment of Risk."

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES

SUBJECT 1730 EXISTING HOUSES

AUTHORITY USC 640d-14; 25 CFR 700.187; 25 CFR 700.53-55

POLICY

If a client who is certified eligible for relocation assistance benefits already owns or is buying or building a home off the partitioned lands, and wants to acquire the existing house as his/her relocation house, the ONHIR will expend replacement housing benefits, up to the client's maximum entitlement, to remodel and repair the house or bring it up to decent, safe and sanitary standards. Benefits remaining after the house has been made decent, safe and sanitary will be expended to achieve debt-free ownership.

PROCEDURES:

Previous procedures requiring an inspection of the existing house while the client is in the social counseling phase of case processing are rescinded. When the case enters home search, the Relocation Specialist will request an inspection by the inspections and compliance staff.

Existing House Located Off-Reservation. If the existing house that the client wishes to acquire is located off-reservation, the Relocation will follow the procedures described in Management Manual Section 1648.

Existing House Located On-Reservation. If the existing house that the client wishes to acquire is located on-reservation, the specialist will follow the procedures described in Management Manual Section 1640.

NHA HOUSING. It is NHA policy that their clients are not entitled to receive more than one house acquired with Government funds. A relocatee who has a mutual self-help or home-ownership house provided by the Navajo Housing Authority may not obtain a relocation house and keep the NHA house, unless they have completed the NHA payments and the house has been turned over to them. A client who is receiving a relocation house may relinquish the mutual self-help or home-ownership house to NHA; or may assign the house to another family that meets NHA qualifications.

The Relocation Specialist will inform clients who have NHA houses of this requirement.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES

SUBJECT 1734 GUIDELINES FOR SELECTING CLIENTS FOR SUBDIVISIONS

POLICY

The ONHIR has been involved in cooperative interagency planning efforts to develop housing subdivisions in selected locations. In the event that the planned subdivision will not be able to accommodate all relocation clients who wish to move there, the ONHIR will establish a priority system for selecting clients for leases. The following criteria will be used as guidelines, but may be modified by ONHIR management officials as necessary.

(1) Clients who had approved homesite leases in the area which has been set aside for subdivision development, and who have been willing to relinquish those homesites, will receive first preference for a subdivision lot.

(2) Full-time residents of the Hopi Partitioned Lands.

(3) Elderly clients and clients with medical problems who require housing with modern facilities and/or regular and frequent treatment at the Tuba City IHS hospital or other nearby medical facility. The Relocation Specialist shall obtain documentation from the client's physician stating the client's medical requirements.

Other factors which will be taken into consideration in determining a client's place on the priority list may include: employment in the vicinity; extended family support system in the vicinity; unsuccessful efforts of the client to obtain a lease assignment elsewhere.

Applications submitted by the clients for subdivision homesite leases will be retained by the ONHIR until the client has signed the relocation contract, at which time they will be submitted to NLD for processing. A homesite may be reassigned by the ONHIR if the client who originally selected it fails to take timely action to select a contractor and sign a contract.

1735 Developing the Priority List

The Relocation Specialist will record the client's preference for a subdivision homesite lease on the HRP during the initial interview; or subsequently on **Form MM#1734.1** or a similar form modified for the particular subdivision. The Specialist will explain on the Case Narrative Form the factors which would qualify the client for priority selection.

The Team Leader will review requests for priority selection and will assure that documentation about age and medical need has been obtained. The Team Leader will develop a list of clients to be prioritized for subdivision lots. The list will include alternates in the event of openings in the original list.

The Team Leader will notify the Relocation Operations Branch Manager of the clients selected, and any subsequent changes to the list.

_/s/CJB__
APPROVED

SECTION 1700 RELOCATION OPERATIONS SPECIALIZED PROCEDURES/MULTI-BRANCH

SUBJECT 1742 Powers of Attorney

POLICY

A certified eligible head of household shall be contacted by the Relocation Operations Branch for the development of the household relocation plan. Following relocation plan approval and site approval and clearance, the client's case will proceed to the housing acquisition phase of their relocation for house selection or construction, and signing the relocation contract. A client who is not able to be physically present for one or more planning sessions may execute a Power of Attorney.

A Power of Attorney authorizes a designated individual to act in behalf of the person executing the Power of Attorney. For relocation purposes, if the client is married, the spouse will exercise the Power of Attorney unless physically unable to be present. The ONHIR has the right to review the selection of the person exercising the Power of Attorney, to assure that the individual designated will be acting in the interests of the client and household.

If the client's absence is expected to be of short duration, ie. less than six months, planning and document execution will ordinarily be deferred until the client's return. If the client's absence is expected to exceed six months or more, and the client has a household who need to be relocated, the Specialist may advise the client to execute a Power of Attorney so that the relocation process may proceed.

Normal circumstances which would prevent a client from appearing at ONHIR offices or participating in a field interview may include: military service, incarceration, or employment such as railroad work which requires the client to be absent from the usual place of residence for an extended period of time. Powers of Attorney may not be used solely for the convenience of the client to avoid direct involvement in the relocation planning process. They also may not be used as a substitute for guardianship.

A Power of Attorney may also be executed by clients who are physically incapable of participating in the relocation planning process, but who are mentally competent and can communicate their instructions to an authorized representative. Legitimate circumstances may include: deafness, paralysis, long-term recuperation from an accident or illness.

PROCEDURES

1. The Specialist shall contact clients for personal interviews related to the development of the household relocation plan. Interviews are usually conducted at ONHIR offices, but may also take place at field locations or over the phone. If the Specialist learns from the client that he/she cannot be physically present for required relocation activity for one of the reasons listed above, the Specialist may advise the client to select a legal representative and obtain a Power of Attorney.

2. The Specialist must have personal contact with the client prior to advising that a Power of Attorney be obtained. The Specialist may not act solely on information provided by a spouse, family member, or other person.

3. If the Specialist has reason to believe that the client is not mentally competent to pursue relocation activity, a Power of Attorney is not appropriate. In such a case, the appointment of a guardian may be necessary. The Specialist will refer to Management Manual procedures MM#1746.

4. The Specialist will refer the client to Navajo-Hopi Legal Services, DNA, or other appropriate office to obtain the Power of Attorney. The document must specify the authority to be exercised by the designated representative.

5. The Specialist will use the Case Narrative form to explain the reasons why a client needs a Power of Attorney, and what advice the Specialist provided.

6. Any questions/problems which relate to such circumstances will be referred to the Office's Legal Counsel.

SECTION 1700 **RELOCATION OPERATIONS SPECIALIZED AND MULTI-BRANCH PROCEDURES**

SUBJECT 1744 **LEGAL ASSISTANCE FOR CLIENTS**

AUTHORITY **25 CFR Subpart F**

POLICY

The Office of Relocation will utilize funds available for costs incidental to the acquisition of a replacement house in order to provide a client with legal assistance to obtain a divorce, name change, or other action required to resolve situations which impede or prevent the client's relocation.

Legal assistance may also be provided in probate cases to settle the estate of a certified client who owned property on the partitioned lands and died before executing a relocation contract. The ONHIR will deduct the legal costs incurred from the amount of the estate payment.

Legal assistance may be provided by the ONHIR in other exceptional instances as determined on a case by case basis by the Legal Counsel and the Executive Director.

CRITERIA.

The following criteria must be met in order for a client to receive legal assistance.

Problem Must be Resolved in Order for the Client to Relocate.

The client must have encountered a problem which requires a legal resolution in order for the case to go forward. Divorce and name change are the difficulties most frequently encountered. The ONHIR will not provide legal assistance solely for the convenience of the client; it must be essential to resolve the client's relocation plans.

1. Divorce. Clients who are separated from a legal spouse do not have to get a divorce in order to obtain a relocation house. However, a client who is legally married must include their spouse's name on a Navajo Nation Homesite Lease application, and the legal spouse (and children, if any) will be included in the ONHIR benefit whether or not they are living with the client. It is therefore desirable to resolve household membership issued before the relocation is processed.

2. Estranged Spouse. Legal assistance may be extended to the estranged spouse of a certified client if the estranged spouse believes he/she may be separately eligible for benefits but cannot receive an eligibility determination until a divorce is obtained.

3. Legal Name Change. A significant number of ONHIR clients have used more than one name or have changed the spelling of their name without obtaining a legal name change. The ONHIR will

not require a legal name change; the client may sign relocation documents with the name shown on their Certificate of Indian Blood (CIB) and beside or below the signature the explanation, "a.k.a." (also known as) alternate name."

However, a legal name change may be required in order for the Office of Navajo Land Department to process a client's homesite lease application. A legal name change may also be required by the Navajo Nation for issuance of a CIB, which the ONHIR requires for census number verification.

PROCEDURES

1744.1 Actions of the Relocation Specialist

General. The Relocation Specialist will be responsible for screening requests for legal assistance from clients who are unable to complete their relocation plans because of problems which require a legal resolution. Requests must be recommended by the Specialist and Team Leader and approved by the ROB Manager and the Executive Director. Following all approvals, the agency Legal Counsel will refer the cases to the ONHIR's contract attorney.

1. Explanation of the Problem The Specialist must prepare a recommendation for legal assistance which explains the situation in detail. The recommendation shall include the following information, according to the nature of the problem.

a. How is the problem preventing the completion of the client's relocation plans?

b. Divorce

- What has the client done to obtain a divorce or otherwise resolve the problem through counseling and reconciliation?
- How long has the client been separated?
- Are there children involved? Number of children, ages, who are the children living with, etc.
- Does the client have a live-in partner and new family that they want to include in the benefit?
- Is the legal spouse doing anything about getting a divorce? Does the spouse object to getting a divorce?
- Is there a problem in locating the legal spouse?

c. Name Change What different names has the client used and why?

2. Agreement for Legal Assistance, **Form MM#1744.1**. The Relocation Specialist will prepare **Form MM#1744.1** for the client's signature. The Specialist will explain to the client that if the ONHIR agrees to provide legal assistance, the client is obligated to the following:

a. To cooperate fully with the ONHIR contract attorney; to meet with the attorney as requested, to provide information and documents which the attorney may need for the preparation of Court documents.

b. To appear in Court if so instructed by the attorney.

c. To proceed as expeditiously as possible with the client's relocation plan as soon as the legal problems holding it up are resolved.

d. To acknowledge and consent to ONHIR's arranging and paying for legal assistance for the purpose of expediting the client's relocation.

The Relocation Specialist will assure that the client understands the agreement and signs it. The agreement will be attached to the Specialist's writeup and recommendation for legal assistance.

3. Client Expenses. The ONHIR will pay reasonable travel expenses for the client to meet with the attorney and appear in Court. If the client lacks transportation, the Specialist will provide transportation.

4. Review by ROB Team Leader. The ROB Team Leader will review all requires for client legal assistance and verify that the Specialist's recommendation addresses all criteria and all required supporting documentation is attached. The Team Leader will forward the recommendation through the ROB Manager to the Executive Director.

1744.2 Action of Management Officials.

1. Action of the Executive Director. The Director shall approve or disapprove the recommendation. If approved, the recommendation will be routed to the a Office's Legal Counsel. If disapproved, the recommendation will be returned to the Relocation Operations Branch with an explanation.

2. Action of Legal Counsel. After the request for legal assistance has been approved, Legal Counsel shall incorporate the request into a task order to be issued to the contract attorney pursuant to the contract for external legal services.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES

SUBJECT 1746 CONSERVATORSHIPS, GUARDIANSHIPS, HANDICAP, AND OTHER SPECIAL HANDLING CASES

AUTHORITY: 25 CFR §720, 25 CFR §145(b); Legal Opinion issued by the Department of Justice, Civil Rights Division, dated 3/24/87; Legal Opinion issued by Agency Counsel, received by NHIRC 12/21/87

POLICY

An applicant's eligibility for relocation assistance shall be determined in accordance with 25 CFR §700.147.

Subsequent to certification, the nature of the case may require that it receive special handling during the relocation process. Special handling cases identified by the ONHIR generally fall into the following categories:

1. Cases in which the client is deceased and the household remaining to be relocated consists of one or more minor children.

2. Cases in which the client has a mental impairment which substantially limits one of more major life activities. Such individuals may also have a physical impairment.

3. Cases in which the client has a physical impairment which limits one or more major life activities; but no mental impairment.

As each such case presents unique factors, each case shall be evaluated and a case plan shall be developed by the ONHIR based upon the circumstances. The ONHIR shall procure the services of an independent legal counsel (contract attorney) to review the case plan and advise the ONHIR of legal action which must be taken to accomplish the plan and protect the rights of the client.

The procedures set forth in this section will serve as general guidelines but will be adapted by management officials as needed.

PROCEDURES

General. At the time the case is transferred from Eligibility/Appeals to the Relocation Operations Branch, the case file may contain information about problems which require special handling. In other cases, circumstances may occur while the client is in the counseling or housing phase which require the case be given special handling designation.

As soon as a case requiring special handling is identified, the Relocation Specialist will discuss it with the Team Leader. A intra-branch team may be formed which may be comprised of the Relocation Specialist and a ICB representative, if appropriate. A specific staff member may be designated to assume responsibility for special handling cases. The Specialist assigned will keep themselves apprised of actions on the case and will follow the case through completion. The procedures and special actions to be followed in each instance will depend upon the nature of the case, but will follow these general guidelines.

1746.1 Cases in Which the Client is Deceased and the Household Remaining to be Relocated Consists of One or More Minor Children.

1. Case Assignment/Individual Relocation Plan. The Specialist will find out who assumed responsibility for the minor child(ren) upon the death of the certified client. The Specialist will prepare a case write-up which explains the relationship between the caretaker and the child and describes the situation which exists in relation to the relocation plan. The Specialist will request the formation of an intra-branch staffing team.

2. Team Staffing. The Relocation Operations Branch (ROB) Team Leader will form the intra-branch team who will familiarize themselves with the case and assist the Specialist in developing a preliminary relocation plan. Following review by the Team, the Specialist will recommend that the case be referred to the contract attorney.

3. Referral to Attorney. The Relocation Operations Branch Team Leader will review the case and assure that the information in the file is sufficiently detailed that the contract attorney can identify a potential guardian/conservator and determine the actions required to process the case. The ROB Team Leader will refer the case to ONHIR Legal Counsel through the Executive Director for assignment to the contract attorney.

1746.2 Clients Who Have a Mental Impairment

1. Case Assignment/Individual Relocation Plan When the assigned Specialist initiates contact with the client for the purpose of preparing or updating the household relocation plan and learns that the client appears to be incapable of participating in the development of the plan due to mental impairment, the Specialist shall write a report detailing the circumstances and shall consult the ROB Team Leader.

2. Review of Existing Records. The ROB Team Leader will review the Specialist's Report and the case file records. The ROB Team Leader may re-assign the case to a Specialist designated to work with special handling cases. The ROB Team Leader will alert the Executive Director and ONHIR Legal Counsel that a case has surfaced that may need to be assigned to the contract attorney.

3. Team Staffing. The ROB Team Leader will form the intra-branch team which will familiarize themselves with the case and assist the Specialist in identifying any issues which must be addressed at this point in case planning.

4. Current Medical/Social Evaluation Needed. If the client is institutionalized, the ONHIR will request current medical and social service evaluations from the institution housing the client. If the client is not institutionalized, the ONHIR will issue a letter to the social and/or medical provider requesting the following information:

- statement of the client's disability and prognosis for change or recovery;
- the client's ability to function in an independent living situation;
- the client's need for assistance in the following areas: medical care, daily medications, personal hygiene, housekeeping and food preparation, maintenance and repair of house, execution of legal documents, receipt and disbursement of funds as required for utility payments, and other costs required for maintenance of the replacement house and daily living, and other pertinent data.

5. Background Report. The Specialist will investigate the client's living situation and prepare a report with recommendations. This may require several meetings with family members and/or with representatives of service agencies working with the client or institution where the client is living. Among the factors which the Specialist will examine are:

- wishes of the client with respect to his/her relocation plan, to the extent that they can be determined;
- identity of the client's immediate household, if any; the identity of close relatives, identity of care givers and the types of assistance which they have been providing;
- availability and willingness of a relative to serve as caretaker for the client and conservator of the client's property;
- feasible relocation site alternatives, i.e., near family members; near medical facilities.

6. Referral to Executive Director and Attorney. After the Relocation Operations Branch has obtained pertinent documentation and prepared a comprehensive background report, the ROB Team Leader will route the report with all relevant documentation attached to the ONHIR Legal Counsel through the Executive Director who will determine if the case will be referred to the contract attorney for evaluation.

1746.3 Clients Who Are Physically Handicapped.

General. A client or household member may have a physical handicap requiring modifications to the house. To the extent possible, within the amount of the client's benefit, the relocation house shall be outfitted with features required to accommodate a physically handicapped client or family member. The client may not waive the provision of handicap features determined by ONHIR technical staff to be required to accommodate the client or family member.

The type and extent of handicap features will depend upon the nature and severity of the client's handicap. Each disability limits people in different ways and must be dealt with specifically. As necessary, the specialist assigned to the case will request a professional evaluation of the client's handicap and the type of accommodations needed from the appropriate service agency; IHS, Arizona Vocational Rehabilitation Service, Arizona Services for the Blind, etc.

While cases requiring the provision of handicap accommodations will not ordinarily require intervention by the contract attorney, the case may be referred for outside legal assistance if unusual circumstances call for legal review.

1. Initial Determination of Handicap Accommodation Needs While the Client is in the Counseling Phase. A physical handicap may or may not be obvious. While the client is in counseling, the specialist will ask whether or not any member of the household is physically handicapped and requires handicap accommodations. If so, the specialist will record a "Y" indicator in the automated records. The specialist will prepare a detailed write-up describing the nature of the handicap. The specialist will obtain a Privacy Act Release from the client and will issue a letter to the social or medical services provider requesting specific information about the client's handicap and recommendations on the nature of accommodations required.

2. Coordination with the Relocation Operations Branch After an initial determination of handicap is made the Specialist will request the formation of an intra-branch team to help staff the case. The ROB Leader will arrange for staffing for the purposes of accomplishing a coordinated approach to a location and acquisition of an appropriate relocation site and determination of specific required house features.

3. Review of Handicap Accommodation Requirements. When the client enters the housing acquisition phase, the Specialist will ask whether or not the client or any family member requires handicap accommodations. (Even if the client record does not indicate the existence of a handicap, changes may have occurred in the client's family since the case completed social counseling).

If a handicap condition exists, the Specialist will review the information gathered by the staffing team about the accommodations required. If there is no report in the record, or the report is outdated, the Specialist and inspections and compliance staff member will request a report from the client's social and /or medical services provider about the client's handicap and recommendations on the nature of accommodations required. The specialist may schedule the client for an evaluation by the Arizona Department of Economic Security/Rehabilitation Services Administration to determine appropriate housing features.

After all relevant information had been gathered, the Specialist/team will discuss the needed handicap features with the client, and will inform the client that the house plans must incorporate the required features.

4. Pre-Construction Worksheet. On page 3 of the Pre-Construction Worksheet, under miscellaneous options, the Specialist will note that the client requires handicap facilities and will attach a specific itemized list of the required features. If the client is moving off-reservation and the Pre-Construction worksheet is not being used, the specialist will attach the list to the standard letter to the contractor or letter to the realtor.

5. House Plans. When the house plans are submitted by the contractor, the Specialist will check to see that the plans incorporate the required handicap features. The ICB Plan Reviewer will conduct a detailed review of the plans, including the structural adequacy of the handicap accommodations.

6. Instruction in Use of Handicap Features. Depending upon the nature of the client's or family member's handicap, and the type of accommodations installed in the house, the client may require instruction in the operation of the handicap features. The Relocation Specialist will arrange for instruction by the appropriate social service agency; generally the agency which has been working with the client. If the features are standard accommodations which require minimum explanation, the Specialist, contractor, or ICB Construction inspector may provide the instruction.

7. Optional Handicap Features Even though the client may not be physically impaired, the client may choose handicap features as an option in anticipation of future potential impairment resulting from age, etc. The specialist may recommend that the client consider such options, but will not require that they be included in the house plans.

1746.4 Contract Attorney.

General The ONHIR will procure the services of an attorney, licensed to practice in the Navajo Family Court to review special handling cases for legal considerations. The contract attorney will represent the ONHIR in preparing and presenting guardianship (person and/or property {conservatorship}) cases to a court of competent jurisdiction. Cases in which guardianship proceedings may be brought will include minor heirs of deceased clients, incapacitated clients, and other situations in which the ONHIR determines that special legal assistance is required.

In situations where no family member or friend is available to serve as a guardian or conservator, the attorney may investigate alternative legal arrangements which can be made on behalf of a client entitled to relocation assistance.

1. Referral by Agency Legal Counsel The ONHIR Legal Counsel shall make assignments to the contract attorney, and specify the tasks to be performed pursuant to the contract. The contract attorney will consult with ONHIR legal counsel at all critical junctures about the appropriate course of action.

The ONHIR Legal Counsel shall develop a working file for each case, known as the "contract attorney working file," which will contain draft and executed documents relating to each case assigned to the contract attorney. When the contract attorney had completed the assignment, ONHIR Legal Counsel

shall review the final documents and recommendations submitted by the contract attorney (Court Order, legal opinion, other) and determine the action to be taken by the Office of Relocation to resolve the case.

2. Further Review and Investigation Following receipt of the case assignment, the contract attorney may conduct additional investigation into the client's circumstances, which may include meetings with the client and family members, social and medical service providers, and ONHIR representatives. The attorney will deal with any legal representatives retained by the client or family members. The attorney may also investigate non-ONHIR services which may be available to assist the client in the relocation home, including services available from the Navajo Nation, other federal agencies, state, or private agencies.

3. Case Report The contract attorney will advise the ONHIR about the arrangements which must be made in order for the client to utilize the relocation home. Advisement may include but not be limited to:

* need for a personal guardian for the client and/or conservator of the relocation property and any authorized payments;

* need for modifications to the relocation house, type and extent of modifications, and potential costs;

* need for special training for the relocatee to be able to live in the house;

* need for live-in assistance (caretaker) for the client, and training for the caretaker.

* need for continuing assistance from external service agencies following move of the client to relocation housing and the availability of such services.

4. Preparation and Presentation of Guardianship and Conservatorship Cases In cases requiring the appointment of a guardian for the client and/or conservator of the property, the contract attorney will meet with the concerned parties and their legal representatives, if any, regarding the terms of the guardianship and conservatorship. The contract attorney will prepare the proposed agreements and petition the appropriate Court to establish the guardianship/conservatorship. The attorney will follow the process through to conclusion, informing ONHIR Legal Counsel of all actions.

1746.5 Completion of Case Action Plans

General If the Office of Relocation has determined that the client will be able to utilize the relocation benefit and the contract attorney has obtained a Court Order for guardianship of the person/conservatorship of the property, or other legal arrangements required to accomplish action on the case, ONHIR Legal Counsel will refer the case to the Relocation Operations Branch Manager for action. The case will be processed according to the terms of the Court Order, and associated documentation, provided that such order is not in conflict with P.L. 93-531, as amended and ONHIR regulations.

1. Actions to be taken by Legal Counsel

a. Notification by Legal Counsel. ONHIR Legal Counsel will prepare a memo to the appropriate Office Manager with instructions about actions to be taken on the case. The staff member who participated in the staffing team will continue the case assignment.

b. In cases where a Conservator has been appointed by the Court, and upon receipt of the Final Order of Appointment of Conservator, Legal Counsel will draft a memo to the File Clerk directing that the label on the client's file be changed to reflect that a Conservatorship is in place by adding the code (CS) between the first and last name of the client on the label.

c. Legal Counsel will also issue a memo (attaching a copy of the Final Order Appointing Conservator) to the Chief Information Officer, the Finance Officer, and the Relocation Operations Branch Manager, advising them of the appointment of a Conservator.

2. Data Entry: The Relocation Operations Branch Administrative Assistant will be responsible for making the appropriate data entry in the automated records, as follows:

a. Type (CS) between the first and last name of the client to indicate that this is a Conservatorship.

b. If the client is deceased, record client's date of death and the code (AP) in the computer.

c. If the client is deceased, change client from "relocate Y" in the computer to "relocate D."

d. Enter the Conservator's name with the designation "Consrvtr" in the household membership record. (Do not enter any demographic information except the Conservator's Social Security number and relocate "N" code).

e. If the Conservator is also a household member and is moving as part of the household, put the Conservator's name and demographics just like any other household member, with the "Conservator" designation.

3. Funds Disbursement Funds which are being disbursed pursuant to the Conservatorship Agreement will be issued payable to the Conservator in his/her capacity as such. (For Example: Smith, Conservator, Jane). The ONHIR may request the contract attorney assist in the delivery and deposit of payments to a trust established for the client's benefit.

Search and Moving Expense If the client is receiving a relocation house pursuant to the terms of the conservatorship, and the Conservator incurs moving and/or search expense, the expenses shall be reimbursed directly to the Conservator. Such payments will not ordinarily be deposited into a trust account established for the client.

4. Case File Documentation ONHIR Legal Counsel will file the original executed Court Orders and related correspondence in the client case file. Copies of the executed documents as well as drafts and working notes, will remain in the contract attorney working file.

5. Contract Attorney Working File. The working file will be maintained in the Legal Department. An index of the contents of each file and summary of the nature of the case and principal actions will be maintained by the Legal Department staff. On cases wherein a conservatorship existed prior to the implementation of these procedures, a calendar of action items will be developed and maintained by staff for the purpose of assuring that annual reports are filed with the Court and provided to the ONHIR in accordance with the terms and conditions of the Conservatorship Agreement.

6. Actions of the Relocation Operations Branch. As a general rule, arrangements associated with the client's move will be set forth in detail in the legal documents for guardianships/conservatorship and associated correspondence. The Relocation Specialist will complete any remaining details of the plan and prepare the case for referral to the next phase of case processing.

Household Membership. The Relocation Specialist will carefully review the household membership. If the Conservator is being included in the benefit and the Conservator has a household of his/her own who will reside in the relocation home, their names should be added to the file with a "Relocate Y" indicator. If the Conservator has previously received a relocation home, their name may not be added to the file.

7. Tracking Form. The Relocation Branch Team Leader will verify that a "Special Handling"code has been entered into the computer for this case. The case will remain assigned to the Relocation Specialist who is familiar with the details of the case.

8. Case Updates. If it is necessary for a special handling case to remain in the 'CC' phase of case processing for a period time before referral to housing acquisition (ie., homesite lease or subdivision development is pending completion), the Team Leader may request the Specialist conduct more frequent updates than the standard six month contact.

9. Action by Housing Acquisition The Relocation Specialist will be alerted to the special handling requirements through prior participation in team staffing, by the "Conservator" designation on the case file label, and by the "Special Handling" code in the computer. The Specialist will be responsible to learn about special conditions which apply. The Specialist will prepare a memo to ONHIR Legal Counsel through the Relocation Operations Branch Manager requesting instructions about the way in which the title to the house must be vested (if this is an off-reservation acquisition) and the manner in which the bonus, moving, and search expenses must be disbursed; and any other special conditions required by the Court Order. Legal Counsel will inform the Relocation Operations Branch Manager and the Specialist of all extraordinary actions which must be taken during case processing.

10. Tracking by the ONHIR Legal Branch. In cases where a conservatorship existed prior to the adoption of these procedures only, the Legal Department staff will calendar actions required by the Court. Typically, these will be annual reports to the Court with a copy to the ONHIR. If the report is not received by the due date, ONHIR Legal Counsel will send a reminder letter to the Conservator. If no report

is received in response to the reminder, the Legal Counsel will request the client's Relocation Specialist contact the Conservator and assist the Conservator in the completion of the report. (**Form MM#1746.B** is an optional form which the Relocation Specialist may use for the report to the Court and ONHIR.)

In the event that the Conservator resigns prior to completion of the term of appointment, ONHIR is usually charged with petitioning the Court for appointment of a new conservator. Legal Counsel may involve the Relocation Operations Branch in identifying a suitable family member of other individual to assume the responsibility.

11. Disposition of the Case If the ONHIR completes its statutory responsibilities and is no longer is existence prior to the time when the Conservatorship is due to expire, the case will be referred to the Navajo Nation Social Services Division or other social service agency providing services in the area where the client is living.

1746.6 Closing Special Handling Cases.

General Special handling cases will generally be closed when the two year post-move period expires. Legal Counsel will notify the Chief Information Officer that all action has been completed and the special handling code in the automated records should be removed to allow closure of the case. Special Handling cases will also be closed if the Commissioner has determined that the client is unable to utilize the relocation benefit, generally because the client requires full care in a nursing home or similar institution (see 1746.4 (#4). Such cases may be re-opened upon the direction of Legal Counsel if the ONHIR is notified of changes in the client's condition which would warrant a re-evaluation of the client's capability to receive the benefit.

SECTION 1700 **RELOCATION OPERATIONS - SPECIALIZED PROCEDURES MULTI-BRANCH**

SUBJECT 1750 **SEARCH EXPENSE**

AUTHORITY 25 USC 640-d(b)(I); 25 CFR 700.151, 700.155.

POLICY

Certified eligible heads of household will be reimbursed for reasonable expenses incurred in the search for a replacement dwelling. Expenses may include travel, meals, and lodging, reimbursed according to schedules established by ONHIR. The staff worker processing the client's case at the time search occurs will inform the client of agency requirements and procedures for obtaining expense reimbursement.

Search expense may be reimbursed for travel undertaken by the client at the agency's request, or directly related to activities required for the acquisition of replacement housing. Travel which is undertaken by the client without prior approval must be justified by the case worker as necessary for the accomplishment of case processing.

Search expense is not a benefit and may not be appealed under 25 CFR Subpart L. Disagreements about search expense will be reviewed by the Team Leader and Branch Manager and may be referred to the Executive Director if they cannot be resolved at the program level.

PROCEDURES

1750.1 Reimbursable Expenses

1750.11 Mileage

1. The Office may reimburse the client round trip mileage at the authorized Government rate from their current residence or other authorized location to the authorized destination, via the most direct reasonable route.

2. A client claiming mileage must supply the round trip mileage. If mileage is not recorded, the specialist authorizing the claim will utilize the standard mileage chart **Attachment 1750A**, allowing a + 5% deviation for clients traveling from the outskirts of the chapters.

3. Reimbursement is issued per vehicle rather than per person. Only one payment is issued per vehicle regardless of the number of clients traveling in it. Payment shall be issued only to a certified client, who is responsible for paying the driver of the vehicle.

1750.12 Meal Expenses

1. The Office may reimburse meal expense for clients traveling from their residence to the authorized destination. Meals will be reimbursed at the rate of $10.00 per person for clients traveling over 50 miles round trip and $20.00 per person for clients traveling over 300 miles round trip.

2. Meal expense may be reimbursed for client and spouse only.

3. Receipts are not required for meal reimbursement.

1750.13 Lodging

Program staff will usually schedule client appointments for times which do not require the client to stay overnight en route. However, if overnight stay is required in order for the client to conduct approved search activity, lodging may be reimbursed under the following conditions:

1. Travel requiring overnight accommodation must be requested in advance by the case worker and recommended by the Team leader, and approved in advance by the Branch Manager. The approval may be granted verbally upon the case worker's request unless out of state travel as described in 1750.14 is being performed.

2. The Office will pay lodging for the client as prescribed by the Federal Travel Regulations. The case worker will inform the client of the authorized lodging rate and will instruct the client about the documentation which must be submitted.

3. The client must provide the lodging receipt in order to receive lodging reimbursement. Credit card charge slips are not acceptable receipts.

1750.14 Out of State Travel

1. Prior authorization by the Executive Director will be required if the client is traveling from, or to, a location outside the state of Arizona or further than 25 miles outside the boundaries of the Navajo Reservation, and requests reimbursement of mileage, per diem, or commercial transportation expense.

2. Lodging and commercial carrier receipts must be submitted with the travel claim.

1750.15 Travel to the New Lands

The ONHIR will issue a blanket purchase order for lodging and meal accommodation for clients participating in New Lands tours arranged by the Specialist with concurrence of the Team Leader. The Office will pay the following expenses for clients who have prior authorization to participate in a tour. Clients who travel to the New Lands independent of the tour shall be reimbursed mileage, meal and lodging expense according to the procedures set forth in 1750.11 through 1750.14.

In the case of group tours, the Office will pay lodging and meal expense for the client, spouse, and minor children, according to the schedule established below. Expenses exceeding these limits will be borne by the client.

1. Lodging: One room to accommodate the family.

2. Meals: Maximum amount allowable per person/meal will be specified on the blanket purchase order and adjusted annually by the Contracting Branch. The Specialist will inform the clients of the meal allowance, and any charges exceeding the allowed amounts will be paid by the client.

3. Travel: By van according to pre-arranged pick up and return schedule. Clients with their own transportation may receive prior authorization for mileage reimbursement if they drive separately and join the tour at Sanders.

1750.2 Number of Authorized Trips

The Office has identified the trips associated with required activities during the various case processing stages. These trips are listed on the search expense reimbursement form and in the schedule below, and do not require justification. Trips exceeding those listed below must be justified by the client and the staff Specialist assigned to the case, with review and recommendation by the Team Leader and final approval by the Branch Manager. The Specialist will record the justification on the travel claim at the time it is prepared.

1. Certification

One trip to Flagstaff during the certification stage. This trip will be recorded on the travel claim by the Specialist during the social counseling phase of case processing.

2. Appeal

If the client's denial is reversed during the agency appeal process or by action of a federal court, the client may be reimbursed for one trip to Flagstaff. The trip will be recorded on the travel claim by the Specialist during the social counseling stage of case processing. Clients whose denial is sustained may not be reimbursed mileage for travel during the appeal process.

a. Decertified/Re-certified Clients

A client who received mileage reimbursement for the certification stage of case processing may also receive mileage reimbursement for travel for decertification appeal, if the decertification is reversed and the case is once again referred to social counseling. The Specialist will record this claim under "other" on the travel claim form, and write "decertification appeal" as the justification.

b. Witnesses

Witnesses subpoenaed by the client to appear at the hearing will not be reimbursed for travel expense. Witnesses subpoenaed by ONHIR may be paid travel expense.

3. Counseling

One trip to Flagstaff for initial interview.

Update interviews: As a general rule, update interviews do not require the client to travel to Flagstaff. Update interviews will be conducted by phone or by Specialist's field visit to the client's home. Clients will not be reimbursed for routine case updates nor for submitting documents requested by the counselor, which can be returned in a postage paid pre-addressed envelope. If there are significant changes to the client case plan which require the client to travel to Flagstaff, the Specialist may approve travel reimbursement. Update interviews which require travel to Flagstaff will be recorded under "other" on the travel reimbursement form. The Specialist shall attach copies of the Case Narrative report or other justification which explains the reason for the trip.

4. Homesite Lease Application

One trip to Flagstaff to pick up application papers. May be combined with one of the

Certification/Counseling trips and not separately reimbursable.

One trip to Flagstaff to submit completed application.

One trip from residence to NLD. Requires prior approval by Relocation Operations.

One trip from residence to the homesite lease location for feasibility study appointment.

In addition to these trips, the Relocation Branch Manager may approve up to four (4) trips to the prospective host community, if different from the place of residence, for the purpose of obtaining authorizing signatures on the application. Prior approval not required.

A client who chooses to move off-reservation after submitting a homesite lease application will not be reimbursed for homesite lease search expense.

5. Housing Acquisition

One trip for initial housing interview.

One trip for contract signing.

Up to four (4) trips from place of residence to the construction location (new construction) or to inspect resale houses and meet with realtors (resale housing).

6. New Lands Tour

Two trips to tour the area and receive information about New Lands planning activity (rural community and range clusters).

One trip to select a homesite lease in the rural community or range cluster. (Can be entered on the ROB claim form.)

1750.3 Search Expense Claims

1. Trips will be authorized and claims for reimbursement will be prepared and submitted according to the client's stage of case processing. Client claim forms will be submitted by three stages of program operations: Counseling, ICB (if the client is applying for a homesite lease), and Housing Acquisition. Trips authorized for certification or appeals activity will be entered on the Relocation Operations Branch claim form. Reimbursement for New Lands trips where the client traveled on their own will be entered on the Counseling claim form, for an introductory tour; or on the Counseling or homesite lease claim form, for homesite selection.

2. Clients in counseling and homesite lease stages should submit claims promptly, as soon as the approved activity has been completed. Claims for clients for housing acquisition are generally accrued and submitted when the client completes home search.

3. The claim form can be filled out by the client, or by the Specialist based upon information supplied by the client. The form will be completed as follows:

a. On the line "Client Name" enter the client's name only. The spouse's name should not appear.

b. The left side of the form is filled out by the client. The columns are largely self-explanatory. The client will enter the date next to the purpose of the trip; where they are traveling from and to; total miles (round trip), their license plate number; and if their spouse accompanied them. The client must sign and date the lower left hand corner of the form when the form is turned in.

c. The Specialist will attach a justification for other trips, if applicable, and sign his/her name as authorizing staff person on the lower right side of the form.

d. For counseling updates and "other" trips, the Specialist will attach a photocopy of the Case Narrative report or other justification for the client's trip to Flagstaff, and state why travel rather than mail or phone contact was necessary.

e. The Specialist will fill out the right side of the form. The Specialist will inform the client that if the mileage claimed deviates more than 5% from the chart, mileage will be taken from the ONHIR's standard mileage chart, or from road maps. The Specialist will correct the mileage entered under "total miles" according to the chart.

If the claim includes any trips which required prior written approval of the Specialist or Team Leader - for example, overnight travel requiring accommodations, commercial transportation, or out of state travel, the specialist must attach copies of receipts and authorizing documentation.

f. The Specialist will calculate the mileage traveled and the amount due, and will enter meal expense claim, if any.

4. The Specialist will determine the validity of any trip(s) made in excess of the allowed number which did not have prior authorization, and record his/her approval or disapproval in the far right hand column under "preparer's comments". The Specialist will cross out any trip claims which are disapproved, and will explain the reasons for disapproval. The Specialist will delete the amount claimed for a disapproved trip from the approved totals.

The Specialist will assure that any required receipts are attached to the claim form. After the Specialist has determined that the claim is complete and correct, he/she will sign and date the form, and forward it to the Team Leader for review.

5. The Team Leader will review the form for completeness, accuracy, and conformance with Office procedure. The Team Leader will complete the review within 3 days, sign and date the form, and route it to the Relocation Operations Administrative Assistant.

6. Administrative Assistant will make a photocopy of the voucher for the client file and forward the original claim to the voucher examiner, who will process the claim according to procedures set forth in the Finance Branch procedures

7. A client who calls to ask when he/she will be receiving a check will be referred to the Specialist who prepared the claim. The Specialist will check the client's payee history to determine if the check has been ordered. Questions which cannot be resolved by the Specialist will be referred to the Finance Department.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES/MULTI-BRANCH

SUBJECT 1752 MOVING EXPENSE

AUTHORITY 25 USC 640-d(b)(I); 25 CFR 700.151, 153, 167, 169.

POLICY

P.L. 93-531 directs the Office to reimburse each eligible head of household reasonable moving expenses consistent with those provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA). The URA authorizes actual reasonable moving expenses or an in lieu fixed payment of $500.

Moving expense is a reimbursement rather than a benefit and may not be appealed under 25 CFR Subpart L. Disagreements about moving expense will be reviewed by the Team Leader and Branch Manager and may be referred to the Executive Director if they cannot be resolved at the program level.

PROCEDURES

1752.1 Moving Household and Personal Property

General During the Social Counseling phase of case processing the Specialist will inform the client of the Office's regulations and procedures regarding moving expense reimbursement. After the client has been transferred into Housing Acquisition, the housing specialist will ascertain whether the client elects the $500 fixed payment or actual moving expense.

A client who elects actual expense rather than fixed expense must justify the choice and receive prior approval of the relocation Operations Branch Manager who shall determine if actual expense will be the least costly method to the Government of accomplishing the client's move without undue hardship to the client.

A. Fixed Payment

1. Fixed payment for moving and related expenses includes an amount not to exceed $300 for moving expense allowance and $200 dislocation allowance.

2. The fixed payment will be initiated by the housing specialist at the time of sheet rock inspection. The Manager will ensure that the disbursement is timed so that receipt of moving expense coincides with the client's need for funds to pay utility deposits and moving expenses.

B. Actual Expense

1. If a client elects actual moving expense and the request is approved by the ROB Manager , the Relocation Specialist will submit a procurement request to the Contracting Branch. The Specialist will give the particulars of the move: the location of the client's current residence, the location of the replacement house, anticipated date of final inspection, type and quantity of personal and household possessions to be moved, any special instructions.

2. The Contract Specialist will obtain bids from commercial moving companies according to Federal Procurement Regulations, and will inform the Relocation Specialist of the arrangements which have

been made for moving the client's possessions. The Specialist will coordinate contact between the client and Contract Specialist so that details of the move can be finalized.

3. The Office will issue payment to the commercial mover based on the terms of the purchase order. No payment for moving personal possessions will be issued to the client.

4. A client who elects actual expense reimbursement may also be paid for the following expenses. Prior approval of the housing Relocation Specialist is required.

a. Mileage, meals and lodging for the client and household members to drive from the current residence to the replacement house. Reimbursement will be based on the Federal Travel Regulations, based upon the most reasonable direct route.

b. Utility deposit and hook-up charges at the replacement house. Receipts must be submitted.

1752.2 Moving Livestock

General The Contracting Branch will arrange for moving livestock of relocatees to the New Lands Range Units and other New Lands locations as approved by the New Lands Manager. The Office may also arrange and pay for the temporary impoundment of stock immediately preceding or following livestock hauling, which is needed to facilitate the hauling arrangements. Livestock will include sheep, goats, cattle, horses, mules, and donkeys. The ONHIR will not make transportation arrangements for domestic pets or poultry.

The cost for moving livestock to the relocation site will not be charged against the client's moving expense entitlement.

Client requests that the Office move livestock to locations other than the New Lands area will be considered by the Executive Director on a case by case basis.

1752.21 Making Arrangement for Livestock Hauling.

1. The New Lands Range Manager will submit a procurement request to the Contract Specialist five (5) weeks before the anticipated moving date giving the number, type, and range destination for the livestock to be moved.

2. The range management staff shall determine pick-up and unloading points, and loading and hauling equipment needed for the move.

3. The Contract Specialist will contract for livestock hauling. The Specialist will ascertain if the hauler has liability insurance which will indemnify the clients for any losses sustained during shipping; or if the hauler is self-insured. If self-insured, the Specialist will obtain an acknowledgment that the hauler will assume liability for any losses which occur during shipping.

4. The Range Manager will assure that program technicians are present when the animals are picked up on the FJUA and when they are unloaded on the New Lands.

1752.22 Reimbursement for Loss Sustained During the Shipping Process.

General If an animal dies or becomes ill or is injured as the result of the moving process, the Office

may reimburse the client for the loss of the animal. In the event of a claim for reimbursement, the Office shall review the circumstances and shall determine the validity of the claim. In order for the claim to be considered, the injury, illness or death must occur within three days of livestock hauling and must be reported by the client within ten days.

1. When a client requests reimbursement because an animal has died or has become ill or injured during the moving process, the Range Manager will submit a report to the Contract Specialist. The report will describe the loss, when and how it occurred, and other relevant information. A written claim signed by the client must be attached, and the loss/injury must be verified by a ONHIR staff member. If practicable, the Manager shall arrange for the animal or carcass to be examined by the Area Range Conservationist, a veterinarian, or other specialist who shall attempt to determine the nature and cause of the loss/injury.

2. The Contract Specialist shall evaluate the report and determine if the claim for reimbursement is valid and if the documentation is sufficient to support disbursement of funds. If valid, the Specialist will determine if the claim can be paid by the hauler or shall be reimbursed by the Office. If the claim is to be paid by the Office, the Specialist will obtain particulars about the animal (type, age, sex, approximate weight) and determine the current market value of such an animal. If the client claims that the animal was worth more than the Office offers, the client will be asked for documentation regarding the worth of the animal (ie. purchase price of a thoroughbred horse or a breeding animal).

3. If the animal is injured or ill, the Office may reimburse veterinary bills not to exceed the fair market value of the animal.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES/MULTI-BRANCH

SUBJECT 1754 TEMPORARY ACCOMMODATION DURING REPAIR/ REMODELING OF HOUSE: INITIAL ACQUISITION

POLICY

Pursuant to 25 CFR 700.187, if a client owns or is buying or building a home in an area other than the area from which he/she must move, the Office may at its discretion expend replacement housing benefits to repair and remodel the house in order to bring it to decent, safe and sanitary standards. If the client must vacate the house temporarily while the repair/remodeling is in progress, the Office may assist the client in arranging temporary accommodations. Costs for temporary accommodations, including storage of furniture, will be charged to the client's housing benefit.

The decision regarding repair/remodeling of an existing house, as opposed to acquiring a new house for the client, will take into consideration the cost of temporary accommodations. In no case will the total funds expended for repair/remodeling plus temporary accommodations exceed the client's benefit entitlement.

If the total cost for repair/remodel plus temporary accommodation is less than the client's benefit entitlement, the amount remaining will be applied to achieve debt-free home ownership.

PROCEDURES

1. The construction contractor will inform the client and the agency if the repair/remodeling work will require the client to vacate the house, and approximately how much time the work will take. The contractor's time estimate will be reviewed by the Inspections and Compliance Team Leader and Relocation Operations Branch Manager

2. The Relocation Specialist will ascertain the client's needs and plans for temporary accommodations. If rental or commercial accommodations are required, the specialist will obtain an estimate from the Contract Specialist of the cost of such accommodations for the period of time required.

3. The Relocation Specialist will determine if the anticipated costs for repair/remodeling plus temporary accommodations will exceed more than 95% of the client's benefit entitlement. If so, the Office will acquire a new house for the client. If the anticipated combined costs do not exceed 95% of benefit, the Office will acquire the existing house.

4. Relocation Specialist will submit a procurement request to the Contract Specialist for temporary rental or commercial accommodations. The Specialist may arrange for:

a. Lodging.

1). Motel room(s), if possible with cooking facilities, to accommodate up to 4 persons in one room.

2). Rental of trailer, apartment or house for 30 days or longer (for information on temporary accommodations, see Management Manual Section 1722).

3). Lodging in a house with rental rooms available. However, the Office will not pay for lodging in a house owned and occupied by a relative of the client.

b. Meals.

1). Meal allowance will be authorized only if the temporary lodging procured by the Office does not have cooking or food storage facilities. Receipts will not be required.

Adult: Up to $25.00 per day.

Minor 12 years to 17 years old: Up to $15.00 for each school day; up to $18.75 non-school day.

Minor 11 years or younger: Up to $10.00 for each school day; up to $12.50 non-school days.

The meal allowance for the first and last days is 50% of the above amounts.

c. Furniture storage. As necessary, the Contract Specialist will arrange for temporary storage of furniture and personal possessions. All costs associated with storage arrangements which are paid by the Office will be charged against the client's relocation benefits. The client will be responsible for transporting items to and from the storage facility.

d. Other costs. The client shall be responsible for making arrangements and paying for any other facilities or accommodations required while the house is being repaired/remodeled.

5. The Contract Specialist will work directly with the client in making arrangements for temporary accommodations. The Specialist will confirm the arrangements in advance in writing, and will provide the ROB Manager with a copy of the letter sent the client. The letter will reiterate that all expenses for temporary accommodations will be paid by the Office from the client's housing benefit.

6. The Relocation Specialist will inform the Contract Specialist when the accommodations will need to be ready.

7. The Relocation Contract will state as specifically as possible the benefit amounts which will be spent for temporary accommodations, and the payee.

8. The Contracting Branch shall determine the method to be used in arranging temporary accommodations. Methods may include authorizing reimbursement upon receipt of a written claim by the client; issuing a purchase order to a motel or restaurant for lodging/meals; arranging for the rental of lodging and a storage unit.

A purchase order which is issued will specify, as appropriate, the names of the persons to be accommodated, maximum amounts, provisions for cancellation or extension, and receipts to be attached to the billing statement or kept by the client.

9. The contractor will notify the client and the Relocation Operations Branch when the work requiring the client to be absent has been completed. If the work is completed in less time than anticipated; or if the contractor requires an extension, the housing specialist will contact the Contract Specialist, who will modify the purchase order for accommodations as necessary.

10. If the contractor fails to complete work according to the deadlines stated in the construction contract and temporary accommodations have to be extended for a period of time which will cause the client's benefit entitlement to be exceeded, the additional costs will be deducted and paid from the contractor's final draw.

SECTION 1700 RELOCATION OPERATIONS -SPECIALIZED PROCEDURES/ MULTI-BRANCH

SUBJECT 1756 TEMPORARY ACCOMMODATION DURING HOUSING REPAIR

POLICY

The ONHIR may arrange temporary accommodations for a client in order to undertake housing repairs or to replace the client's relocation house pursuant to Management Manual Section 1580. The Office shall pay any costs for temporary accommodations which exceed the client's average monthly costs for those expenses. The type of accommodations shall be selected by the Office based upon least cost to the Government while accomplishing the objective without causing undue hardship to the client.

Temporary accommodations may include lodging, meals, furniture storage, and other costs which have been authorized in writing in advance by the designated official. Only the client, spouse, and their dependents may receive lodging and meal accommodations; other residents of the house will be excluded from arrangements for lodging and meals.

PROCEDURES

1. The construction contractor will inform the Construction Representative of the work which will require the client to vacate the house. The contractor's time estimate will be reviewed by the representative and approved by the ROB Manager.

2. The Construction Representative will ascertain the client's needs and plans for temporary accommodation. If the client needs rental or commercial accommodations, the Representative will submit a procurement request to the Contract Specialist. The Specialist will notify the client to contact him directly for instructions about the arrangements. Depending upon the accommodations which will be most cost-effective for the Government, the Contract Specialist may arrange for:

a. Lodging.

1). Motel room(s), if possible with cooking facilities, to accommodate up to 4 persons in one room.

2). Rental of trailer, apartment or house for 30 days or longer. (For information on the **Tuba City Trailers** owned by ONHIR and used for temporary accomodations, see Management Manual Section 1722).

3). Lodging in a house with rental rooms available. However, the ONHIR will not pay for lodging in a house owned and occupied by a relative of the client.

b. Meals.

1). Meal allowance will be authorized only if the temporary lodging procured by the agency does not have cooking and food storage facilities. Receipts will not be required.

Adult: Up to $25.00 per day.

Minor 12 years to 17 years old: Up to $15.00 for each school day; up to $18.75 non-school day.

Minor 11 years or younger: Up to $10.00 for each school day; up to $12.50 non-school days.

The meal allowance for the first and last days is 50% of the above amounts.

2). Groceries: The client may be reimbursed grocery expense which exceeds his/her average monthly cost at the relocation residence. The client must submit receipts which show higher grocery costs at the temporary accommodation site.

c. Furniture storage. As necessary, the Contract Specialist will arrange for temporary storage of furniture and personal possessions. The Office will not reimburse the client for storage arrangements made without the Office's prior approval; nor will the Office reimburse the client for loss or damage to items while they are stored in a facility other than the one which the Office has approved. The Office will not reimburse the client for privately owned storage facilities.

The client will be reimbursed reasonable expenses for transporting items to and from the storage facility. The client must receive prior approval of the Contract Specialist regarding the method of transporting items and the anticipated cost.

d. Utilities. If the temporary accommodations do not include utilities, the ONHIR will reimburse the client any utility costs which exceed the average monthly costs for his/her house. The client must submit documentation regarding average monthly utility costs in order to receive reimbursement for excess costs.

e. Other costs. Client requests for reimbursement for other expenses incurred while occupying temporary accommodations will be considered on a case by case basis. The client must anticipate other expenses and discuss them in advance with the Contract Specialist who shall make a recommendation regarding reimbursement to the Executive Director. In order for the expense to be approved, the client must demonstrate that the expense will be incurred as a direct result of having to move out of the house to a different dwelling or to a different location. The client must further demonstrate that the expense will be necessary for the client to conduct routine daily activities. Examples might include increased mileage expense to commute to work or to tend livestock.

3. The Contract Specialist will prepare **Form MM#1756.1**, Breakdown of Anticipated Costs, which details the client's plans for temporary accommodations, the anticipated costs for those accommodations, and the client's current costs for the same items. The form will be submitted to the Executive Director for review and approval.

4. Following the Director's review and approval of accommodation costs, the Contract Specialist will prepare a letter to the client which states the accommodations and expenses which the Office will pay. If the client is being provided with a replacement house, a copy of the Specialist's letter will be routed to the Relocation Operations Branch Manager.

5. Relocation Operations Branch Manager will inform the Contract Specialist of the date when the accommodations will need to be ready.

6. The Contracting Branch shall determine the method to be used in arranging temporary accommodations. Methods may include authorizing reimbursement upon receipt of a written claim; issuing a purchase order to a motel or restaurant for lodging/meals; arranging for the rental of lodgings and storage unit.

A purchase order which is issued will specify, as appropriate, the names of the persons to be accommodated, maximum amounts, provisions for cancellation or extension, and receipts to be attached to the billing statement or kept by the client.

7. The contractor will give the Contracting Branch a week's notice of the tentative completion date. The contractor will also notify the client and the Construction Representative when the work requiring the client to be absent has been completed. If the work is completed in less time than anticipated; or if the contractor requires an extension, the contractor will contact the Contract Specialist. The Specialist will modify the purchase order for accommodations as necessary.

8. If the contractor fails to complete work according to the deadlines stated in the construction contract and temporary accommodations have to be extended, the additional costs will be deducted and paid from the contractor's final draw.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES MULTI-BRANCH

SUBJECT 1760 Pre- and Post-Move Location Descriptions

BACKGROUND The Office will maintain a file of the pre- and post-move location descriptions of the residences occupied by certified clients. The pre-move location description provides directions to the client's current actual residence. During the pre-move period the location description will be updated by the Relocation Specialist whenever the client moves from one house to another. The post-move location description provides directions to the client's relocation house, and is not updated after the client has relocated, unless a second relocation house is provided according to terms of the housing repair program.

PROCEDURES

PRE-MOVE LOCATION DESCRIPTION

1. Recording the Information. The pre-move location description will be recorded on the first page of the Survey of Housing Conditions, **Form MM#1410.8**, during the initial counseling interview. After describing how to get to the client's house, the Specialist will record the current location code from code table 2. The location of the client's house must be within the geographic area encompassed by the current location code.

2. Data Entry. Data entry of the location description and the current location code will be performed by the Administrative Assistant. The location description may be entered independent of the housing survey.

3. Unusual Situations. If a client has more than one residence (for example, the/she lives one place during the week and return to a family residence on weekends); or if a client is considered basically homeless, moving from home to home among friends and relatives, the location description will explain the client's situation and where he/she can generally be located.

POST-MOVE LOCATION DESCRIPTION

1. On-Reservation Moves. The post-move location description for clients moving on-reservation will be entered by the Relocation Operations Branch. The initial entry will be made by the Administrative Assistant at the time the results of the initial feasibility study are entered in the automated records. The location description will be taken directly from the content of the study. The description will be reviewed and revised as necessary by the Assistant when the results of the final feasibility study are data entered.

2. Off-Reservation Moves. The post-move location description for clients moving off-reservation will be entered by Relocation Operations Branch. The Specialists will fill out **Form MM#1760.1** and attach it to the long sheet (closing costs) when the house has passed final inspection and the final disbursement is ordered. The information recorded on **Form MM#1760.1** will be taken from the appraisal or from other information presented to the Relocation Specialist by the seller, contractor, or real estate agent.

The Relocation Branch Team Leader or the Administrative Assistant will enter the post-move location description in the automated records after reviewing the closing documents.

Description Provided by Contractor. If a precise description of the lot location is not available at the time of the pre-con, the Specialist will ask the contractor to fill out **Form MM#1760.1** and send it in within 10 days of visiting the site. The Specialist will explain that the information is needed by the Construction Inspectors to get to the site.

SECTION 1700 **RELOCATION OPERATIONS SPECIALIZED PROCEDURES MULTI-BRANCH**

SUBJECT 1770 **INFRASTRUCTURE COSTS ASSOCIATED WITH REPLACEMENT HOUSING.**

AUTHORITY 25 CFR 700 Sec. 451-479 (Discretionary Funds); Legal Opinion dated 4/27/87; Commission Policy Paper MM#780P dated 7/30/87.

POLICY

The Office may contribute from discretionary funds an amount not to exceed 30% of the total housing benefit plus infrastructure cost in order to pay for the infrastructure required for the replacement house. Infrastructure estimates exceeding 30% for on-reservation replacement housing or 30% for off-reservation replacement housing must be justified by the Relocation Operations Manager and approved by the Executive Director.

PROCEDURES

1770.1. On-Reservation Infrastructure Costs.

1. Covered Items. On-reservation infrastructure costs for individual homesite lease construction may include: Community or individual water system, grid electric or solar photovoltaic system, community sewer or septic system, propane tanks and associated gas lines. Other infrastructure costs may be paid if they are required for the development of lots located in subdivisions developed by agencies/entities other than the ONHIR. Such costs may include: natural gas lines, grading and retaining walls required for drainage, street, curb, gutter, sidewalk.

Subdivisions Developed by ONHIR. As a general rule, no individual infrastructure costs will be paid when a client acquires a replacement house in a subdivision developed through cooperative effort by the ONHIR and other federal and tribal entities, as infrastructure is provided through the development process.

2. On-Reservation Infrastructure Computation Form. The Relocation Operations Manager shall complete the On-Reservation Infrastructure Computation form, **Form MM#1770.1,** listing estimated infrastructure costs for clients moving on-reservation. The form will be completed as part of the house plan review which is requested by the relocation specialist at the time the client completes home search.

3. Updated Power Estimates. Completion of the form may require the Manager to obtain updated power estimates. In this case the Homesite Lease Specialist will issue a letter to the power company servicing the location requesting an update.

4. Other Costs. Cost estimates for the other items listed in Part A for a reservation land lease will be entered by the Manager based upon initial estimates submitted by IHS for water/sewer; historic experience regarding the costs of propane systems; and the cost estimates submitted by a contractor for a solar photovoltaic system selected by the client, when grid electric will not be available.

5. Subdivision Lot Costs. In order to enter infrastructure costs for subdivision leases located on reservation, the Manager will contact the developer in order to obtain information about lot development costs, excluding any land costs associated with lot acquisition (ie. St Michael's private subdivision). As necessary, the Manager will prepare a memo to record which will be referenced in the preparation of the Comp Sheet for clients moving to the subdivision.

6. Purchase of existing house from the Tribal Housing Authority. Infrastructure costs associated with NHA homes will be handled like infrastructure allowance for off-reservation purchases. The Office will pay infrastructure costs which would otherwise be charged to the client as part of the housing cost, if the Authority can provide a statement of the amount of housing cost which represents infrastructure development. The costs will not be entered on the Comp sheet. They will be obtained by the Relocation Specialist during the home search phase of case processing, and will be reviewed and approved by the ROB Manager. Housing authority infrastructure costs exceeding 30% will require approval of the Executive Director as in 1770.2.5 below.

7. Computation. After entering the estimated infrastructure costs, the ROB Manager will complete the calculations in Part B which set forth the percentage required for infrastructure and the amount over 30%. If the estimate exceeds 30% the Manager will justify the expenditure, based upon information obtained when the feasibility studies were conducted.

8. Approval by Executive Director. If the estimate exceeds 30% the Comp Sheet will be routed to the Executive Director for review and approval. The Director will take action on the case within three days of receipt of the Comp Sheet and return the completed form to the ROB Manager.

9. Routing and Filing. The completed Comp Sheet will be placed in the client Plan Check working file.

1770.2. Off-Reservation Infrastructure Costs.

1. Covered Items. Off-reservation infrastructure costs may include: Community or cistern water system, grid electric, community sewer or septic system, natural gas lines or propane tanks and associated gas lines. Other infrastructure costs may be paid if they are required for the development of lots located in subdivisions, including: grading and retaining walls required for drainage, street, curb, gutter, sidewalk. Infrastructure funds can be used for special assessment levies.

Items Not Covered. Items which the Office will not fund include telephone hookup, cable, taxes paid by the developer, and fees for the development and use of community playgrounds.

2. Advice to Client. During the initial housing interview, the Relocation Specialist will advise the client about costs which may be approved if submitted by the contractor/seller. If no information is submitted, the client will get the standard benefit only.

3. Itemized Breakdown. The contractor/seller shall submit documentation which provides lot assessment and development costs. If such documentation is not available, the Specialist may accept a statement of infrastructure items and costs which is submitted on letterhead and signed by the contractor/seller or designated representative of the company. Lot development costs will be submitted to the Specialist, who will review the documentation and assure its adequacy.

4. Review/Approval by ROB Manager. After review by the Specialist, the documentation will be submitted to the ROB Manager, who will complete **Form MM#1770.2**, Off-Reservation Infrastructure Computation Sheet. The Manager may require the contractor/seller to provide additional information. The Manager may disapprove any or all infrastructure costs listed, if he/she determines that the costs are excessive or that the items are not covered by the Office's policy.

5. Approval by the Executive Director. If the estimate submitted by the contractor/seller exceeds 30% and the Manager determines that the amount is justified, he/she will submit the Off-Reservation Infrastructure Computation Sheet to the Director for review and approval. The Director will take action on the case within three days of receipt of the form and will return the form with approval and any instructions to the ROB Manager. The Manager will assure that the approved amounts are incorporated into the housing contract disbursement schedule.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES MULTI-BRANCH

SUBJECT 1771 INFRASTRUCTURE DEVELOPMENT: INDIVIDUAL WELLS FOR OFF-RESERVATION MOVES

AUTH0RITY 25 CFR 700.55(8); Commission Policy Document MM#780P, dated 7/30/87: Infrastructure Costs Associated with Replacement Housing.

POLICY

The Relocation Operations Manager may authorize the construction of a house off reservation on a lot which cannot be connected to a regulated water supply and where there is no well on the property at the time it is selected by the client. In order for the Manager to authorize such an acquisition, one of the following conditions must apply.

1. The contractor selected by the client may drill a well on the property at his own risk and cost. If the well is successful and water is brought to the site, the Office will have the well tested for flow and quality. If the water meets the standards stated herein, the Office will agree to the acquisition. The contractor will be reimbursed reasonable costs for well-drilling on a case-by-case basis. Total costs of infrastructure including well-drilling may not exceed the limits stated in Management Manual Subject 1770, Infrastructure Development.

2. If water cannot be brought to the site, or flow/quality does not meet required standards, the Office may approve a cistern system, provided the client has fully considered the costs and maintenance of such a system, and has confirmed in writing that this is his/her choice.

PROCEDURES

1771.1 Individual Wells.

1. When the relocation specialist learns that the site selected by the client does not have water to the lot line; or that the water to the lot is not provided by a state regulated water company; the specialist will inform the contractor/seller in writing that if the contractor/seller is willing to drill a well at his/her own cost and risk, and the well is successful, the Office will acquire the site on the client's behalf.

2. If the contractor/seller elects to drill a well, and water is brought to the site, the Office will have the water tested. The specialist will contact the governmental agency exercising jurisdiction over water quality control in the area where the site is located, and determine the specific tests required for that locality.

3. The relocation specialist will request the Procurement/Property Management Specialist to contract for water testing. The relocation specialist will inform the Procurement/Property Management Specialist of any special tests which are required over and above the standard water quality tests. The Procurement Specialist will contract for flow and quality testing.

a. The well must produce a minimum of 3 gallons per minute.

b. The water must meet EPA standards for bacteriological, inorganic, and radio chemical

tests. Additional tests will be conducted if recommended or required for the particular locality.

4. If the well is successful and the water meets the required test standards, the contractor/seller may be reimbursed documented actual costs from discretionary funds for infrastructure development. The request for reimbursement must conform to the procedures stated in Management Manual Section 1770, Infrastructure Development.

5. If the well is unsuccessful, the contractor/seller will not be reimbursed for expenses incurred in drilling the well. The ROB Manager shall disapprove the site acquisition, unless the client agrees to a cistern system.

1771.2 Cistern.

1. If the client wants the Office to acquire the lot on his/her behalf and install a cistern to provide water to the house, the relocation specialist will investigate the availability of commercial water, and advise the client about cost of water delivery. If the client plans to haul water him/herself , the specialist will advise the client about vehicle costs and labor associated with hauling the water personally.

2. The specialist will determine if the client's income is sufficient to meet the 25% rule, given the costs of operation of the cistern system.

3. If the average monthly housing cost, including cistern operation, exceeds 25% of the client's average monthly income, the ROB Manager will disapprove the acquisition. If the average monthly housing cost, including cistern operation, is less than 25% of the client's average monthly income, the Manager may approve the acquisition.

4. The client will be required to sign a statement that he has been fully advised of the costs and the advantages and disadvantages of acquiring a house with a cistern, and that this is his/her choice. The statement will be reviewed and approved by the Manager as part of the contract package.

/s/CJB__
APPROVED

SECTION RELOCATION OPERATIONS - SPECIALIZED PROCEDURES

SUBJECT INFRASTRUCTURE DEVELOPMENT - COORDINATION WITH IHS AND NTUA ON SCATTERED RESERVATION HOMESITES; NEW LANDS

AUTHORITY 25 CFR 700.53/55; ONHIR POLICY MEMORANDUM NO. 6; Memorandum of Agreement Between ONHIR/IHS dated March, 1993.

BACKGROUND

It is the policy of the ONHIR that all replacement housing be connected to water, sewer, and electricity in good working order at the time the client moves into the house. In order to assure this in cases of scattered reservation homesite leases, the ONHIR and the Indian Health Service in March of 1993 entered into a Memorandum of Agreement for a Public Law 86-121 project, NA 93-A38 entitled "Water Supply and Waste Disposal Facilities; ONHIR Reservation-Wide Scattered Relocation Housing." This MOA superseded an earlier agreement executed in 1988 and revised the methods of interagency cooperation to accomplish water supply and waste water construction. It is intended that there will be subsequent projects based upon the NA-93-A38 design as clients are added to the homesite lease application process.

These procedures are issued for the purpose of providing detailed instruction to ONHIR staff to implement the provisions of the 1993 ONHIR-IHS agreement and any subsequent agreements which contain equivalent provisions.

PROCEDURES

1774.1 Initial Feasibility Study

General.

"Initial feasibility study," is the ONHIR's term; IHS knows this activity as the "preliminary site screening." This activity is independent of the activity prescribed by the 1993 ONHIR-IHS agreement and takes place before a relocation client is placed on the list of clients to be served by a project.

1. Purpose of the Initial Feasibility Study

The initial feasibility study is performed by the ONHIR Engineering Technician after the client has obtained local homesite lease approvals and has submitted a completed lease application to ONHIR for processing and before the ONHIR sends the lease to NLD. The purpose of the study is make a preliminary determination as to :

* feasibility of the site (if it is a buildable site);
* feasibility of connecting the proposed house to community water and/or community sewer;
* feasibility of installing a septic tank;

* feasibility of connecting to power lines;

* surface indicators of historic materials which may require realignment of site boundaries and/or indicate potential problems with archaeological clearance.

2. Scheduling the Initial Feasibility Study

The Engineering Technician to whom the study has been assigned will be responsible for scheduling the study with the client. The Technician will conduct the feasibility study along with the client. After the Technician has determined that the site is near a water line and/or power line then either IHS and/or NTUA will be contacted for a cost estimate.

If the site is in a remote location the Engineering Technician will recommend a solar system and a cistern system.

3. Request for Utility Cost Estimate

The Homesite Lease Specialist will send a letter, along with the approved Homesite Lease documents, to IHS and NTUA requesting a cost estimate for a particular homesite. The IHS and NTUA field staff will visit the site and do a feasibility study and provide a cost estimate. The IHS field engineer will provide the following information:

* cost estimate;
* whether or not the house can be connected to community water;
* whether the proposed homesite lease is within 100 feet of the existing water line;
* where the service line will enter the site;
* whether or not it appears the terrain is suitable for excavation and the installation of water lines and septic system.

4. Relocating the Homesite based upon Technical Advice

Depending upon the information provided by the technical staff it may be necessary for the homesite boundaries to be realigned or the homesite to be moved within the immediate vicinity. If the homesite must be moved a considerable distance, the client may have to go back to the Chapter and local users for approval of a new site.

a. Water Line The homesite will have to be moved when: 1. The homesite is farther than 1500 feet from the water main serving the area. 2. The homesite is at too high an elevation to allow sufficient pressure from the community water tank. 3. There is a solid rock between the homesite and the water main.

b. Power Line If the nearest power line is farther than one-half (½) mile from the site the homesite must be moved to within one-half (½) mile of the power line. The ONHIR will not build a house which cannot be connected to grid power unless the client obtains a waiver of ONHIR policy regarding location of leases.

5. Archaeological Survey

After the site location has been clearly defined as a result of site screening by the technical staff, the ONHIR archaeologist will conduct the archaeological survey. The survey will include the water and sewer corridor to the nearby main providing the corridor is less than or equal to1500 feet.

6. ONHIR Follow-up: Initial Feasibility Study and Data Entry

The Technician will prepare the ICB initial feasibility study as described in MM#1521.3. The study will include the IHS Engineer's rough estimate of the anticipated cost of the water line construction. The Homesite Lease Specialist will perform data entry of the type of sanitation facility as defined in Code Table 72:

CI -Community water/individual sewer
I I - Individual water/sewer
CC -Community water/sewer

Clients with a "I I" (individual water and sewer code) will not be included in Indian Health Service Projects for scattered reservation homesites. Individual water and wastewater facilities will be constructed by the ONHIR.

1774.2 Project Definition

1. ONHIR Responsibility: Identification of Participants and Request for New Project

The Homesite Lease Specialist will maintain a running record of all clients who have applied for scattered reservation homesite leases. After the Tribal Resources Committee has approved the homesite lease application, the Homesite Lease Specialist will enter the names of clients who are not coded as "II (individual water and sewer) on a list for referral to IHS for a new project summary.

As a general rule the cases will be referred to the IHS District Engineer at the end of six months or when there are fifty (50) clients on the list, whichever comes sooner. The Homesite Lease Specialist will prepare a list which contains:

* client name
* casefile number
* location to which the client is moving.

The Homesite Lease Specialist will attach this list to a cover letter to the IHS Tuba City District Engineer requesting the development of as project summary to serve these clients. The Homesite Lease Specialist will also request that the project include a specific number (approximately ten) of undesignated slots for clients who need to be added for emergency processing.

Exceptions The Homesite Lease Specialist will refer a group of clients, regardless of how many cases there are, when the Specialist determines that there is a clearly identifiable group moving to a particular location. This is generally referred to as a "group move."

2. IHS Responsibility: Development of Project Summary

The Tuba City District Engineer will prepare a draft project summary outlining the scope of work and anticipated costs for providing clearances and water/waste disposal facilities to the clients identified in the list supplied by the Homesite Lease Specialist. IHS will also prepare a new MOA for the proposed project. The MOA will likely employ the basic provisions of the 1993 MOA for project NA-93-A38.

3. Review and Execution of MOA and Project Summary

The draft project summary will be reviewed by designated representatives of the cooperating agencies. Following discussion and any changes, the documents will be finalized and circulated for approval. Copies of the executed agreement will be distributed to the following offices within ONHIR: Executive Director; Finance; Relocation Operations, housing acquisition and staff; and appropriate offices within IHS. Work under the agreement will commence when IHS receives full payment from ONHIR.

1774.3 Work to be Performed by IHS and ONHIR Pursuant to the Terms of the MOA and Project Summary.

General

The work to be done by IHS pursuant to the terms of the MOA and project summary can be broken down into two phases: 1) acquisition of required clearances; 2) construction of facilities.

1. Information to be Provided by ROB

The Homesite Lease Specialist will provide the Tuba City District Engineer with copies of the following documents for all clients who will be served under the project summary:

* map showing reservation location of the lease
* topographic map with location of lease plotted on it
* homesite sketch
* initial feasibility study
* archaeology report and clearance for all sites and utility corridors within 1500 feet of the utility main.

2. Products to be Delivered by Indian Health Services

The IHS field engineer will take action to acquire the following for each of the sites assigned:

a. ROW or service line agreement for grid water and/or sewer connection.

b. Archaeological clearance for service lines exceeding 1500 feet (exceptional circumstances only. Lease locations will ordinarily be moved to within 1500 feet of the service line at the time of the preliminary site screening.)

c. Endangered species clearance for water and wastewater utility service.

d. Tapping permit.

e. Feasibility study which includes the cost estimate for sanitary facilities and a line drawing of the site.

Once every two weeks the Project Engineer will submit a comprehensive list entitled *IHS Permitting Report* to the Relocation Operations Branch Manager and Homesite Lease Specialist. The report is a cumulative list of ONHIR NA-93-A38 clients for whom all permits/clearances have been obtained. The following columns will appear on the report:

* Client name
* Location
* Chapter
* Case File Number
* IHS Permitting Complete? (signified by a"Y".)
* ONHIR Notice to Proceed date.
* ONHIR Projected completion date.
* IHS Beneficial Use Date

Only the names of clients with a "Y" entry in the column "IHS permitting complete?" should appear on the report. ONHIR notice to proceed and completion dates will appear on the report after the IHS permitting has been completed and IHS has received the ONHIR Notice to Proceed.

In addition to the *IHS Permitting Report* the Tuba City District Engineer will submit individual feasibility reports for each client to be served by the project. The feasibility report consists of: 1. Cover letter stating the feasibility of providing the client with sanitary facilities. 2. Cost estimate. 3. Line drawing of the site. Individual feasibility reports will not be provided if the recommended service is individual water and sewer.

The IHS Permitting Report showing a "Y" completed permitting entry plus the IHS individual feasibility report constitute the IHS clearance package. Transmittal of completed clearance packages signifies that IHS is ready to proceed with facilities construction as soon as ONHIR transmits a Notice to Proceed. The ONHIR Notice to Proceed, which is issued when the client contracts are signed, constitutes ONHIR's acceptance of the IHS clearance package, including the feasibility study and cost estimates.

"Beneficial Use Date" will be entered on the report by IHS after installation of facilities has been completed.

3. Action by Relocation Operations Branch

The Relocation Operations Branch Manager will review the packages. The Manager will consult with the District Engineer on any problems or questions he notes upon reviewing the studies.

a. Infrastructure Cost Sheet

The Relocation Operations Branch Manager will prepare the Infrastructure Cost Sheet in accordance with ONHIR procedures MM#1770. The Manager will note the IHS project number on the forms for all clients who are being served by the project. This will serve as an additional alert to the Relocation Specialist when the case is transferred to the housing acquisition phase.

b. Homesite Lease File

The Homesite Lease Specialist will make copies of the IHS Permitting Report showing "Y" entry for client and the individual client feasibility report and file the copies in the client's homesite lease file.

4. Hold in "CC" Until Homesite Lease Completion. For homesite leases which are going to be served by community water, the case will be held in "CC" status until both the IHS clearance package and the homesite lease completion (tribal action, archeological clearance, NTUA estimate and final feasibility study) are received. The completions probably won't come in at the same time. When both completions have been received the Homesite Lease Specialist will route the case tracking form to the ROB Manager for approval and data entry which will transfer the case to housing acquisition (HP status).

5. Action by Relocation Specialist

No further action pursuant to the project summary will occur until the client signs the relocation contract/construction contract. At this time the Relocation Specialist will take the following actions related to this project.

a. Information for Utility Providers

The Relocation Specialist will fill out short **Form MM#1640.8**, *Information for Utility Providers* (see attached example). This form states whether or not the house is in a IHS Project.

b. Changes to Provisions of the Relocation Contract and Construction Payment Contract

Clauses contained in the relocation contract and the construction payment contract will be changed to state that the IHS infrastructure amount is included in the project agreement. The project number will be inserted. This will alert the Finance Branch that no check is to be issued, and the cost estimate needs to be recorded as a credit against the project monies paid to IHS under the MOA. This is not a computer entry but a hand-kept record.

c. T Sheet

Under the infrastructure category, after entering the total amount obligated for infrastructure, the Specialist will enter the IHS payment with the description "A38 funds to IHS". No date of disbursement will be entered.

d. Arrangement for Utility Deposit

The Relocation Specialist will inform the client that meter deposits for electric service, water service, and bacteriological test (if any) will be paid on their behalf from the moving money.

6. Homesite Lease Program Specialist Notification to IHS and NTUA

After the Pre-construction Conference, when the client has signed the Relocation and Construction Contracts, the Homesite Lease Specialist will send a letter to the IHS District Engineer and the appropriate NTUA District Office notifying them of the contract signing.

7. Subsequent Notification to NTUA and IHS by the Homesite Lease Specialist

After the sheet rock inspection has passed the Homesite Lease Specialist will send a second notification letter to IHS and NTUA on the progress of construction.

8. Monitoring by the Construction Control Inspectors

At the time of final inspection the Construction Control Inspector will check to determine whether or not there appears to be activity by IHS or NTUA at the construction site and will note it on the Inspection Report. If there is no activity the Inspector will notify the Homesite Lease Specialist. The Specialist will contact the IHS District Engineer and/or the NTUA District office to check on the status of the construction schedule.

9. Post Move Follow-up In Cases Where Water/Power is Not Connected at the Time of Client Move-In

If the client reports after moving in that he/she does not have water/sewer or power, the staff member who receives the complaint will ask whether or not the client has gone to the NTUA District Office to inquire about the status. If the client confirms that he/she has done this, the complaint will be reported to the Relocation Operations Branch Manager.

The ROB Manager will contact the District Engineer (if the problem is water or sewer service) or the NTUA main office (if the problem is power) to find out about the reasons for delay. If the problems cannot be resolved at the Manager's level, the Manager will report the matter to the ONHIR Executive Director and may issue a letter to the appropriate authority through the Executive Director requesting action to resolve the problem and service hookup as soon as possible.

1774.4 Action of the Finance Branch to Track Draws Against Project Funds Paid IHS

The Construction Representative will route to the Finance Branch a copy of the memorandum of agreement and attached list of clients to be served by the project as soon as the MOA is finalized and circulated for signature. These documents will be placed in the IHS vendor file. The Finance Branch will use the list of clients to record amounts credited to the the clients' accounts. The Tuba City District Engineer will provide the ONHIR Finance Branch with a copy of the signed MOA with its request for funds transfer

and the signed MOA and client list will replace the initial MOA in Finance files.

After the housing contract documents have been executed the Relocation Specialist will route a copy of the Relocation Contract to the Finance Branch (see MM#1645.3 #5). If the client is being served under the terms of the A38 or subsequent project, the Relocation Specialist will note the IHS project number in parenthesis next to the IHS cost estimate. As a double check the Finance Officer will check the name of all clients moving to on-reservation sites (excepting New Lands) with the list of project clients to assure that no separate payment is issued to IHS for clients included in project monies.

The Finance Officer will enter the dollar amount to be offset to the amount advanced to IHS on the client list next to the client's name (if no list is available the Finance Officer will prepare a manual worksheet with client names and casefile numbers as the contracts are forwarded by housing). Periodically (no less frequently than semi-annually) this worksheet will be checked for accuracy by matching the entries with records maintained by the District Engineer.

SECTION 1700 RELOCATION OPERATIONS - SPECIALIZED PROCEDURES

SUBJECT 1780 DEED RESTRICTIONS

AUTHORITY: Executive Director's Memorandum of March 7, 1984

POLICY

The ONHIR will require that house titles issued to clients moving off-reservation after March 7, 1984 contain a restriction that is recorded in the deed of their replacement property. The restriction is as follows:

> "This property may not be sold, transferred, assigned or encumbered for a period of two (2) years from the date of this conveyance without consultation by the Relocatee with the Office of Navajo and Hopi Indian Relocation.
>
> Such consultation shall include an evaluation of the terms of the proposed transaction, the obligations to be incurred by the Relocatee and the overall economic advisability of the transaction and shall be evidenced by a signed document from the Office of Navajo and Hopi Indian Relocation verifying such consultation.
>
> In the event of a lender's acquisition of the property pursuant to a foreclosure or deed in lieu of foreclosure (which shall not require authorization by the Office of Navajo and Hopi Indian Relocation) this restriction shall become null and void."

The purpose of the deed restriction is to discourage relocatees from entering into transactions, most commonly to sell their house or borrow money using the house as collateral, without careful consideration. Clients wishing to transact any business with their property within the first two years following their relocation must consult with the ONHIR. ONHIR staff will analyze the terms of the proposed transaction, evaluate the transaction for economic advisability, and inform the client of the results of the evaluation. ONHIR's written response will serve as proof to the lender/buyer that the client has consulted with the Office.

1781 PROCEDURES.

General A client who has acquired an off-reservation relocation house may decide to borrow money using the replacement home as collateral. Less frequently the client may decide to sell the house or transfer the house in trade for other real or personal property. The role of ONHIR staff is to offer advice regarding the overall economic advisability of the proposed transaction. However, the final decision about whether or not to pursue the transaction rests with the client and the other party involved in the transaction. The client may be advised to seek legal assistance and consumer credit counseling before proceeding with the transaction.

During pre-move advisement, the relocation specialist will inform the client of the deed restriction which will be recorded on the title, the purpose of the restriction, and the requirement that the client contact the ONHIR prior to selling the house or using it as collateral on a loan.

The Relocation Operations Manager is responsible for review and evaluation of a client's request for a deed restriction waiver. The ROB Manager may delegate this responsibility as appropriate.

As negotiations associated with a sale or loan require a prompt response, the ONHIR will respond to the client within five working days of receipt of all information needed to evaluate the proposed transaction.

1. Information Required for Evaluation

A client who wants to enter into a transaction which requires review of the deed restriction will be referred to the Relocation Operations Branch. The ROB Manager will assure that the client supplies the information required for ONHIR to evaluate the proposed transaction. The ROB Manager or designee will give the client a copy of **Form MM#1780.1**, Deed Restriction Information Request, and will instruct the client on how to fill it out. These forms are frequently filled out by the lender and the client working together to define the terms of the proposed transaction.

The client must supply the following information:

* type of transaction;
* amount of the loan and name and address of the lender;
* terms of the loan: duration, interest rate, balloon payment (if any), dollar amount of the monthly payments;
* reason for the transaction;
* client's current income, amounts and sources;
* Client's financial obligations: fixed payments, including taxes, utilities, insurance, other, as well as any outstanding loans and credit card debt, including outstanding amounts due and current monthly payments.

If the transaction is not a loan but a sale or transfer, the ROB Manager will make sure that all information has been provided: buyer or transferee, amount of sale, terms of sale, special conditions.

2. Preparation of Response

The ROB Manager will prepare a letter for review and signature by the Executive Director advising the client of the ONHIR's evaluation. The Manager will forward the letter and the Deed Restriction Information Request Form, if appropriate, to the Director. The letter will include the following elements:

a. It will spell out the nature and terms of the transaction and the client's reasons for wanting the loan, sale, or transfer.

b. It will state the specific financial commitment which the client is incurring (ie. amount of monthly payments, penalties for late payment, balloon amount) and the potential consequences if the client is unable to meet the commitment.

c. If the client is incurring a loss (ie. through sale or transfer of the house for less than its original or appraised value) the letter will point that out.

d. The letter will point out any incidental costs, such as processing or settlement fees,

which the client may not have considered in calculating how much he/she will receive from the loan or sale.

e. The letter shall advise the client that the ONHIR has neither the authority nor funding to assist the client if he/she are unable to meet financial commitment incurred through the transaction. The letter shall advise the client to seek legal review or financial counseling.

f. The letter shall state the ONHIR's response, and will explain ONHIR's reasons for its recommendations for or against the transaction. The ONHIR will:

1. APPROVE THE TRANSACTION WITHOUT RESERVATION;
2. APPROVE BUT WITH SPECIFIC RESERVATIONS OR APPROVE PART OF THE TRANSACTION BUT NOT ALL ELEMENTS; OR
3. DISAPPROVE THE TRANSACTION.

3. Action of Executive Director

The Executive Director will review the draft letter and the information relating to the transaction. The Director may instruct the ROB Manager to obtain additional information or to revise the response to the client.

After all aspects of the transaction have been fully considered, the Director will sign the letter of response to the client. A copy will be placed in the client casefile.

4. Client Disagreement with the Determination of the Office

A client who disagrees with the determination may request reconsideration provided he/she is able to provide new information about the transaction. The determination issued by the Executive Director may not be formally appealed; however, the client may request further review by the Executive Director.

/s/CJB
APPROVED

SECTION 1700 **RELOCATION OPERATIONS - SPECIALIZED PROCEDURES**

SUBJECT 1790 **PAYMENTS TO ESTATES**

AUTHORITY: **25 CFR 700.127, 25 CFR 700.145**

POLICY

In the event of the death of an applicant with no household remaining to be relocated, the Office of Navajo and Hopi Indian Relocation will issue relocation assistance benefits to the decedent's estate provided the decedent meets the entitlement requirements established by Office regulations.

• If the deceased applicant was either certified or denied and owned improvements, the Office may acquire the improvements and issue payment to the estate pursuant to 25 CFR 700.127 or 25 CFR 700.145; and 25 CFR 700.111 et seq. and this chapter of the Management Manual.

• If the applicant was certified and had reached a stage in the case processing during which search expenses had been incurred, the Office will pay expense reimbursement to the estate pursuant to 25 CFR 700.151, 700.155. Cases in which search expense is the only payment to be disbursed will be handled by the Team Leader of the branch processing the client's relocation at the time of death.

• If death occurs after a certified applicant has signed the relocation contract but before construction has begun, the Office will reimburse the contractor incurred costs from the client's relocation benefit. If house construction has begun, Relocation Operations Branch Manager (ROB Manager) will prepare a recommendation to the Executive Director for continuing or halting house construction. The decision will consider the feasibility of securing the partially constructed dwelling, and other circumstances peculiar to the case. The Office will disburse the amount remaining from the client's housing benefit to the estate, or will assign the house to the estate, pursuant to a probate order issued by a court of competent jurisdiction.

In order for the Office to issue an estate payment there must be no surviving household requiring relocation. A surviving household for these purposes is defined as the immediate household consisting of spouse and/or minor children, and/or other dependents who reside with the applicant and are included as household members on the application for relocation assistance. If there is a surviving household, cases will be processed pursuant to Management Manual §1714 or §1746 depending upon the makeup of the family remaining to be relocated.

Payment to an estate will be processed by the Office upon receipt of a properly executed Final Order of Distribution issued by a court of competent jurisdiction. The Court Order will suffice as proof of ownership of the improvements in lieu of posting the property and obtaining an Affidavit of Ownership as is done in other cases.

PROCEDURES

1790.1 Action Required on all cases.

1. Notification of Death of an Applicant

When the Office learns of the death of an applicant (certified or denied) the staff member who receives the information will record it on Case Narrative Form #1410.7 (or in a memo to the file) and complete form #1714.4, "Record of Deceased Notification" and forward the file to the Team Leader. The staff member will also request from the family a copy of the death certificate, published obituary, funeral or memorial announcement, or other written documentation evidencing the client's death. After review by the Team Leader the file will be delivered to the ROB Manager who will determine the appropriate program action to be taken, depending upon the client's case status and individual circumstances.

When the ROB Manager has determined if the case should be closed or if there exists a household remaining to be relocated, the file will be transferred to the Executive Director for final approval of the proposed program action.

2. Decedent with Household Remaining to be Relocated

In the event a deceased client leaves a household remaining to be relocated, the procedures set forth in MM#1714 or MM#1746 will be implemented, based upon the relationship of the surviving household to the deceased. No payment to an estate will be made by the ONHIR.

3. Decedent with No Household Remaining to be Relocated

In the event the ROB Manager determines that there is no household remaining to be relocated, and the Director has entered his concurrence, the case file will be closed. The file will be routed to the Chief Information Officer who will enter the applicable deceased code and other relevant data on the automated records.

4. Inquiries About Estate Payments in Cases With no Household Remaining to be Relocated

Inquiries about estate payments will be routed to the Office Legal Counsel. Legal Counsel will inform the person making inquiries to seek legal assistance in petitioning the Navajo Nation District Court for the appointment of an administrator/administratrix and distribution of the estate.

Legal Counsel will provide the person with copies of the Office's regulations and procedures governing estate payments; and advise that a copy of the case file and/or appraisal file can be made available to the administrator/administratrix upon the submittal of a properly executed Freedom of Information/Privacy (FOIA) request. No information from the case file or appraisal file will be released until a FOIA/Privacy Act Request has been received by the ONHIR.

5. Receipt of Orders of Distribution

Court Orders of Distribution received by mail or delivered by hand will be date stamped and routed

to Legal Counsel, who will review the case. Legal Counsel will consult with the Executive Director as necessary about staff action needed in order to respond to a particular order. Depending upon the type of benefit to be distributed Director will route the Order to the appropriate Team Leader for processing, upon completion of the initial review.

Distributions of payment for improvements will be routed to the ROB Manager for processing.

Distributions of search expense reimbursement, or distributions of benefits vested by the relocation contract will be processed on a case by case basis according to the provisions of the Court Order, Office operating procedures, and any special instructions of the Executive Director.

1790.2 Payment for Improvements.

1. Criteria for Issuing Cash Payment for Improvements to an Estate

In order for the ONHIR to issue payment to an estate for improvements owned by a deceased client, the following conditions must be met:

a. Application. The decedent must have submitted a completed application for relocation assistance benefits. If the decedent had submitted a completed application, and was pending an eligibility determination at the time of death, further activity regarding eligibility determination may cease. An eligibility determination will not be required in order to process the payment of appraised improvements pursuant to a Court Order.

b. Appraisal record. The deceased applicant must be shown as the owner of improvements according to Office appraisal records as of the date of death. If the decedent did not have an appraisal record, the Office may honor the findings of a court of competent jurisdiction regarding the applicant's ownership of improvements on the Hopi Partitioned Lands. The Office will conduct an original appraisal of any unappraised properties.

2. No Application on File

ONHIR Legal Counsel will verify that the criteria for payment are met. If the decedent had not submitted a completed application, the Legal Counsel will inform the decedent's legal representative that no distribution can be processed.

Refusal to issue an estate payment in the case of a person who has not submitted a completed application for relocation assistance benefits cannot be appealed under the Office's administrative appeal process.

3. Review of Appraisal File and Request for Reappraisal

Either before or after the Order of Distribution is received, the administrator/ administratrix may contact the ROB Manager regarding the content of the appraisal file. The Manager will first verify that the Office has received a Court Order appointing this person as administrator/administratrix of the estate and has received a properly executed FOIA/Privacy Act Request. Upon the request of the

administrator/administratrix the Manager will review the contents of the appraisal file and if necessary, order a reappraisal of the property.

In the event that the ONHIR had not previously obtained an Affidavit of Ownership nor posted and advertized the improvements, the Court Order will suffice as proof of ownership. These activities will not be required in cases where a reappraisal is performed for an estate.

4. Notice of Determination and Offer of Fair Market Value

Following receipt of the Distribution Order and reappraisal (if one is conducted) the ROB Manager will prepare a Notice of Determination and Offer of Fair Market Value for improvements. The Notice will be issued to the administrator/administratrix through the legal representative. The Manager will sign the Determination of Value.

The Letter of Determination of Value will list the improvements that have been identified as belonging to the decedent and the fair market value of each improvement which the Office is authorized to acquire. The letter will inform the administrator/administratrix that he or she has 30 days from the date of the letter in which to appeal the determination of value. This time period may not be waived by the administrator/administratrix or by the Office.

In preparing the Determination the ROB Manager will verify that the improvements to be acquired are not excluded from payment by Office regulations or procedures. Improvements excluded from payment include, but are not limited to:

- District VI properties;
- Properties located on lands belonging to the tribe of which the applicant is a member;
- Properties for which payment has already been issued;
- Range improvement structures such as dams, artesian wells and pumps, impoundments, corrals and loading chutes, district fence lines, etc., constructed by federal or tribal entities on the decedent's traditional use area.
  use area.

5. Calculating the Value of Improvements

The value of the improvements is initially calculated as the date of the original appraisal. The *Boeckh Cost Modifier* will be applied as of the date of the death of the applicant. The ROB Manager will manually calculate this amount and enter it in the automated records.

6. Quit Claim to ONHIR

The ROB Manager will prepare a Quit Claim deed listing the improvements to be turned over to the ONHIR by the estate. The Quit Claim deed will be enclosed with the Notice of Determination of Value. Both documents will be mailed by certified mail, to the legal representative, with a cover letter requesting

that the administrator/administratrix sign the Quit Claim deed in the presence of a notary and have the document notarized, and return it to the Relocation Operations Branch. A pre-addressed, postage-prepaid envelope will be enclosed for the return of the Quit Claim deed.

7. Request for Modification of Court Order

If the Court Order lists a dollar amount for the value of the improvements, the Manager will compare it with the amount calculated by the ONHIR. If the amounts are different, the Manager will write to the administrator/administratrix and request that the Court Order be modified to reflect the amount as calculated by the ONHIR. The Manager will explain the reason for the difference in amount and will enclose the Determination and the prepared Quit Claim Deed in the letter to the administrator/administratrix. The cover letter will request that the signed and notarized Quit Claim deed be returned with the modified Court Order. When both documents are received, and the 30 day period for appeal of the Determination of Value has expired, the ROB Manager will prepare the Disbursement Voucher Request.

8. Appeal of Notice of Determination of Value

The administrator/administratrix disagrees with the Determination of Value, an appeal may be filed according to Office procedures (Management Manual §1330). No payment will be issued until the appeal is withdrawn or receives final agency action.

At the end of 30 days if no written appeal of the Determination of Value has been filed, the ROB Manager will prepare the Disbursement Voucher Request.

9. Disbursement Voucher Request

The ROB Manager will obtain a document number and a vendor number from the Finance Branch and enter these numbers on the Disbursement Voucher Request.

The estate payment will be issued to the administrator/administratrix who is subsequently responsible for paying any debts of the estate and disbursing the remainder to the heirs named in the Court Order. The Office will not issue separate disbursements to the named heirs.

The Finance Officer will order the check at the request of the ROB Manager. The check will be payable to the administrator/administratrix to be sent to the ONHIR. When the check is received by the office it will be sent by certified mail, return receipt requested, to either the legal representative or the administrator/administratrix as instructed by the ROB Manager.

10. Property Disposal

Property acquired in connection with an estate payment will be turned over to the tribe of which the decedent was not a member pursuant to the Office Property disposal procedures.

SECTION: 1800 NEW LANDS PROGRAM

SUBJECT: 1810 LAND USE APPROVALS: Rights-of-Way, Leases, and Withdrawals

AUTHORITY P.L. 99-190; P.L. 93-531 as amended by P.L. 96-305 and P.L. 100-666; legal opinion dated June 5, 1990.

POLICY

Public Law 100-666 transferred all powers and duties of the Secretary of Interior relating to relocation of Navajos from the Hopi Partitioned Lands, derived from P. L. 99-190, to the newly created position of Commissioner on Navajo and Hopi Relocation. The powers and duties vested in the Commissioner include the authority to issue withdrawals, leases, rights-of-way, and other land use approvals previously exercised by the Secretary of the Department of Interior.

Public Law 100-666 further vested the Commissioner with sole authority for final planning decisions regarding the development of lands acquired pursuant to P. L. 93-531, as amended, until such time as the Commissioner has discharged his statutory responsibility under the Act.

In order to develop the New Lands for resettlement the Office of Navajo and Hopi Indian Relocation (ONHIR) will withdraw sections of land for residential use and other purposes compatible with the master plan and shall grant appropriate requests for rights-of-way, homesite leases, business and community services facilities, and other purposes compatible with the plan. In general, the forms and documentation used by ONHIR for land use approvals will be similar to those used by the Bureau of Indian Affairs and the Navajo Nation for land use applications on the remainder of the Navajo Indian Reservation. With the exception of homesite lease processing, described in Section MM#1810.31, land use approvals will be processed as illustrated on **Attachment MM#1810.A**.

At the time of this revision of the New Lands Program procedures of the ONHIR Management Manual, the Officer of the Commissioner is vacant. The previous Commissioner has delegated full operational authority to the ONHIR Executive Director for the Relocation Program via an official directive dated April 8, 1994.

1810.1 RIGHTS-OF-WAY

1810.11 Application for Right-of-Way.

General. Applications for rights-of-way (ROW) on the New Lands shall conform to the requirements of 25 CFR 169. Applicants should refer to these regulations for comprehensive instructions regarding various types of right-of-way applications.

Utility and road rights-of-way on the New Lands are generally requested by the agencies cooperating with ONHIR in the development of the New Lands: BIA Branch of Roads, Indian Health Service, Navajo Tribal Utility Authority, and Table Top Communications.

1. An agency/organization requesting a right-of-way will submit the following documents to ONHIR:

a. Application for Right-of-Way, ONHIR **Form MM#1810.1**.

b. Map of Definite Location: Two mylars and six blue line copies of the map for the proposed right-of-way. The map must contain an affidavit executed by the engineer or registered surveyor who made the survey and a certificate executed by the applicant, both certifying to the accuracy of the survey and maps. All submissions must have original signatures.

c. Legal Centerline Description: Narrative description of the legal centerline will be included on the map or attached to it. The description will give the total length and acreage and the width of the right-of-way.

d. Archeological Survey and Clearance: Three copies of the archeological survey and clearance document. Consultation on this document must have been completed with the Arizona State Historic Preservation Office (SHPO) and the Navajo Nation Tribal Historic Preservation Office (NNTHPO). Concurrence on the lead agency's recommendations must have been obtained from the NNTHPO.

e. Appraisal: Three copies of an appraisal of the real property to be attached. Appraisal should reflect values of property for the term of the right of way.

f. Environmental Assessment: Three copies of an Environmental Assessment to be attached. Document should be prepared in consultation with the Navajo Nation.

1810.12 Initial Review by ONHIR.

The ONHIR New Lands Manager will review the completed application for content and conformity to the master development plan for the New Lands. If the Manager determines that there are problems with the submission, the document(s) in question will be returned to the applicant to be completed or corrected.

1810.13 Review by Navajo Area Office, the Nahat'a' Dzill Chapter, and the Navajo Nation.

1. After completing the initial review, the Manager will send one complete set of the ROW application documents to the Nahat'a'Dzill Chapter, BIA Navajo Area Office Branch of Real Property Management, Window Rock; and the Navajo-Hopi Land Commission Office, Window Rock.

2. The application will be sent certified mail. The BIA, Nahat'a'Dzill Chapter, and the Navajo Nation shall have thirty (30) days to review and comment on the proposed right-of-way.

3. The New Lands Manager will request written responses from the Nahat'a'Dzill Chapter, Navajo Area Director of the BIA, and the Navajo Nation President, or designee, regarding their review of the ROW submission. The Manager will respond to any concerns of a technically valid nature which are raised by any of these parties.

1810.14 Final Approval by ONHIR.

1. After the thirty (30) day period has expired, and/or negotiations about concerns of a technical nature have been resolved, the Manager will assign a project number and prepare the Grant of Easement for Right-of-Way, **Form MM#1810.2**, for the Commissioner's signature.

2. The New Lands Manager will attach **Form MM#1810.2 Attachment A**, ONHIR Land Clearing, Excavation and Reclamation Stipulations for Rights-of-Way to the grant document. This attachment sets forth stipulations developed by the Navajo Area Office for grantees constructing rights-of-way on the Navajo Reservation, and has been adopted by the ONHIR for ROW construction on the New Lands.

3. The grant award document and map will be forwarded to the Commissioner on the Navajo and Hopi Indian Relocation for approval and signature.

1810.15 Title Registration and Distribution of Approved ROW

1. Following the Commissioner's approval, the Manager will prepare U.S. GPO form 1988-576-720-85119 to register the right-of-way with the Southwest Regional Land Titles and Records Office (SWRLTRO).

2. The Manager will retain the white copy (3rd copy) of the registration form and will attach the pink and yellow copies (1st and 2nd copies) to the documents being transmitted. The ONHIR will attach one original and two copies of the right-of-way map to the registration form.

3. The documents will be sent by certified mail.

4. The SWRLTRO will process the land title registration and will retain the original map, unless ONHIR requests its return. The SWRLTRO will return the yellow copy of the completed registration form to the ONHIR. When the documents are received, the New Lands Manager will make copies and file the originals with ONHIR records on the right-of-way.

5. The New Lands Manager will send complete sets of all documents and a copy of the SWRLTRO registration form to the Nahat'a'Dzill Chapter, the BIA Navajo Area Office Branch of Real Property Management; and to the Navajo-Hopi Land Commission.

1810.2 LAND WITHDRAWALS

General. Land withdrawals will be initiated by ONHIR in order to develop residential subdivisions and other New Lands areas in accordance with the master plan.

Land withdrawals may also be prepared and processed by ONHIR on behalf of New Lands residents, the Navajo Nation, or other entity requiring use of an area of the New Lands which is compatible with the master plan. In this case, the New Lands Manager will require the requesting party to submit a resolution from the Nahat'a' Dziil Chapter supporting the withdrawal, and may require the requesting party to obtain a legal survey and archaeological assessment of the area to be withdrawn.

Residential subdivisions will be the most common type of land withdrawal issued by the ONHIR. Other types of withdrawals may include land withdrawn for the construction of community service facilities, recreational facilities, commercial/industrial facilities, agricultural purposes, and religious activities.

1810.21 Preparation of Land Withdrawal Documentation.

1. Documentation required for land withdrawals will be obtained or prepared by technical staff of the New Lands Branch. The legal description will be furnished to the ONHIR by the party requesting the

withdrawal. Legal descriptions will identify the perimeter boundaries of the land to be withdrawn and will show as applicable the locations of all roads, utility corridors and lease boundaries within the area.

2. The withdrawal plat will include the title of the proposed withdrawal. It will contain the following signature blocks:

a. Applicant's Certificate, setting forth the title and authority of the applicant. This block will generally be signed by the New Lands Manager.

b. Dedication and Approval (by Commissioner in lieu of Navajo Nation) to be signed by the Executive Director of ONHIR as delegated by the Commissioner.

c. Bureau of Indian Affairs Approval, to be signed by the Area Director, Navajo Area Office. Pursuant to the letter issued to the ONHIR New Lands Manager by the Acting Assistant Area Director, NAO, dated May 29, 1991, this signature is not required. However, ONHIR will request technical review and approval by the NAO prior to final approval of the withdrawal by the Commissioner on the Navajo and Hopi Indian Relocation.

3. The New Lands Manager will obtain archaeological clearance documents for the land proposed for withdrawal.

4. Pursuant to P. L. 93-531 as amended by P. L. 96-305, the ONHIR is exempt from the provisions of the National Environmental Policy Act of 1969.

5. When the withdrawal plat, archaeological documents, and all related materials have been assembled, the New Lands Manager will sign the Applicant's Certificate on the original mylar and will prepare the withdrawal for review by the BIA and the Navajo Nation.

1810.22 Review by Navajo Area Office, the Nahat'a'Dzill Chapter, and the Navajo Nation

1. The New Lands Manager will send the original mylar and three copies of the plat, plus two copies of the archaeological survey and clearance documents and any relevant related documentation to the BIA Navajo Area Office Branch of Real Property Management, Window Rock.

2. Concurrent with the review by the NAO, the Manager will provide three copies of the plat plus two copies of the archaeological survey and clearance documents and any relevant related documentation to the Nahat'a'Dzill Chapter, and the Navajo-Hopi Land Commission Office, Window Rock.

3. The withdrawal plat and documents will be sent certified mail. The BIA, Nahat'a'Dzill Chapter, and the Navajo Nation, shall have thirty (30) days to review and comment on the proposed withdrawal.

4. The New Lands Manager will respond to any concerns of a technically valid nature which are raised by the BIA, the Chapter, or the Nation during the comment period.

5. The ONHIR will request the BIA Navajo Area Director to sign the specified approval block on the plat prior to returning it; however, approval by the Area Director is not required for title registration following ONHIR approval.

1810.23 Final Approval by ONHIR.

1. After the thirty (30) day period has expired, and/or negotiations about concerns of a technical nature have been resolved, the New Lands Manager will assign a project number and prepare the withdrawal for the Commissioner's signature.

2. The plat will be forwarded to the Commissioner on Navajo and Hopi Relocation for approval and signature.

1810.24 Title Registration and Distribution of Approved Land Withdrawal.

1. Following the Commissioner's approval, the Manager will prepare U.S. GPO form 1988-576-720-85119 to register the withdrawal with the Southwest Regional Land Titles and Records Office.

2. The Manager will retain the white copy (3rd copy) of the registration form and will attach the pink and yellow copies (1st and 2nd copies) to the documents being transmitted. The ONHIR will attach the original and two copies of the withdrawal plat to the registration form.

3. The documents will be sent registered mail.

4. The SWRLTRO will process the land title registration and will return the original plat and the yellow copy of the completed registration form to the ONHIR. When the documents are received, the Manager will make copies and file the originals with ONHIR records on the withdrawal.

5. The New Lands Manager will send complete sets of all documents and a copy of the SWRLTRO registration form to the BIA Navajo Area Office Branch of Real Property Management; the Nahat'a'Dzill Chapter, and to the Navajo-Hopi Land Commission.

6. The Land Use Manager will also send a copy of the approved plat to the Apache County Recorder in St. Johns, Arizona, for recording in said county.

1810.3 LEASES

General. Individuals and entities wishing to lease an area of land within the boundaries of the New Lands shall apply to the Office of Navajo and Hopi Indian Relocation. The applicant shall submit the application forms and supporting documents required by ONHIR for the type of lease identified by the applicant. Types of leases which the Office may grant upon receipt of properly executed documentation include, but are not limited to: homesite leases, commercial leases, mineral leases, industrial leases, and leases to non-profit entities such as religious, educational, community service, and governmental agencies and organizations.

1810.31 Homesite Leases.

General. Guidelines for eligibility for residential homesite leases in the rural community and in the range units are set forth in MM#1820.

1. Homesite Lease Application Form. The Office of Relocation will utilize Navajo Nation Forms 200-65, revised 1993 pursuant to resolution of the Navajo Nation Council Resources Committee RCD-289-93.

(ONHIR **Form MM#1810.3**)

2. Obtaining a Homesite Lease Application. While the clients are in the counseling phase, the Relocation Specialist will obtain a completed homesite lease application from clients who want to move to the Rural Community or one of the range units. Two forms are required: the Homesite Lease Application Form and the Eligibility Requirements form.

a. Homesite Lease Application Form. The Relocation Specialist or client will fill out the top of the form with the client(s) name(s), census number(s), age(s), address, and phone number (if applicable). The New Lands Branch will complete the lower portion of the form. The names and census numbers must match exactly the names and census numbers on the clients' CIB forms.

b. Eligibility Requirements. The client(s) must sign the second page of the Eligibility Requirements form next to the "X". ONHIR staff should sign on the witness line and date the applications if they assist the client(s). Two witnesses are required for thumbprints, and each witness can sign on the lines provided. Pages with signatures or other information which has been whited out are not acceptable.

3. CIB and Money Order. A Certificate of Indian Blood (CIB) for each applicant and money order for $15 must be attached to each application.

4. Action by ROB/Homesite Lease. The Relocation Specialist will submit the completed homesite lease application to the Relocation Operations Homesite Lease Specialist for review and data entry. Within two days of receipt of the completed lease, the Specialist will check that the client(s) have no other leases in process; or that prior leases have been relinquished, assigned or retained according to ONHIR and Navajo Nation procedures. The Specialist will perform data entry of the actual relocation site and lot number (999 for undeveloped units). After data entry has been performed, the Specialist will route the file to the New Lands Branch.

5. Action of the New Lands Manager. Homesite lease applications will be routed to the Manager who will review the applications for accuracy and completeness. The Manager will check the automated file to verify that the location and lot number have been recorded. If approved, the Manager will deliver the Lease to the IS Specialist The Officer will make the appropriate data entries in the automated records and return the lease to the Homesite Lease Specialist.

6. Field Clearance Certification for Homesite Lease Application. The Field Clearance Form is part of the package of forms required by the Navajo Nation. The Homesite Lease Specialist will prepare the form for the signature of the New Lands Manager who will sign the form instead of the local grazing official or farm board member. Signature by the New Lands Manager shall constitute ONHIR's approval of the homesite lease.

Since the New Lands are not part of the traditional land use system of the Navajo Nation, names of grazing/land use permittees will not be listed. Instead, the Manager will cite P. L. 100-666, as derived from P. L. 99-190; which is the statutory authority vesting responsibility for New Lands development in the ONHIR Commissioner.

7. Submittal to NLD Upon the return of the documents from the IS Specialist the Homesite Lease Specialist will forward the Application for New Lands Homesite Lease and the New Lands Homesite Lease to the Navajo Land Department in Window Rock, Arizona. When the homesite lease has been approved by the NLD the original lease, along with the survey plat, will be returned to the Homesite Lease Specialist.

8. Approval by ONHIR. The Homesite Lease Specialist will review the lease documents for completeness and forward them to the New Lands Manager for final review prior to delivery to the Executive Director for signature. When the lease has been signed by the Executive Director, the Homesite Lease Specialist will forward the original homesite lease to the Southwest Regional Land Title and Records Office for recording. After processing and recording, the SWRLTRO will return the originals to the ONHIR. Upon receipt, the Homesite Lease Specialist will distribute the original and copies of the approved homesite lease as follows:

a. Navajo Area Office. One copy with original signatures will be retained by the NAO Branch of Real Estate Services.

b. Navajo Land Department (NLD). One copy with original signatures and a copy of the survey plat will be routed to NLD.

c. Client. One copy with original signatures will be issued to the client for their records.

d. ONHIR Records. One copy of the lease with original signatures, and the original survey plat, will be retained by the ONHIR for Office records.

1810.32 Non-Profit Leases

1810.321 Preliminary Letter of Application.

1. An individual or entity wishing to obtain a lease in order to conduct a non-profit enterprise on the New Lands shall submit a letter of application to the New Lands Manager.

2. The letter shall contain the following information:

(1) Identification of applicant: name, address, business location and phone, name under which applicant conducts the enterprise.

(2) Description of the activity proposed: profit or non-profit, type of business or service, anticipated clientele, anticipated type and number of employees, anticipated hours of operation, and anticipated revenues.

(3) Proposed location of activity, approximate amount of acreage required, including description of road, rail, or air access to the lease site.

(4) Applicant's prior experience with such enterprise.

(5) Requested duration of lease, proposed start date for construction (if applicable) and proposed start date of enterprise.

(6) The reasons why the applicant wishes to establish the enterprise on the New Lands, and projected benefits to the residents of the New Lands and vicinity.

3. Upon receipt of a letter of application the New Lands Manager will review the request in terms of the comprehensive development plans for the New Lands and the qualifications of the individual or organization requesting the lease. The Manager may require the applicant to submit additional information

prior to making a decision on the request.

4. The Manager will inform the applicant in writing of the Office's decision. If the application is denied, the Manager will inform the applicant of the reasons.

1810.322 Terms and Conditions of the Lease.

1. After approving the preliminary lease application, the New Lands Manager will negotiate the specific terms of the lease with the applicant.

2. The applicant will be required to submit additional documentation as appropriate for the nature of the enterprise. Documentation may include:

(1) Identification of lease site:

* Vicinity map
* Legal Description
* Total acres of site.

(2) Site plan:

* Access to site
* Traffic circulation within site
* Parking (parking spaces/square footage of building area)
* Location of building on site
* Landscaping
* Location and size of signage

(3) Building plan:

* Architectural drawing of building
* Total square footage of building
* Statement that the building will meet all applicable building and safety codes.
* Statement of proposed insurance coverage, including liability coverage.

(4) Operational plan:

* Description of the activities that will take place on the lease site
* Total number of employees or personnel
* Hours of operation
* Warehousing requirements
* Anticipated level and type of vehicular traffic
* Anticipated utility requirements
* Liquid waste type, amount and disposal plan
* Solid waste type, amount and disposal plan

(5) Demonstration of financial capabilities for commercial and industrial enterprises:

* Outline of capital investment needs

* Working capital needs
* Verification of loans or savings available for investment
* Articles of incorporation
* Surety bond
* Evidence of authority to execute documents

(6) For Tribal, State, and Federal Governmental Branch Offices and Service Agencies:

* Inter-agency Memorandum of Understanding
* Articles of Incorporation
* IRS determination of non-profit status

3. If the lease requires land to be withdrawn for the location of the enterprise, the ONHIR will undertake land withdrawal according to the procedures in MM#1810.2.

4. If the enterprise requires new construction or remodel and renovation of an existing facility, the lessee may be required to obtain and/or pay the costs for an environmental impact assessment and a cultural resources assessment.

5. The lessee may not sub-lease the activity, nor sub-lease the facilities which it occupies, without prior approval of ONHIR. Buildings and related facilities constructed pursuant to the terms of the lease shall become the property of the lessor.

6. The New Lands Manager may require the lessee to obtain a resolution from the Nahat'a' Dziil Chapter or other community component, demonstrating the community's support of the proposed activity.

7. The New Lands Manager will determine the duration of the lease and lease fee, royalty, or percentage of gross or net revenue to be paid by the lessee. The lessee will be required to make the records of the enterprise available to ONHIR for inspection upon request; and may be required to have an annual audit performed on the accounts of the enterprise.

1810.323 Executing the Lease.

1. The ONHIR Legal Counsel will draft the lease agreement with technical assistance as needed from the New Lands Branch. The lease will include terms for cancellation and for renewal of the lease.

2. Prior to final approval by the Commissioner, the New Lands Manager will send copies of the lease with related documents to:

a. The BIA Navajo Area Office Branch of Real Property Management, Window Rock.

b. The Navajo-Hopi Land Commission Office, Window Rock.

c. The Nahat'a'Dzill Chapter, or

d. Any additional interested party who may be so designated by the New Lands Manager.

3. The lease and related documents will be sent by certified mail. The noticed parties (a thru d above) will have thirty (30) days within which to review and comment on the proposed lease.

4. The New Lands Manager will consider comments received from the BIA, Chapter, the Nation, or designated interested party, during this period, and may modify the agreement accordingly.

5. After the review period has expired, the New Lands Manager will finalize the lease agreement (four original copies) and forward it to the Lessee for Signature.

6. When the executed lease (four original copies) has been returned to the ONHIR by the Lessee, the New Lands Manager will submit the lease to the Commissioner of the Office of Navajo and Hopi Indian Relocation for approval and signature.

1810.324 Title Registration and Distribution of Approved Lease.

1. Following the Commissioner's approval and signature, the Manager will prepare U.S. GPO form 1988-576-720-85119 to register the lease with the Southwest Regional Land Titles and Records Office.

2. The Manager will retain the white copy (3rd copy) of the registration form and will attach the pink and yellow copies (1st and 2nd copies) to a copy of the lease. The documents will be sent certified mail.

3. The SWRLTRO will process the lease registration and return the original documents and the yellow copy of the completed registration form to the ONHIR. When it is received, the New Lands Manager will make copies and file the original copy with ONHIR records on the lease.

4. The New Lands Manager will send complete sets of the lease documents and a copy of the SWRLTRO registration form to the BIA Navajo Area Office Branch of Real Property Management, the Nahat'a'Dzill Chapter, and to the Navajo-Hopi Land Commission.

5. The New Lands Manager will also send a copy of the approved lease to the Apache County Recorder, St. Johns, Arizona, for recording in said county.

1810.325 Business, Commercial, Industrial and Mineral Leases

1. An individual or entity wishing to obtain a lease in order to conduct a for-profit enterprise on the New Lands shall do the following:

(1) Identify the appropriate department of the Navajo Nation for consultation (for example, Economic Development or Minerals Department.)

(2) Develop a lease with the Navajo Nation as Lessor and the Office of Navajo and Hopi Indian Relocation as a concurring party prior to execution of the lease.

(3) Execute the lease following Navajo Nation policy and procedure.

(4) Provide copies of all documents to the ONHIR.

2. In the event the Navajo Nation requests the ONHIR to be the Lessor, the applicant will work with the ONHIR to develop a lease with the Navajo Nation as a concurring party.

SECTION: 1800 NEW LANDS PROGRAM

SUBJECT: 1820 PRE-MOVE COUNSELING, HOMESITE SELECTION AND HOUSING ACQUISITION

AUTHORITY P.L. 93-531 as amended by P.L. 96-305 and P.L. 100-666; P.L. 99-190; legal opinion dated June 5,1990; Policy Memorandum #2, dated October 30, 1991.

POLICY

The Office of Navajo and Hopi Indian Relocation shall develop and administer the New Lands acquired pursuant to P.L. 93-531, as amended, until relocation under the Office's plan is complete; at which time political and administrative authority shall be transferred to the Navajo Nation in accordance with the agreements developed to accomplish that transfer.

REQUIREMENTS ASSOCIATED WITH NEW LANDS RELOCATION

1. Rural Community Any certified eligible head of household who is awaiting relocation is eligible to select a homesite lease in the rural community.

2. Range Unit

a. Carrying Capacity Settlement on a range management unit is governed by the number of grazing permits which can be issued for the unit. Prior to settlement of the range units, the ONHIR determined the maximum number of permittees which each unit could support, based upon minimum carrying capacity of 80 SUYL per permit.

b. Identification of Eligible Permittees The ONHIR will maintain a list of clients who are eligible for a New Lands grazing permit according to the criteria set forth in 25 CFR 700.709 and 700.711. All eligible individuals have been notified of their eligibility (hand delivery of notices to all eligible persons October, 1990 and subsequent interviews with clients and non-applicants). These individuals shall be awarded a grazing permit in their preferred range unit (provided space is still available) upon submitting an application for a grazing permit and an application for a homesite lease in the unit. A permittee must live in the residential subdivision of the range management unit where they want to graze.

Clients who are not on the ONHIR list of eligible permittees who believe they should be included, will be referred to the New Lands Manager. The Manager shall investigate and respond to the claim according to MM#1846.

c. Sponsorships Permittees may sponsor other individuals who are certified eligible heads of household awaiting relocation to move to the same range unit. The permittee must sign the relocation contract before sponsored family members may sign relocation contracts.

d. Discretionary Permits Individuals eligible for New Lands grazing permits have the exclusive right to the award of a grazing permit for a specific period of time. The ONHIR will determine when the period for the award of preferential permits will close and will publish the date. After this period, the ONHIR may issue discretionary permits on the New Lands in order to facilitate relocation.

At that time, individuals whose names are on the list of eligible permittees may compete for available permits on a first-come, first-served basis with applicants who meet eligibility criteria for discretionary permits. **Discretionary Grazing Permit Procedures can be found at MM§1860.**

PROCEDURES

1821 INFORMATION ABOUT NEW LANDS DEVELOPMENT

General Staff of the New Lands Branch will keep other ONHIR offices informed of development activities as they impact client case processing. The Relocation Specialist will provide the clients with information about the New Lands and procedures for selecting a rural community or range unit homesite lease and applying for a grazing permit. Relocation Specialists who are working with permittees moving to range units will coordinate closely with range staff on client involvement in range management plans, issuance of grazing permits, and livestock hauling.

1. New Lands Branch The New Lands Manager, and other New Lands staff as appropriate, will provide periodic briefings to other branches of the Office regarding development activity. Staff of the New Lands Branch will perform data entry in the automated files of grazing permit approvals in order to assure that permittee information available through the computer is up-to-date. New Lands staff will coordinate/cooperate with the Relocation Operations Branch in arranging and conducting client tours of the New Lands.

The New Lands Manager will keep the other branches of the agency informed of the anticipated development schedule for the range units; and for initial and expansion residential subdivisions. The New Lands Manager will provide periodic updates of maps of the residential subdivisions showing homesites assigned and available. The maps will also show street names and lot numbers, utilities, and access routes.

New Lands staff will prepare briefing papers on the subjects which are presented to clients during the New Lands tours. The briefing papers cover the following subjects:

(1) Community Development
(2) Counseling/Advocacy Services
(3) Range Management
(4) Homesite Lease Requirements and Processing

2. Relocation Operations Branch. Each Relocation Specialist will contact the New Lands staff member responsible to get the information answered Information which the Relocation Specialist may request shall include:

- 25 CFR Part 700 Subpart Q (New Lands Grazing Regulations), and basic information about the range management system and moving livestock to the New Lands.

- eligibility requirements for a grazing permit and a homesite lease and the process for selecting and applying for a New Lands grazing permit and homesite lease.

-information in the automated files which is available client file inquiry (New Lands Range/ Permit Inquiry) and reports. (New Lands Query Reports.)

-the most recent maps of the rural community and range units distributed by the New Lands Manager.

-information about the school system and vocational education opportunities on the New Lands; health, social service, police, and fire services on the New Lands.

3. Information Systems The following information on actual and potential New Lands clients is available in the automated records.

a. Client File Data The Client/Member Master file provides information about a client's eligibility for a New Lands grazing permit. Information is also available about a client's preferred and actual relocation site; and if a client selects a New Lands lot or applies for a grazing permit, this information is entered in the Client Master file.

b. Reports Reports available include Range Availability Status, showing the number of permits and leases granted and available in each range unit and leases granted and available in the rural community; and the New Lands Settlement reports, listing all clients who have moved to the New Lands by relocation site.

c. Inquiry In addition to the Client/Member Master File inquiry, the New Lands Range/Permit Inquiry lists all clients who have moved to a range unit, and the number of lots and permits still available in the unit.

4. Printed and Audio-Visual Material The New Lands Branch has produced an illustrated brochure on the New Lands and publishes a bimonthly newsletter about New Lands activities. The ONHIR has produced a video tape about the New Lands which focuses on range unit information. The Nahat'a'dziil Resource Directory is updated annually. Other published material may be issued from time to time. The Relocation Specialists will provide clients with written materials and arrange for them to view the video tape. They will inform clients of any information which is out-of-date and new developments which have occurred since the material was prepared.

1822 NEW LANDS TOURS

General The ONHIR will sponsor tours of the New Lands for clients in SC status who are interested in moving there. Tours may be arranged for large groups or for individual clients (see Search Expense procedures, MM#1750). The content of the tours will be tailored to the interests of the clients who are participating. Clients will be asked to evaluate the tour after it has concluded.

1822.1 Actions of the Relocation Operations Branch

1. Request for Tour. The request for a New Lands tour originates in the Relocation Operations Branch. The Relocation Specialist will inform the Relocation Operations Team Leader verbally or via memo that client(s) want to go on a New Lands Tour.

2. Relocation Operations Branch Coordination Issues The Relocation Specialist and Team Leader will discuss any Relocation Branch coordination issues (coordinating with another Relocation

Specialist who has clients wanting a tour; motel/meal accommodations; work schedule conflicts). All issues requiring coordination of Relocation Branch staff will be identified and resolved before the New Lands staff are contacted about tour arrangements.

3. Client Requirements The Relocation Specialist will find out when the client wants to take the tour and if there are possible alternate dates. The Relocation Specialist will find out what family members will participate in the tour, and what they want to see and learn about. After working out the details of the tour with the clients, the Relocation Specialist will fill out the Client Profile for New Lands Tour, **Form MM#1820D.**

4. Arranging the Tour With New Lands Staff The Relocation Specialist will print the Client Profile for New Lands Tour on P4, which is located in the office of the New Lands Administrative Assistant in Sanders. The Relocation Specialist will also phone the Assistant to discuss tour arrangements. The Relocation Specialist will let the Assistant know if the client wants the full tour presentation or just written or verbal information on a particular subject.

a. The Relocation Specialist will provide the New Lands staff with two to three weeks notice. If the client requests a tour on short notice, staff will endeavor to arrange the tour the client wants, but the Relocation Specialist will inform the client that they may not get their first choice on Profile menu items.

b. The Relocation Specialist will let the New Lands Administrative Assistant know if alternate dates are available.

c. The Relocation Specialist may request the presence of specific New Lands staff members on the tour but if the requested staff person is not available, another staff member who is knowledgeable about the subject is acceptable as a substitute.

d. If the client wants to cover more subjects than time and/or staff availability allow, the Relocation Specialist will plan for an additional day or a second tour.

1822.2 Actions of the New Lands Branch

1. Arranging the Tour The New Lands Administrative Assistant will arrange the tour with other New Lands offices and/or cooperating agencies, and prepare an agenda based upon what the clients want to see and do on the tour. New Lands staff will be responsible for presenting any talks which are scheduled and presenting information during tours of the residential sites, range units, and other locations.

If the client is interested in visiting/learning about the Sanders school system, the Assistant will contact the Community Relations Coordinator for the Sanders Unified School District. The Coordinator will arrange the school tour and/or have a packet of material available for the client.

2. Agenda Within three days of receiving a request for a tour, the New Lands Administrative Assistant will prepare a written agenda which states:

(1) subject/activity to be presented
(2) location of presentation
(3) time of presentation
(4) names of the New Lands presenter(s), with alternate in the event the presenter is not able to be present at the last moment.

When the agenda is ready, the New Lands Administrative Assistant will fax it to the ROB Administrative Assistant who will deliver it to the Relocation Specialist.

a. Evening Meetings. The New Lands Administrative Assistant will find out if there are any evening meetings or other activities taking place on the New Lands that the client can attend while on the tour, and let the Relocation Specialist know about them. The Relocation Specialist will find out if the client is interested and will let the Assistant know.

b. Last Minute Changes If there are any last minute changes on either the Specialist's end or the New Lands end, they must be brought to the other branch's attention immediately.

1822.3 Other Issues.

1. Clients Who Want to Select a Site Without Taking Tour A client may want to apply for a New Lands homesite lease and select a site without taking a tour. The Relocation Specialist will encourage the client to take a tour, even though they may be familiar with the New Lands. If the client declines to take a tour, the Relocation Specialist will document the client's reasons in a memo to the file and proceed with the lease application and site selection appointment.

2. Clients With HPL Grazing Permits The Relocation Specialists who are working with clients who hold HPL grazing permits must make it clear to the clients that the HPL permit lapses when they relocate. If they move to a New Lands range unit, they will receive a new grazing permit. If they move to the NPL or elsewhere on the reservation, their grazing rights cease. The old HPL permit cannot be transferred to another person or another location.

1822.4 Activities on the Tour

1. Responsibilities of the Relocation Specialist The Relocation Specialist will bring the clients to the pre-determined location on the New Lands at the designated time. The Relocation Specialist will be responsible for transporting the clients from one activity to the next and staying with the clients during the activity. If the schedule changes and the Relocation Specialist and clients aren't able to get to an activity on time, the Relocation Specialist will try to let the New Lands Administrative Assistant and the New Lands presenter know.

2. Presence of Staff Members Both the Relocation Specialist and the New Lands staff member conducting the presentation should be present during the activity even if they don't have a lead role.

3. Radio Communications The radios in the vehicles can be set on channel 2 and used as an intercom system. If more than one vehicle is being used, the Relocation Specialist will make sure that the information being provided by the New Lands staff member riding in one vehicle can be heard in the other vehicle.

4. Cellular Phones Cellular phones are available for checkout by staff. In order for a Relocation Specialist to be contacted by phone during the tour, the Relocation Specialist must provide the New Lands office with the phone number, activate the phone, and set it to the New Lands frequency (channel 1.)

5. Children on Tours If there are young children present, particularly during a lecture-type session, the Relocation Specialist will make sure there are toys to keep them occupied and/or someone watching the children. Toy packages acquired for use of children on tours will be kept at the Sanders office.

6. Written Information The New Lands Manager or designee will put together packets of information for distribution to tour participants. Materials provided will depend upon the interests of the group.

1822.5 Evaluation and Follow-Up

1. Client Evaluation Form At the end of the tour, the Relocation Specialist will ask the client to fill out the New Lands Tour Evaluation Sheet, **Form MM#1820E.** The Relocation Specialist will collect the forms and will make copies for the New Lands Manager and the Relocation Operations Branch Manager.

2. Follow-up Visit to Client's Home At the end of the tour the Relocation Specialist will ask the client if they would like a New Lands staff person to make a follow-up visit to their home on the HPL or reservation. If so, the Relocation Specialist will contact the New Lands staff member and will set up the meeting. The Relocation Specialist will notify the client about the date and time. The Relocation Specialist will be present at the follow-up meeting.

3. Client Decision About Moving to the New Lands If the clients decide not to move to the New Lands after they have been on a tour, the Relocation Specialist will ask the client about the reasons for their decision and will provide feedback to New Lands staff about the client's reasons.

4. Resolving Inter-Branch Problems If problems occur during the tour due to staff failure to follow these procedures, or problems in communication or follow-through, the Relocation Specialist or New Lands staff member who is aware of the problem(s) will bring them to the attention of the Relocation Operations Branch Manager or New Lands Manager as appropriate, within three days of the completion of the tour. The Relocation Operations Branch Manager or New Lands Manager will bring the problem(s) to the attention of the leader of the other branch for prompt resolution.

1822.6 Accommodations

1. Responsibility for Making Lodging/Meal Accommodations The Relocation Specialist will be responsible for making arrangements for overnight and meal accommodations.

2. Lot Selection If a client is going to the New Lands to pick a lot either on a tour or on their own, the Homesite Specialist will make arrangements for the Engineering Technician to meet the client. If the Relocation Specialist is not going out to the New Lands with the client, the Engineering Technician will sign the meal receipts.

3. Expense Reimbursement. If a client shows up at the New Lands and wants travel and accomodation reimbursement without prior approval, the Relocation Operations Branch Manager will have to determine if the trip was justified.

1823 PROCESSING RANGE UNIT MOVES

General Clients who want to move to a New Lands range unit will be processed as extended family groups with the permittee being the critical member of the group. Permittees will be asked to identify other eligible family members whom they want to sponsor to move to the range unit. Extended family members may develop their relocation plans in coordination with those of the permittee and move at about the same time, or they may move to the range unit after the permittee has moved. The permittee must sign the relocation contract before any sponsored family member signs a contract.

In order to facilitate extended family group moves, the Relocation Specialists will hold pre-move meetings with family groups and will encourage family group participation in tours and in the decision-making process.

1823.1 Actions of the Relocation Operations

1. Relocation Specialist Assignment Permittees and sponsored family members will be assigned to the same Relocation Specialist to the extent feasible. If different Specialists are working with groups of related families, they will coordinate on pre-move meetings and tours.

2. Required Documents The documents required for a range unit move will be obtained by the Relocation Specialist while the clients are in the social counseling process. These documents are: Homesite Lease Application **Form MM#1810.3,** Application for Grazing Permit **Form MM#1820A,** and Range Unit Request by Sponsored Family Member, **Form MM#1820C**.

a. Homesite Lease Application The Relocation Specialist will fill in the client's name, census number and date of birth exactly as it appears on the Certificate of Indian Blood and attach a copy of the CIB to the application. The Relocation Specialist or the client will fill in the name of the range unit where the client wants to move. The client will sign the signature pages.

b. Lot Selection The client will usually select a lot during a tour. The Relocation Specialist or the client will write the lot number on the lease application. If the client does not select a lot at the time the homesite lease application is filled out, the space on the application for the lot number will be left blank, and the records will be amended after the lot selection has taken place.

c. Application for Grazing Permit A client who is identified on the master list of people eligible for a New Lands permit will fill out the ONHIR application, **Form MM#1820A.**

d. Sponsorship forms If the permittee is sponsoring other family members, the Relocation Specialist will get a Range Unit Request for Sponsored Family Members, **Form MM#1820C**, signed by both the permittee and sponsored person; and a completed homesite lease application for each client being sponsored.

3. Existing Homesite Leases Before the New Lands homesite lease application is obtained, the Relocation Specialist will check the actual relocation site entry in the Master Client File or Homesite Lease File. If any range unit applicant has a homesite lease in process elsewhere, the client will be referred to Homesite Specialist to relinquish, assign or retain the current lease before they can submit a New Lands lease application.

4. Data Entry The ROB Administrative Assistant will perform data entry of the preferred range unit relocation site and case number for the permittee and sponsored family members.

5. Routing the Forms After the ROB Administrative Assistant has completed data entry, the assistant will route the forms as follows:

Homesite lease applications go to the Homesite Specialist.

Grazing permit applications and copies of the SponsoredFamily Member forms go to the New Lands Manager.

The original Sponsored Family Member forms will be routed to the client casefile.

1823.2 Homesite Lease Check and Data Entry by Relocation Branch Operations

1. Checking for Prior Leases Upon receipt of the completed homesite lease application, the Homesite Specialist will double check that the client(s) have no other leases in process; or that prior leases have been relinquished, assigned or retained according to ONHIR procedures.

2. Data Entry The Homesite Specialist will perform data entry of the actual relocation site code and lot number, date of lease application, and "S" lease status. If the client has not yet selected a lot, the Specialist will enter a '999' code. After data entry has been performed, the Specialist will route the application to the New Lands Manager.

1823.3 Processing and Approvals of the New Lands Branch

1. Range Office. The Range Office will perform the following functions:

a. Review of Grazing Permit Application The New Lands Manager, or designee, will verify the applicant's eligibility and approve the permit. If the applicant is not eligible for a grazing permit, the New Lands Manager will notify the Relocation Operations Branch Manager and the client's Relocation Specialist immediately. Clients who disagree with the determination can request reconsideration according to the procedures in MM#1846.

b. Data Entry The New Lands Manager or designee will perform data entry in the range unit file of: "E" eligibility code, date application signed by client, date application approved by the New Lands Manager range unit, and brand.

c. Notification to Range Technician The New Lands Manager or designee will notify the Range Technician of the permittee's eligibility, so the Technician can begin working with the permittee(s) on the range management plan for that range unit.

d. Pre-Move Advisement by Range Technician If the permittee is moving to an already developed unit, the Technician will provide information about the Range Management Plan (RMP), and will give the permittee a copy to review. The permittee will be asked to sign the RMP when they sign the relocation contract. The Technician will inform the permittee of the schedule for range meetings on the unit, and recommend that the permittee attend the meetings.

If the permittee is moving to a new unit, the Technician will schedule one or more meetings on the HPL with permittees who are moving to the unit, for the purpose of developing a draft Range Management Plan. The Relocation Specialists who are working with the permittees should be present.

e. Sponsorship Forms As sponsored family members frequently share responsibility for the permittee's livestock, the New Lands Manager will inform the Range Technician of the family members who are moving to the unit, and will file the copies of sponsorship forms with records of the range unit.

2. New Lands Manager Homesite lease applications will be routed to the New Lands Manager,(or designee) who will review the applications for accuracy and completeness. If the lease application(s) is not correctly filled out, the New Lands Manager will notify the Relocation Operations Branch Manager and the Relocation Specialist immediately of the problems(s) and will route the application back to the Relocation Operations Branch for corrections.

a. Review of Homesite Lease Application. The Manager will verify that the lot selected is available. He will check the automated range unit file to verify that the range unit, lot number, sponsorship information and permit eligibility has been entered.

b. Data Entry. The Manager or designee will perform data entry of "F" homesite lease status and date lot selected (if applicable) for all applications which are verified correct and ready for the Executive Director's signature.

1823.4 Site Selection and Final Action by Relocation Operations Branch

General The client must have filled out a homesite lease application in order to select a homesite. The client will not be allowed to make a tentative selection or put a 'hold' on a site. The client must intend his/her selection to be the first and final choice.

The Relocation Specialist will inform the Homesite Specialist when a tour is scheduled, as the client(s) will frequently want to select a homesite during the tour. The Homesite Specialist will inform the Site Technician of the tour, so that the Technician will be present and available for site selection.

Site selection for range unit and rural community homesites follows the same process.

1. Site Selection Site selection can take place when the homesite lease application is filled out or afterwards. Regardless of the point in time when the selection is made, the Relocation Specialist will inform the Homesite Specialist that the client needs an appointment with the Engineering Technician for lot selection. If the client is going to the New Lands independent of a tour for the sole purpose of selecting a lot, the Relocation Specialist may instruct the client to call the Homesite Specialist directly to set an appointment. It is not necessary for the Relocation Specialist to travel to the New Lands to meet the client and Engineering Technician if lot selection is the only activity scheduled.

2. Site Plan. The client will meet the Technician in the field, select the lot, and identify the preferred house siting and direction the front door will face. Within three days of the meeting, the Technician will prepare the site plan and transmit it to the Homesite Specialist. Within two days of receipt, the Homesite Specialist will send a copy to the Indian Health Service for preparation of the plot plan. The original will be forwarded to the client file.

3. Data Entry of Lot Number If lot selection takes place after the lease application has been processed, the Technician will inform the Homesite Specialist by phone of the lot number. The Specialist will perform data entry of the lot number in 'actual relocation site', replacing the '999' entry.

4. Plot Plan and Homesite Lease Completion. When the IHS plot plan is received, the Homesite Specialist will data enter a "C" lease status code. The original plan will be routed to the client casefile, and a copy of the plot plan will be routed to the New Lands Manager.

5. Tracking Form The case will be entered as housing ready. In most cases the Tracking Form will have been routed to the Homesite Specialist about the same time as the homesite lease application. However, it is possible that a case will complete homesite lease acquisition and permit approval before referral from the counseling stage of the relocation process.

6. Clients Who Change Their Mind About the Lot Selected A client may change his/her mind about the lot selection. If the client is in counseling phase, the Relocation Specialist will notify the ROB/HSL Administrative Assistant that the client wants to cancel the original selection and pick a different lot. The assistant will delete the original lease entry from the computer and will notify the Engineering Technician that the client wants to select a different lot. The Relocation Specialist will obtain a new homesite lease application from the client and arrange for a site selection appointment with the Engineering Technician.

If the client is in Home Search when he/she decides to select a different lot, the client will be referred to the Homesite Specialist. The Specialist will make the changes in the automated records and refer the client to the Engineering Technician for a new homesite lease application and for site selection.

1824 HOUSING ACQUISITION

General Clients moving to a range unit require special handling. Clients moving to the rural community do not require special handling. In summary, the special conditions which must be accommodated for range unit moves are:

(1). A permittee shall sign the term grazing permit and range management plan at the time of contract signing.

(2). The permittee must sign the relocation contract before any family members whom he/she is sponsoring can sign their contracts.

(3). A client who is eligible for a grazing permit but who is not moving to a New Lands range unit shall be advised that their eligibility for a New Lands grazing permit ends when they sign the relocation contract.

1824.1 Activities in Housing Acquisition

1. Client Information Summary When the case has progressed to the housing acquisition phase a copy of the automated Client Information Summary will be generated. The Summary will provide the following information:

-whether the client is a permittee or sponsored family member
-if a permittee, the status of the permit
-if a permittee, Range Office should be advised to include the permittee in range meetings.

2. Special Instructions During the Initial Housing Interview The Relocation Specialist will include information about the special conditions applicable to range unit moves in the interview with the client. If the client is a permittee, the Relocation Specialist will inform the client that he/she will sign the term permit and range management plan at the time of contract signing. The Relocation Specialist will advise the client to contact the Range Technician to make arrangements for livestock hauling.

3. Pre-Con Activities The household member who is eligible for the grazing permit (this may be the spouse rather than the client) must be present at the contract signing. The Relocation Specialist will notify the New Lands Manager of the date and time set for the contract signing. The Manager or designee will be present at the contract signing to obtain the permittee's signature on the range documents, and answer related questions.

If no range staff member is available, the Relocation Specialist will obtain the permittee's signature on the range documents and will inform the clients that range staff members will meet with them to arrange livestock hauling.

4. Range Documents Obtained at the Time of Contract Signing The following range documents will be obtained:

a. Permit The New Lands Manager or designee will provide a term permit, typed up, for the permittee to sign. The signed permit will be routed to the Range Office for further processing after the contract signing session is over.

b. Range Management Plan The Manager will provide the RMP for the unit to which the permittee is moving. The signed RMP will be routed to the Range Office for further processing after the contract signing session is over.

(1) Clients who are moving to a unit which has an existing cooperatively developed comprehensive plan will add their signature to the original plan. They will receive a copy of the RMP at the time they receive their grazing permit signed by the Executive Director. This will be at the time of livestock haul to the range unit.

(2) Clients who are moving to a unit which does not yet have a comprehensive plan will be requested to sign a Preliminary Range Management Plan. They will receive a copy of the Preliminary RMP at the time they receive their grazing permit signed by the Executive. This will be at the time of livestock haul to the range unit.

5. Moving In The contractor will give the keys to the house to the client when the house is finished, and walk the client through the house. If the client is not around, or the contractor leaves the area, the keys will be left at the New Lands office for the client to pick up.

1824.2 Activities of the Range Office While the Client's House is Being Built and Immediately Afterward

1. HPL Meetings The Range Technician and the Relocation Specialist will set up meetings on the HPL with the permittees. At the meetings the technician will:

a. issue the Term Grazing Permit signed by the Executive Director and issue the Temporary Grazing Permit, as applicable, according to the terms of the RMP.

b. provide up-to-date information on recent range development activities which the permittees need to be aware of.

c. explain procedure for pre-move livestock tally on the HPL.

d. reach agreement on livestock loading location and chute needs.

e. explain HPL assistance for livestock inspection.

f. explain branding of cattle and horses, and paint marking for sheep.

g. explain costs to livestock owners for brand inspection.

h. explain unloading and pens for livestock on the New Lands.

i. get agreement on tentative livestock move dates and method of transportation.

2. Livestock Hauling At the time the permittee moves into the relocation house, or shortly thereafter, the New Lands range staff will arrange for the livestock move. The staff will arrange for livestock inspection on the HPL. The staff will arrange for the hauling and will assist in unloading animals when they get to the range unit.

__/s/CJB__
APPROVED

Section 1800 NEW LANDS PROGRAM

Subject 1830 Assignment of Homesite Lease, Homesite Lease Modification or Mutual Termination of New Lands Homesite Leases

POLICY Homesite leases issued to relocation clients in connection with their move to the New Lands Rural Community or to a New Lands Range Unit may be transferred/assigned in accordance with the following procedures.

PROCEDURE

1830.1 Assignment of New Lands Homesite Lease

A. Rural Community

1. If a relocated client wishes to assign/transfer his/her interest in a New Lands Homesite Lease and the relocation home situated in the Rural Community, the client shall telephone the Relocation Operations Homesite Specialist or the employee designated by the New Lands Manager, and make an appointment to meet with the Specialist at the Relocation Office in Flagstaff. The client will be asked to bring to this appointment the original New Lands Homesite Lease issued to him/her at the time of relocation.

2. The party (assignee[s] who is assuming the relocatee's interest in the New Lands Homesite Lease and the relocation home in the Rural Community, shall also contact the Homesite Specialist and schedule an appointment to meet at the Flagstaff Office. The Specialist will schedule the appointment and obtain the names and Navajo Census numbers of the proposed assignee(s). The assignee[s] will also be asked to bring with them to this appointment his/her Certificate of Indian Blood (CIB) along with a Money Order payable to the Navajo Nation in the sum of $30.00 representing the application fee. It is preferable that both parties (the client as well as the proposed assignee[s]) make an appointment to meet with the Homesite Specialist on the same day.

3. Utilizing the information provided at the telephonic scheduling interview, prior to the scheduled appointment the Homesite Specialist will prepare the Assignment of Homesite Lease No.XXX, (Navajo Nation Form assigned ONHIR **Form MM#1830.2**), as well as an Application for New Lands Homesite Lease, **Form MM#1810.3**; and a New Lands Homesite Lease, (Navajo Nation Form #200NL [10-30-2001], in the names of the proposed Assignee(s).

4. At the scheduled appointment, upon delivery of the original New Lands Homesite Lease, the client (Assignor) will be asked to sign the Assignment of Homesite Lease No.XXX. The Assignee(s) will sign the Assumption of Lease and Lease Obligations on the lower half of the Assignment Form; an Application for a New Lands Homesite Lease, and the New Lands Homesite Lease. The signatures of all parties must be witnessed in the presence of two ONHIR employees. At this appointment the Homesite Specialist will give the Assignee(s)a copy of the Interim Land Use Policy for the Rural Community area of the Nahat'a' Dzill Chapter and answer any questions the assignee[s] may have concerning the policy.

If the Assignee(s) requests additional information concerning the policy the Homesite Specialist will refer them to one of the Community Plan Technicians at the New Lands Office.

5. The Homesite Specialist will review the Assignment, Application, and New Homesite Lease for accuracy and completeness and will prepare **Form MM#1830.1**, Assignment, Modification or Termination of New Lands Homesite Lease Tracking Form. These documents, along with the original New Lands Homesite Lease, shall then be packaged, with the Tracking Form on top, and routed to the New Lands Manager for his inspection and review. The Manager shall review the documents and, if in order, indicate his approval on the Tracking Form and forward the package on to the Executive Director. If approved by the Executive Director, he/she will also indicate approval on the Tracking Form and deliver the package to the IS Specialist.

6. The IS Specialist will make the appropriate data entries in the automated records, indicate on the form that the entry has been completed, and return the package to the Homesite Specialist.

7. Upon receipt of the documents from the IS Specialist , the Homesite Specialist will forward the Assignment, Application, and New Lands Homesite Lease to the Navajo Land Department (NLD) in Window Rock, Arizona. Upon approval by the NLD, the originals of the Assignment and Homesite Lease, along with the survey plat will be returned to the Homesite Specialist.

The Specialist will review the lease documents for completeness and forward them to the New Lands Manager for final review prior to delivery to the Executive Director for signature. When the lease has been signed by the Executive Director, the Specialist will forward the original Assignment and Homesite Lease to the Southwest Regional Land Titles and Records Office(SWRLTRO).

After processing and recording the lease documents the SWRLTRO will return the originals to the ONHIR. Upon receipt, the Homesite Specialist will mail the original New Lands Homesite Lease to the Assignee(s). Copies will be sent to the NLD and the BIA Regional Office in Gallup, New Mexico. Copies of the lease documents will also be placed in the client case file, if applicable, as well as the New Lands working file.

B. Range Units:

A homesite lease and relocation home in any of the New Lands Range Units may be transferred/assigned in accordance with the same procedures for the assignment of a homesite lease in the Rural Community as set forth in 1830.1(A)(1-7) above. Provided, however, there are circumstances in which (in addition to the requirements for transfer of a lease in the Rural Community) the assignee[s] must be sponsored by a Relocated Resident Permittee of said Range Unit, in compliance with MM§1823, "Processing Range Unit Moves." The sponsoring permittee, as well as the assignee[s] must execute **Form MM#1820(c)**, Range Unit Request by Sponsored Family Member, in the presence of the Homesite Specialist and/or the New Lands Manager's designee.

The Homesite Specialist will inform the assignee(s) that several of the Range Units have established

land use plans (policies.) The client may be referred to the New Lands Manager or designee to answer more detailed questions regarding these policies.

1830.2 Homesite Lease Modifications

Generally

There may be situations in which a client wishes to modify his/her Homesite Lease on the New Lands. Modifications may be necessary at the completion of a joint tenancy. (Upon the death of one of the joint tenants, the remaining joint tenant may ask that the Homesite Lease be reissued in his/her name only.) Modifications can also be necessary upon a change of legal name, marriage , divorce, Decree of Distribution entered in the Navajo Tribal Court in a probate proceeding, or for other reasons. Also, there may be situations in which other elements of the lease require modification, ie. the survey of the lease or a change in the lease boundaries.

1. The client(s)/lessee(s), who wants a Modification of their homesite lease on the New Lands (in either the Rural Community or one of the Range Units) must first call the Homesite Specialist to schedule an appointment to meet at the Flagstaff Relocation Office. During this telephone interview the Homesite Specialist will obtain all the necessary information required to process the Modification. The client(s)/lessee(s) will be instructed to bring to the appointment his/her original New Lands Homesite Lease, the Certificates of Indian Blood of any individual whose name the client wishes to add to the lease, and/or a certified copy of the death certificate of the joint tenant whose name the client wishes removed from the lease. The client(s) will be instructed that the surviving joint tenant, or anyone else who is presently named on the lease must be present at the meeting. The client will also be instructed to bring with him/her a Money Order payable to the Navajo Nation in the sum of $30.00, which represents the Nation's fee for processing the modification.

2. The Homesite Specialist will prepare all the required documents prior to the scheduled appointment, which will include the Homesite Lease Modification, (Navajo Nation Form assigned ONHIR **Form MM#1830.3**); the modified New Lands Homesite Lease (NNForm 200NL, ONHIR Assigned **Form #MM#1810.4**) and the Tracking Form. At the meeting the client(s)/lessee(s) will be asked to sign the Navajo Nation Homesite Lease Modification form and an Application for a New Lands Homesite Lease. The client(s) lessee(s) signature(s) must be witnessed in the presence of two ONHIR employees.

3. When the Homesite Specialist has collected all the required signatures and documents the Specialist will review all the instruments for accuracy and completeness, package the documents with the Tracking Form on top, and deliver them to the Land Use Manager for review. If approved, the New Lands Manager will indicate his/her approval on the Tracking Form and deliver the package to the Executive Director. If the Executive Director concurs with the approval the Director will sign the Tracking form and forward the documents to the IS Specialist who will make the appropriate data entry in the automated records. Upon completion of the data entry the package will be returned to the Homesite Specialist for further action.

4. Upon receipt of the lease package from the IS Specialist , the Homesite Specialist will follow the processing procedures set forth in 1830.1(A)(7) above, substituting the Modification of Lease for the Assignment of Lease.

1830.3 Mutual Termination of Homesite Lease

Generally

It is understood that there are situations in which a client/relocatee may wish to terminate his/her New Lands Homesite Lease with the Navajo Nation. The most probable being that the client wishes to obtain another homesite lease on the Navajo Reservation either on the New Lands or elsewhere.

1. In the event the client(s)/lessee(s) wishes to terminate his/her interest in a New Lands Homesite Lease (in either the Rural Community or one of the Range Units) they should first call the Homesite Specialist at the Flagstaff Relocation Office and schedule an appointment. The Specialist will instruct the lessee/client to bring to the appointment the original homesite lease. The client will also be informed that all those individuals named on the original homesite lease must also attend the appointment.

2. Prior to the appointment date, the Homesite Specialist will prepare the (Navajo Nation's Mutual Termination of Homesite Lease Form Assigned ONHIR **Form MM #1830.4**) utilizing the information furnished during the telephone conference with the client. On the date of the appointment all those individuals whose names appear on the lease will execute the Mutual Termination of Homesite Lease in the presence of two witnesses/employees of the ONHIR. The Homesite Specialist will package the original New Lands Homesite Lease and the Mutual Termination of the Homesite Lease and deliver them to the New Lands Manager with the Tracking Form on top. The New Lands Manager will review the documents and indicate his/her approval on the Tracking Form. The package will then be forwarded to the Executive Director for Review and Approval. If the Executive Director concurs, he/she will indicate approval on the Tracking Form and forward the package to the IS Specialist who will make the appropriate data entry in the automated records. The IS Specialist will indicate on the Tracking Form that the data entry is complete and return the entire package to the Homesite Specialist.

3. Upon receipt of the lease package from the IS Specialist, the Homesite Specialist will follow the processing procedures set forth in 1830.1(A)(7) above, substituting the Termination of Lease for the Assignment of Lease.

SECTION: 1800 NEW LANDS DEVELOPMENT

SUBJECT: 1840 PROCEDURES FOR ISSUANCE AND REVOCATION OF GRAZING PERMITS

AUTHORITY: 25 CFR 700.711

POLICY:

In accordance with the New Lands Grazing Regulations, 25 CFR Part 700.77, Grazing Permits, "(a) All livestock grazing on the New Lands must be covered by a permit authorized and issued by the Commissioner on Navajo and Hopi Indian Relocation."

The 1991 revision of the 1986 New Lands Grazing Regulations instituted incentive grazing with the creation of three kinds of grazing permits.

1. Term Grazing Permits
2. Temporary Grazing Permits
3. Association Temporary Grazing Permits

Actions associated with each type of permit are set forth in separate sections below.

BACKGROUND:

These procedures have been developed in response to the need for concise guidelines to assist ONHIR staff in administering the New Lands Grazing Regulations. Additional instructions may be issued as needed by the Supervisory Operations Range Management Specialist (SORMS) or designee.

The revision of the regulations in 1991 nearly doubled the average permit size for permittees. Since 1991 most permittees have gradually increased their herds to fill the new permit size. However, livestock counts conducted by range staff have shown increased trespass as some permittees neglect to reduce natural stock increases.

These procedures will assist Range Office staff to control abuses by a few permittees to protect the benefits derived by all permittees from coordinated incentive grazing practices.

1841. TERM GRAZING PERMITS.

1841.1 Issuance of Term Grazing Permits.

1. **Coverage.** Term permits are issued for 80 Sheep Units Year Long (SUYL), but may be issued for additional increments of 80 if a permittee receives a permit transfer from another permittee.

2. **Eligibility.** Term grazing permits are issued to persons eligible according to Part 700.709, 700.711, and 700.713, of the grazing regulations. A permit holder must:

a. Be an enrolled member of the Navajo Tribe;
b. Be a permanent resident of the range unit of permit issue.
c. Own livestock which graze on the range unit of permit issue.

3. **Application for Grazing Permit.** ONHIR Relocation Specialists are responsible for preparing individual and group moves to the New Lands range units. This includes obtaining completed range unit Homesite Lease Applications and applications for New Lands Grazing Permit for Persons Eligible Pursuant to 25 CFR 700.709.

4. **Claim for New Lands Grazing Permit Eligibility.** A client who is informed that he/she is not eligible for a grazing permit but who disagrees with this determination may fill out **MM#1846.1**, Claim for New Lands Grazing Permit Eligibility, which will be reviewed and researched by the Supervisory Operations Range/Management Specialist. The Specialist will then issue the client a determination in writing on **Form MM#1846-A.** The client may appeal an adverse determination in writing to the Executive Director within 30 days pursuant to Management Manual Section #1846. The Executive Director will issue a written response within sixty (60) days.

5. **Process for Issuing the Term Permit.** The Range Office will prepare a green Term Grazing Permit **Form 107** for the new permittees and a witness to sign when the relocation contract is signed. The client must also sign a copy of the Range Management Plan. The signed Permit will be submitted to the Executive Director for approval.

The original permit and a copy of the Management Plan will be given to the permittee. A copy of the permit is filed in the Range Office Permittee folder, and a copy of the signed Range Management Plan is filed in the Range Unit folder.

Range Office staff will inform other permittees on the range unit of the new permittee and coordinate group meetings as needed.

1841.2 Reissuance of Term Grazing Permits.

The term grazing permit expires on October 31st of the fifth year following the date of original issue. The permit is automatically reissued effective November first provided the permittee is not in violation of the grazing regulations.

The Range Office will prepare a new green permit **Form 107** shortly before the five (5) year expiration date for all permittees. The completed permits will be routed to the Executive Director for signature. The permittee will sign the original and a copy and the expired permit will be stamped "Cancelled" by the Range Office.

The permittee will keep the original permit and a copy will be filed in the Range Office permittee folder.

1841.3 Transfer of Term Grazing Permits.

Term grazing permits may be transferred to another resident of the range unit of permit issue

following the procedures in Part 700.715, provided the transferee meets permit eligibility requirements and both the transferee and the transferor sign and notarize an agreement. The procedures for processing a permit transfer are as follows:

1. **Assignment of Grazing Permit.** Both the permittee (transferor) and transferee will meet with the ONHIR grazing official and fill out **Form 111** Assignment of Grazing Permit which must be notarized. The grazing official will explain to the transferor that he/she has no further rights to graze on the range unit. The ONHIR grazing official will validate **Form 111** by signing it.

2. **Range Management Plan.** The ONHIR grazing official will orient the transferee on the range management plan and the responsibilities that he/she will have under common grazing. The transferee will sign the Management Plan agreeing to cooperate with other permittees.

3. **Signature by Executive Director.** A new term grazing permit will be filled out and signed by the transferee and sent to the ONHIR Executive Director, along with the signed **Form 111,** for signature. The ONHIR grazing official will stamp "Cancelled" on the old term permit of the transferor.

4. **Follow-up.** Range Office staff will inform the other permittees on the range unit of the permit transfer and will include the new permittee in all meetings.

1841.4 Revocation of Term Grazing Permits:

Pursuant to 25 CFR 700.715(e), "The Commissioner may revoke or withdraw all or any part of a grazing permit by cancellation or modification on a thirty (30) day written notice for violation of the permit or of the Management Plan, non-payment of grazing fees, violation of these regulations, or because of the termination of trust status of the permitted lands."

Violations of the regulations which are grounds for revocation of the term permit include:

* repeated cancellation of the temporary grazing permit;
* stated refusal by the permittee to abide by the grazing regulations;
* gross criminal activity which affects land resources management or livestock;

Written notification of revocation or withdrawal of any part of a grazing permit will be issued by special letter to the permittee by the Executive Director.

1841.4.1 Revocation Procedure.

1. **History of Violations.** The ONHIR grazing official will coordinate with the Supervisory Operations/Range Management Specialist in compiling documentation of the history of violations.

2. **Recommendation for Action.** The Supervisory Operations/Range Management Specialist will prepare a written recommendation for review and approval by the Executive Director, with appropriate attached documentation. The Supervisory Operations/Range Management Specialist will recommend the appropriate action: revocation (cancellation) of permit; withdrawal (temporary suspension) of permit; or modification of permit.

3. **Action Following Executive Director's Decision.** The Supervisory Operations/Range Management Specialist will prepare a letter incorporating the Executive Director's decision for his signature. Range Office staff will stamp "Cancelled" on the office copy of the term grazing permit. If the decision was to modify the permit the Range Office staff will prepare a new permit stating the terms of the modification.

When there are livestock under the permit, a ten (10) day Notice of Livestock Trespass, **Form 117a** will be filled out stating all livestock must be removed.

An original copy of the Executive Director's letter, the Ten Day Notice of Livestock Trespass, and a copy of the cancelled Term Grazing Permit (and the original modified permit, if applicable) will be hand delivered or mailed by certified mail to the permittee. The old original permit does not have to be retrieved from the permittee.

Copies of the documents will be filed in the permittee file in the Chambers Office and in the permittee file in the Flagstaff Office.

4. **Follow-up.** Range staff will follow up to ensure compliance. Range staff will also inform the other permittees of the status change of the permit.

5. **Permit Availability.** Term grazing permits which are cancelled return to the pool of available permits on the range unit, to be issued under the same terms as new permits.

1841.5 Reissuing a Cancelled or Modified Term Grazing Permit.

If the grazer requests renewal/reissuance of the grazing permit, the request must be submitted in writing to the Executive Director for review and determination. At least ninety (90) days must have passed since the date of permit cancellation or modification. Based upon information submitted by the Supervisory Operations/Range Management Specialist, with the grazer's request , the Executive Director will determine if the grazer has remedied the violation which caused the revocation or modification and has demonstrated willingness to comply with the terms of the Range Management Plan.

1842. TEMPORARY GRAZING PERMITS.

Temporary Grazing Permits are incentive permits to reward good cooperative land management with additional livestock for the permittee. Part 700.711 of the regulations states: "(d)(l) Temporary Seasonal Grazing Permits for periods not to exceed one year may be issued to permittees: (I) to use extra forage made available under rotation grazing management as required by a range unit management plan." and (D) These temporary permits may be reissued prior to termination provided (I) the permittee is managing grazing in compliance with grazing regulations, (ii) livestock grazing is in compliance with the cooperative range unit management plan, (iii) forage is available on the range to sustain the livestock authorized under the temporary permit."

Temporary grazing permit holders must already be holders of term grazing permits. Term permits are issued for 80 Sheep Units Year Long based on a conservative 65% stocking under yearlong grazing. Because permittees sign range management plans and practice conservation management, the full 100% stocking can be attained by issuance of an additional 40 SUYL to each permittee under a temporary grazing

permit which is reviewed by the ONHIR grazing official and renewed annually to assure continued compliance with good range management practices.

1842.1 Initial Issuance of the Temporary Grazing Permit.

The Range Office will fill out a Temporary Grazing Permit for the permittee to sign at the contract signing, along with the Term Permit and the Range Management Plan. The Supervisory Operations/Range Management Specialist will sign the permit and give the original to the permittee when the Term Grazing Permit is signed by the Executive Director. The permittee can stock the range to 120 SUYL total at the time of moving onto the range unit.

1842.2 Transfer of Temporary Grazing Permits.

Since temporary permits are based on term permits, when a term permit is transferred the temporary permit is transferred also. A new temporary grazing permit is issued to the permittee who receives the transferred permit.

1843.3 Reissuance of Temporary Grazing Permits.

Temporary grazing permits are renewed annually provided there is sufficient forage to allow 100% stocking and provided the permittee is grazing in compliance with the ONHIR grazing regulations and the Range Management Plan.

1. **Determination by Range Office.** Prior to the October 31st annual expiration date, the Range Office will determine that there is sufficient forage to reissue temporary permits and will determine which permittees are managing in compliance with the grazing regulations and Range Management Plan.

2. **New Permit.** The Range Office will fill out a new Temporary Grazing Permit for each permittee who is in compliance. The Supervisory Operations/Range Management Specialist and the permittee will sign the permit and the permittee will keep the original. A copy will be filed in the Range office files.

1842.4 Revocation of Temporary Grazing Permits.

A temporary grazing permit may be revoked prior to the October 31st expiration for violation of the regulations. Such violations include:

* trespass of livestock on rangeland that is not covered by a grazing permit;
* trespass of livestock on areas rested under the Range Management Plan grazing schedule or withdrawal;
* trespass grazing within a housing subdivision withdrawn from grazing;
* trespass of livestock in excess of authorized numbers;
* trespass of livestock with the wrong or unregistered brand.

1842.4.1 Procedures for Revoking Temporary Grazing Permits.

The ONHIR grazing official will take the following actions to revoke a Temporary Grazing Permit.

1. Prepare a Notice of Revocation of Temporary Grazing Permit which must be approved by Supervisory Operations/Range Management Specialist.

2. When there are livestock under the temporary permit, the ONHIR grazing official will prepare a Ten (10) day Notice of Livestock Trespass instructing the permittee that all stock in excess of the 80 SUYL Term Permit must be removed;

3. The grazing official will stamp "Cancelled" on the office copy of the Temporary Grazing Permit.

The grazing official will hand deliver , or mail by certified mail, to the permittee an original copy of the Notice of Revocation of Temporary Grazing Permit,, the Ten (10) Day Notice of Livestock Trespass, and a copy of the cancelled Temporary Grazing Permit. Copies of the documents will be filed in the Range Office and Flagstaff Office files.

Range staff will follow up to assure compliance and inform other permittees of the new status of one of the permittees being limited to 80 SUYL.

1842.5 Non-Renewal of Temporary Permit. Each year the ONHIR grazing officials will meet with permittees at a fall planning meeting and review permittee cooperation under common grazing. ONHIR grazing officials will review documented violations to determine if temporary grazing permits should be reissued.

If it is determined not to reissue a Temporary Permit a written statement will be given to the permit holder explaining the reason, the remedy, and time frame, along with notice to reduce stock to the term permit level.

The Management Plan for each unit lists the significant actions of non-cooperation which will be considered in determining if a Temporary Grazing Permit should be reissued.

1842.5.1 Documentation Required for Non-Renewal of Temporary Grazing Permits.

During the year the ONHIR authorized grazing official will keep records of non-cooperation that significantly affects cooperative management. The records will be reviewed at the fall planning meeting. The ONHIR authorized grazing official will document incidents, receive formal complaints, and take verifying statements and will issue written notice to the alleged non-cooperating permit holder requesting compliance.

This record will be kept in the alleged offending permittee's Range Office file folder. These records may be any of the following:

a. Range Unit Management Plan Non-Cooperation Report, **Form 116c.**

b. Ranger or police records.

c. Written complaints from other permittees submitted on a complaint form which are signed and dated.

d. Other official records of violations and non-cooperation.

Copies of notices issued to the alleged non-cooperating permit holder, as well as notes on the permittee's actions to achieve compliance, will be placed in the file. **Form 116d,** Request for Range Unit Management Plan Cooperation, may be used in resolving cooperation issues.

1842.6 Reinstating a Cancelled or Non-Reissued Temporary Grazing Permit.

In order for a permittee's privilege for a Temporary Grazing Permit to be reinstated, the following conditions must be met:

1. **Time Frame.** At least ninety (90) days must have passed since the date of permit or non-reissuance.

2. **Request by Permittee.** A letter of request must be received from the permittee agreeing to abide by the regulations.

3. **Concurrence by Grazing Official.** The ONHIR grazing official must write a memorandum to the Supervisory Operations/Range Management Specialist stating why the permit should be reissued, including how issues of cooperation with other permittees have been resolved in cases where lack of cooperation with other permittees was a factor in the cancellation.

4. **Issuance of Permit.** A new Temporary Grazing Permit will be filled out and signed by the Supervisory Operations/Range Management Specialist and issued to the permittee.

5. **Follow-up.** Range staff will follow up by informing other permittees of the restored permit.

1842.7 Procedures for Emergency Modification of Temporary Permits.

In the rare event that there is insufficient forage (from drought or fire) to carry 100% capacity stocking for the coming year, the following procedure will take effect.

1. **Forage Survey.** A forage survey of the range unit will be conducted by the ONHIR and based upon biological planning, a determination of the maximum stocking will be made.

2. **Permittee Meeting:** ONHIR will hold a group meeting with permittees to obtain a consensus on the best action to take. Permittees will be encouraged to make voluntary reductions. Failing to get a consensus the following procedure will be used:

a. Voluntary reductions will be accepted from those in agreement, and Temporary Grazing Permits will be issued to those permittees accordingly. The new reduced level permits will be issued with a copy of the former Temporary Grazing Permit with "Cancelled" stamped on it.

b. If there is a livestock association, a notice will be issued to reduce association livestock to achieve the balance of reduction needed.

c. If there is no association, or if further reductions are needed, then the deficit in forage will be divided among all permits and temporary permits will be issued, along with a copy of The former permit stamped "Cancelled," for the balance of forage prorated as an equal percentage of each permittee's term permit size.

Permits may be restored as soon as forage growth returns and long term conditions stabilize.

1843. ASSOCIATION TEMPORARY GRAZING PERMITS.

The association temporary grazing permit is an annual permit issued as an incentive to reward good cooperative land management with additional livestock for the business association. Association Temporary Permits are issued according to 25 CFR Part 700.722, which states: "(a) The Commissioner may recognize, cooperate with, and assist range unit livestock associations in the management of livestock and range resources." Also, Part (e) states: "A recognized association may hold a grazing permit to benefit its members according to the rules of the association constitution and by-laws."

With the 1986 New Lands forage inventory, all carrying capacity was allocated to individual grazing permits and wildlife, with no carrying capacity reserved for grazing associations. However, since forage production varies over 100% from dry years to wet years, and since the Soil Conservation Service method for determining carrying capacity is based on dry year capacity, there is room for incentive based additional stocking when biological planning is practiced in combination with the business flexibility of a grazing association.

1843.1 General Conditions.

All permits will be issued with an expiration date of March 31st, so that Range Office staff have the opportunity to assess annual grazing reports of the past year and develop a new summer biological plan before the growing season begins. This also gives a common date for livestock leasing contracts entered into by the associations.

Initially temporary association permits are issued for 80 SUYL (20 cattle) to give the association experience in cooperatively managing livestock and association finances. As the association gains experience and demonstrates effective management, it may request larger permits in subsequent years. The Supervisory Operations/Range Management Specialist will determine the size limit of the annual permit based on the following information:

* stated goals of the association;
* available forage;
* condition and trend monitoring study data;
* current weather cycles;
* weather availability;
* livestock management skills of the range boss;
* forage reserves needed for permits not yet issued for the unit; and
* overall cooperation of all parties on the unit.

1843.2 Procedures for Issuing Temporary Grazing Association Permits.

1. **Request by Livestock Association.** An organized range unit livestock association, which is operating under by-laws approved by a majority of grazing permittees on the unit, may request the Range Office to issue a Temporary Grazing Permit to the association. There must be a range unit management plan in effect.

2. **Biological Planning.** To qualify for a permit, association officers, range boss, and members must attend a day long biological planning training to learn how they can use time-controlled grazing to improve production and land conditions. A six (6) month to one (1) year biological plan must be developed by the association in coordination with the Range Office.

3. **Association Temporary Permit.** The Range Office will fill out a Association Temporary Permit, **Form 109** which will be signed by the grazing permittees belonging to the association and the Supervisory Operations/Range Management Specialist. The association president will keep the original permit and a copy will be filed in the Range Office Association file for the range unit.

4. **Follow-up.** Range Office staff will focus on working with the range boss as the designated livestock manager. Since all association livestock are grazed in common, the range boss will be authorized to coordinate common management of the whole herd, even if some of the permittees are not association members.

1843.3 Reissuance of Temporary Grazing Association Permits.

Temporary Grazing Association Permits expire annually and are not automatically renewed. At the request of the association they may be reissued as follows:

1. **Request by Association.** The association will make a request to the Range Office to renew the association permit at which time the ONHIR grazing official will meet with the association or representative officers and fill out **Form 109b** Prerequisites for Association Permit Issuance, to document the current functioning of the association and the stocking rate being requested. This request should be submitted by the association and processed by the Range Office prior to March 31st annual expiration date.

2. **Verification by Range Office.** The Range Office will verify the information on **Form 109b** and will determine whether or not the number of SUYL requested is appropriate according to criteria listed under the Issuance section above. The Supervisory Operations/Range Management Specialist will approve the completed **Form 109b.**

3. **Issuance of New Permit.** A new **Form 109a,** Association Temporary Grazing Permit will be filled out by the Range Office and signed by the Association President and the Supervisor Operations/Range Management Specialist. The Association President will keep the original permit and a copy will be filed at the Range Office.

If a determination is made by the Range Office not to reissue a permit upon expiration, the procedures listed below under Modification/Revocation will be followed to assure proper documentation and removal of association livestock.

1843.4 Modification/Revocation of Association Temporary Grazing Permits.

During the terms of the permit association temporary grazing permits may be cancelled or modified and reissued for a small capacity by the ONHIR when range monitoring shows a lack of forage to carry all livestock on the range unit through the end of the permit period. If there is a lack of consensus among permittees on voluntary reductions due to insufficient forage, then the Range Office will automatically reduce the association permit before any reductions are made to individual permits.

Association temporary grazing permits may also be revoked for violations of the regulations. Violations which are grounds for revocation and/or non-reissuance include.

* trespass of livestock on areas rested under the Range Management Plan;
* trespass of livestock in excess of authorized numbers;
* trespass of livestock with the wrong or unregistered brand;
* association members failure to sign the Range Management Plan or to cooperate in range management planning;
* failure to follow approved association by-laws;
* failure to allow willing and cooperative permittees to join the association;
* the association represents the interests of a minority of the membership;
* not enough members willing to serve as officers to carry out responsibilities;
* failure to hold annual and regular meetings to democratically involve members;
* failure to carry out a fair share of commonly agreed on management obligations;
* failure to follow the time controlled grazing which is the basis for permit issuance;
* failure to have representative participation in livestock roundups after receiving notice;

* willful destruction of livestock developments (corrals, fences, gates, water systems),

* criminal acts against livestock managed by other permittees; and

* gross criminal mismanagement of association funds or property.

Written notification to the Association President of any of these violations may result in the revocation of the Association Temporary Grazing Permit. This notification may take the form of:

* **Form 117 Notice of Livestock Trespass [Ten (10) Day Notice]**

* **Form 130a Navajo New Lands Livestock Tally [which includes a Ten (10) Day Notice]**

* **Other official records of violations and non-cooperation.**

Notices will be dated and signed by the ONHIR authorized grazing official and issued to the Association President.

1843.4.1 Procedures for Revoking Association Temporary Grazing Permits.

The grazing official will:

1. Write up a Notice of Revocation of Temporary Grazing Permit which must be approved by the Supervisory Operations/Range Management Specialist.

2. When there are livestock under the Temporary Association Permit, a Ten (10) Day Notice of Livestock Trespass will be filled out instructing that all stock must be removed.

3. The copy of the Association Temporary Grazing Permit in the Office file will be stamped: **"Cancelled."**

4. An original copy of the Notice of Revocation of Association Temporary Grazing Permit will be hand delivered or mailed by certified mail to the Association President. Two copies of the documents will be made, one to be filed in the Association file at the Chambers Office and one to be filed at the Flagstaff Office.

Follow-up. Range staff will follow up to assure compliance and to inform other permittees that the Association no longer has a permit.

Reissuing a Cancelled Association Temporary Grazing Permit. In order to reissue a cancelled or revoked association temporary grazing permit,

a. The Association must have held a membership meeting with a full quorum and agree to abide by their by-laws and the grazing regulations in requesting a new permit.

b. The Association President and a majority of the permittees must meet with an ONHIR

grazing official and complete **Form 109b,** Prerequisites for Association Permit Issuance, and sign the new Association Temporary Grazing Permit. The permit will be signed by the Supervisory Operations/Range Management Specialist. The original will be given to the Association President.

c. Range staff will follow up by informing other permittees of the restored permit.

SECTION: 1800 NEW LANDS DEVELOPMENT

SUBJECT: 1846 DENYING REQUESTS FOR NEW LANDS GRAZING PERMITS

AUTHORITY: 25 CFR §700, Subpart Q.

POLICY:

New Lands Development Objectives. The New Lands were acquired for relocation purposes to enable traditional Navajo families to maintain a grazing lifestyle. A primary objective of range unit development is the relocation of traditional grazers who are physically residing on the HPL.

Applying for a Grazing Permit. A relocatee who wants to graze on the New Lands must meet the qualifications under 25 CFR 700.709. An eligible individual must apply for a grazing permit before moving to the New Lands; no original permits will be granted after a client has relocated to a range unit. However, after the permittee has received a permit and moves, he or she may transfer or assign the permit according to 25 CFR 700.715.

An eligible individual who wants to graze on the New Lands must submit an application for a grazing permit and a range unit homesite application at the same time. After receiving a commitment from the Office of Relocation for a grazing permit and homesite lease, the commitment may be withdrawn by the ONHIR if the individual refuses or fails to make timely arrangements to relocate.

Grazing Permit in More Than One Name. A New Lands grazing permit will be issued in one name only. If the HPL grazing permit is in the name of both husband and wife, only one of them may submit an application. The couple shall decide which of them shall apply for the New Lands grazing permit.

Eligibility Criteria. An application for a grazing permit must be approved by the Supervisory Operations/Range Management Specialist In order for a person to be eligible for a permit, the individual must meet all of the following criteria:

[1] must have a current HPL grazing permit or have had an HPL permit issued since 1980; or be a current HPL resident and show documentation of a past grazing permit issued in their name for grazing on an area now on the HPL;

[2] must be certified eligible for relocation assistance benefits but have not yet received such benefits;

[3] must relocate from the HPL to a New Lands Range Unit.

The Office of Navajo and Hopi Indian Relocation maintains a list of persons who meet these criteria and are eligible to receive a grazing permit on the New Lands.

DISCRETIONARY PERMITS.

Persons on the list described above have priority for award of a New Lands grazing permit. The Executive Director of the Office of Navajo and Hopi Indian Relocation will determine when the application period for priority permits will close. After the close of the period, the Executive Director, in his sole discretion, may issue permits to individuals in order to facilitate relocation.

NOTE: The procedures for the issuance of New Lands Discretionary Grazing Permits can be found at Section 1860 of these procedures. Cross Reference: Policy Memo No. 11.

PROCEDURES: Cross reference MM#1820.

1846.1 Application for Grazing Permit.

General. Until the criteria for discretionary permits are issued, the Relocation Specialists will accept grazing permit applications only from individuals who are on the list of eligible permittees which is maintained by the Range Management Office.

1. Action of Relocation Specialists. The specialists will inform their clients who are on the list of eligible permittees of their eligibility for a New Lands Grazing Permit. The specialists will obtain completed grazing application forms and homesite lease applications while their clients are in 'SC' status.

2. Action of the Land Use Manager. The grazing permit application will be routed to the New Lands Manager (hereinafter referred to as the "Land Use Manager,") while the client is in 'SC' status. The Manager will review the application and verify that the applicant has been determined eligible for a grazing permit under the published criteria. The Manager will recommend approval and award of the permit to the Executive Director. The Range Office will perform data entry of an "E" indicator for permit eligibility.

3. Award of Permit by Executive Director. The permittee will sign the permit at the Pre-Construction conference. The permit will be given to the client when they move their livestock to the range unit in conjunction with the move into their relocation house after it passes final inspection.

1846.2 Denial of Claim for Grazing Permit.

General. The list of eligible permittees was developed through a review of the BIA grazing records and review of records of certified clients. The list contains the names of all individuals who are known to be eligible for a permit based upon grazing/permitting history and HPL residence, and distinguishes between those who have been certified for relocation assistance and have not yet moved, and those who have not yet applied.

1. Persons Who Claim Eligibility for a New Lands Grazing Permit but are Not on the List. Until the criteria for discretionary permits are issued, the Specialists will accept grazing applications only from individuals who are on the list of eligible permittees. If a person claims that his/her name was

incorrectly omitted from the list, the Specialist will inform them that they must resolve this issue before moving to the New lands. The Specialist will provide the client with **Form MM#1846.1** Claim for New Lands Grazing Permit Eligibility (attached) and instruct the client to fill out the top portion and attach all documentation they have which will support their claim to eligibility. The claim form may be mailed in or presented in person to the Land Use Manager or the Supervisory Operations/Range Management Specialist.

In addition to submitting the written claim, the client may request an appointment with the Land Use Manager or Supervisory Operations/Range Management Specialist to explain the basis for the claim. If a meeting takes place, the Land Use Manager or the Supervisory Operations/Range Management Specialist will document the information presented.

2. Action by Range Office. If the client has not yet received relocation benefits, and has presented documentation which appears to demonstrate that he/she meets the eligibility criteria set forth in 25 CFR 700.709, the Range Office shall conduct research to corroborate the client's claim to eligibility. This may include research of BIA records in Keams Canyon or Phoenix.

a. Insufficient Documentation: The following types of documents are insufficient to warrant further research by the Range Office:

* sales receipts
* permit held in someone else's name
* permit issued for an area not within the HPL
* permit issued for grazing on the HPL by an office other than BIA/Keams Canyon
* no supporting documentation

3. Decision by Land Use Manager. Within 30 days of receiving a claim for grazing permit eligibility, the Land Use Manager will review the information submitted by the claimant and any additional information gathered by the Range Office, and will render a written decision. The 30 day time frame may be extended another 30 days if more time is needed for research into BIA grazing records.

4. Documentation of the Decision. The Land Use Manager will record the decision on the bottom of **Form MM#1846.1** and will issue a letter to the client which states the decision. [See sample letter, **MM#1846A**.) If the claim is denied, the Land Use Manager will state the reason(s) for denial and will inform the client of the right to appeal to the Executive Director. The letter will be sent by certified mail, return receipt requested, or will be personally delivered by ONHIR staff who will secure a signed receipt.

The original Claim for New Lands Grazing Permit Eligibility will be routed to the client file; copies as needed will be kept in the Range Office files. A copy of the decision letter will be routed to the client case file and copies as needed retained in the Range Office files.

1846.3 Appeal of Grazing Permit Denial.

General. A client whose claim for grazing permit eligibility has been denied by the Land Use Manager may appeal to the Executive Director as provided for in 25 CFR 700.731.

1. Form of Appeal. The client, or the client's legal representative, must submit a written appeal within 30 days of the date of the Lands Use Manager's decision. The appeal must be addressed to the Executive Director and headed, ***"Appeal of Grazing Permit Denial"*** and must state why the claimant believes the decision was wrong. If the claimant has additional documentation which was not previously considered by the Land Use Manager, the documentation must be enclosed with the appeal.

If the claimant wishes to present supporting information, the information must be reduced to writing, notarized, and submitted with the appeal.

2. Receipt of Appeal. The appeal will be received and logged by the Administrative Assistant in the Executive Director's Office. A copy of the appeal will be routed to the Range Office. The Director may request a written recommendation from the Land Use Manager. If the claimant has submitted documentation which was not available at the time of the initial decision, the Executive Director may request the Land Use Manager evaluate the information in writing before making the final decision.

The Administrative Assistant will suspend the action to be taken and assure that action is completed within 60 days of the receipt of the appeal.

3. Decision of the Executive Director. The Executive Director shall review the case and shall render a decision based upon the record within 60 days of the receipt of the appeal. The Director shall inform the client, in writing, of the final decision and reason(s) for the decision. The decision will be issued by certified mail, return receipt requested.

4. Final Agency Action. The Executive Director's decision shall constitute Final Agency Action of the appeal of a denial of grazing permit eligibility.

SECTION: **1800 NEW LANDS PROGRAM**

SUBJECT: **1850 GRAZING PERMIT TRANSFERS**

AUTHORITY: **25 CFR 700.715**

POLICY

Grazing permits issued to New Lands permittees may be assigned or transferred with the written consent of the contracting parties. The Commissioner may issue a new permit provided the transferee meets the following qualifications, as set forth in 25 CFR 700.711:

Permit holders must meet all of the following requirements:

1. Be an enrolled member of the Navajo Tribe.
2. Be over the age of 18 years.
3. Maintain a permanent residence on the New Lands Range Unit of permit issue.
4. Own livestock which grazes on the Range Unit of permit issue.

Permanent Residence: A "permanent resident" is defined as follows:

1. A person who has a homesite lease on a New Lands Range Unit in his/her name,

OR,

2. A person who:

   a. Has physically resided on the New Lands Range Unit of permit issue for not less than one year, and

   b. Has been a registered member of the Nahata Dzill Chapter for not less than one year and has relinquished their membership in any other Chapter; and

   c. Has provided a sworn statement about where he/she has resided on the New Lands and his/her relationship to the homesite lease owner.

PROCEDURES

1. Assignment of Grazing Permit Form. The permitted who wants to transfer the permit must initiate the request by filling out the top portion of the "Assignment of Grazing Permit Form," which is available from the Range Office. The bottom portion of this form must be filled out by the person receiving the permit.

2. Attachments. If the assignee does not have a homesite lease in the Range Unit, he/she must submit the following, in addition to the completed application:

a. A copy of his/her voter registration card showing membership in the Nahata Dzill Chapter for at least one year.

b. A copy of his/her Arizona Driver's license showing a New Lands' mailing address. If the assignee does not have a driver's license, or the license shows a non-New Lands' mailing address, the assignee must submit other documentation which proves residency on the Range Unit. This may include his/her most current tax return and W-2 forms showing place of employment, and/or school enrollment records of the assignee's children.

c. A notarized statement by the assignee and by another person from the Range Unit, stating that he/she has lived on the Range Unit of permit issue for at least one year, where he/she lives on the range unit, and his/her relationship to the transferor.

3. Review by New Lands Manager. The New Lands Manager will review the completed Assignment of Grazing Permit.

If the assignee has a homesite lease (or is the spouse of a lease holder) the New Lands Manager will verify this through a check of the ONHIR records. If the assignee does not have a homesite lease, the New Lands Manager will verify that the required attachments have been provided and contain the information needed. The New Lands Manager will request a review of the assignment by the Operation/Range Management Specialist and/or other New Lands ONHIR staff who have personal knowledge of the assignee's residence on the Range Unit. The New Lands Manager will determine:

a. If the assignee is an enrolled member of the Navajo Tribe and is at least 18 years old;

b. If the assignee is registered to vote with the Nahata Dzill Chapter;

c. If the assignee's driver's license, or other acceptable form of documentation, shows a New Lands' mailing address; and

d. If ONHIR staff know the assignee– do ONHIR staff have personal knowledge, from their work in the community, that the assignee lives in the Range Unit and has lived there at least one year.

If there is information that the assignee has lived on the Range Unit less than one year, or is not a permanent resident of the Range Unit, the New Lands Manager will request additional information, such as the assignee's most current tax return or W-2, place of employment and mailing address, children's school enrollment records, etc, in order to prove or disprove residency on the Range Unit. The New Lands Manager may contact the Navajo Electoral Board to confirm the validity of the assignee's Nahata Dzill voter registration.

4. Determination by New Lands Manager. The New Lands Manager will determine if the assignee meets the eligibility requires for a permit assignment and will validate the Assignment of Grazing Permit. The New Lands Manager will prepare the grazing permit for approval and issuance by the Commissioner.

5. Disagreement with the Determination. If the assignee disagrees with the decision of the New Lands Manager, he/she may appeal the decision following the procedures set forth in Management Manual §1846, "Appeal of Grazing Permit Denial."

6. Death of Permittee. In the case of the death of a permittee, ONHIR will honor an heirship determination made by the Navajo Family Court, so long as:

a. The heir determined by the Court is eligible for a New Lands Grazing Permit under the ONHIR regulations, and

b. The Grazing Permit goes to only one person.

SECTION: **1800 NEW LANDS PROGRAM**

SUBJECT: **NEW LANDS DISCRETIONARY GRAZING PERMITS**
Policy Memorandum No. 11

AUTHORITY: **25 CFR §709**

POLICY

On March 1, 2001, the Executive Director of the Office of Navajo and Hopi Indian Relocation issued Policy Memorandum No. 11, which stated that the ONHIR would notify, by personal service or certified mail, those fifteen (15) individuals remaining unrelocated who are eligible to receive a New Lands Grazing Permit [as identified in 25 CFR §709(a)] that they must make application for a New Lands Grazing Permit within sixty (60) days of the date they received said notice.

Further, the ONHIR, in accordance with 25 CFR §700.13(b), waived the requirements of its regulations to publish the date which closes the period for application for a New Lands Grazing Permit. The Office has now determined that those 15 individuals identified as eligible to receive a New Lands Grazing permit have been properly notified, and pursuant to 25 CFR §709(d), effective immediately the Office will proceed to issue Discretionary New Lands Grazing Permits in such a manner as will best facilitate the relocation process.

PROCEDURE

1860.1 Identification of Prospective Applicants

The Relocation Operations Branch Specialists shall research their caseloads for the purpose of identifying those clients who would be suitable candidates for the receipt of a New Lands Discretionary Grazing Permit. The Specialist shall consider whether or not the issuance of a discretionary grazing permit to this client would be in the best interests of the client as well as the government and if it would facilitate the relocation process. Factors which may be considered by the Specialist in conducting this review are:

1. Has the client engaged in a traditional lifestyle? Does he/she have a history as a grazer, possessing the knowledge, background, and skills necessary to be successful?

2. Has the client previously expressed an interest in moving to one of the New Lands Range Units or has the client been unsuccessful in finding a suitable relocation site on the reservation?

3. Is the client an Accommodation Agreement relinquisher?

4. Does the client have close family members who have previously relocated to the New Lands?

5. Does the client have other family members, who are certified clients, who might be interested in moving to the New Lands? Could the granting of this permit result in a multi-family move?

6. Any other factors which the Specialist believes support the granting of a permit to this client.

After the Relocation Specialist has completed the review and identified those clients who in the Specialist's opinion the receipt of a New Lands Discretionary Grazing Permit would benefit the client and the government, the Specialist shall meet with the Team Leader to discuss the case history and the factors which the Specialist has identified. If the Team Leader concurs with the Specialist's recommendation, thereafter during the routine counseling process, the Specialist will inform the client(s) so identified that Discretionary New Lands Grazing Permits are now being issued.

The issuance of New Lands Grazing Permits shall not be limited to those individuals identified by the ONHIR as possible candidates for the award of a permit. The ONHIR will also entertain requests from certified eligible clients who come forward and request the issuance of a New Lands Grazing Permit. In such event the Relocation Specialist will conduct the analysis set forth above and proceed with processing the request in accordance with these procedures.

1860.2 Advice to Client

At such time as the certified head of household expresses an interest in acquiring a discretionary grazing permit, the Relocation Specialist will advise the client of the following:

1. Eligibility for a New Lands Discretionary Grazing Permit is not automatic.

2. Issuance of the permit by the Executive Director is not automatic nor will permits be issued on a "first come -- first serve basis."

3. The Executive Director will consider each request on its own merits, on a case-by- case basis, and the decision to grant or deny the request will be based upon those factors which, in the opinion of the Executive Director, will best facilitate the relocation process.

4. The requirement to abide by New Lands Grazing Regulations.

5. That Grazing Permit Fees are being considered.

The Relocation Specialist will also inform the client that sponsorship for a move to one of the New Lands Range Units, as set forth in MM§1820, is not required if the move to a New Lands Range Unit is contemplated in conjunction with the receipt of a discretionary grazing permit.

1860.3 New Lands Tour

The Office has determined that the client's participation in a New Lands Tour is in the best interests of the client, the New Lands Community, and the Government. Therefore, the Relocation Specialist will inform the client that his/her participation is mandatory. The client's household members will also be encouraged to attend. The purpose of the tour is to provide the client an opportunity to view the New Lands as well as those Range Units in which homesite leases and discretionary grazing permits are available and to gain information about the range management system. The tour shall be scheduled and conducted in accordance with the procedures set forth in MM§1822.

In the event the client does not wish to initially participate in a New Lands Tour but first requests more information regarding New Lands grazing, an orientation may be presented by the New Lands staff at the ONHIR office in Flagstaff or at an outside location as requested by the client. The Relocation Specialist shall contact the appropriate New Lands staff member (following the procedures outlined in MM§1820) to schedule the orientation. The New Lands staff shall be provided a minimum of two weeks advance notice of the scheduling of a New Lands orientation presentation. The client's participation in the orientation will not waive the requirement that he/she participate in a New Lands Tour prior to the submission of their request for a Discretionary Grazing Permit.

1860.4 Referral to the Executive Director and Recommendation for Approval

If after the client has attended a New Lands Tour and New Lands Orientation, the client indicates his/his intent to relocate to a New Lands Range Unit, the Relocation Specialist shall complete Form 1860a, "Request for Issuance of New Lands Discretionary Grazing Permit." The Specialist shall detail in the narrative portion of the form not only the client's reasons for requesting the issuance of a permit but also the Specialist's reasons for supporting the request and why the Specialist believes the granting of the permit to be appropriate, ie., the client's prior experience and knowledge of livestock and grazing, the client has family members who have relocated to the New Lands, and/or any other factors which the Specialist believes will enhance the client's prospects for success as a livestock grazer on the New Lands. The Specialist shall also state in the narrative why the granting of a Discretionary New Lands Grazing Permit to this client would be in the best interests of the government.

After completion of the "Request for Issuance of a New Lands Discretionary Permit" form by the Relocation Specialist, it shall be routed first to the Relocation Branch Team Leader and then to the Relocation Operations Branch Manager for approval. If approved by the Relocation Operations Branch Manager, the request shall be delivered to the Land Use Manager for his /her review and approval. The Land Use Manager shall then forward it to the Executive Director who shall make the final decision as to whether or not the client's request for a New Lands Discretionary Grazing Permit should be granted.

1860.5 Decision of the Executive Director

The Executive Director shall review the request and decide whether or not the issuance of a New Lands Discretionary Grazing Permit to this client is in the best interest of the client and the government. The Executive Director shall indicate his decision on Form MM#1860a and return it to the Land Use Manager. The Office of the Land Use Manager shall deliver copies of the Executive Director's decision to the Relocation Operations Branch Manager who in turn will notify the ROB Team Leader and the Relocation Specialist of the decision. The Relocation Specialist shall then inform the client, in writing, of the Executive Director's decision.

In the event the request is denied, the client shall have no right of appeal therefrom.

If the client's request is approved by the Executive Director, the client's application for a discretionary grazing permit shall be submitted and processed in accordance with the procedures set forth in MM§1841.

1860.6 Requirement to Proceed with Timely Relocation

The client shall take all appropriate action to proceed with his/her relocation to the New Lands. If the client should fail to enter into a contract for relocation within six (6) months from the date the Executive Director has entered approval of the issuance of the discretionary grazing permit, the permit may be revoked at the sole discretion of the Executive Director.

The New Lands Discretionary Grazing Permit shall be issued to the client in accordance with the procedures set forth in MM§1841.1(5).

SECTION: **1800 NEW LANDS PROGRAM**

SUBJECT: **Padres Mesa Demonstration Ranch**

General

The management of the Padres Mesa Demonstration Ranch (PMDR) is carried out by the Ranch Manager, who is an ONHIR employee, and three contract cowboys. In addition, the Land Use Manager observes many of the functions, as does the Navajo Nation Ranger assigned to the New Lands area. (The Ranch Manager reports to the Land Use Manager, who, in turn, reports to the ONHIR Executive Director.)

The majority of the work on PMDR is performed by the ranch staff (Ranch Manager and cowboys). The Land Use Manager and/or the Navajo Nation Ranger are present when the bulk calves are sold, when cattle are received by PMDR as replacement cattle, and periodically when cattle are moved between pastures. In addition, these two individuals also periodically monitor activities within the New Lands range grazing units.

Daily Logs are kept at the Ranch and are filled out **every** day (this Log is kept on a large dry erase board). This Log indicates the hours the cowboys worked, what was done on that day, what didn't get done, problems with any single cow, etc., in a very detailed way. When the staff comes in on a daily basis, they can determine for themselves what needs to be done and start out their work day. This log is recreated in the PMDR computer every week, so that a permanent record is maintained. This permanent record is then sent to IMI Global twice a year so that this company that verifies source and age of cattle can see if the PMDR is operating according to the source and age verification requirements. The IMI Global auditors will also look at any of the other PMDR records, if they feel it is necessary.

There is an additional dry erase board at the PMDR that keeps information on the active cattle inventory. This board will indicate first birthing dates of the herd as well as information on particular cows.

Incoming Cattle:

The PMDR staff has determined that it is not cost-effective to raise our own calves to eventually become breeding cows. There is at least a 3-year period before they can be used for breeding purposes. With all the procedures that would have to be performed on these calves to use them for breeding purposes (vaccinations, mineral supplements, internal and external parasitic control, moving between pastures, checking physical health, etc.), the costs required plus the time involved

would make them more expensive to raise than the alternative of buying breeding-age Heifers (virgin cows) or bred cows.

When PMDR determines that new cows are needed (older ones are sold off when they cease to be productive), the Ranch Manager will determine which ranchers are selling cattle and what the market price is. Once he locates the cattle he wishes to purchase, the shipper will have health checks done on these specific cattle and provide a health certificate to the shipping company and PMDR. When the cattle arrive at PMDR, the PMDR will check the cattle for correct numbers sent, insure that the cattle conform to the specified breed, and also make sure these cattle are in good health. After this has been determined, the Ranch Manager will sign the shipping receipt, which will be returned to the sender. If the cows are bought as pregnant, PDMR will receive a vet certificate from the shipper that will verify that the cows are pregnant and indicate their due dates.

Prior to receipt of these cattle, the Ranch Manager will have ordered ear tags for each animal. PMDR has two separate herds: the spring herd (who will receive green/lime tags) and the fall herd (who will receive red/orange tags). These tags will have the following information preprinted on them:

Last digit of their year of birth (4 currently)

Individual animal # (which will be different for each animal, and are issued consecutively---1, 2, 3….)

Premise # ---all fall cows will have one number, and all spring cows will have another number.

These tags will stay on the cattle until the animals are sold or otherwise disposed of, or if the tag comes off. The tag will not be reused, but a tag worked off by the cow will be replaced with a new number. These numbers are entered in the PMDR computer as the cow's ID number as the tags are being attached to their ears.

Once each month, the ranch staff monitors the rain gauges. These gauges are located in the various pastures on PMDR. As the staff goes from gauge to gauge to observe and record the information from the gauge, the staff will check the adjacent fences, wells, and any other infrastructure. Normally, if repairs or maintenance is needed, the staff will take the appropriate action that day, which will then be recorded in the Daily Log. If they do not have the time right then, the information is recorded on the Daily Log and the problem will be taken care of the next day, or as priorities permit. While such work is being done, the cattle will be moved to a different pasture. The pastures have a holding cell nearby. As the cattle are being herded into that cell, the cattle will be counted by the staff. Any cattle that are missing will be searched for and located. (Since cattle are social animals, if the missing cattle aren't found on day 1, many times these missing ones will be found next to the holding pen where all the other cattle are on day 2.)

Basically, a physical inventory is being done monthly and compared to the PMDR computer count. As of this date, we have always found any missing animals.

If a cow is found dead, the animal will be necropsied to determine the cause of death by PMDR staff. If it is something the animal ate that day, the ranch needs to find out immediately and clear the area to make sure no other cattle will eat that particular thing. Items the cattle have eaten that will kill them almost immediately are batteries from vehicles, staples, metallic balloons, fiberglass, illegally dumped materials, plastic items, shiny metal objects, etc. Packs of feral dogs have also killed a few cattle. The ear tag will then be removed and the animal's death recorded in the computer. This information will also be entered into the Daily Log. Interestingly enough, for a commercial herd on range land pasture, up to a 2% loss is considered successful ranching. The losses at PMDR fall within that successful range.

When the cattle are sent through chutes to get vaccinations, etc., the PMDR staff will check each cow's condition---are her teeth still good, are her feet okay, etc. The staff will call out and record this information very quickly as they are going through the chute. If the individual cow has multiple problems, has had health problems in the past, or hasn't birthed within the past two years, she may be culled. Any non-lactating cows seen when pasture moves are made are noted in the PMDR computer as a first-strike against the individual cow. A second result of no calf being born to that particular cow, as well as other problematic health checks, can result in that cow being culled from the herd. Culled cattle will be separated from the herd and sold at one of the livestock auction sale barns in Holbrook, AZ or Belen, NM.

Calving;

The cows are exposed to the bulls for the three-month breeding season. The cow then has a 9-month gestation period. The date of the first calf born to a cow is entered into the Daily Log---this is required for the IMI Global Source and Age Verified Certificate. At about 2 months, the calves are branded and a percentage of calf return is calculated. PMDR expects a return of 90-95% of live births on cows bred. This rate of return is also considered a sign of successful management.

Calves get ear tags similar to the cows, but these are not entered into the computer because the calf is a temporary animal and is considered part of the cow unit until the calf is weaned at about 7 months of age. The staff, however, will manually keep track of these calves by this tag number, just as is done for the cows. The calves are sold when they are between 8 months and 1 year old. A sale of 90-95% of the calves sold to the bulk beef market is also considered a sign of successful management. If the Ranch Manager thinks that holding them for a month will bring a better price, then the ranch has the capability of holding these calves until the price is better. About a month before the sale, an EID tag (electronic tag) for each calf will be ordered from US Verified Audit through IMI Global Inc. (Cows don't get these tags because they are not going to be sold in bulk.) This EID tag will have a number indicating the last digit of the birth year (for instance, the current

number is 4), a calf number (for instance, 1, 2, 3, etc.), and a premise number (indicating which herd). This tag will be read when the calf is sold, loaded for shipment, sent to the feed lot, and will be used as well on the boxes containing beef product after harvesting. This is how source and age verification works.

All EID tags sent to the ranch must be accounted for. The report will show where each tag was used---for instance, the first and last EID tag numbers of the bulk calves sold (the total agreeing to how many calves were sold), which tags were destroyed, which tags were cutout and destroyed, and which tags were used on calves that were sold at the sales barn. The USDA uses this tag list to validate the number sold. Each group handling the calves after the bulk sale from PMDR, from the feed lot to the harvest house, has to report these tags used to USDA. The calves will get shots within 18 days prior to shipment. These inoculations are to make the calf stronger for travel. The EID tags are applied at that time. Calves that do not meet the grade or are in excess of a full truckload are sold at the sales barn and do not need these EID tags, since those calves are not going through the Source and Age verification service. The tag will be invalidated and reported to IMI Global on these calves. The IMI Global auditors will trace the ear tags, and the feedlot will compare the tags to the audit records from IMI. A Navajo Nation Brand Inspector will provide an inspection invoice for all animals shipped. Many times this will be the Navajo Nation Ranger.

Outreach:

The Padres Mesa Demonstration Ranch is a demonstration project. The goal is to show other ranchers (primarily Relocatees and other Native American ranchers) how to raise and market cattle using the best procedures, and thereby make a profitable living for the individual rancher. The primary targets for these demonstrations have been the New Lands ranchers. These Relocatees have now formed a group called Nahata Dziil 14R Ranch Corporation. These individuals live in the 14 range units on New Lands. With the help of PMDR, Grand Canyon Trust, and First Nations, this group has formed this corporation to sell their livestock. In addition, PMDR has teamed with the Navajo Nation Dept of Agriculture, the USDA, and University of Arizona to train individuals in many of the skills needed for ranching, resulting in certificates of completion for these trained individuals similar to certificates from college classes.

In addition to these classes, the PMDR staff often goes out to the range units to help people give vaccinations or to check their cattle. Some of this is volunteer work by the staff, and some is work that is reimbursed through First Nations grants.

Data pertaining to the Ranch/cattle is contained in Cattlemax Software and various excel spreadsheets.

SECTION: **1800 NEW LANDS PROGRAM**

SUBJECT: **Windmill Tower Climbing and Fall Protection Program Procedures**

Introduction

These procedures are written to establish a tower climbing and fall protection program to provide for the safety of the windmill tower climber workers that climb, traverse, move, and work on windmill towers and other elevated work sites.

General Requirements

In accordance with 29 CFR, Section 1910.132 (Personal Protective Equipment), Subpart M, Section 1926.500 & 501 (Fall Protection), Section 1926.502,(Fall Protection Systems/Criteria), Section 1926.503 (Training Requirements), Section 1910.66 (Personal Fall Arrest System) and the ONHIR Management Manual procedures, it is a requirement for all windmill tower climbers, technicians and contractors who perform windmill tower work or other elevated work , be determined to be medically qualified to perform those jobs, be trained and certified to perform those jobs, have the appropriate equipment to do the job, work on windmill tower or other elevated structures that are safe and perform those jobs in accordance with written procedures and the Code of Federal Regulations.

Windmill towers should be designed to meet the safety needs of the windmill tower climbers and minimize the need for climbing. Qualified outside contractors should be considered in fulfilling the agency's requirements for windmill tower climbing.

Windmill Tower Climbers, workers and technicians shall only climb towers certified by the manufacturer to meet Industry and OSHA standards, 29 CFR 1926.750, 751, 752, 753, 754, & 755 for tower construction. Windmill towers that do not meet these standards will be red tagged until they are retrofitted or replaced with windmill towers that meet these standards.

Risk Assessment

Every effort must be made to perform a risk assessment of windmill tower climber work and worksite in accordance with OSHA regulations, 29 CFR 1910.132 prior to performance of windmill tower work or climb. Any work performed that does not comply with these procedures or the Code of Federal Regulations must be clearly documented and reported to the Safety Officer.

The ultimate responsibility for determining whether to climb, conduct elevated work or general work on a windmill tower is the responsibility of the Windmill Tower Climber work crew supervisor.

Program Responsibilities

Tower Climbing and fall protection program coordination will be assigned to the following staff:

Direct Supervisor(s) are:

- Responsible for maintaining position descriptions (PD) that accurately relate to tower climbing physical requirements and abilities.
- Shall be aware of health issues with employees who climb and to ensure that windmill tower climbers adhere to required safety practices.
- Will evaluate physical condition of the climbers before allowing them to climb.
- Shall be aware of changes in conditions and events that may require review and modifications of fall protection system in use or work procedures.
- Shall require that all climbing and fall protection equipment in use be inspected prior to each use.
- Will ensure that risk assessment is well understood by work crew and if a crew member identifies a safety concern, shall stop all work until the issue is resolved.
- Will assure that employees receive the proper training required in the use, care and inspection of fall protection/safety equipment.
- Will ensure that proficiency requirements which allow windmill tower climber workers to perform climbing activities are met.

New Lands Safety Officer

- Will assist in the development and establishment of tower climbing and fall protection safety and rescue procedures and practices.
- Will perform periodic spot checks of windmill tower climb work sites and activities to ensure compliance with procedures and use of safety equipment.
- Will maintain an inventory of qualified tower climbers equipment (PPE).
- Will perform quarterly inspection of personal protective equipment (PPE) used by windmill tower climbers.
- Will arrange for periodic OSHA training in fall protection, use of PPE training with windmill tower climbers in cooperation with supervisor.
- Shall arrange for purchase of approved fall protection/safety equipment and other PPE for windmill tower climber crew when needed.
- Shall prepare report/memo to the Supervisor and New Lands Program Specialist regarding windmill tower climber practices, inspections and risk assessment.

Employees/Windmill Tower Climbers

- Will participate in the refinement and implementation of windmill tower climbing and fall protection training and procedures.
- Shall ensure that safety practices under established tower climber and fall protection procedures are carried out in an effective manner.
- Shall adhere to fall protection, safety and rescue procedures when engaging in windmill tower climbing activities.
- Will identify unsafe and unhealthful conditions that exist or are anticipated at a windmill tower job site and notify supervisor.
- Shall be responsible for inspecting their personal fall protection/safety equipment, PPE equipment prior to each use.
- Will notify supervisor of any physical conditions that may impact their ability to perform windmill tower climber work.

Personal Protective Equipment (PPE)

This section will identify the application of Personal Protective Equipment (PPE) utilized by windmill tower climber workers while climbing, resting, or performing work at elevated windmill tower locations or other elevated sites. PPE is stipulated by OSHA regulations 29 CFR 1910.132 (General Requirements), 29 CFR 1910.133 (Eye & Face Protection), 29 CFR 1910.135 (Head Protection), 29 CFR 1910.136(Foot Protection) and 29 CFR 1910.138 (Hand Protection).

The equipment described is utilized to help place the workers in a desirable working position and to reduce the probability of potential fall accident injuries:

- Personal protective equipment is to be stored in a dry, secure area and protected from cuts, abrasions and exposure to chemicals or water when not in use.
- Mandatory inspection of fall protection/safety equipment (PPE) before each use by the user of the equipment will serve to minimize accidents resulting from deterioration of equipment.
- All fall protection/safety equipment (PPE) shall be periodically inspected by the Safety Officer on a semi-annual basis or periodic basis and a record of inspection shall be maintained in the office.
- Manufacturer's instructions and recommendations shall be incorporated into inspection, replacement and preventative maintenance program for fall protection/safety equipment (PPE).
- Defective equipment shall be removed immediately from service and tagged as such until repaired or replaced by the Supervisor in coordination with the Safety Officer.
- If defective fall protection/safety equipment is determined to be non-repairable, it shall be disposed of immediately by the Safety Officer.

Fall Prevention/Safety Equipment Positioning System

- Full Body Harness – Tower climber workers will be required to wear a full body harness as defined in 29 CFR 1926.750 and as stipulated in 29 CFR 1926.761. The harness will be fitted with straps which are secured about the tower climber workers in a manner that will distribute the fall arrest forces over at least the worker's thighs, pelvis, waist, chest and shoulders.
- The harness will be provided with a means for attaching the harness to other components of a personal fall arrest system. (Effective 1/1/1998 the use of a body belt [safety belt] for fall arrest is prohibited).
- OSHA Certification – full body harnesses use by ONHIR windmill tower climbers shall be certified by the manufacturer to meet all OSHA standards and regulations.
- Selection of Safety Harness - equipment shall be selected by the Supervisor in coordination with Safety Officer who will ensure that the harness fits employees properly and will offer advantages for windmill tower structure design. Non composite (100 percent leather) positioning straps or lanyard or body belt buckle straps shall not be used.
- Work Positioning – the full body with lanyard harness shall permit work positioning and limit exposure to falls while windmill tower climber has both hands free to perform a work task. The harness is a fall prevention system that will limit falls.
- A risk assessment shall be completed by the windmill tower climber and/or supervisor at each job site prior to the start of any work at the job site or work area to determine weather, conditions, structural safety of windmill towers, and physical condition of windmill tower climbers.

Rescue Equipment

Rescue equipment shall be designed to work with the type of structure or aerial device that a windmill tower climber work or rescuer may be required to use:

- Rope (handline/lifeline)
- Controlled descent devices

These devices shall be attached to the full body harness such that the rescue worker will have control of the descent and be able to attach and detach from the device.

Supervisor shall ensure that all necessary components to affect the attachment between the descent device and the climber's full body harness are stored with the descent device.

Pre Climb and Rescue Procedures

A vital step in the risk assessment process will be rescue procedures and equipment to be used in the event of an incident.

- Rescue of fall victims shall be included in all training and job planning.
- Rescue procedures shall provide for prompt rescue of employees or a means of self rescue (controlled descent device or two way radio headset).
- When possible an aerial device, crane or hand line (lifeline) or other device capable of lifting a climber should be readily available**.**
- A site safety briefing shall be held at the beginning of each day, job or change in work procedure to review potential hazards involved in the work to be performed and potential rescue methods available.
- Employees shall not be assigned to work on or around hazardous areas or conditions EXCEPT in pairs and always with established communication.
- Tower climbing will only be performed by qualified climbers and in pairs.
- An initial risk assessment will be completed on each windmill tower structure by the work crew in conjunction with the immediate supervisor. An assessment will be based on level of risk and whether to proceed based on these hazards or risks.
- Manufacturer's recommendations and OSHA requirements shall be followed for the inspection, use and maintenance of all PPE and safety equipment.
- Only PPE certified by the manufacturer to meet all OSHA standards and regulations is authorized for use by windmill tower climbers.
- The risk assessment conducted at each work site shall be documented and reviewed to determine what PPE and safety equipment are necessary and whether new hazards are present at the job site as stipulated by OSHA regulations, 29 CFR 1910.132.

Medical Services and First Aid

- All employees whose work assignments on windmill towers occurs in the field and places them beyond reasonable access to a medical facility by time and distance (15 minutes and/or 10 miles) must be adequately trained to render first aid.
- All windmill tower climbers shall have a current certificate in first aid and CPR before accepting field assignments. Biennual training for windmill tower climbers and technicians will be scheduled by the agency for this purpose.

Personal Protective Equipment (PPE)

- Observers/visitors to a windmill tower climber work site shall not enter the work area or drop zone unless authorized by the supervisor and if authorized, will be equipped with personal protective equipment dictated by the hazards present at the work site.

- The following list specifies safety equipment that is either required or recommended to be used while on the job site and for climbing windmill towers:

    - Head Protection – windmill tower climber technicians shall wear hard hats or approved safety helmets on the job site whether they are on the ground or climbing the windmill tower. Anyone within the drop zone of a windmill tower project must wear a hardhat and exercise caution. Hardhats or safety helmets will also be equipped with chinstraps when in use as stipulated in OSHA regulations, 29 CFR 1910.135.
    - Foot Protection - steel toed, reinforced sole, tower climbing boots or shoes are recommended for tower climbers. Weather conditions will dictate what best foot protection will be. Tennis and other soft soled shoes shall not be used for tower climbing as stipulated in OSHA Regulations, 29 CFR 1910.136.
    - Hand Protection – leather work gloves are recommended for climbing windmill towers as stipulated in OSHA regulations, 29 CFR 1910.138.
    - Eye Protection – safety goggles or safety glasses shall be used when eye safety is at risk as stipulated in OSHA regulations, 29 CFR 1910.133.
    - Ear Protection – Ear plugs should be used when ear safety is at risk.
    - Clothing –Suitable work clothes shall be worn when climbing windmill towers to offer protection from cuts, abrasions, weather conditions, and other tower structure hazards. Adequate work clothing should consist of coveralls or pants and shirts made of suitable material for outdoor work conditions. Clothing shall not be loose or ragged and should be free from snag hazards such as loops or belts as stipulated in OSHA regulations, 29 CFR 1910.132.
    - Communication Devices - Two way hands free, voice actuated headsets and equipment that are optional equipment that can be worn by windmill tower climbers and ground safety person to provide reliable communications during work.

Personal Conduct

Unsafe climbing practices that are prohibited while working on windmill towers are as follows:

- Climber shows fatigue.
- Not inspecting windmill tower or PPE before climbing.

- Attaching to a windmill tower with an inadequate anchorage.
- Not maintaining 100% attachment with full body harness.
- Throwing any material up or down while on windmill tower.
- Failure to maintain a 3 point contact while climbing windmill tower.
- Holding onto a tower beam or pole for support.
- Climbing while under the influence of alcohol or drugs.
- Climbing when ill or on medication that may negatively impact or impair good judgment or performance.
- A windmill tower climber who is ill and/or on medication which may inhibit physical work ability or cause dizziness, drowsiness will not be allowed to climb.
- A windmill tower climber who exhibits an adverse physical condition that prevents them from functioning as a tower climber shall not function as a ground safety person as this condition will prevent them from performing a rescue.
- Use of cell phone on the ground or during a climb is prohibited except when communicating with office staff regarding work related purposes or for emergency purposes.

Fall Protection Requirements for Elevated Work on Windmill Towers or other Structures

This section defines the fall protection requirements for working at an elevated level (6 feet or higher) on a windmill tower or other related structure.

- Qualified Climber Classification **-** An employee may become certified as a qualified climber as defined in these procedures after successfully completing windmill tower fall protection, safety and rescue training courses, satisfying physical requirements and showing demonstrated proficiency in climbing**.**

- Training **–** Employees that are to be designated as qualified climbers shall be trained in accordance with OSHA requirements (29 CFR 1926.751) for windmill tower climbing and construction. Documentation of training will be provided to the Human Resources Branch by the employee.

- Medical Requirements **-** Employees who are designated as qualified climbers will be required to undergo a physical examination every two years to ensure they are physically fit for the physical stresses of tower climbing and rescue. Documentation of medical exams will be provided to the Human Resources Branch by the employee.

- Common Requirements – Prior to any windmill tower climbing work, a Risk Assessment (RA) must be completed for each job site. The RA shall include a pre-climb windmill tower checklist

and inspection report to accurately determine the overall tower condition, or other hazards and what PPE is required. The assessment will be documented and a copy will be kept on file at the Chambers Range office.

Windmill Tower Training

Qualification of employees for windmill tower climbing work and designation as qualified windmill tower climbers will be based on training and certification in accordance with this policy and OSHA regulations (29 CFR 1926.503).

Due to the variety of climbing techniques and associated hazards in windmill tower work, it is essential that each respective windmill tower climber be given sufficient training to master the required skills.

- Windmill tower climbers will be trained in the principles of fall protection, safety and rescue, use and care of a full body harness, safety climbing devices, windmill tower climbing, transferring between equipment and structures, and rescue techniques.
- Windmill tower climbing instruction shall be presented to the worker so that they can recognize and avoid dangerous conditions while at the same time mastering the rigors of climbing, resting and positioning for work on various structures.
- Each piece of equipment used for windmill tower climbing and work position attachment shall be explained and demonstrated.
- Windmill tower climbers shall become proficient in the use and care of the equipment to avoid abuse or use beyond its designated life; and become aware of aspects of the equipment and materials such as stresses and effects on safety margins while climbing or working.
- Windmill tower climbers shall be trained in recognizing emergencies and how to select and use the appropriate rescue equipment and the proper technique for the situation.
- Workers shall be trained in the selection and use of PPE, fall protection (PFAS) and rescue equipment and their application, proper anchoring, tie-off techniques, proper rigging practices, determination of elongation and deceleration distance, methods of use, and inspection and storage of the system.
- Workers shall become familiar with the manufacturer's recommendations, reduction in strength caused by tie-offs and maximum allowed free fall distance and total fall distance.
- Windmill tower training shall include both classroom and actual field demonstration of the classroom instruction. An industry qualified instructor will provide and conduct both the classroom and field training and certification.
- Other windmill tower training will include training in emergency care for qualified climbers to have a current first aid and CPR certificate.

- All windmill tower climbers prior to attending windmill tower training will pass a physical exam to fulfill the physical requirements of a qualified climber. The completed medical exam paperwork will be retained by the Human Resources Branch.
- Windmill tower climbers who have successfully completed a course of instruction on windmill tower climbing will be deemed as having the skills required to be proficient in tower climbing and fall protection, safety and rescue techniques

Medical Evaluation Programs

In accordance with 5 CFR Section 339 agencies may establish periodic medical examinations by written policy or directive to safeguard the health of employees whose work may expose them or others to significant health or safety risks due to occupational or environmental demands and to determine if employees meet the physical requirements of the position.

Medical Requirements

- New Lands Range office employees who are designated as qualified climbers will be required to undergo a medical examination every year to ensure they are physically fit for the physical stresses of tower climbing and rescue.
- The Windmill Tower Climber Technician must possess the basic physical fitness requires to perform tower climber work or the Technician will not be allowed to perform climbing activities.
- New Lands Range office employees in the following positions are required to undergo a medical examination every year to ensure the safety and health of the employee and that they have the ability to perform the duties of the position: Engineering Equipment Operator, Range Technician, Range Crew Supervisor or other employees who work in range operations or activities on the New Lands.
- Documentation of medical exams for the tower climber or other Range operations positions will be recorded on the OPM Certificate of Medical Examination form (OF-178).
- A completed copy of the OPM Certificate of Medical Examination Form will be provided to the Range Crew Supervisor and Human Resources branch by the employee.
- The cost of the annual medical exams for Windmill Tower Climber and Range Office positions will be paid for by ONHIR.

Windmill Tower Climbing Activities Requirements

- During all windmill tower climbing activities at least two (2) qualified climbers shall be present on the job site. One of these qualified climbers will have been designated as a qualified climber for at least two years.
- Windmill tower climber technicians shall be attached to an anchorage point at all times when working or resting at elevated locations (6 feet and above). Moving, relocating, transitioning and transferring activities performed on the tower require 100% attachment to an attachment point.
- Tower climbers shall check for a safe "climber fall zone" area on the tower when positioning themselves at the work position.
- An operational two way headset communication device or other communication device shall be worn by the climber when climbing structures.

Windmill Tower Climbing Surface and Walking Platform Surface

- Climbing and walking surfaces on any equipment or tower utilized by the windmill tower shall be furnished with non skid surfaces where possible.
- Surfaces with deteriorated non skid surfaces shall be removed until repaired or replaced.
- Walking surfaces shall be kept free of clutter.
- Qualified climbers will be allowed to climb while maintaining 100% attachment to a suitable anchorage point.
- 100% attachment is not required while utilizing OSHA approved work platforms, having guardrails and/or kickboards in accordance with 29 CFR 1910.21, 22 and 1910.23.
- Any work performed by an employee positioned on a horizontal or vertical surface with an unprotected side or edge which is six feet or more above a lower level, shall be protected from falling by use of guardrail systems, safety net systems, or personal fall arrest system (PFA).

Water Pumping Windmill Towers

Safety Issues - The goal of any fall protection program is to keep people safe from falling when working at height. For people working on towers and similar structures "height" has been interpreted as any vertical or horizontal surface with an unprotected side or edge which is 6 feet or more above a lower level, including the ground.

If a situation meets this definition, then employees working in this environment must be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems (PFAS).

On water pumping windmill towers, the only practical method of fall protection is a "Personal Fall Arrest System", commonly referred to as "PFAS". As required by regulation and common sense, when working conditions are considered "at height", that is six feet or higher, a PFAS must be used 100% of the time. There is no process or procedure when working at height for which it is acceptable for a person to disconnect from a PFAS. Once a climber reaches a height of 6' they are required to be connected to a PFAS until they are below a height of 6'. There are no exceptions allowed. Most accidents happen when employees who are working at height decide, for a variety of reasons, to disconnect from their PFAS. Within the ONHIR the use of PFAS 100% of the time while at a height of 6' or higher is not an option, but a requirement, in accordance with agency policy and OSHA regulations.

PFAS (Personal Fall Arrest System) in The Windmill Environment

Most climbing scenarios on windmill towers can be safely accommodated with the use of a fall arrest harness, a twin leg shock absorbing lanyard, and an adjustable work positioning lanyard. A twin leg lanyard, when properly used, provides complete fall protection even when moving up and down and side to side. Although an adjustable work positioning lanyard is not specifically part of a PFAS, it's an important component in a climbers gear package. It provides a means for a climber to maintain a balanced and comfortable work position where both hands are free for working. A balanced position helps to prevent falls from occurring.

Unique Problems In The Windmill Environment

Because of the unique nature and design of water pumping windmills, there are unique hazards associated with them. Windmill designs haven't changed much since they became widely used in the 19th and 20th centuries. At that time worker safety wasn't much of a consideration. Fan wheel brakes were used but there were no engineered solutions to lock the rotating head. This is still the case today.

Safely Securing a Windmill Head into a Locked Position.

In order to safely work on the moving parts of a windmill, the fan wheel and head must be locked into a stationary position. The wheel has a brake installed that can be applied from the ground which, if in good working condition, stop the wheel and hub from spinning. The windmill head itself has no such mechanism to prevent it from rotating. The head must be manually locked by connecting a chain from the outer band of the wheel to the upper tower structure.

In the past this operation was done by first applying and locking the fan wheel brake, which stops the fan wheel from turning. This is done at ground level by pulling and securing the brake lever into the locked position. The technician then climbed the tower and positioned himself onto the work platform.

While standing on the work platform the technician then connected a chain from the outer band of the fan wheel to the legs of the tower at the same height. After the chain is secured and tightened, the windmill head is locked into position and will not rotate. This procedure also locks the fan wheel and prevents it from turning. When the head is locked in this fashion, maintenance can safely proceed.

On older windmills the brake may be worn and not fully functional or entirely inoperable. If this is the case locking the head into a stationary position is more difficult, because the fan wheel can easily turn with a small force of wind. The technician must then wait for the wind to subside before connecting a chain to the outer band of the fan wheel. This requires personal judgment based upon the experience of the technician. Even with the brake applied, the fan wheel can turn if a high speed gust of wind suddenly comes up. The application of a functioning fan wheel brake affects the fan wheel only. The windmill head can still rotate when wind is present. A braking or locking mechanism that prevents the windmill head from rotating is not a design feature of any of the windmills located on the New Lands area.

In the past all of these procedures were performed without fall protection equipment, which exposed each climber to significant risk of injury or death from falling.

Fall Protection Recommendation

All climbers should use 100% fall protection when working at a height. This means climbers should be connected to the structure being climbed 100% of the time by means of a Personal Fall Arrest System (PFAS) when at a height of 6’ or over. These procedures are easy to follow with the use of equipment such as twin leg shock absorbing lanyards, and positioning lanyards, which ONHIR windmill tower climber staff learned to use during the windmill tower climbing safety and rescue training on August 26, 27, and 28, 2014 and also on October 28, 2014.

Hazardous Situations Related to Water Pumping Windmill Towers

A potential hazardous situation could occur if a climber is tied off to the tower with a personal fall arrest system while standing on the work platform before the head is locked into position. At this point if the windmill head began to rotate an injury could occur when all the slack was taken out of the safety lanyard as the climber moved around the work platform in order to avoid the rotating head. During these specific conditions, a climber could potentially be entangled by the rotating windmill head. In the past, windmill tower climber technicians were not using fall protection equipment, so they were free to move around on the platform without being tied off by a lanyard. This unrestricted movement on the platform allowed them to avoid becoming entangled in the rotating head. The obvious problem with this part of the procedure is that no fall protection was being used, which was exposing windmill tower climber technicians to a high risk of falling.

Recommended Procedure For Placing Windmill Head Into a Locked Position

This procedure requires all personnel climbing towers to wear appropriate fall protection equipment and be attached 100% of the time to the tower by a PFAS when at a height of 6' or more.

Tower Modifications

Installation of Additional Steel Steps - See Illustration 1 and 2 below

In order to use this procedure some or all of the towers in the New Lands system may require minor modification. This modification includes the following:

Installation of steel steps should be below the level of the work platform at all aspects of the tower.

These steps provide placement for a technician to stand on while connecting a chain between the outer band of the fan wheel and the upper tower during the tower head lock off procedure.

The height of the placement of the steps will be at a location that would allow a climber to stand be- low the work platform and be able to reach the outer band of the fan wheel and also reach the tower legs at a location below the windmill head and above the work platform. The steps should be made of steel angle, square, rectangle or channel, and should be of sufficient strength to support 2 x the weight of a technician and his equipment. The dimension of the steps should provide a comfortable step for both feet. These steel steps could be attached to the tower by a clamping mechanism, welding or bolting. Care should be taken that whatever method is used does not weaken the tower structure itself.

Installation of Anchor Points - See Illustrations 4 and 5 below

Installation of anchor points at specific locations on the tower to enable a safer method of locking off the windmill head. In order to reduce the time required for locking off the head, anchor points should be installed on all 4 tower legs at a height equal to the outer band of the fan wheel. One end of the locking chain will be connected to these anchors. The other end of the chain is connected to the outer band of the fan wheel. These anchor points should be made of steel. They could be a continuous welded ring, D shaped ring, or an oblong handle shape and be of sufficient strength to hold the wind- mill head into a stationary position. The dimension of the material used for the anchor points should accommodate medium to large sized quick links or self locking hooks.

When these necessary modifications are made to the towers the following procedure should be used when working on or near the windmill head.

Step 1.
Apply the fan wheel brake and lock the brake handle.

Step 2.
While using the appropriate fall protection equipment and techniques, climb the tower ladder to the level of the new steps which have been installed below the work platform. While standing on the new steps connect and adjust a work positioning lanyard into a comfortable and functional work position.

Step 3.
While standing on the steps, reach up and connect a chain from the outer band of the fan wheel to one of the installed anchor points above the work platform. The chain should be adjusted to eliminate all slack. The head is now locked and will not rotate.

Note: This procedure should always be done using caution and paying close attention to the behavior of the wind. This procedure should not be attempted in high wind or when powerful gusts are expected. If the fan wheel brake is not fully functional then this procedure should only be performed in calm conditions. A second technician should always be present and watching the fan wheel and windmill head for any movement during this procedure. If movement is detected then the windmill tower climber technician performing the lock off procedure should abort the attempt until the wind has slowed and all movement has stopped. Once the head is locked, work on the fan wheel, windmill head, and pumping mechanisms can safely proceed.

Illustration #1 - Step Locations

Installation of steel steps should be below the level of the work platform at all aspects of the tower. These steps provide placement for a technician to stand on while connecting a chain between the outer band of the fan wheel and the upper tower during the tower head lock off procedure.

Illustration #2 - Step Materials

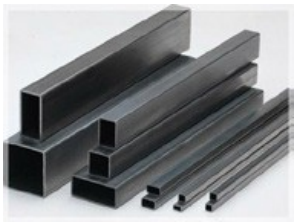

Illustration #3 - Anchor Point Locations

Anchor points should be installed on all 4 tower legs at a height equal to the outer band of the fan wheel. One end of the locking chain will be connected to these anchors. The other end of the chain is connected to the outer band of the fan wheel.

Illustration #4 - Possible Anchor Configurations

Risk Management

- A course on risk assessment is also recommended to train employees to recognize unsafe climbing conditions and defective safety climbing/arrest equipment.
- The risk assessment course will enable windmill tower workers to complete a risk assessment at a windmill work site.
- If a climber is deficient in meeting medical qualification, but is able to meet all other requirements then the climber can be recertified after completing a medical examination and obtaining qualification.
- If a climber is deficient in the number of climbs in the past year or has not been to an approved windmill tower climbing course in the past three years then the climber must attend an approved OSHA tower climbing course to be recertified.
- All training certificates and recertification statements concerning a windmill tower climber shall be maintained for the duration of the worker's employment. The records will be kept on file by the Supervisor and/or Safety Officer and the Human Resources branch.

Certification and Classification

A "qualified climber" must maintain proficiency in climbing by demonstration and via periodic training and continuous development of CPR/First-Aid, safety equipment, climbing procedures and techniques for recertification.

A windmill tower climber technician may become certified as a qualified climber as defined in these procedures after:

- successfully completing windmill tower fall protection training,
- Successfully completing safety and rescue training,
- satisfying physical requirements and
- showing demonstrated proficiency in climbing

Recertification involves:

- an annual review of the climber's record to determine when a climb was last performed,
- when the climber last attended an OSHA approved tower climbing class,
- when the last medical qualification was completed and
- when the last CPR/First-AID class was attended.

Recertification can also be attained when:

- a qualified climber has climbed at least twice in the past year,
- has a current medical qualification via physical exam, and
- has attended a ONHIR sponsored tower climbing course within the past three years
- When all of these conditions are met, the climber may be recertified by their Supervisor.

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2100 Introduction

AUTHORITY

POLICY.

The goal of the Finance Branch is to provide the program and management components of the Office of Navajo and Hopi Indian Relocation (ONHIR) with support in the areas of:

- Recording appropriations and obligations.

- Voucher examination and disbursement for goods and services.

- Assistance with procurement.

- Travel and voucher approval.

- Handing of receipts for deposit.

- Budget preparation.

The Finance Branch maintains a full set of financial records in order to provide reports as required by external users such as the U. S. Treasury and the Office of Management and Budget, and to ONHIR management. Within this broad framework, the detailed objectives can be stated as follows:

Systems Operations. Financial data shall be gathered and processed only where necessary to meet specific internal needs or external requirements. Only useful data will be processed. Financial data shall be available on a timely basis to management and in time to meet external reporting requirements. Financial data shall be reasonably complete and accurate, and shall also be verifiable. It shall be recorded and reported in a consistent manner. The financial system shall be designed and operated to promote the principles of efficiency and economy.

Systems Integrity. The system shall feature controls which are reasonable and efficient.

Budget Support. Financial data shall be recorded to facilitate budget preparation and execution. Presidential and Congressional decisions shall be recorded precisely.

Management Support. Data shall be recorded and reported in a manner which facilitates effective and efficient management in both the program and administrative areas. Accrual accounting information shall be developed only as needed to meet the needs of management or the Congress.

Full Financial Disclosure. Financial data shall be recorded and reported as required by external users to provide for full financial disclosure and accountability. Financial data shall be recovered in such a way as to promote integration with the central accounting and reporting systems.

2110 Vacant.

2120 STRUCTURE - ORGANIZATION CHART OF FINANCIAL OPERATIONS

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION
ORGANIZATION CHART OF FINANCIAL OPERATIONS

OFFICE OF THE COMMISSIONER

↕

OFFICE OF THE EXECUTIVE DIRECTOR

↕

FINANCE BRANCH
Finance Officer
↕

_____

↕

Voucher Examiner

For a complete organizational chart of ONHIR operations, see Volume I of the Management Manual.

Other key personnel mentioned in this chapter are as follows;

- Authorized Certifying Officers

- IS Supervisor

- Human Resources Officer

- Contracting Officer

- Contracting Specialist

-Procurement Assistant

-ROB Manager

2130 ACCOUNTING DESCRIPTIONS

This section provides a reference for the user of these procedures by describing commonly used terms and the chart of Accounts and Accounting Codes.

1. Terminology.

Accrued Expenditure.

Under the accrual accounting concept, an expenditure accrues at the time goods and services are received, regardless of when payment is made or resources are used.

Allotments.

Authority delegated by the Executive Director to Office personnel to incur obligations within a specified amount pursuant to an apportionment or reapportionment. Budgeted amounts are reflected in the Account Summary File.

Apportionments.

A distribution by the Office of Management and Budget of budget authority or balances available in an appropriation. The amounts apportioned limit the obligations that may be incurred.

Assets.

Economic resources of an agency that are recognized and measured in conformity with generally accepted accounting principles. Examples are: funds with Treasury, furniture and equipment and supplies.

Authorized Certifying Officer.

An employee who certifies vouchers for payment as authorized by the head of the agency, and is responsible for the correctness of the facts and computations supporting the payment and the legality of the payment.

Batch.

Similar transactions which have been grouped together. In batch processing, these items will be run on the computer at the same time with the same program.

Commitments.

Agreements for the exchange of resources at some point in the future which at present are unfulfilled on both sides.

Expenditures.

Gross payments less any reimbursements or refunds received.

Fiscal Section.

Term used to refer to the Finance Branch.

Fiscal Year.

The fiscal year for the Federal Government commences on October 1st and ends on September 30th.

Fund Balance.

The excess of an Office's assets over its liabilities.

GOALS II System.

Stands for Government On-line Accounting System, a system maintained by the U.S. Treasury to communicate financial information to the various agencies, and to receive their financial reports. Currently, the Financial Officer performs the function of establishing the dialup link with Treasury on the ONHIR's personal computer(PC) and sending and receiving reports.

Liabilities.

Economic obligations of an agency that are recognized and measured in conformance with generally accepted accounting principles. Liabilities can be differentiated from encumbrances or obligations in that a liability arises only when goods and services have been delivered, while an obligation is a commitment to purchase.

Maintenance.

The ongoing activity of establishing new file records on the computerized accounting system, also updating and adding to these records.

Materiality.

Financial reporting is concerned only with information that is significant enough to affect evaluations and decisions. Issues of material importance arise from dollar value and also from questions of adequacy of control over agency monies and property.

Menu.

On the computerized accounting system, a guide to the various reports and functions available which displays on the screen.

Obligations.

Contracts, purchase orders, or any other binding commitments made by authorized Office employees to disburse immediately, or at some time in the future, money for products and services.

Recoveries.

For a "no-year" appropriation, the difference between the obligated balance at the end of the prior year and current gross obligations against the prior years funds, whether or not they have been liquidated during the current fiscal year.

Unliquidated Obligations.

Obligations for which disbursements have not yet been made.

Unobligated Balances.

The balance of budget authority which has not been obligated, and so is available for obligation.

Voucher.

The document used by the Office to request payment to be processed by the Treasury Financial Center.

Warrant.

The document used by the Treasury to inform the agencies of amounts transferred into their accounts which are available for disbursement.

2. Descriptive Chart of Standard General Ledger Accounts.

The computerized general ledger system is composed of the 6-digit account numbers derived from the U.S. Government Standard General Ledger published by the Financial Management Service, Department of the Treasury. As a supplement to the Treasury Financial Manual, the U.S. Government Standard General Ledger (S.G.L.) is periodically updated. A file on the S.G.L. is maintained by the Financial Officer.

3. Descriptive Chart of Detail Accounting Codes.

The computerized document number system, designed to track each accounting event for obligation and payment, is tied to the chart of accounting codes. Each document number is assigned one accounting code which indicates the nature of the obligation and resulting expenditure.

The accounting code consists of eight digits. The first three digits correspond with the year of appropriation as follows:

108 - No Year Funds FY2008

The next two digits of the accounting code indicate the organization within ONHIR as follows:

11 - Office of the Commissioner

12 - Office of the Executive Director

15 - Division of Administration

17 - Relocation Costs

20 - Range

21 - Office of Relocation Operations

23 - Bonus Payments

26 - New Lands Administration

The last three digits of the accounting code, the object class, indicate the nature of the obligation and expenditure as follows:

100 - Personnel Services

110 Salaries and Wages

111 - Permanent Full-Time Employees

120 Government's Share of Benefits

121 Civil Service Retirement
122 Health Insurance
123 Group Life Insurance
124 FICA, Medicare (FERSFICA)
125 TSP
126 FERS

200- Services and Supplies

210 Travel and Transportation

211 Employee Travel
212 Travel/GSA Motor pool

220 Transportation of Things

221 Transportation, Freight and Express Charges

230 Rent, Utilities, and Communications

232 Commercial Rent
233 Utilities and Postage

240 Printing and Publications

241 Government Printing Office
242 Other Printing

250 Other Services

251 Consulting and Mission Services
252 Non-Mission Services
253 Purchase of Goods & Services from Other Government Agencies
254 Maintenance and Repair of Facilities
257 Operation and Maintenance of Equipment and Vehicles

300 - Land, Structures and Equipment

310 Equipment Acquisition

311 Equipment/Commercial Purchases
312 Equipment/Government Purchases

320 Land and Structures

326 Relocation Costs/Housing Benefits

400- Grants and Fixed Charges

410 Incentive Bonuses

412 Client Bonuses

420 Discretionary Funds

426 Discretionary and Client Infrastructure

Allotments are recorded by accounting code and are not tied to specific document number.

2140 OVERVIEW OF THE COMPUTERIZED ACCOUNTING SYSTEM.

What follows is a brief description of the files which comprise the computerized accounting system. Documentation for each of these files is maintained by the IS Branch.

Vendor Master.

This file identifies vendors by name, provides client case number, street and mailing address, and tax identification information. The vendor number is used in the document master to identify the individual or organization associated with a particular transaction and in the check master to identify the payee name, address, and bank information used in the preparation of vouchers for submission to the Treasury Financial Center.

Client case numbers are used to pull the home mailing address information from the client data base file (which is not maintained by the Finance Branch) for use in addressing client checks. In this way, the Finance Branch always has access to the most recent client address information when processing payments.

This file is accessed by the vendor number and shows the date of last activity associated with the vendor as well as the information mentioned above.

General Ledger Summary.

This file is accessed by general ledger number and stores the general ledger information through the last posted month. It shows whether the account is normal credit or debit, the title of the account, the current year's debit and credit amount as of the last posted month, and prior years' debit and credit amounts, last posted FY and month.

Document Summary (MASTER).

This file contains information for each accounting transaction organized by document number. The first three digits of the document number indicate the fiscal year of the activity and the last four digits are assigned sequentially. Information contained in the document summary file includes accounting code, document description, date record was initiated, vendor number, client number, amount obligated through the last fiscal year posted and during the current fiscal year, amount paid through the current fiscal year, renewal code and date of last activity.

Transaction History.

This file contains all batch information posted since the last fiscal year closed, and so contains batch number, document number, transaction type and amount, transaction date, voucher number, etc. This file is not keyed, and has not been set up for inquiry on a screen or listing, so may only be accessed with the assistance of the ADP Branch.

Daily Transaction.

This file is the same as the Transaction History, but is only a daily holding file used until the end of the month posting.

Account Title.

This file is accessed by entering one of the three parts of the accounting code preceded by the appropriate level number:

1 = Fund
2 = Organization
3 = Object Class

This file contains a description for each of the parts of the accounting code and provides the descriptions appearing on the Allotment Status and Summary Reports.

Account Summary (Detail Account Balance).

This file is accessed by accounting code and contains the date the record was last maintained, the date of last activity, the last month posted, last fiscal year posted, and the allotted, obligated, and expended amounts through the last fiscal year closed, and in the current fiscal year.

Check Master.

This file is accessed via the entry of the voucher number associated with a specific payment followed by the sequence number of the payment on the voucher (one through six). It provides information regarding the payment including the batch number in which it was processed, date originated, payee number, document number, payment amount, EFT/check number and date, status of payment, whether issued, paid or void, and face-of-payment comment. This file is used to generate the printing of automated vouchers.

1. Control and System Security.

In general, the Office is protected from data loss by a system of daily and weekly backup of all files, libraries, etc. onto tape. Password and Menu security systems are in place to provide restricted access to file maintenance and other sensitive procedures. The IS Supervisor serves as the Office's Security Officer.

Functions within the accounting system can be broken down into data entry, maintenance, posting, reporting and year-end close. With the exception of the Financial Officer, the person who does data entry of the batch does not post the batch.

The maintenance function is further protected by a front-end password. Month and year-end closing is performed only by the Financial Officer.

When a fiscal batch is initiated, a manually calculated batch total is entered into the system. The entry program accumulates the transactions and when the program is ended, this total is compared to the total entered previously. If the amounts do not agree, a password must be entered if a change to the original batch total is to be made. A message is sent to the Financial Officer's terminal reporting a batch balance error, and a print out is generated which shows the amounts entered.

The Financial Officer maintains a manual log of batch total debits and credits and compares the log total to the system totals on the Summary Trial Balance on a monthly basis ensuring that no batches are posted without the knowledge of the Financial Officer.

The batch for payment of vouchers is approved and signed by one of the Office's two Authorized Certifying Officers, designated by the head of the agency. These ACOs are not involved in batch entry or posting, or the generation of the original vouchers. The Treasury Disbursing Office can not receive the batch until the proper certification has taken place.

When accomplished (paid) vouchers are received back from the Treasury Disbursing Office, the EFT/check number and date of issue are entered into the check file.

Further manual checks are performed by the Financial Officer to ensure that the account master is in agreement with the document and account summary masters. For more information see Section 2540 "Verification and Integration of Accounting Results."

2. Non-Computer System Components.

One of the most important non-computer components of the accounting system are the fiscal files located in the Finance Branch. These files are maintained in vendor number order, with separate areas for those which are labeled "complete" (no further action required or anticipated) and those which are considered active. The fiscal files contain: 1) a recap sheet of dollar activity; 2) the yellow duplicate of all fiscal activity document input sheets which have been batched and posted, along with any attached documentation; 3) the contract, purchase order, or other authorizing documents and any modifications; and 4) any related correspondence, reports, comments logged by staff members. These files are maintained by the Finance personnel.

As vouchers are filed weekly after the payment batch, and as necessary in the daily work of recording transactions and responding to inquiries, the Accounting Technician and the Financial Officer verify that the totals obligated, paid and liquidated on the fiscal file recap sheets agree with the information on the document Master on the computer. Discrepancies are investigated and corrected, and the file is not re-filed until all discrepancies are corrected. The individual performing the audit notes the date and his or her initials on the recap sheet. Fiscal files must be audited prior to being labeled "complete".

The various financial reports are maintained along with the related worksheets in the Financial Officer's office, as are the payroll work papers.

All financial documents and fiscal files which are rotated out of the main office area are placed in file boxes, labeled and filed in the Finance Office storage room.

_/s/CJB__
APPROVED

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2200 Disbursing

AUTHORITY

POLICY.

The generation of vouchers which request the preparation and distribution of government payments to vendors, clients and contractors is the top priority function of the Finance Section. This activity, though automated, relies on the completion of a variety of tasks, as outlined in this section.

2210 CHECK ISSUE PROCEDURES - PAYMENT BATCHING.

Information which is processed to maintain the general ledger and accounting code balances is also used to create the files needed to produce vouchers. The input documents are prepared prior to the actual disbursement except in the case of certain payments, such as the IMPAC payment and the payment for Office travel tickets. The processing of these exception batches is addressed in Section 2210.7 "Variations From Normal Processing of Payments".

Preparation of input documents prior to the actual disbursement is more efficient and less subject to error because information is handled and entered only once.

1. Preparation of the Fiscal Activity Document Input Form.

The Fiscal Activity Document Input Form is the primary vehicle used to enter obligation, payment and deposit information into the computerized accounting system. These forms are prepared by the Voucher Examiner and the Finance Officer as is outlined in the following procedures, and are processed in batches.

a. Vendor and Document Number Input.

Before an obligation or payment can be made for an expenditure that is not already represented by an existing document number, a document number must be assigned and a new record created on the Document Master File. The Finance Officer has the primary responsibility for assigning new document and vendor numbers.

Each document number represents a distinct and separate accounting event and these numbers are assigned sequentially with the first three digits representing the fiscal year of the obligation. Also see Section 2620 "Obligations and Obligating Documents".

Vendor numbers may be assigned independently of document numbers, but each document number must refer to a valid vendor number.

The following steps are taken in the assignment of a new document number:

- Secure vendor information to include name, bank payment information, and mailing address in the case of a business entity or name and case number in the case of a relocation client.

-Determine, through the use of the Alpha Search on Menu B7, "Inquiry" if the vendor/payee number has been assigned. If so, ensure that the record to be used contains the proper bank information and mailing address as well as the vendor name.

-In the case of a new vendor/payee number for a client, the Vendor Master by Client Case number on Menu B7 must be consulted to avoid duplicate numbers for the same clients. Due to name changes, inconsistencies in spelling, and similar difficulties, an Alpha Search alone does not always prevent the issuance of duplicate numbers.

-If the desired vendor/payee record already exists, enter the number and name only one to the new Vendor/Document Input Sheet. Only the new document number record will be created when the maintenance is entered.

-If the desired vendor/payee record does not exist, a sequential vendor number is assigned and logged into the list of vendor number assignments kept by the Finance Officer. The vendor name, case file number if applicable, and address are entered into the New Vendor/Document Input Sheet.

-The Document Number Assignment Log shows the next available document number for the current year. A current year number is used.

-The document number assigned is entered to the right of the pertinent vendor information on the New Vendor/Document Input Sheet. The accounting code is entered after being determined by reference to the obligating documents or the Descriptive Chart of Accounting Codes. A brief description of the type of obligation is also entered into the input sheet. An entry is made to the Document Number Assignment Log.

The completed input sheets are entered by the Finance Officer. When the maintenance is entered, the input sheets are stamped "data entered" and filed in the yearly Maintenance file.

The vendor/payee and document number information is used to identify the transaction being processed whenever a Fiscal Activity Document Input Sheet is completed.

b. General Ledger Account Number.

The computerized general ledger system is updated during the batching process. Standard entries are booked as follows in order for the Document Master to correspond with the general ledger:

- Option A (increase obligation)
  Debit 4610
  Credit 4800

- Option B (decrease obligation)
  Debit 4800
  Credit 4610

- Option C (increase payment)
  Debit 6100
  Credit 1013

-Option D (decrease payment)
  Debit 1013
  Credit 6100

Credits to the 1013 account create an automatic entry which debits 4800 and credits 4900.

These accounting entries are routinely made by the Voucher Examiner and Finance Officer. For information on accounting entries to correspond with Option D see Section 2240 "Cancellation of Checks".

c. Batch Identification.

Batch numbers consist of four digits, the first two of which correspond to the accounting month. A new fiscal year begins with batch 1001 (month 10, or October, begins the fiscal year). The last two digits in the batch number progress by the number of batches each month.

All batch numbers are assigned by the Finance Officer, most recurring batch numbers are assigned prior to the beginning of the month. A batch total log is maintained by the Finance Officer which contains a running total of debit and credit entries into the system by the fund and voucher identification numbers used in each batch. The first five batch numbers each month are reserved for payment batches due to edits that are keyed to those numbers.

The batch total log is used to ensure that no entries are booked without the approval and knowledge of the Finance Officer. The Finance Officer compares the total debits and credits per the log to the system totals on the Summary Trial Balance report prior to closing each month and any discrepancies are researched and corrected immediately.

When assigning numbers for regular payment batches it is important to anticipate which month the payments will be processed by Treasury and properly reflect this in the batch number. This is because the batch identification is used within the system to post the batch to the accounting period indicated.

d. Payee Number.

The payee number entered onto the Fiscal Activity Document Input form, when accompanied by the choice of option "C" and a voucher identification number, serves to create a Check Master record. This record will cause a payment to be requested from the Treasury Disbursing Office and the resulting EFT payment, or check to those without bank information, will be made to the name indicated by the payee number.

Careful selection of the payee number will ensure that it is correct. In some instances, the

Vendor/Payee Master contains several records under the same name, all with different addresses. Any valid payee number may be used, regardless of the vendor number. For instance, although the relocation client is the vendor, the payee might be a building contractor, title company, or insurance agent.

Control totals of the payee numbers in each batch are calculated by hand and compared with a system generated total which appears on the edit list. Errors are investigated and corrected before the batch is posted. If, despite the edit list safeguard, an incorrect payee number is spotted during voucher printing or signing, it may be corrected through Check Master Maintenance by the Finance Officer, or the Chief Information Officer in her absence.

e. Voucher Identification.

The voucher identification number is determined by the Voucher Examiner or Finance Officer. A maximum of six payments per voucher is allowed in the Check Master. A log is maintained by the Voucher Examiner for voucher identification numbers in the E & M series and by the Finance Officer for voucher identification numbers in the A & S series. Voucher numbers are assigned sequentially.

Manually prepared vouchers are used to make payments to a payee when the payment will be to several documents. A separate batch is prepared for those vouchers. Examples are payments for the IMPAC cards and payment for Office travel tickets.

f. Face-Of-Check Comment.

The face-of-check comment is a notation entered by the preparer of the Fiscal Activity Document Input form, and this information resides in the Check Master and is part of the information which is forwarded to the Treasury Disbursing Office for payment. This comment will be inserted onto the EFT document or check, and is valuable in the communication of identifying numbers and instructions to the recipient of the payment.

The Check Master allows for two lines of 40 characters each for this comment. The space is most frequently used to describe what the payment is for, to indicate invoice numbers and dates, or to state on whose behalf the payment is made.

There is a specific format that must be used for EFT payments, while checks may use any numeric or alpha characters within the comment.

It is useful to refer to prior Fiscal Activity Document Input forms in the vendor files to determine the type of face-of-check comment to use. In the case of housing payments, the case file number and reason for payment is always included in the comment. If the payment is made to a payee other than the client, the client's name will also be included.

The face-of-check comment is sometimes used in-house, when payment is not being generated, to note the justification for an entry. The Finance Officer frequently uses this comment to note the reason for adjusting and correcting entries, and to record the pay period of payroll entries.

2. Batch Scheduling.

Each week a payment batch is processed by the Finance Branch. In general, the schedule for processing a single payment batch is as follows:

Monday: Client claims for travel reimbursement are reviewed and approved by the Voucher Examiner, Finance Officer, and the Executive Director.

Tuesday: The Voucher Examiner and the Finance Officer continue to prepare batch entries.

Wednesday: The Relocation Operations Manager requests for benefit, bonus, and incidental payments to the Finance Officer by 10:00 a.m. The Finance Officer prepares these entries in batch form after they have been thoroughly reviewed.

The Voucher Examiner completes the batch, computes the batch total and forwards the batch to the Finance Officer along with the Document Input Sheets.

The Finance Officer enters the maintenance, reviews the batch, and forwards it to the Voucher Examiner for data entry.

Thursday: The Voucher Examiner keys in the batch, reviews edit lists, and makes all corrections indicated. The final edit list is returned to the Finance Officer along with the vouchers. The Finance Officer reviews the batch, posts it, and reviews the final payment printout. The Finance Officer copies the payment information to a USB key, and gives it to the Voucher Examiner who enters it in the SPS System. The Certifying Officer checks the information on his computer and certifies the batch. This action sends the payment batch to Treasury.

Friday: The Voucher Examiner separates the vouchers, date stamps both the white and yellow copies and all supporting information compares to the computerized accounting system.

At the end of each month, the Finance Officer uses the GWA link with Treasury to print a listing of the check numbers issued by Treasury. This list is forwarded to the Voucher Examiner who enters the information onto the computerized accounting system.

One payment batch is scheduled each week, which means there will be four or five payment batches processed each month. The first month-end report is due on the third working day following the end of the month and the non-payment batches such as payroll, IMPAC, deposits, etc. must be processed in order for the Finance Officer to have the information needed to prepare this report. These non-payment batches are submitted for keying by the Finance Officer as they are completed, and so batching activity is especially heavy during the last few days of the month.

The Finance Officer must also consider the effects of staff absences for vacations and training when arrangements must be made for a suitable substitute to complete the tasks required for the processing of batches. Holidays cause the normal schedule to be compressed, and this situation must also be monitored by the Finance Officer to ensure that the processing goes smoothly.

3. Closing Out the Batch.

After all the entries have been consolidated, the control total of debits and credits is calculated by the Voucher Examiner. The control total is the total of all debit or credit entries on the Fiscal Activity Document Input forms. Batch total debits must equal batch total credits. The control total of debits or credits is written on the first page of the batch. As a double check, the total of the "detail" entry is also calculated by adding the amount of each option selected on the Fiscal Activity Document Input forms. For regular payment batches, this detail total must equal the batch total. The batch and detail totals will be compared to machine-generated totals prior to batch posting as a safeguard against error.

A scratch total of all the payee numbers used is also calculated for all payment batches, and this total will be compared with a machine-generated total of the payee numbers data entered as a guard against keying errors.

Errors in the batch total or detail total create work for the data entry staff and delays in the processing of the batches, and so must be avoided.

The batch is subject to a final review by the Finance Officer before keying to ensure that:

- All vendor and document numbers are valid and reasonable.

- The accounting codes are valid and reasonable.

- The proper account numbers have been used.

- A payee and voucher number are given if a payment is to be generated.

- Backup documentation shows that the proper approving signatures have been obtained.

- Sufficient obligations exist from which to disburse.

When the Finance Officer is satisfied that the batch has been properly prepared it is forwarded to the Voucher Examiner who performs the data entry.

4. Data Entry of Batch.

Under most circumstances the Voucher Examiner will perform the batch entry through use of the Data Entry Menu. However, the Finance Officer may perform this task as required.

Only one batch of each type, Fiscal Activity or Allotment, can be entered or stored on the computer at one time. If an attempt is made to enter a second batch before the first is posted, a screen will appear which states that "a current batch of data resides on the disk" and offers options to either delete the current batch or return to the Data Entry Menu and continue processing the current batch.

To enter a normal batch, choose the menu item required and enter the batch total according to the screen prompts which appear. Continue following the screen prompts to enter account number information and detail information. Use the command keys as needed. When all the information has been entered, command 7

will end the data entry portion and cause the system batch total to be computed. A message will appear if the total of all debit or credit entries keyed is not equal to the control total entered at the start of the keying process. The review command is used to view each entry to determine the source of any discrepancies. Errors which cannot be corrected through review should be referred to the Finance Officer.

Error messages also appear on the screen if account numbers, document numbers, or vendors entered are invalid. If an error message appears check to be certain that the information entered on the screen is identical to the information on the source document (the Input Sheet). If the source of the error is not obvious at this point, the problem is referred to the Finance Officer.

If no message appears after "Command 7" is used, then the batch total is correct, and an edit list will automatically print. Retrieve the list from the printer and review for keying accuracy. Be sure the detail total, as the line is labeled on the edit list, agrees with the detail activity total noted on the first page of the batch. Errors here usually mean that an error in the detail amount entered has occurred. Correct any keying errors identified through the correction menu selection on the Data Entry Menu.

When correction is completed, a new edit list will be generated. Review this list and make any corrections still required. Then discard the prior edit list. The final edit list is then returned to the Finance Officer for final review and posting.

5. Posting the Batch.

After the batch is data entered and before posting is the time in which a final review is performed by the Finance Officer. Any error messages which appear on the edit list must be cleared before the batch can be posted. These include:

a. Invalid Payee.

The payee number is not in the Vendor/ Payee file. Usually caused by a keying error. First check the edit list to the input sheet. If the problem is not apparent at that point, review the Vendor Master on the inquiry menu for the number in question.

b. Invalid Document.

The document number is not in the Document Master or is not active. Usually caused by a failure to enter the document number during keying of new document numbers. First check the edit list to the input sheet. If the problem is not evident at that point, review the new vendor/document input sheets for omissions.

c. Invalid Account.

The account number is not found in the General Ledger Summary. Usually caused by a keying error. Check the edit list to the input sheet.

d. Invalid Accounting Code.

The accounting code is not found in the Account Summary File or the accounting code entered does not match the accounting code information in the Document Master. This could be caused by a keying error

during entry of new document numbers or during data entry of batch. Check the edit list to the input sheet. If the problem is not apparent at that point, review the new vendor/document input sheets.

e. Invalid Batch Number.

The batch number entered for that record does not match the control record created at the start of the data entry process. Usually caused by a keying error in correcting or adding a record after the initial batch entry is done.

f. Vendor Number Not the Same as Document Record.

The vendor number keyed is not the same as the number in the Document Master. Usually caused by a keying error or a mistake in filling out the Fiscal Activity Document Input Form. Check the source documents.

g. Vendor Not on Vendor File.

The vendor number is not found in the Vendor/Payee file or is inactive. May be caused by a keying error during entry of new vendor/payee numbers or during batch entry. Check source documents.

h. Vendor/Payee Has a Non-Zero Date Closed.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base contains a closure date, indicating that a payment for other than the warranty holdback should not be made. First check keying and source documents to ensure that a keying or number assignment error was not made in the Finance Branch. Then refer the problem to the staff member who originally requested the payment. The entry should not be processed until the closure date issue is resolved to the satisfaction of the Finance Officer.

I. Vendor/Payee Mail Return Code is Not Blank.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base contains a mail return code indicating that the last mailing address recorded by the Office is no longer valid. First check keying and source documents to ensure that a keying or number assignment error was not made in the Accounting Branch. Then refer the problem to the staff member who originally requested the payment. The Relocation Operations Branch Administrative Assistant should be informed of this code. She will check the address and inform the Relocation Specialist of the problem. The specialist can then verify a new address.

j. Vendor/Payee is a Deceased Client.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base contains a code indicating that the client is deceased. First check keying and source documents to ensure that a keying or number assignment error was not made in the Accounting Branch. Then refer the problem to the staff member who originally requested the payment. The entry should not be processed until the validity of the client payment is proven to the satisfaction of the Finance Officer.

k. Vendor/Payee is an Uncertified Client.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base does not indicate that the client has been certified. First check keying and source documents to ensure that a keying or number assignment error was not made in the Finance Branch. Then refer the problem to the staff member who originally requested the payment. Legitimate reasons for such a payment, such as settlement payments for individuals who do not qualify as residents of the joint use area, must be documented to the satisfaction of the Finance Officer before payment is made.

l. Vendor/Payee Status Requires Review Prior to Payment.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base contains a status code of IN, PC, CL, or IT. Client documentation contains an explanation of these codes, all of which indicate that payment should not be made. First check keying and source documents to ensure that a keying or number assignment error was not made in the Finance Branch. Then refer the problem to the staff member who requested the payment.

m. Vendor/Payee Has a Case on Appeal.

The vendor or payee is a client (record contains a case number reference) whose record on the client data base indicates that the case is in appeal of a determination of ineligibility. A valid payment under these circumstances is very unusual. First check keying and source documents to ensure that a keying or number assignment error was not made in the Accounting Branch, then refer the problem to the Executive Director.

n. The Funds Don't Match.

The first two digits of the fund account number do not match the third and fourth digits of the accounting code. This error message was designed to alert the Finance Officer that an entry has been made in which the appropriation type and fund account year is inconsistent. Usually caused by an error in completing the fiscal activity document input sheet.

o. Voucher Already Exists in Check Master.

Indicates a duplication of voucher numbers. Usually caused by an error in voucher number assignment. Check source documents for this and prior batches, and any voucher numbers which originated from Check Master maintenance for duplication.

p. Too Many Lines.

More than six payments have been assigned the same voucher number. Usually caused by an error in assigning voucher numbers. Check other voucher numbers to see if one has too few entries.

q. Invalid Combination.

Combination of options chosen is "A" and "B" or "C" and "D", or a character other than X is used to indicate an option. Check source documents and if the error is not apparent, refer back to the preparer of the entry.

r. See Additional Edits.

It should be noted that a checklist appears on the last page of the edit list on the right-hand side. This is not an indication of a properly entered batch, but rather a reminder of items to check for during batch review. These include:

-The detail total must agree with the detail total noted on the first page of the batch. Errors here indicate that the total of all options are not in agreement with the journal; commonly caused by an error keying a detail amount or by an option not coded.

-The debit and credit amounts at the end of the edit list should be reviewed for erroneous entries and amounts which do not balance. Keying errors usually account for problems here.

-The payee number scratch total should agree with the total calculated manually. Errors here indicate a keying error in the entry of the payee numbers.

Corrections are made from the Data Entry Menu. When all corrections have been made, as shown on the most recent edit list, the batch may be posted from the Post Daily Batches Menu. Any error in the post procedure should be referred to the Chief Information Officer.

If this is a payment batch the post will automatically generate a draft print of the vouchers. This print should be reviewed for error messages, and for reasonableness of payee and amount, and any errors corrected through maintenance of the Check Master performed by the Finance Officer of Chief Information Officer.

The total debits and credits by fund are entered into the Finance Officer's Batch Total Log from the final edit list.

6. Payment Requests from Other Departments.

The Disbursement Voucher Request Form is prepared by the Relocation Specialist to request the processing of payments for housing benefits, bonuses, and incidental/search expenses incurred by clients. The Specialist completes all form items, initials and forwards it to another Relocation Specialist. This second Specialist compares the amounts to the housing contract documents, and checks the vendor number, document number and payee number. If all is in order, the Manager initials the form and forwards the forms to the Finance Officer for processing. Requests for warranty refunds are initiated by the Relocation Operations Branch and approved by the Inspections Supervisor.

Several departments submit a version of the "Claim for Reimbursement of Client Travel" forms for payment processing (refer to the chapter covering Search Expense in the Management Manual for more information on allowable trips, etc.). The Certification form is submitted with an approving signature provided by the designated staff member of the Relocation Operations Branch or the Manager. The form is carefully reviewed in the Finance Branch for compliance, completeness and reasonableness. A review of the payee history is also done to ensure that no prior reimbursement has been made for travel on the dates submitted.

The Relocation Operations Manager submits the Homesite Lease Travel Form. This form is also reviewed as above.

After the Voucher Examiner has signed off on the forms, they are forwarded to the Finance Officer or a Certifying Officer for approval before being included in the payment batch. Any errors or omissions detected in the Claim for Reimbursement of Client Travel Forms during the review and approval process are referred to the department approving officer for correction.

7. Variations From Normal Processing of Payments.

Entries to record IMPAC card payments, payments for agency travel, and payroll are handled separately from normal payment batching due to different processing requirements. Correcting entries usually fall into this category of variations from normal processing as well.

a. Agency Travel.

Normally, the Office's travel costs are billed once each month for all airline tickets purchased less credit received. Because it is more efficient to make only one payment, as opposed to the several which would otherwise be necessary in order to record each amount to the appropriate document number, the voucher requesting payment is manually entered onto RC.0089 "Check Master" by the Finance Officer.

The Finance Officer prepares a worksheet of each item by traveler's vendor and document number, and uses this worksheet to prepare the fiscal activity document input sheets to record the account number affected and the increase/decrease to payment in each document master record. Because the voucher record is created independently of the batch, no payee or voucher I.D. numbers are entered on the input sheets. The batch must be assigned a batch number which corresponds to the month in which the payment will actually be issued by the disbursing office.

The Finance Officer then enters the voucher information (payee number, amount, comment and pending code) onto RC.0089 Check Master. This payment voucher is ready to be added to the next payment batch sent to Treasury.

b. Payroll.

Also see Section 2400 "Payroll".

The ONHIR is serviced by the Department of Interior's National Business Center in Denver, Colorado, where timecard information is processed and payroll payments are prepared. The Financial Officer receives documentation on payroll disbursements and prepares the payroll batches to record this activity.

The payroll recap worksheet is prepared by the Finance Officer and the payroll costs are organized for the batch entry by accounting code (the print-out supplied by the Payroll Center may be used or if the print-out requires several adjustments due to accounting code assignment problems an additional worksheet by accounting code may be prepared). One batch is used to record combined payroll activities each month.

Fiscal activity document input sheets are prepared in advance for the year with document number and accounting code information. The accounting codes on these forms are matched with the information provided by the Payroll Center. The detail accounting distribution print-out shows the organization in the rows and the object class by either number or description in the columns. The Finance Officer enters the amount for each payroll and any supplemental payroll amounts on the detail lines of the form and calculates the total obligations and payments for the accounting entry. For this portion of the payroll batch, in which the actual paid amounts are recorded, the detail total (option A+B+C+D), the total debits, and the total credits must each be equal to twice the grand total for the pay periods per the payroll recap worksheets.

The payroll accrual is calculated by dividing the number of unpaid work days in the month by 10 (the number of work days in a pay period) and multiplying that result by the payroll costs for the most recent pay period. The first input sheet of the accrual portion of the batch is used to record this calculation. To save processing time, the accrual for employer contributions are all booked to object class 126. The new accrual is recorded as an obligation while the accrual being reversed from the prior month is a deobligation. The net amount is debited or credited to the appropriate account number. At the beginning of the new fiscal year the new document numbers are used to record the accrual, while the prior accrual is reversed from the old document numbers.

A math check is done to ensure that the total accruals are correct. The control and detail totals are then carefully calculated and the batch forwarded for data entry. Because photocopies of the input sheets are used, no yellow carbons are made and no fiscal filing is needed.

2230 ACCOMPLISHED VOUCHERS.

Vouchers are "accomplished" when the payments have been issued by Treasury. The Office is notified of this via the U.S. Treasury - Agency Confirmation Report on the GWA (Government Wide Accounting) system. This report shows the voucher number, payment amount and date of issue. The Financial Officer prints the confirmation report monthly.

The Finance Officer reviews the confirmation report for reasonableness and forwards it to the Voucher Examiner who is responsible for entering the warrant numbers into the Check Master. Using the Check Number Maintenance menu option, the beginning voucher number is entered. The screen will display the voucher items in numerical order. The corresponding warrant numbers and dates are then entered for each payment. While entering this data, the Voucher Examiner compares the confirmation report information to the information on the Check Master to detect any possible alteration of the voucher or Check Master. Additionally, any unexplained disruption in the voucher number sequence is reported to the Financial Officer for research and correction as necessary.

The Voucher Examiner receives all the Treasury checks which are addressed to P.O. Box KK, and she makes a photocopy of each check. The recipient signs and dates the copy when the check is picked up. This copy is then filed in date order by the Voucher Examiner.

2240 CANCELLATION OF CHECKS.

If an error is made in issuing a check, cancellation must be initiated immediately. Checks returned to Treasury by the United States Postal Service as undeliverable are also canceled and the issuing agency notified of this action after the fact.

More detailed and specific information on this subject can be found in 1 TFRM 4-7000 "Canceling, Depositing, and Claims for Checks Drawn on the United States Treasury".

1. Cancellation of Available Checks.

An available check is one which is in the possession of either the agency or the disbursing office and has not been mutilated (large portions missing).

Reasons for canceling available checks might be incorrect payee, incorrect amount, or duplication of a previously processed payment. If the proper care is taken in preparing and reviewing the disbursement batch the need for cancellation will be minimal. The Cancellation Report is prepared by the Kansas City Financial Center as a service to the Office. When an available check is to be canceled the Finance Officer voids the check, makes a copy for the Cancelled Check file, and mails it to the Treasury.

The Cancellation Report is computer generated by the Financial Center as part of the pay.gov system. ONHIR is notified by automatic email whenever this report is processed. This form shows the amount of the check and the date the credit was processed, the attachment shows the payee name and exact cancellation date. Treasury forwards this form via email to the Finance Officer who uses Check Master maintenance to change the status from I for issued to V for void. A note of the cancellation date is also made under "face-of-check" comment. The Finance Officer then prepares the batch entry to reverse the payment and to reestablish the proper level of obligation for the document number involved. The Finance Officer notes on the copy of this report the action taken and files it in the cancelled check file by date received. In compliance with GAO requirements, the reason for the cancellation is noted in the fiscal file.

The credit for the cancellation will appear on the Financial Management Service Agency Confirmation Report(RFP)which is available through the GWA system. Because check cancellations are a frequent source of differences in reporting between the agency and Treasury, care should be taken in processing and tracking these cancellation documents. Batch number 07 is reserved each month for check cancellation entries. Before this batch is submitted for keying, the RFP report should be obtained and a review performed to ensure that all canceled checks for the month have been included in the batch.

Checks returned to Treasury as undeliverable by the U.S.P.S. are automatically canceled. EFT payments returned by a financial institution to Treasury are also automatically cancelled.

Corrected replacement payments are processed when needed through the regular disbursement batch. A new voucher number is assigned, and on the comment the word “reissued” will appear after the explanation.

2. Cancellation of Unavailable Checks.

An unavailable check is one which is not in the possession of the agency or the disbursing office and cannot be obtained from the payee, usually due to misdirection or loss or mutilation of the check. When a

payee notifies the Office that a check was not received, and the issuance of the check has been verified, the Finance Officer will prepare an SF-1184 "Unavailable Check Cancellation" online through the Treasury Pacer system. Under no circumstances may a replacement payment be prepared until a response is received from Treasury stating that a stop payment has been processed.

In San Francisco the disbursing office information is added to the form and it is sent to the Treasury Bureau of Government Financial Operations where a photocopy of the check is made or a stop payment transaction processed if the check has not been paid.

Pay.Gov notifies the Office via the internet identifying the check and listing the status; whether the check was cancelled and the Office credit is being processed or the check was paid and a photocopy is being forwarded to the agency. If the check has been paid and the endorsement matches that of the payee, no further action is taken except to inform the payee of the findings. If the check has been cancelled, a replacement may be processed in the next payment batch if appropriate, and the Finance Officer will use Check Master maintenance to change the status of the record from I for issued to V for void. A note of the cancellation date is made under "face-of-check" comment. The Financial Officer notes on the Daily Advice of Status the action taken and retains the form in the unavailable check cancellations file.

3. Where the Possibility of Fraud Exists.

Section 7040.30b of the Treasury Fiscal Requirements Manual provides the procedure to be followed by the agency in processing claims on non-receipt of checks.

When it is suspected that a check has been fraudulently cashed, or that the payee is not entitled to the proceeds of the check, the agency should take immediate action to stop payment by means of an SF-1184 "Unavailable Check Cancellation" (see the previous section for information on processing this form). Additionally, the agency should issue a warning to the payee that if the check is in his possession it should not be negotiated but should be returned to the agency for disposition.

The BGFO Daily Advice of Status returned to the agency may state that payment on the check has been stopped, in which case no further action need be taken except to reissue the payment if appropriate. If the check has been cashed, a photocopy of both sides will be provided along with the Daily Advice of Status. The endorsement should then be compared to the known signature of the payee. If the agency concludes that the signature is not that of the proper payee, all available evidence, including the payee's signature, should be forwarded to the BGFO, Division of Check Claims. A cover letter explaining the situation should be prepared by the Financial Officer to accompany the documentation.

Treasury requires that no further effort be made by the agency to conduct its own investigation of the incident.

Note: Sections MM#2220, "Preparation and Routing of Vouchers;" and MM#2250, "Imprest Fund," along with the attendant forms were eliminated in the 2010 revision of these procedures.

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2300 Deposits

AUTHORITY

POLICY.

Checks or cash received for deposit are forwarded to the Finance Branch for safekeeping. Deposits to the Federal Reserve System via the designated financial institution are made and the proper entries are booked to reflect the deposits on the Financial records.

2305 SETTING UP DOCUMENTS FOR RECEIPT OF REVENUE

Certain types of agreements result in the receipt of revenue by ONHIR, or the payment of reimbursements to ONHIR. Reimbursement may include reimbursement of the costs of services or materials, or rental of ONHIR facilities to other governmental entities, companies, or individuals. **Cross reference MM#4500**.

The Contracting Officer shall prepare the contract documents for such agreements upon receipt of a procurement request from the responsible program manager. In preparing the contract documents, the Contracting Officer will request a vendor number and a document number from the Finance Branch for the revenue portion of the agreement. The fiscal document number will be shown in the section of the contract which provides instructions for payment to ONHIR.

After the contract has been signed by all parties, the Contracting Officer will forward the original contract to the Finance Branch. The contract will be filed in the Revenue Document file. In the event that the contract also provides for expenditures by ONHIR, the original will be maintained in the Disbursement Document file and a copy filed in the Revenue Document file.

2310 HANDLING OF RECEIPTS.

Receipts may arrive in check or cash form and usually represent reimbursement of amounts previously paid to individuals or vendors. Additionally, rental revenues from the "New Lands" are received and deposited by the ONHIR.

Checks Received by Mail. Envelopes containing checks received by mail will be opened by the mail clerk. The clerk will date stamp the documentation accompanying the check and forward the mail to the Finance Officer.

Hand-Delivered Checks. A person who comes to the Office with a check or cash for payment will be referred by the receptionist to the Finance Officer. The Officer will receive the check or cash and accompanying documentation, and give the person a receipt specifying the amount received, date of receipt, and nature of the payment.

Action of the Finance Branch. On the day of receipt, the Finance Office will prepare the batch entry to book the receipt (refer to Section 2320.3 "Preparation of Entry to Book Deposits" for more information), and will photocopy both the check and the input sheet. The check will be forwarded along with a copy of the input sheet to the Voucher Examiner , who will store both in the safe until the deposit is made.

The Financial Officer will keep the original input sheets until the end of the month when the deposit batch is prepared.

When the time comes to take the deposit to the bank, the Voucher Examiner will remove the cash and checks from the safe and perform a count. The "Deposit Ticket" will be prepared via the OTCNET system by the Voucher Examiner. The Finance Officer will go to the OTCNET system and submit this deposit via the Internet. The Voucher Examiner will be the staff person to remove the receipts from the safe, as the Financial Officer is not privy to the safe's combination, and physically take the deposit to the bank. The Arizona Bank Flagstaff, Arizona, Downtown Branch is used for deposits to the Federal Reserve System.

2320 MAKING DEPOSITS.

1. Timing.

The Voucher Examiner prepares one deposit per week unless receipts total a material amount (over $1,000), then deposit activity is increased accordingly. While daily deposits are the standard according to the U.S. Treasury, they are not necessary or desirable for the ONHIR in light of the processing time involved.

The weekly deposit is timed to avoid the last few days of the month, so that the ONHIR deposit records will be in agreement with Treasury records when the SF-224 is submitted. Because the deposit is transmitted from the local bank to a Treasury depository, the time needed for Treasury to receive the funds must be taken into consideration. (See section 2530 for more information on the preparation and submission of the SF-224, which is similar to a bank statement.)

2. Preparation of the Deposit Slip.

The Voucher Examiner removes all deposit items from the safe. On the OTCnet website, there is a form to be filled out with all the deposit details. This form will be filled out by the Voucher Examiner and then forwarded to the Finance Officer for submission to OTCNET. The Voucher Examiner then fills out the 2-part deposit slip and hand-carries the items to the bank.

3. Preparation of the Entry to Book Deposits.

As each receipt arrives, the Financial Officer prepares the batch entry to book the receipt to the account number, detail accounting codes, and document numbers.

Some rents are collected in association with the Office's administration of the "New Lands". These items have all been assigned the vendor number 1980 "New Lands Revenues" in order to maintain the funds under one easily researched vendor number regardless of changes in the tenants. These receipts must be accounted for in such a way as to enable the ONHIR to provide full information on income and expenses to the Navajo Nation when the time comes to turn the administration of the New Lands over to the Nation.

Treatment of common deposit items is as follows:

a. New Lands Revenues.

As mentioned above, the vendor number is 1980. The Document Master by Vendor Number inquiry on the computer is used to determine the document number and accounting code. The descriptions contained in these documents numbers represent the property names. Option "D" is used to record the receipt or reduce the paid-to-date balance. Obligations are not usually recorded except to offset the cost of maintaining the property, because these amounts should not be considered a part of ONHIR's regular funds.

b. Telephone Reimbursements.

Office cell phone users must sometimes reimburse ONHIR for calls in excess of their allowed minutes. These receipts are used to reduce the paid-to-date total, but not the obligated total, for the cell phone document number.

c. Other Deposits.

Other items must be researched as they arise. Frequently, records of prior month's deposits are helpful as a source of information. Batch number 06 is used each month to record the deposit activity. The inquiry menu on the computer can be used to determine the vendor/document number involved, and a review of the fiscal file can also be helpful.

Account number 1014 "Deposits" is used to record deposit activity, and the net balance of that account should reflect total deposit activity for the fiscal year. Care must be taken to ensure that accounts 4800/4900 are properly affected when an entry to book deposits is made. Because of the automatic entry to liquidate obligations (see Section 2210.1(b), a choice must be made between two account entries according to the circumstances involved. Entries of this nature will cause the batch total to differ from the activity total.

To close out the batch at month's end, a manual check of total net entries to account 1014 is performed to ensure agreement with the total net deposits for the month. The control total (total of all debits or total of all credits) is calculated as usual. The detail total is calculated by totaling options A+B+C+D and the amount is noted on the first page of the batch. The batch is forwarded for data entry.

4. Treasury Verification of Deposits Received.

The day after each deposit, the Finance Officer goes into the OTCNET system on the Internet and prints out the deposit information, which is filed in front of each deposit.

Each month the total deposits are reported in the Treasury “Statement of Difference” module. The total deposits are compared to the Monthly Account balance prepared by ONHIR. Any differences will be reconciled by the Finance Officer.

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2400 Payroll

AUTHORITY

POLICY.

The ONHIR is serviced by the Department of Interior's Business Center (IBC) in Denver, Colorado. Time keeping is accomplished in-house by the Finance Officer with leave information forwarded to IBC bi-weekly. There the information is processed and payroll documentation prepared.

Items received by ONHIR from IBC include the SF113A statistics for Personnel as well as the individual payroll costs and government benefits paid for each person.

These items are downloaded by the Financial Officer who maintains files by pay period. Although the IBC calculates the payroll and arranges for disbursement of salary and related payments, these expenditures are booked to the proper account numbers and accounting codes, and payment is accomplished on the IPAC statement by IBC.

The Finance Officer prepares a worksheet for each pay period which details the types of charges involved, culminating in the calculation of the total payroll expenditure for the period. The batch is prepared and entered and the proper reporting completed. See Section 2210.7(d) for an explanation of how the payroll batch is prepared.

The Finance Officer prepares a Payroll Recap for each pay period which summarizes all the various payroll charges. The total of this worksheet should match the gross pay reported on the Gross Payroll Spreadsheet and the total recap received from IBC.

2445 PREPARATION OF BI-WEEKLY PAYROLL.

Leave Slips.

An employee requesting approved leave shall submit a completed leave slip to the branch supervisor or Executive Director for approval. After the request has been approved, the leave slip shall be routed to the Finance Officer.

Payroll Approval.

The Finance Officer will prepare the payroll, and submit the payroll via the internet. The Finance Officer's personal payroll will be approved and submitted by the Personnel Officer or the CIO.

Distribution of Pay and Leave Statements.

The Pay and Leave statements are mailed directly to employees. If an employee has a question on their statement, the Finance Officer will research the problem and deal with IBC directly.

Note: Sections MM#2410, "Payroll Vouchers;" MM#2420, "Payroll Withholding;" MM#2430, "Electronic Funds Transfer;" MM#2440, "Other Payroll Issues;" and MM#2450, "Distribution of Payroll Checks;" and the attendant forms, were eliminated by the 2010 revision of these procedures.

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2500 Reporting the Results of Accounting Activities

AUTHORITY

POLICY.

The Department of the Treasury is required to furnish overall Government financial reports for the use of the President, Congress and the public. The Office prepares internal financial statements monthly, submits the GTAS monthly, to Treasury, so that our information can be integrated into the financial reports of the USA. In addition, the SF-132 "Apportionment and Reapportionment Schedule" is used in communicating our status to the Office of Management and Budget Examiner.

This system of reports is based on the premise that control over receipt and payment of public funds depends upon the ability of Federal Agencies to properly process and report financial transactions.

2510 FUND ACCOUNTS.

All governmental transactions are identified with applicable fund groups and classified within fund groups through assignment of alphanumeric account symbols by the Department of the Treasury. The symbol assigned reflects the source of the receipt and availability of the fund for expenditure.

1. One Year Appropriations.

Funds assigned one-year status are only available for obligation during the year so designated, and any unobligated balances remaining at year-end must be returned to the Department of the Treasury. A single digit (0 - 9) is used within the account symbol to indicate the year of availability of the funds. An "M" is used in place of this digit to indicate the consolidation of all one-year appropriation accounts for which the year of availability has ended over two years prior.

2. No Year Appropriations.

Funds which are not limited to obligation during a specific fiscal year are referred to as "no-year" appropriations. An "X" is assigned to the account symbol by Treasury to designate this type of appropriation. Account 48X1100 is in use by ONHIR.

3. Budget Clearing Accounts.

Clearing accounts are established to temporarily maintain collections or disbursements pending clearance to the appropriate account symbol. These accounts have been designated by Treasury as identified by an "F" preceding the last four digits of the account symbol. Account 48F3875.11 is used by ONHIR for this purpose. Amounts booked to 48F3875.11 by Treasury will remain in that account.

2520 RESERVED.

2530 RECONCILIATION OF OFFICE REPORTS TO THE ACCOUNT STATEMENT PREPARED BY GWA.

1. Basis of Monthly Reports.

ONHIR must reconcile our monthly reports to the Account Statement generated by GWA. Expenditures and deposits booked by ONHIR must be reported in the appropriate period to correspond with Treasury records.

The sources for this reconciliation include:

Computer-generated reports for the month.

- Consolidated Summary Trial Balance (Menu ACTMAS #10, Menu ACTDEP #23, Menu B2 #15).

- Allotment Status Summary (Menu ACTMAS #10, Menu ACTDEP #23, Menu B2 #6).

- Batch Detail Listing (Menu ACTMAS #11, Menu B5 #18).

- GWA TDO payments (on the Internet).

Files from the Financial Officer's desk.

- Account Statement internal folder containing the reports submitted in prior months.

- Batch Total Log.

The resources listed above are used to prepare several spreadsheets consolidating information for internal reports. Several worksheets are prepared each month to reconcile internal numbers to the GWA report.

a. Disbursements.

This worksheet illustrates all disbursement activity for the month. The columns reflect the type of activity, whether payments made by the Kansas City Treasury Center, payroll disbursements from IBC in Denver, IPAC, and a final column for deposits. The rows show the batch amounts.

The total of account #1013 and #1014 is calculated for each batch entry, using the Batch Detail Listing for the month. These totals are entered onto this spreadsheet by batch number, and by type of activity (the various columns). The total of the first column should agree to the total on the RFC Report. The total of the second column should agree to the payroll information submitted to us by Denver (filed every pay period in the Account Statement folder). The total of the third column should agree with the IPAC total statement. The total of the last column should equal the monthly deposit report from the OTCnet system. Any items that do not agree with their control total should be researched prior to reconciling with the Account Statement. (The typical problem would arise from an item being entered into ONHIR's accounts in one month, and the Treasury accounts in another.)

The monthly disbursement total will be the total of columns 1, 2, & 3 added together, with column 4

being subtracted from this total.

b. Deposits.

At the end of each month, the Finance Officer takes the monthly deposit folder and enters all information onto this spreadsheet.

Column #1 is the OTCNET deposit voucher number.
Column #2 is the deposit date.
Column #3 is the deposit total.
Column #4 is the total of "A" deposits, those deposits that are netted against disbursements of the period, per Treasury regulations.
Column #5 is the total of "B" deposits, those deposits that are not netted against disbursements.

The total of columns 4 and 5 should equal column 3, as well as the Batch total for deposits.

2540 VERIFICATION AND INTEGRATION OF ACCOUNTING RESULTS

There are several reconciliations to be performed by the Finance Officer monthly.

1. Reconciliation of the Account Statement.

The Account Statement is generated by Treasury monthly. This statement indicates the balance of funds available per Treasury as of the end of each month. This statement will include the beginning year balance, any authority given (allotment), any transfer in or out, gross disbursements, offsetting collections, and the balance at the end of the month. The Finance Officer creates a worksheet monthly called the "Year-End Closing Statement" that includes all accounts on the general ledger, with a total equaling the ending balance on the Account Statement of Treasury. Any differences between these two totals must be reconciled. Again, the most common difference would be an item being included in one period by ONHIR and another period by the Treasury.

There are actually three statement generated by Treasury: a Year-to-date Statement, a Monthly Expenditure Statement, and a Monthly Transactions Statement indicating where the various funds have come from.

2. Verification of Computerized Reporting.

Because accounting activity is recorded in both the general ledger and the document number files, the computerized reporting must be reviewed for consistency between these two files. A cross check of reports is performed by the Finance Officer at least once each month. To ensure that all entries have been documented and processed properly, a verification of the total debits and credits in the system is also performed by the Finance Officer on a monthly basis. The cross check of reports is done using the Summary Trial Balance and the Allotment Status Summary. The comparison of selected items on these reports is also a comparison of

account balances (Summary Trial Balance) to the accounting code balances (Allotment Status Report). The

following comparisons are made for each appropriation and year:

Consolidated Summary Trial Balance				Allotment Status Report
4119	+	4190	=	To Date Allotment
4610			=	Unobligated Balance
6101			=	Prior Year Payments
6100			=	Year To Date Payments
4800	-	2210	=	Unliquidated Balance

As each batch is posted on the computerized accounting system, the Finance Officer records the total debits and credits by appropriation and year, as recapped on the edit list, onto the ONHIR Batch Total Log. This log is separated by batch month (the first two digits of the batch number) and contains an area at the bottom of the page for a total by appropriation and year to be entered.

When reports are run for the monthly closing, the current total of debits and credits is compared to the totals appearing on the Summary Trial Balance. The Finance Officer notes and initials the successful completion of this cross-check in the log. In this way she can be sure that she had control over all entries made to the system.

2550 GTAS Report

The GTAS Report is prepared quarterly. Treasury notifies all agencies when the GTAS window will be opened at the end of a quarter, and when it will close. Information must be transmitted to Treasury during this time frame.

After reconciling the Account Statement at the end of each month, the Finance Officer will prepare the GTAS spreadsheet in her computer under "Federal Forms." This spreadsheet is made up of four parts: the first part is the account statement information for the end of that quarter; the second part deals with the total resources available and the status of those resources as of that date (the old SF133); the third part is made up of the fund balance and its offsetting liabilities (the old SF2108); and the fourth part is a reconciliation of the Outlays.

1. Account Statement Information

This part of the spreadsheet is a duplicate of the Account Statement information prepared above.

2. Resources and Status of Resources (SF133)

This part of the spreadsheet is prepared automatically from the Account Statement information in #1. This part takes the information from the GL accounts of ONHIR and spreads it to the FMS accounts for this statement. The preparer must be aware of prior year-end balances for account #1012 (Fund Balance), #4800 (Obligations unpaid), and the accounts payable per the Account Statement. In addition, the preparer must calculate the recoveries as of the end of that quarter (another spreadsheet in the Federal Forms folder). These items will be the only items necessary to insert in this spreadsheet.

3. Fund Balance (SF2108)

This part of the spreadsheet will automatically be prepared, except for the recoveries that were calculated in step #2 above.

4. Outlays

The Outlays total equals the #6100 (Current year expenditures) ending balance less the #2210 (Accrued Payroll) ending balance, plus the #2210 beginning balance. The Finance Officer will need to know the #2210 beginning balance. The other numbers will come right off the information in Step #1.

The verify the Outlay total, the Finance Officer will add together all years in the #6100 account, except the current year, plus the current year #4900 (Obligations Paid) balance. This total should be the same as the one arrived at via the preceding paragraph, and will automatically be entered in the Status of Resources part of the spreadsheet.

Once this spreadsheet is prepared, the Finance Officer goes into the AS400 ACTMAS Menu #6, then #20, and updates all the accounts. This information is then transmitted to the GTAS website, which ultimately produces the "ATB by G/L" statement.

2590 INTERNAL REPORTING.

Several internal reports are prepared and used within the agency - each was added as dictated by need. The accounting function must remain flexible enough to provide additional reports as new requests are received.

1. Financial Statement.

Each month a simple financial statement is prepared. The source for the Financial Statement is directly from the Allotment Summary report for that month and year. This spreadsheet is found in the Misc Monthly Statements folder, labeled as Financial Statements 1.

2. Prior Year's Comparative Statement.

This statement is in the same folder indicated above and labeled as Financial Statements 2. The same information from the Allotment Summary report is entered into the current year column.

3. Various Miscellaneous Statements.

There are various other statements that are of interest to management found in this same folder. These statements track current projects, letting management know what costs have been incurred to date. These statement change as the projects of the Office change. For an example of these, check items within this folder.

Note: Sections MM#2570, "Report on Unexpended Balances - TFS-2108," and Section MM#2580 "Business Type Financial Statements - TFS-220 and Related Schedules, also TFS-221, 222, and 223, and attendant forms were eliminated by the 2010 revision of these procedures.

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2600 Voucher Examination and Obligation

AUTHORITY

POLICY.

The processing of obligation and payment documents is the primary function of the Office's Finance Branch. Although staff positions are limited, ideally the voucher examination and obligation operations should be segregated from:

- Purchasing

- Recording the receipt of goods and services

- Authorizing the hiring of employees

- Keeping time records

- Preparing payrolls

Treasury requires that the Office's system of internal control over, and procedures for, obligations and disbursements be based on the operating needs of the Office and the principles and standards prescribed by GAO. GAO requires the pre-audit and approval of vouchers before they are certified for payment as a means of providing effective control over disbursements.

Pre-audit will assure that:

- Approvals for the procurement and payment are in writing and on file.

- Goods and services are received according to the purchase agreement.

- The amount of the payment and the name and address of the payee are correct.

- Payments are not duplicated.

- Payments are appropriate under the legal constraints of the Federal government.

- Quantities, prices and amounts are accurate.

- Discounts are taken or reason why not recorded.

- Any applicable deductions are credited.

- Appropriations are available.

- Special certificates, if needed, are properly furnished.

2610 VOUCHER EXAMINATION.

One goal of all Federal agencies is to assure that accurate, timely, and legally appropriate payments are made to vendors, contractors and others. The Office's Financial Branch is responsible for the processing of these payments, including the systematic review of payment documents to assure that:

- Goods and services billed have been received.

- Pricing is correct according to the procurement documents provided.

- Payments are timely and reach their proper destination.

- Accounting classifications are accurate and payments are properly recorded in the computerized accounting system.

- Payments are properly documented in the finance files.

The Voucher Examiner serves as the primary voucher examiner for the Office, however the Finance Officer may serve in that capacity if the Voucher Examiner is absent or the workload requires additional manpower. The Finance Officer should also assist the Voucher Examiner in especially sensitive or complicated voucher examinations. The Executive Director must authorize, in writing, the employee to certify vouchers - the Authorized Certifying Officer. The ACO has official responsibility for the correctness of the payment being made but the level of responsibility of the Agency's three ACO's requires them to depend on the competency and honesty of the Voucher Examiner.

The basic duties of the Voucher Examiner are to examine vouchers, invoices, claims and other requests for payment for appropriateness as outlined in these procedures and to forward them for payment processing. In most cases, the Voucher Examiner also prepares the disbursement documents.

Review by Certifying Officers. Certifying officers will review the supporting documentation behind vouchers to verify the accuracy and authenticity of payment by examining the backup information along with the voucher for signature.

A. INVOICES:

General. The mail room will open and date stamp all invoices and forward them to the Finance Branch, which will determine the disposition of all documents relating to disbursements. If any invoices reach the Finance Branch without a date stamp, they will be stamped at that time.

Payment should only be made from the original vendor invoice, or a faxed copy. If the original is lost or destroyed, a duplicate must be used and should be clearly marked as such and the circumstances documented in the finance file. It is never correct to pay a vendor from an account statement without the supporting invoice. If a duplicate invoice is used, care should be taken to avoid double payment. All invoices must be marked "paid" when processed, also to avoid double payment.

1. Paying Invoices. The Voucher Examiner will match the invoices received to the receiving reports submitted by the authorized receivers, and will process payment vouchers. After determining that the merchandise or service has been received, the Voucher Examiner will verify that the invoice is mathematically correct and that it complies with the terms of the purchase order relating to unit price, tax, and freight. The Voucher Examiner will make sure the Office has the necessary EFT information or, in the case of checks, compare the remittance address to the PO address, to avoid payment delays from checks being issued to the wrong address.

The Voucher Examiner will verify that an obligation has been recorded on the books, and will then prepare the Fiscal Activity Document input form to order payment, complying with the requirements of the prompt payment act. Any invoices for which prompt payment interest is due will be sent to the Finance Officer who will calculate the interest and maintain a log of this interest for each fiscal year.

Specific payments to be issued by the Financial Branch will include the following actions.

a. Post Office boxes will be paid in advance upon an invoice from the Postmaster.

b. Payment pursuant to recurring maintenance contracts will be handled by the Financial Branch.

c. Utilities invoices will be checked by the Financial Branch for correct meter numbers and reasonable usage, based on averages.

2. Invoice Approval by Other Offices. When the Voucher Examiner cannot vouch an invoice according to the procedures described in #1 above, the invoice will be routed to the individual identified as the authorized receiver for verification that the receipt of goods or services has been accomplished in a satisfactory manner, and that the invoice is proper for payment.

B. IN-HOUSE REQUESTS FOR PAYMENT.

In-house requests for payment are usually received on one of these internal forms:

- "Disbursement Voucher Request" originating in the Relocation Operations Branch.

- "Claim for Reimbursement of Client Travel" originating in the Relocation Operations Branch.

- The IMPAC billing mailed to the Finance Department from the card-issuing bank.

Any other properly executed document may be used to request payment, so care should be taken to review documents received in the Finance Branch for action to be taken.

Before payment is made, the payment request form must be mathematically correct as verified by the Voucher Examiner. In the case of client payments, the client name and case number must be correct.

The "Disbursement Voucher Request" is used to order payments to the client or on the client's behalf for housing, bonuses and incidental expenses. The Finance Officer should review this form for proper vendor and document number, proper payee number and approval from the Relocation Specialist and the Relocation Operations Branch or his alternate. A check of the document master or a review of the other batch items should be made to ensure that sufficient obligation exists or is to be processed concurrently to cover the payment requested. Lastly, the payment itself should be compared to the client's payment contract for individual payments kept in the computer. The Financial Officer performs this voucher examination and refers any questions or problems back to the Relocation Operations Manager or to the Executive Director.

The "Claim for Reimbursement of Client Travel" has two different forms; Homesite Lease Travel, and Housing Related Travel. Each form is pre-printed with the approved number of trips for each activity and areas for other trips or expense claims which may be approved by the staff member assigned to work with the client. The Voucher Examiner is responsible for reviewing the number of trips and checking them to reimbursed dates of travel on the check master to ensure that no duplicate payments are made to any client. The payee history is used for this purpose, so the Voucher Examiner must have the vendor/payee number of the client available. The miles claimed must be reasonable and in accordance with the odometer reading or standard mileage chart, and any lodging claims must have a lodging receipt attached. The form must have the proper claimant, preparer and approving officer signatures. Any errors or omissions on these forms should be referred back to the preparer or to the approving officer. After completing the examination the examiner signs the form and forwards it to the Executive Director for final approval before payment is processed.

For the monthly IMPAC payment, each IMPAC cardholder receives a statement listing the various charges for that month. The cardholder then matches up their supporting documents with the various charges, and forwards this paperwork to the Finance Branch. The total monthly billing is reviewed by the Finance Officer, compared to the total billing sent from the bank and the various charges distributed to the appropriate accounts via a spreadsheet. All the IMPAC supporting documents are sent to the Contracting Officer for review and approval of the payment. Once this approval is obtained, the Finance Officer prepares the IMPAC batch for entry by the Voucher Examiner.

In all voucher examinations timeliness is important and the batch schedule discussed in Section 2210.2 should be followed so that payments are received by clients, vendors and contractors as scheduled.

C. <u>CERTIFICATION OF TRAINING - SF-182</u>.

Payment for employee training may be made as an educational advance to the employee, as a reimbursement to the employee, or, most usually, as a direct payment to the training vendor. In all cases, the

SF-182 "Request, Authorization, Agreement and Certification of Training" form is used to document the obligation.

For educational advances or reimbursements for college level courses, the SF-182 must be prepared with trainee information thru block 20. The approval lines 26, 27 and 28 must be complete before the form is processed for payment. In the case of a reimbursement, block 30 and a copy of the SF-182 "Agency Evaluation Form" must also be completed and a grade report indicating a passing grade and expense receipts must be attached. If text books are being paid for by the Office they must be stamped as Office property by the Procurement Assistant and inventoried, as they become the property of the Office. The Voucher Examiner may ask to inspect a copy of the course syllabus if there is any question about the legitimacy of a claim for reimbursement of textbook costs. In the case of an advance, the employee shall sign an in-house agreement to reimburse the advance if the course is not completed satisfactorily. Advance activity should be coordinated with the Finance Officer to ensure that the proper journals are affected and the subsidiary ledger for advances is properly maintained. For more information on the processing of educational advances, see Section 2810.1.

Most training vouchers will be for employee's attendance at courses sponsored by various contractors. The billing for the class fees will usually be paid via the IMPAC card. While the obligation is booked from the SF-182, the billing document examined for payment is the IMPAC billing. Some bills for federal training may be processed on the IPAC system (see Section 2540.1).

The Human Resources Officer maintains a suspense file and ensures that each employee receiving training and his or her supervisor completes a copy of the SF-182 "Agency Evaluation Form" which is sent to the employee's personnel file when completed.

D. TRAVEL VOUCHER - SF-1012.

Requests for reimbursement of travel expenses should be submitted on SF-1012 "Travel Voucher". The Finance Officer and the Voucher Examiner serve as the Office's travel experts and have a working knowledge of the travel regulations set forth in the Federal Property Management Regulations section A-40 which apply to the Office, and the related decisions of the Controller General. The Travel Regulation Branch of the General Services Administration in Washington D.C. can assist if needed.

When a completed SF-1012 is received, it must be compared to the information on the GSA form 87 "Official Travel Authorization" for the traveler, which is in the document file. Any discrepancies between the approved travel dates, destinations, authorized accommodations, etc. must be explained and documented. The traveler is not reimbursed for expenditures which are not authorized in advance unless a new GSA Form-87 is prepared (if justified). Areas such as vehicle rental, mileage rate, and other mode of transportation should be carefully checked for proper prior approval. Some travelers have blanket travel authorizations which cover all their trips for the fiscal year, and the limitations on these blanket authorizations apply to every trip unless additional approval in writing is secured for exceptions.

The SF-1012 is approved by the Voucher Examiner, reviewed by the Finance Officer, and then routed to the Executive Director for final approval before payment is processed.

E. MISCELLANEOUS.

Billings processed through the IPAC (Inter-governmental Purchases and Collection) system are paid from the Office's account with Treasury automatically and so the payment is made before the billing document is received and examined. If there are any errors, the Finance Officer will contact the agency involved to settle the dispute. Items such as the GSA Motorpool billing, Government Printing Office charges, and training charges from the Office of Personnel Management are billed through the IPAC system. These bills and their attachments should be carefully reviewed. They should be reviewed by the Finance Officer for the proper customer agency information and agency location code, and a purchase agreement must be on file to support the charge.

Regardless of the form of the billing document, the Finance Officer will obtain from the Contracting Specialist or Procurement Assistant support for motorpool, printing, and GSA furniture and equipment purchase charges to ensure that items billed have been received and credits are properly processed.

2620 OBLIGATIONS AND OBLIGATING DOCUMENTS.

An obligation is a binding commitment to disburse funds for products or services at some point in the future. The Office's funding is generally through "no-year" appropriations so funds are not limited to obligation during a specific fiscal year. However, for accounting purposes it is important to book obligations to the proper journal and accounting code for the year the commitment was made.

Only the Contracting Officer, Contracting Specialist, and the Relocation Operations Manager, (housing contracts only) may obligate the ONHIR and any obligation must be properly executed in writing to comply with Federal requirements. These designations are on file and may be revoked and reassigned by the Executive Director.

The individuals mentioned above also have sole authority to approve change orders, task orders, and amendments to obligating documents. Only the Contracting Officer and the Executive Director may terminate a contract.

1. Standard Obligating Documents.

Frequently used obligating documents take a variety of forms. The housing contract is an in-house form which outlines the housing benefit, bonus, and infrastructure amounts to be paid to the vendor and client(s) named in the contract. This form is routed to the Finance Officer from the Relocation Operations Manager after it has been executed. The Finance Officer checks the contract for the client's name and case number, the amount of total housing benefit, bonus, and infrastructure, and the approving signatures of the Relocations Operations Manager and the client before processing the obligation. If any errors or omissions are found, the contract is referred back to Relocation Operations Manager.

Contracts for services are also drawn on in-house forms with an SF-26 "Award/Contract" as the cover page. The completed contract is routed to the Finance Officer who checks for the amount to obligate, the accounting code information, the date of signature, and the contractor and Contracting Officer signatures. Questions, errors and omissions are referred to the Contracting Specialist.

Grants are awarded on contractual documents and an SF-26 "Award/Contract" and SF-424 "Federal Assistance" are included in the package of obligating documents. The Finance Officer checks the SF-26 for

the amount to obligate, the accounting code information, the date of signature, and the applicant and Contracting Officer signatures. A check is made to ensure that a completed SF-424 with the applicant's signature and section 31.a marked (to indicate that the grant was awarded) is attached. Questions, errors and omissions are referred to the Contracting Specialist.

Changes to grants and contracts are accomplished on SF-30 "Amendment of Solicitation/Modification of Contract" which must be signed by the Contracting Officer. The Finance Officer studies the amendment to determine if a change in the level of obligation should be booked, referring questions to the Contracting Specialist.

Purchases are obligated from purchase order forms "Optional Form"-347. The completed form is routed to the Finance Officer or Voucher Examiner who obligates the amount in block 17(l) "Grand Total". The form must be properly completed with the contractor name and address, appropriate supplies or services information, subtotals and total, and the signature of an authorized official. Addendums are frequently attached to purchase orders; if the Form-347 calls for an addendum, these reviewers ensure that it is attached in its entirety and is routed to the fiscal file after processing along with the purchase order.

Travelers have blanket travel authorizations which cover normal travel for the fiscal year. For training travel, a specific travel authorization will be prepared for each such event. Obligation is made when the SF-1012 “Travel Voucher” is submitted by the employee and/or when charges on the Office’s travel card for airline transportation are received from the applicable travel vendor.

Employee training is obligated from the SF-182 "Request, Authorization, Agreement and Certification of Training" which is completed by the employee thru block 20 and by the employee with help from the Finance Officer thru line 22. The approval lines must be complete before the obligation can be processed. Section 2810.1 contains detailed information on educational advances.

The cost of salaries and benefits are obligated from the biweekly payroll report from NBC in Denver and the Payroll Recap. The Finance Officer receives the payroll documents and organizes the information onto the Payroll Recap. See Section 2400 "Payroll" for more on this subject. The obligation is booked as payroll costs are computed and charged each month, with an accrual recorded for the unpaid work days in the month. At fiscal year end a special print-out is prepared by the Payroll Center with actual amounts to accrue.

Other obligating documents may be received which must be processed and it is not a requirement that obligations be recorded only on standard forms. Any document which states the name and address of the vendor, the purpose of the expenditure, and the time period of the obligation and is properly signed by an authorized individual and the vendor may be used to record an obligation.

2. Vendor and Document Number Assignments.

Vendor numbers continue in use unless a new number is needed due to changes in vendor information which cannot be incorporated into the existing vendor/payee record, but a new document number is assigned to each obligating event. The Finance Officer assigns the vendor and document numbers. The document number and the related accounting code must reflect the fiscal year of the commitment.

When an obligating document is received, a check is made of the vendor master through inquiry on the computer to determine if the vendor number already exists. If not, a number is assigned in accordance with

the instructions in Section 2210.1(a) "Vendor and Document Number". The Federal income tax identifying number should also be entered at this time for all vendors, and the EFT bank information must be entered prior to the first payment.

A new document number is assigned unless the obligating document reflects an addition or change to an obligation already recorded in the current year. The first three digits of the document number and the fiscal year digit of the accounting code must correspond with the fiscal year of the commitment. The nature of the obligation determines the accounting code assigned. For further information on the assignment of document numbers refer to Section 2210.1(a).

A pending file is used by the Contracting Specialist for all contracts, and he/she requests pre-assignment of the vendor and document numbers for the pending file. The documents are then returned to the Contracting Specialist instead of being processed; the obligation will be recorded when the contract is finalized and the documents routed back to the Finance Branch.

3. Preparation of Fiscal Activity Document Input Form.

The fiscal activity document input form to record obligations is routinely prepared by the Finance Officer and Voucher Examiner from original obligating documents and processed in batch form on the computer. To complete the form, the vendor and document numbers are entered in the spaces provided. The current date (the date the entry is prepared, not the date the batch is entered) and the batch number from the batch log are entered. The account numbers used to increase an obligation are:

Debit 4610

Credit 4800

The detail entry to increase obligation is option A. The accounting code is entered which corresponds with the document master information. No payee number or voucher identification is used on an entry to record only obligation activity (no payment being processed).

To decrease an obligation, the account numbers are reversed, and option B is used.

The obligation is entered on the sheet in the front of the fiscal file and the total obligation is calculated.

A copy of the obligating document is attached to the fiscal activity document input form and will be filed along with the yellow copy of the input form in the second partition of the fiscal file, after the batch is processed. The original obligating document is placed in the third partition of the fiscal file.

4. Batching Obligating Entries.

The completed fiscal activity document input forms are batched for processing, organized by the batch number assigned by the Finance Officer. Entries which increase or decrease obligations receive special treatment so that they will be included in the financial reports for the month the commitment was made, altered, or reversed. This is especially important at year end.

Usually the Finance Officer assigns a batch number specifically for these entries near the end of each

accounting period, informing the Voucher Examiner of the number to be used, and does not prepare final reports until that batch has been processed. For instructions on batch scheduling and closing out the batch, see Sections 2210.2 and 2210.3.

5. Continuing Resolution.

A continuing resolution is legislation that allows a Federal agency to continue spending funds when its regular appropriation bill is not approved in time. Section 2710 "The Budget Process From the Financial Viewpoint" explains in detail how appropriations are approved by Congress. However, for purposes of voucher examination and obligation, it is sufficient to understand that continuing resolutions are usually awarded as a percentage of the prior year's appropriation. Therefore, only a portion of the contracts, purchase orders, etc. can be obligated; enough to keep the agency running until either the continuing resolution runs out or the new appropriation is passed. In the case of no-year funds, any carryover can also be used during this period.

The Executive Director and the Financial Officer discuss the amount of continuing resolution and priorities in spending, and the volume of the carryover for the new year. Equally important is the review and entry work done by the Financial Officer after the annual appropriation is received to set up yearly spending levels in agreement with the approved budget plus any carryover.

6. Quarterly Review of Open Items.

The Open Item Report, prepared at each monthly closing, shows the obligation amount, liquidation amount and unliquidated obligations (obligation less liquidation) for each document number which is not fully liquidated (in which obligations do not equal liquidations). The report is based on document master information and so only to-date information is presented, as the document master does not contain historic information. It is organized by accounting code with the appropriation portion of the code (first four digits) separating the document numbers by fiscal year and fund type. See Section 2130.3 for the Descriptive Chart of Accounting Codes.

The Financial Officer reviews the open items monthly to ensure that obligations which will not be liquidated are removed from the Office's financial records on a regular and timely basis. This review and the resulting entry of de-obligations serves to remove restrictions on funds and make them available for other uses. The report is reviewed for such items as:

- Warranty payments which have been unreasonably delayed. The warranty is an amount of client housing benefit which is withheld from the home seller or builder for two (2) years to be used to correct any problems that might arise with the structure. The Relocation Operations Manager is responsible for ordering the disbursement of these funds, each usually in the amount of $1,000.

- Over-liquidations occurring in any area, shown on the report as negative unliquidated obligations. First, the processing of the obligations and payments is reviewed to determine if fiscal section error is the cause of over-liquidation. The Finance Officer should not process payments in excess of obligations. Entries to correct errors should be made as soon as possible after research is completed, and the fiscal file recap sheet must also be adjusted to reflect proper levels of obligation and liquidation.

- Regular purchase order or contract items which remain unliquidated long after a reasonable time has passed. While this time period will vary according to the type of obligation, generally an inquiry should be made on any item remaining on the books two years after the original obligation (this is determined by fiscal year of the document number. For instance, for document number 0840998, originating in FY1984, inquiry should be made in FY 1986).

Questionable items are researched and corrected by the Finance Officer. Other problems, such as the failure to provide contract amendments as promised, should be referred to the individual responsible for approving the payments, such as the Contracting Officer, the Contracting Specialist ,or the Relocation Operations Manager. The Finance Officer should follow up on the items referred within a reasonable time, usually two weeks is appropriate. If a refund is to be requested from a vendor, the Finance Officer should prepare the request and deal with the vendor.

2630 ACCRUAL BASIS.

Under the accrual accounting concept, an expenditure exists at the time goods and services are received, regardless of when actual payment is made or the resources purchased are used. While the Agency's computerized accounting system has been designed to track all obligations item by item, it does not have the capability to record accounts payable and receivable except as total amounts calculated by the Finance Officer. ONHIR is therefore said to operate on a modified accrual basis.

Because the Office's computerized accounting system is an encumbrance system, accruals are not as important to total reporting as they would be in a for-profit organization.

Accounts receivable and payable are reported to the Office of Management and Budget on the GTAS report quarterly. At the end of the fiscal year, the Finance Officer reviews accounting records manually to determine the items which are included in the category of receivables/payables for reporting purposes.

1. Payroll Accruals.

Because payroll costs are obligated one payroll at a time, rather than for the full fiscal year as are most other large dollar items, the payroll accrual is important to the proper reporting of the Office's financial standing. The entry to obligate the accrued payroll (salaries and benefits earned by ONHIR employees in the current period but not yet paid) is made as a part of the regular monthly payroll batch. See Section 2400 "Payroll" for general information on payroll documents and their treatment.

At year end the IBC provides a print out of the exact amounts to be accrued for the year end. At the end of the other months, the Finance Officer calculates the accrual using the most recent payroll paid, the total of which is located on the Payroll Recap worksheet for the pay period. Each pay period is made up of ten working days, so the total accrual is calculated on the percentage of unpaid working days in the month times the amount paid for the last payroll. For example, if there are five unpaid days at the end of the month, 5/10 days in the prior pay period = 50% of that pay period to be accrued. So if the prior pay period cost a total of $72,750.00, 50% or $36,375.00 will be accrued in total. Using the entries already prepared on the fiscal activity document input sheet for the month's payroll, these calculations are summarized and booked to a representative salary and benefit object class for each organization and the total is noted on the batch for easy reference. At the same time, the prior accrual is reversed (de-obligated). The net effect of the accrual entries is reflected in the journal entries for a total obligation or de-obligation.

2. Accounts Payable.

Accounts Payable are those amounts owed on the basis of evidence of receipt of goods and services. The only item included in this category is accrued payroll, as mentioned in the prior section. At year end, there will also be an item for Accrued Annual Leave included in the financial statements. This is not an entry that is booked into the general ledger as future funds will be used to disburse the item.

3. Accounts Receivable.

There are normally no accounts receivable entered on the books of the Office. At the end of the year, the Finance Officer will review all files and see if there should be any items set up as accounts receivable. If so, there will be an entry to reverse the items in the new fiscal year.

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2700 Budgeting Cycle - Financial Issues

AUTHORITY

POLICY.

Two events must take place before the Federal Government can spend money on any program or activity; an authorization and a separate appropriation must be passed by Congress. In general, the budgeting cycle proceeds as follows:

Early September	The OMB budget is submitted to OMB for their review.
November	OMB will send a "passback" to the Office which indicates the amount that the Office will be allowed to request from Congress.
December	The President's Budget will be prepared from the passback amount and entered into the OMB MAX system on the computer.
February	The Congressional Budget will be prepared and sent to both houses of Congress.
Prior to Oct	Congress should pass a budget for ONHIR. If Congress fails to do this, a Continuing Resolution will be in place until the actual ONHIR budget is passed.

The ONHIR is involved in the preparation of the President's Budget through interaction with and reporting to the Office of Management and Budget, the division of the Executive Office of the President which assists the President in the discharge of budgetary duties. The following sections will outline the detailed Office deadlines and reporting requirements as they relate to the accounting function, and the request and receipt of apportionments and reapportionments and the booking of budgetary activity on the computerized accounting system.

2710 THE BUDGET PROCESS FROM THE FINANCIAL VIEWPOINT.

The Finance Officer coordinates all budget submissions in cooperation with the Executive Director and the Examiner, Office of Management and Budget. The Finance Officer prepares a working budget for discussion with the Executive Director. Once this working budget has been approved by management, the Finance Officer will prepare the actual budget to be sent to OMB.

Proper maintenance of accounting records is required so accurate information regarding actual performance is available as needed for budget submission documents.

1. OMB Budget Submission.

Each July and August the Office of Management and Budget provides the agencies with policy guidance from the President to be used in upcoming budget preparations. The initial budget request materials are usually due at OMB in early September. This is the first step in the preparation of the President's Budget Proposal which will be submitted to Congress the following January.

OMB reviews the internal proposed budgets from each agency and holds hearings and discussions. The Director of OMB reviews the recommended budgets compiled by the Budget Examiners and Representatives and makes decisions on budget requests. This information is "passed back" to the agencies. After appeal (if any), the final numbers are printed and transmitted to the Congress in the President's Budget.

The President's Budget Proposal represents spending priorities and economic programs created through a lengthy process of consideration of White House policy, OMB recommendations and agency needs. This proposal is the starting point for debate by Congress and is reviewed by all congressional committees, although most of the decisions made in the compilation of the President's budget are not reviewed by Congress because they are too insignificant or routine.

The Executive Budget process changes from year to year and so an OMB Circular A-11, "Preparation and Submission of Budget Estimates" is updated and reissued each year. This circular contains detailed instructions on the preparation of annual budgets and is kept on file and followed by the Finance Officer in the preparation of the yearly budget.

Once the President's Budget is submitted to OMB via the MAX system on the internet, the "galleys" (reprints of the prior year's Appendix to the President's Budget) are sent to the Finance Officer who reviews them and returns them to OMB. From there they are routed for final printing. A multi-year system is used to forecast the current budget year and the following years, and actual financial information is also presented. Designations of budget year titles are as follows

PY-1 Fiscal Year preceding the past year
PY The last completed fiscal year
CY Fiscal year immediately preceding the BY
BY Fiscal year for which budgets are submitted
BY_1,2,3,4, Fiscal Years following the budget year.

The documents usually required from the ONHIR are:

-Narrative Statements of Program and Performance

-The Appropriation Language Sheet

-The Program and Financial Schedule

-Schedule of Object Classifications

-Personnel Summary

The data presented on the Program and Financial Schedule and the Schedule of Object Classification is provided by the Finance Officer from data in the Allotment Status Summary, the Summary Trial Balance, Treasury and OMB Reports, and a combination of actual and estimated CY figures.

The Program and Financial Schedule shows the actual results of PY, estimated CY, and Projections for BY. The Program by Activities section shows obligations by specific activities or projects. The Financial section shows dollar resources available to satisfy obligations by subtracting the unobligated balance available at the beginning of the year from total obligations and adding the unobligated balance available at the end of the year to compute Budget Authority. The difference between obligations and outlays is shown in the Relation of Obligations to Outlays section.

The Schedule of Object Classification is used to report obligations according to the nature of the good and services procured. Standard titles as outlined in the A-11 are used.

PY information is to be reported in conformance with related reports to Treasury and OMB. Therefore, the FACTS II statement for the year-end, and the Account Balance statement are the sources for this information. The FACTS II current year statement is the starting point for CY information, adjusted by estimates for activity in the remainder of the year. Information from the current year Allotment Status summary is used as follows:

a. Personnel Compensation.

To project obligations for the remainder of the fiscal year, salaries drawn by current employees are taken from the Organization Staffing Report available from NBC and maintained by the Personnel Officer.

b. Travel and Transportation.

Further obligations in object Class 211 and 221 are estimated on an historical basis by computing obligations per month to date and projecting this monthly amount for the remainder of the fiscal year.

c. Rents, Utilities, and Communications.

These full-year obligations are reviewed for validity and increased or decreased as necessary.

d. Printing and Supplies.

Full-year obligations in these categories are estimated as for Travel and Transportation.

e. Other Services.

The Finance Officer's role is to prepare detailed worksheets of material obligations and liquidations which show the percent accomplished through month billed and paid. This is done as within the working budget.

f. Equipment Acquisition.

Any additional equipment acquisitions are estimated.

g. Relocation Costs.

The Relocation Operations Manager will provide an estimate of relocation contracts to be signed before September 30.

h. Incentive Bonuses.

The Finance Officer estimates these bonuses based on prior years.

I. Discretionary Funds.

The Finance Officer estimates these items after discussions with the Contracting Officer and the Relocation Operations Manager.

BY figures are then estimated by the Finance Officer.

2. Congressional Budget Submission.

Congress is required by law to pass a budget resolution by April 15th of each year. This resolution is a public statement of Congressional spending priorities and economic policy, and is the Congressional alternative to the President's Budget Proposal. It provides spending guidance to the committees and consists of recommended levels for total budget authority, total outlays, total revenues, total loans, level of debt and deficit or surplus by functional areas of the Government (Department of Defense, Department of Agriculture, etc.). The resolution makes no line-by-line or program decisions, details are left to the discretion of the Budget Committees.

3. Authorizing Legislation.

An authorization must be passed before the Federal Government can spend money on an activity, the authorization is the legislation that establishes the purpose and guidelines for an activity although it does not provide the actual dollars for the program or enable an agency to commit funds; that is accomplished by appropriation.

The authorizing legislation usually does describe an activity in financial terms, setting an upper limit on what can be appropriated.

4. Appropriation.

The Appropriation enables an agency to make commitments of funds and spend money, but cannot be made unless the authorizing legislation is passed, and it cannot exceed the amount of authorization. The annual appropriations bill is passed by Congress and signed into law by the President.

Sequestration and rescissions are methods of withholding or deferring funds according to Presidential order.

Supplemental appropriations are additional funds enacted when the need is too urgent to be postponed until the next regular appropriation is considered. In years past, salary cost-of-living increased were funded by supplemental appropriation.

5. Agency Appropriation.

When a budget has been passed by Congress, the Agency's appropriation will show up as a deposit to that month's Treasury Account Statement. The appropriations are booked to the computerized accounting system by the Finance Officer when this happens.

6. Apportionment.

The apportionment is made by OMB after the authorization and appropriation are enacted. Through apportionment the available budgetary resources are applied to specific time periods, or as in the case with ONHIR funding, specific functional categories. This is accomplished on an SF-132 "Apportionment Schedule" as detailed in Section 2720.

7. Allotment.

Allotments, which are booked by the Finance Officer onto the computerized accounting system by summary accounting codes, are the in-house application of the apportionment. The numbers for this allotment come from the final approved Congressional Budget.

These allotments are used extensively to compare actual with budgeted results, and appear on the Allotment Status and Summary Reports and the Financial Statement prepared for management each month. The Finance Officer examines these statements and prepares allotment entries to deal with any underages by transferring funds from another category that has excess amounts.

8. Obligation.

Obligations are spending commitments made by the Federal Government that will require outlays either immediately or at some point in the future. Generally obligations can be made only for the funds which have been appropriated to the agency. An agency's obligational authority is the amount of funds available in a given fiscal year, including new appropriations, authority remaining unobligated from prior years, and any amounts authorized to be credited, such as transfers.

For more detailed information on the handling of obligations see section 1620 "Obligations and

Obligating Documents."

9. Outlay.

Outlays are the actual dollars that have been (or are projected to be) spent on Government activities as a result of budget authority and apportionment. The budgeted level of outlays for a fiscal year is a combination of the budget authority granted this year and projected to be spent plus the funds granted in previous years less any offsetting collections. The ONHIR books outlays as they are requested of Treasury onto the computerized accounting system. The Finance Officer supervises this activity. For more information on the processing of outlays, see Section 2200, "Disbursing."

Note: Sections MM#2720, "Apportionment Schedule SF132;" MM#2730, "Supplemental Appropriations;" and MM#2740, "Preparation of the Allotment Detail Input Document," and the attendant forms were eliminated by the 2010 revision of these procedures.

__/s/CJB___
APPROVED

SECTION 2000 ACCOUNTING PROCEDURES

SUBJECT 2800 Other Financial matters

POLICY. This chapter discusses the advances of cash to employees, the IPAC system, and the management of cash and other assets.

2810 CASH ADVANCE - EMPLOYEES

1. Employees - Educational Advances.

Educational advances are provided for ONHIR staff members who are approved for college or university attendance. The Finance Branch keeps track of these payments to employees for education and requires a grade report with a passing grade to close the employee file. If an employee does not pass the class, or drops the class, that employee must reimburse the Office for the funds spent. Educational advances are a privilege, not a right, and may be recalled by the Executive Director at any time.

a. Approval for Disbursement.

In order to initiate the processing of an educational advance, the employee must submit a completed college or university attendance package to the Human Resources Officer. This package must include:

-A completed in-house "Training Request Form" which lists the courses for which approval is requested, justification for training, and noting that an advance will be requested. This form must be approved by the employee's supervisor, the Executive Director and the Human Resources Officer.

-An SF-182 "Request, Authorization, and Agreement and Certification of Training" which is fully completed, including approving signatures, with the exception of blocks for the appropriation/fund information, the certification of training completion (Section F), and the approval of the budget (Section E). (See Section 2610.3 for more information.)

-A completed College Training Course Reimbursement Form.

-A Continued Service Agreement

The Human Resources Officer forwards a copy of the SF-182 and the original advance agreement are then forwarded to the Finance Officer for preparation of a fiscal activity document input sheet to record the expenditure for the advance and to request payment.

The Human Resources Officer maintains a file containing the SF-182 and the original in-house

"Training Request Form."

b. Repayments and Retirements.

Educational advances can either be retired through application or repaid by cash or check submitted for deposit to the Finance Officer. For the advance to be applied, it must apply to documented educational costs associated with approved courses which have been satisfactorily completed by the employee.

The Human Resources Officer requests completion of the evaluation on a copy of the SF-182 by the employee receiving training and his supervisor within 60 days of the course completion date stated on the SF-182. If, for any reason, the course has not been satisfactorily completed at this point, the employee will so indicate on this copy and return it to the Human Resources Officer, who will provide a photocopy of this form to the Finance Officer for follow-up action. If 90 days past the course completion date pass without receipt by the Human Resources Officer of the completed copy, a photocopy of the SF-182, containing a note with pertinent information will be forwarded to the Finance Officer for follow-up action.

If the employee has failed or dropped the course, the Finance Officer will make arrangements for the employee to repay the funds.

The completed copy of the SF-182 is forwarded by the Human Resources Officer to the employee's personnel file. Any tuition or textbook receipts, grade reports, or documents of a similar nature are forwarded to the Finance Officer for processing. To retire an education advance, the advance holder must provide the Finance Officer with the proper documentation of costs incurred. This includes:

-Tuition. A copy of the document provided by the institution which shows courses in which the employee is enrolled, the amount of tuition and fees paid. A canceled check made payable to the institution by the employee for a substantiated amount is also acceptable.

-Textbooks - Reimbursed textbooks become the property of ONHIR and as such may be removed from the possession of the employee when deemed appropriate by the Human Resources Officer. Bookstore receipts or photographs of textbook price tags, when the book is submitted for retention by the Office, are acceptable. Only books required or recommended, as stated in the course syllabus are reimbursable.

-Parking- Reasonable and necessary parking fees are also reimbursable when a receipt or canceled check is submitted for this expense.

Failure to provide adequate cost documentation will not only result in the advance remaining outstanding, but will endanger the employee's eligibility for future advances.

The other documentation required for educational advance retirement is the grade report from the institution demonstrating satisfactory (grade of "D" or better) completion of the course. Transcripts may be

provided, a the employee's expense, in lieu of the grade report.

If ordinary requests, verbal and written, do not result in the retirement of educational advances due ONHIR, payroll deduction may be utilized to collect the amounts due, upon approval of the Executive Director.

2. Contractor/Grantee Advances.

Advances to contractors and grantees may be provided to meet the cash needs of small organizations which provide services and products to the Office but are unable to operate on credit alone, or would directly pass the costs of a line of credit on to the Office.

An advance is usually given at the start of the contract and carried forward until the project is completed and has been closed. The contractor/grantee must include advance information on the monthly expenditure statement prepared to accompany billings.

a. Request for Advance and Approval.

Advances are requested in letter form, with details as to how much is required and for what reason. The Contract Specialist reviews each case and refers legitimate requests to the Contracting Officer for final approval of the advance. Usually not more than one month's operating expenses are advanced.

b. Processing of Disbursement.

After the advance has been approved by the Contract Specialist and the Contracting Officer, they initial their approval on the letter which requested the advance and the letter is forwarded to the Finance Officer for processing. The Finance Officer reviews the amount requested in light of the budget for the contract/grant and if appropriate, prepares the entry to disburse the funds, attaching the letter so it will be routed to the fiscal file. Potential problems such as failure of the contractor or grantee to promptly retire previous advances or to follow budget guidelines are discussed with the Contract Specialist.

The entry to disburse contractor/grantee advances is prepared as any other request for disbursement (see Section 2200) except that notes are made both on the obligation and payment record recap sheet and in the comment section of the fiscal file indicating that an advance was made. These notes serve to remind the Finance Officer of the advance when the contract/grant is closed out later.

c. Retirements.

Contractor/Grantee advances can either be repaid by check submitted for deposit to the Finance Officer, or retired through application of the advance to operating costs which are approved for payment by the Contract Specialist. Frequently a combination of these approaches is used whereby the advance is applied against the final month's expenditures with any balance repaid to the ONHIR.

The Contract Specialist and the Finance Officer must be alert to the status of these advances when the final billing period arrives to ensure that overpayment does not occur due to failure to apply the advance.

d. Final Settlement.

Final settlement is the process of determining that the work ordered in the contract/grant has been properly completed and that all payments have been made. Usually this process does not include the direct participation of the fiscal section, except for the physical closure of the fiscal file, unless an advance has been made.

To close out an advance, the Finance Officer reviews the fiscal file, where the Officer finds notes to indicate that an advance was made. The obligation and payment history is reviewed to ensure that all reported figures are accurate. Final month's expenditures under the contract/grant are applied against the advance after the regular approval of the Contract Specialist. A balance due the contractor/grantee is processed as any disbursement, and any remaining unliquidated obligation is reversed. If a balance is due the ONHIR, a letter requesting payment is prepared by the Contract Specialist, with a copy to the fiscal file. The contract/grant is not closed out until repayment has been received.

The Finance Officer reviews open items on a monthly basis and refers to any unliquidated contract/grant items to the attention of the Contract Specialist. Contract/grant fiscal files are never marked complete until final settlement has taken place, even if they are fully liquidated.

Note: Sections MM#2820, "OPAC System;" MM#2830, "Cash Management;" MM##2840, "New Lands Revenues and Disbursements," and the attendant forms, were eliminated by the 2010 revision of these procedures.

SECTION 3000 **HUMAN RESOURCES BRANCH**

SUBJECT 3000 **Introduction**

AUTHORITY

POLICY

1. Purpose

This section of the Management Manual has been developed to provide Human Resources policy guidance and regulations for the employees of the Office Navajo and Hopi Indian Relocation. Public Law 93-531, which established the Navajo and Hopi Indian Relocation Commission, now the Office of Navajo and Hopi Indian Relocation (the Office), also authorized the ONHIR to hire staff to achieve the purposes of the act.

2. Scope

The content of the Human Resources system is governed by the Office's status as an of independent entity within the Executive Branch of the Federal Government. Public Law 99-190, also authorizes the competitive appointment of staff in the civil service with regard to sections of the U.S.Code relating to classification and general pay rates. The Office has utilized this authority to develop a classification and pay system in accordance with 5 CFR §s 511 and 530 which are applicable to civil service.

3. Applicability

The regulations contained in this section apply to all employees, both managers and line employees. Any exceptions are noted in the coverage paragraph of each chapter.

4. Authority

Human Resources policy is approved by the Commissioner. The provisions of this section are effective as of the date printed in the lower right hand corner of each page and supersedes policy directives issued in the form of Management Memoranda.

At the time of this revision of Section 3000 of the Human Resources Branch procedures of the ONHIR Management Manual, the Office of Commissioner position is vacant. The previous Commissioner has delegated full operational authority to the ONHIR Executive Director for the Relocation Program via an official directive dated April 8, 1994.

The Executive Director issues interpretive guidance and may issue interim policy.

5. Distribution and Use of the Manual

This section is available for reference purposes to all ONHIR Offices and employees on the ONHIR website. Additions and changes will be made to the electronic version of the Management Manual

and posted on the ONHIR website.

Forms developed for internal Office use in connection with these procedures are located at the end of each chapter.

Any questions about the contents of this manual, and any suggestions for additions, changes, typing corrections and so forth, should be submitted to the Office's Human Resource Officer.

SECTION 3000 **HUMAN RESOURCES BRANCH**

SUBJECT 3312 **Position Management**

AUTHORITY **P.L. 93-531, OMB Circular #A-64**

POLICY

It is the policy of the Office of Navajo and Hopi Indian Relocation that work will be organized and assigned in a manner that will make the optimum use of its manpower resources. The Office of Navajo and Hopi Indian Relocation will ensure strict observance of employment ceilings and will rigorously pursue a position management program that provides a proper balance among mission needs, efficiency of operations, and effective employee utilization. The Office's position management program will support its Affirmative Action and equal opportunity programs.

These procedures document this Office's position management plan and assign responsibilities for the structuring of positions, functions, and units in a manner that optimizes efficiency, productivity, and organizational effectiveness.

The primary objectives of position management in this Office are to:

* Establish an organizational structure that will facilitate mission accomplishment.

* Identify, prevent, and eliminate such common faults as unnecessary organizational fragmentation, excessive organizational levels, improper job design, outmoded work methods, and inappropriate spans of control.

* Evaluate the need for positions and whether their grades are fully supportable; whether their duties can be eliminated, assigned to other positions, or modified to permit performance at a lower grade.

* Establish realistic ratios between (1) managerial, supervisory and staff positions and, (2) non-supervisory line positions.

* Properly classify positions in accordance with policies and procedures approved by the Office pursuant to authorities vested by 5 CFR §511.

* Establish well-defined career ladders for development and progression to the extent feasible concerning the temporary nature of the Office.

* Make maximum utilization of employee skills, design positions to promote job interest, and improve morale and motivation.

* Perform work, or contract it out, based on quantifiable concerns for missions, costs, benefits, and the Office of Management and Budget policy.

1. Actions and Responsibilities

a. Commissioner

The Commissioner has final accountability for the position management program for the Office. **[Note: See §3000, pg. l, "Authority."]**

b. Executive Director The Executive Director will:

Exercise oversight of the position management program, delegating responsibility for specific actions required for effective position management to the lowest possible managerial level, consistent with good management practices.

Maintain compatibility with and support Affirmative Action and equal opportunity programs while administering the position management program.

Review for the Commissioner's approval proposed internal reorganizations or position structure changes from the standpoint of the feasibility of work design, occupational distribution, grade distribution, manpower requirements, and costs to assure that good position management principles are applied.

Approve the creation, abolishment and restructuring of Office positions.

Assure annual assessment of the position management program and conduct regular overall position management assessments as described in No. 2 below.

c. Managers and Supervisors The Managers and Supervisors will:

Review a vacant position, before asking to fill a vacancy, to determine whether the duties of the position are fully supportable, can be eliminated, assigned to other positions, or modified to permit performance at a lower grade. Analyze full-time vacant positions into part-time positions.

Review the organizational work pattern thoroughly before proposing to upgrade a position or in order to ascertain the necessity for assigning responsibilities as high as the grade being proposed.

Prepare and revise position descriptions timely to accurately reflect the responsibilities and duties required.

d. Human Resources Officer The Human Resources Officer will:

Upon delegation by the Executive Director, develop and administer the position management program, coordinate necessary staff work, ensure that managers and supervisors receive necessary assistance, review position management aspects of proposed personnel actions, bring unsound practices to the attention of the Executive Director or Commissioner as appropriate, and recommend corrective action.

In conjunction with the Finance Officer, develop an internal Office position authorization and employment control procedure to assure that (a) approved ceilings are not exceeded, (b) employment requirements are continuously reviewed, (c) positions authorized are limited to those that can be financed within available funds, and (d) employment is maintained throughout the year at levels that will preclude the need for reductions-in-force or other disruptive or uneconomical actions to remain within the approved ceiling.

The internal procedure must provide complete, accurate, and timely information on work-year requirements and utilization as well as on numbers of employees, to meet both Office management needs and the central reporting requirements of OPM and OMB. Utilization of ceiling full-time equivalent work-years will be reported electronically through the SF 113-A and 113-G reports.

Provide internal staff capacity or arrange for consultation and assistance from other sources when necessary to assure proper classification of positions and good position management practices throughout this Office.

Facilitate, through the procurement process, external contracts with agencies and individuals to perform specialized and non-recurring services when such contracts represent the most efficient means of achieving Office objectives.

2. Position Management Evaluation

At least annually during the process of budget formulation the Executive Director will formally review the position management program with responsible officials, identify weaknesses, problems, etc., and give direction for change which will correct same.

SECTION 3000 HUMAN RESOURCES BRANCH

SUBJECT 3335 PROMOTION

THE OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

MERIT PROMOTION PLAN

is attached hereto and by this reference made a part hereof.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION
MERIT PROMOTION PLAN

Purpose. This Plan establishes the procedures and requirements for a systematic means of recruitment and selection for promotion according to merit.

Scope. This Plan applies only to positions in the competitive service and does not apply to positions in the excepted service, including attorney positions, or to positions within the Senior Executive Service.

References. This Plan implements the provisions of Chapter 33 of Title 5 of the United States Code and Parts 330 and 335 of Title 5 of the Code of Federal Regulations.

Policy. ONHIR will recruit, select, and place employees on the basis of merit without regard to race, color, gender, religion, national origin, age, disability, sexual orientation, marital status, or political or labor organization affiliation, in accordance with federal law and OPM delegated regulations.

Responsibilities.

A. Executive Director – Oversees the Human Resources Officer in administering the Merit Promotion Plan, reviewing individual promotion actions for conformance with merit principles and Plan procedures.
B. Human Resources Officer – Responsible for day-to-day administration of the merit selection process. Ensures that technical guidance and assistance are provided to managers and employees regarding the Plan. Performs other specific duties as outlined in this Plan and other duties required to ensure fair and equitable administration of the merit selection process. Evaluates the effectiveness of the Plan
C. Supervisors and Managers – Give fair consideration to all candidates referred. Make selections following merit principles. Preserve the confidentiality of candidates' records and qualifications. Participate with Human Resources Office in developing job analysis and evaluation methods. Provide Human Resources Office with advance information on projected staffing requirements, anticipated losses, changes in duties, or other information that could lead to personnel actions.
D. Employees – Apply for any announced vacancy for which they are interested and qualified by submitting application materials, following instructions specified in the vacancy announcement. Participate in interviews or other processes used to evaluate applicants' knowledge, skills, and abilities.

Actions Covered By This Plan.

A. Temporary promotion for more than 120 days in a 12 month period to a position at a higher pay grade. A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under

competitive procedures and the fact that it might lead to a permanent promotion was made known to all potential applicants. A promotion means the change of an employee to a position with a higher pay grade.

B. Details for more than 120 days in a 12 month period to a position at a higher pay grade or with higher promotion potential. A detail is a temporary assignment without change in salary to a different position.
C. Selection for training which is part of a promotion program, or required before an employee may be considered for a promotion.
D. Reassignment or demotion to a position with greater promotion potential than a position previously held on a permanent basis in the competitive service. A reassignment means the change of an employee from one position to another position in the same agency without promotion or demotion. A demotion is the change of an employee to another position at a lower pay grade.
E. Reinstatement to a permanent or temporary position at a pay grade with greater promotion potential than a position previously held on a permanent basis in the competitive service. Reinstatement means the reemployment of a person formerly employed in the competitive service who had competitive status when he or she was separated from the service.
F. Transfer to a position at a higher pay grade or with greater promotion potential than a position previously held on a permanent basis in the competitive service. A transfer means a change of an employee, without a break in service of one full workday from a position in one agency to a position in another agency.

Exceptions To The Plan. This Plan does not apply to the following actions:

A. Promotion of an incumbent when a position is reclassified to a higher grade when: the reclassification is the result of either the issuance of a new classification standard or the correction of a classification error; there are no significant changes in duties and responsibilities; and the incumbent meets the legal and qualification requirements of the higher grade.
B. Position change permitted by reduction-in-force regulations.
C. Promotion without current competition of an employee within a career ladder when: the original selection was made in accordance with competitive promotion procedures; the original selection was intended to prepare the employee for the position being filled; and the position's promotion potential was documented.
D. Promotion of an incumbent when a position is reclassified to a higher grade due to assignment of additional duties and responsibilities when: the incumbent assumed the higher level duties and responsibilities over a reasonable period of time; the incumbent performs the basic functions of the position at the former grade level as well as the higher level duties; and the employee has clearly demonstrated the ability to perform the duties at the higher level and satisfactorily performed the additional duties over a reasonable period of time.
E. Temporary promotion of 120 days or less (all service during the preceding 12 months under non-competitive temporary promotion or detail to a higher grade counts toward the 120 days).
F. Selection as a result of priority consideration (e.g., Reemployment Priority List).

G. Re-promotion, reinstatement, or transfer of an employee to a grade previously held on a permanent appointment in the competitive service. A prior change to lower grade must have been for other that deficiencies in performance or conduct reasons.
H. Appointment, conversion, selection, or promotion made under special authorities or Office of Personnel Management (OPM) approved programs; e.g., VRA appointments, selections from re-employment priority lists, appointments of disabled individuals, etc.
I. Promotion, reassignment, demotion, transfer, reinstatement or detail to a position having no greater promotion potential than the employee's current position.

Posting Of Vacancy Announcements.

A. After approval by the Executive Director, the Human Resources Office will prepare and distribute a vacancy announcement that meets federal law and OPM requirements. A copy of the announcement will be posted on ONHIR bulletin boards and e-mailed to internal staff. If the vacancy is open to applicants outside the ONHIR workforce, the vacancy announcement will be posted on ONHIR's web site and on OPM's Federal Jobs Information website at www.usajobs.gov. In this instance, OPM will be the responsible party for collecting applications and performing delegated examining.
B. Vacancies that are open to status applicants must be open a minimum of 5 business days. Applications for vacancy announcements must be postmarked by the closing date of the announcement.
C. Supervisors are responsible for ensuring that employees, who may be interested in applying for a vacancy but are absent during the open period, are notified of the vacancy.

Basic Eligibility Review Of Applicants.

A. The Human Resources Office will determine whether applicants meet citizenship and the general competency requirements. Applicants who do not meet the requirements will be removed from further consideration. Applicants who meet the requirements will be reviewed for priority consideration and selection and forwarded to the rating panel (see next section, except as provided in paragraph B).
B. If there are five or fewer status candidates who meet the general competency requirements, all of them may be referred on a qualified list to the selecting official for consideration without being rated.
C. The criteria used to rate candidates, when necessary, will be based on a thorough job analysis by subject matter experts resulting in identification of job-related ranking factors. The ranking factors are documented and must provide the basis for considering and comparing candidates based on the knowledge, skills, and abilities needed to be successful in the position. Level definitions are assigned for each ranking factor identified and the resulting crediting plan becomes a means to evaluate the candidate's training, education, and experience.

Rating By A Panel.

A. The panel will consist of at least three members. The selecting official may not be a participating member of the panel. Each rater should be familiar with the requirements of the position to be filled and be of a grade equal to or above that of the position being rated. Each panel will have a representative from the Human Resources Office as a facilitator to ensure compliance with procedural requirements and merit principles. The Executive Director will reserve the right to make the final decision on panel membership.
B. Each panel member will review each application and use the rating guide provided by the Human Resources Office to rate each applicant. The panel will use an Applicant Rating Sheet to document the ratings for each applicant and provide the completed forms to the Human Resources Office.

Best Qualified Lists.

A. After the panel has completed the evaluation of all candidates, the Human Resources Office will calculate the rating points based on the level assigned to each rating factor.
B. A list of the best qualified will be established based on the final rating points and submitted to the selecting official in alphabetical order. Normally no less than three and no more than ten candidates may be certified to the selecting official for each vacancy.
C. If the applicants were not rated, as permitted by this Plan, the applicants will be listed in alphabetical order.

Interviews and Selection.

A. The Human Resources Office will advise the selecting official of any priority selection considerations. If there are none, any of the listed applicants may be selected. If one applicant is interviewed all applicants for promotion must be interviewed. Interviews should consist of questions that are designed to elicit information regarding the competencies of the position and to clarify any questions about the application. The same questions should be asked of each applicant being interviewed. Due weight should be given to performance appraisals and incentive awards in the process.
B. A selecting official has the right to select or not select from among a group of best qualified candidates. Management also has the right to select from any other appropriate source, such as reemployment priority list, reinstatement, reassignment, transfer, disabled, or VRA eligibles or those within reach on an appropriate certificate of eligibles. The selecting official may return the best qualified list of candidates without selection if he or she decides not to fill the vacancy or to alter the requirements of the position.

C. The selecting official is required to make appropriate reference checks which should consist of questions posed to former supervisors that pertain to the candidate's work performance and conduct. The selecting official will inform the Human Resources Officer and Executive Director of the selection, with the Executive Director making final approval. The Human Resources Officer will then make the formal position offer.
D. After the formal offer has been accepted, the Human Resources Office will notify all applicants in writing of results of the competition.

Disclosure of Information.

A. The following information is releasable to applicants; individual qualification determinations, information regarding rating/ranking that doesn't compromise the privacy of other applicants, and any information that pertains to their specific application or status.
B. The following information is NOT releasable to applicants; job analysis, crediting plans, rating panel membership, and all competency-based information.

Recordkeeping. Documentation supporting selection actions will be maintained in accordance with federal law and OPM guidance. Records created and maintained in connection with this guideline are part of the OPM government-wide systems of records.

Resolution of Employee Complaints.

A. Every effort will be made to be responsive to employee inquiries concerning the Merit Promotion Plan. Resolution of complaints by informal discussions between an employee and selecting official is encouraged. While the *procedures* used to identify and rank qualified candidates may be proper subjects for complaints under the ONHIR Grievance Procedure, non-selection from among a group of properly ranked and certified candidates is not a basis for such a complaint.
B. All applicants have the right to contact an Equal Employment Opportunity counselor if they believe they were not selected because of their race, color, sex, age, nationality, religion, genetic information or disability. All applicants have the right to file a complaint with the Office of Special Counsel if they believe that they were not selected because of their marital status, political and labor organization affiliation, status as a parent, or sexual orientation.

SECTION 3000 **HUMAN RESOURCES BRANCH**

SUBJECT 3410 **Training**

AUTHORITY **5 CFR Part 410**

INTRODUCTION

This Chapter of the Human Resources Branch Procedures of the Management Manual has been adopted to implement the provisions of 5 CFR Part 410**.** This chapter contains the procedures established by the ONHIR for the administration of the internal Office training program. For additional information about regulations applicable to federal agencies in general, please consult 5 CFR Part 410.

POLICY

Consistent with federal law it is the policy of the Office of Navajo and Hopi Indian Relocation to support training for employees in the performance of currently assigned duties and the development of skills, knowledge and abilities which will best qualify employees for the performance of official duties which they could reasonably be expected to assume in the near future.

The Office adopts the concept of training and professional enhancement as an effective means of stimulating efficient management and operation of the Office. In addition, training and professional enhancement will prepare Office staff to seek employment opportunities elsewhere in the federal community.

Training opportunities shall be available to all employees without regard to race, color, age religion, sex, national origin, physical or mental disability, or genetic information. (Refer to ONHIR Training Policy at the end of this Chapter.)

Responsibilities

1. Executive Director The Executive Director is responsible for establishing an employee development and training program as an integral part of the Office's Human Resources management program. Specific duties required to carry out the program shall be delegated to the most appropriate level.

2. The Supervisor The immediate Supervisor is the first level of review for any training requested by the employee. The immediate supervisor is responsible for:

a. Assisting the employee in analyzing the knowledge, skills and abilities required to perform the duties of his or her position and those areas in which the employee's performance can be improved through training.

b. Allowing the employee reasonable time in duty status to attend appropriate courses or to work on training materials in the Office, consistent with the work load.

c. Evaluating changes in employee performance following the successful completion of training.

3. The Employee The employee is responsible for identifying his or her career goals and education/training objectives. Within the context of the ONHIR training program the employee is responsible for:

a. Discussing areas of performance strength and weakness and training needs with the immediate supervisor.

b. Keeping informed of changes within their field of technical or managerial competence which may require formal training.

c. Identifying suitable training sources, identifying the costs and other requirements for participating in training and making timely arrangements to participate in training.

d. Giving their best effort to successful completion of training for which they are selected. The employee shall be expected to complete course assignments and related course activities on their own time to the maximum extent possible to avoid the appearance of abuse of privilege of training and educational leave.

e. Applying knowledge and skills acquired through agency-sponsored training to their job performance.

4. The Training Officer The Training Officer will review each request for training and prior to approving any request will:

a. Verify the training is appropriate for the employee, considering the employee's current and future job duties; course content, level of difficulty or complexity of the subject matter.

b. Analyze course content and explore alternative sources, dates, locations, for cost comparability, assuring the most economical and effective training is obtained.

c. Assist the employee and supervisor to analyze the employee's current skills in relation to job duties and recommend training to enhance or improve skills.

d. Recommend on-site training for groups of employees when such training is indicated due to mission change, new work processes, or legislation affecting the Office.

e. Present on-site training for employees in a variety of human resources management areas.

f. Consult with the Executive Director to assure the annual budget allocates an adequate portion (up to 1%) of salary costs for employee training.

5. The Human Resources Office The Human Resources Office is the point of contact for training inquiries. The Human Resources staff will:

a. Receive, review and disseminate information about federal and other training courses and assist the employee in finding an appropriate source of training.

b. Provide offices with copies of forms referenced by these procedures.

c. Maintain complete and accurate training files on employees.

d. Submit a Monthly Training Report electronically as required by the Office of Personnel Management.

PROCEDURES

3410 General Requirements

1. Definition of Training The term "training" encompasses the full range of employee development opportunities generally understood by this term, including: government courses, courses available from private organizations, college courses, seminars, conferences, technical or vocational training courses, on-the-job training, correspondence courses, etc.

2. Amount of Training Because training needs are unique to the individual and training courses vary greatly in length and type of schedule it is not appropriate to quantify the number of hours or number of courses which will be approved by the Office. Requests for training will be considered on a case-by-case basis.

3. Employees Eligible for Training Permanent full-time and part-time employees, temporary employees, and federal employees detailed from other agencies (with the concurrence of their employer agency) shall be eligible for ONHIR sponsored training.

4. Training Positions A position designated as a "training position" with specific promotional opportunities will be fully described as such in the position description. Such positions will be advertised for competitive selection.

5. Release Time College courses and other courses which are repetitive over a period of time may require release time from work for class attendance. The Office may authorize a change in the employee's duty hours, or may require release time from work, in order to allow an employee to attend approved classes or to complete class or lab assignments which take place during the employee's usual tour of duty. Release time may include reasonable time for travel to and from the class location.

As a general rule, no more than one course requiring release time will be approved per semester for the employee and release time will not be approved for classes which the employee may take outside of regular work hours.

6. Commitment of Time in Return for Training An employee who requests and is approved for training, must sign the College/Training Course Reimbursement Form, **Form MM#3410.4**,to continue government service for a time period equal to three times the length of the training, unless:

a. If there is no expense to the Office other than the employee's pay while in training status the continued service agreement requirement may be waived.

b. If the training is of less than 80 hours in duration, the continued service agreement period may be shortened to one month.

If an employee fails to fulfill the agreement to remain in service, the employee must repay the training expense beyond his or her salary for the time spent in training on a pro-rata basis, i.e., the percentage of expense to be repaid may not exceed the proportion of the agreement not completed. Employees may appeal the repayment as specified in 31 U.S.C. 3711.

7. Grievances Related to Training Requests An employee whose request for training or request for cancellation of training is disapproved, and who disagrees with the decision, may submit a grievance in accordance with the Office grievance procedures, (Management Manual Vol. 6, Human Resource Branch procedures, Subject 3771.)

3410.2 Requests for Training

1. Training Requests Training Request forms are required for all training which involves the employee enrolling in a course, class, conference, or similar training activity which is conducted away from the Office premises and/or involves a cost which will be paid by the Office. Training request forms are not usually required for training which is conducted on office premises for groups of employees but may be required depending upon the circumstances.

2. Internal Training Request Form An employee will initiate a request for training by filling out an Internal Training Request Form, **Form MM#3410.1**, and discussing the request with their immediate supervisor. The internal request form will be routed, upon approval by the supervisor, along with the SF-182 Form (Authorization, Agreement, and Certification of Training) **Form MM#3410.2**;the Continued Service Agreement form, **Form MM#3410.2 ;** the College/Training Course Reimbursement form, **Form MM#3410.4**; and when applicable the Request for College Class Attendance Form, **Form MM#3410.3**. These forms will be routed for signature approval together as a training packet to assure training is approved and to obligate funds. The Internal Training Request form is maintained electronically on the ONHIR computer information system.

The Internal Training form, along with the other training forms referenced in this section, should be initiated at least six (6) weeks before the desired training in order to allow sufficient time for review by management officials and the Office. (Refer to copy of Internal Training Request Form at the end of this chapter.)

3. SF-182-Authorization, Agreement, and Certification of Training Form. The SF-182 Form, Authorization, Agreement and Certification of Training Form, **Form MM#3410.2,** is to be routed with the Internal Training Request Form for signature approval. This form is maintained electronically on the

ONHIR computer information system. In addition to obtaining the supervisor's approval and signature, this form will be routed for higher level approval as part of the training packet. (Refer to copy of SF-182 Form at the end of this chapter.)

4. Request for College Attendance Form- College Courses An employee who requests approval to attend a college course(s) must submit a completed Request for College Attendance Form, **Form MM#3410.3**. In addition to obtaining the supervisor's approval and signature this form will be routed for higher level approval as part of the training packet. This form is maintained electronically on the ONHIR computer information system. (Refer to copy of the Request for College Attendance Form at the end of this chapter.)

5. College/Training Reimbursement Form An employee who requests approval to to attend any training, whether it is a college course or a non college course, is required to submit a completed College/Training Reimbursement Form, **Form MM#3410.4**. In addition to obtaining the supervisor's approval and signature, this form will be routed for higher level approval as part of the training packet. This form is maintained electronically on the ONHIR computer information system. (Refer to copy of the Request for College Attendance form at the end of this chapter.)

6. Required Approvals After the employee's supervisor has approved all of the training request forms in the training packet, the employee will route and circulate these forms to the following offices for review and approval:

a. Human Resources Officer/Training Officer

b. Executive Director

7. Basis for Approval/Disapproval The employee's supervisor and other reviewing officials shall base approval or disapproval of the employee's training request upon the following factors:

a. The relationship which the proposed training bears to the duties which the employee is currently performing or will be assuming in the near future.

b. The employee's workload, as well as the workload of the Office.

c.` Anticipated benefits to the Office as well as to the employee.

d. The cost of the training and the availability of funds for training and related travel and expenses.

8. Training Not Approved If the training is not approved by the employee's supervisor, the Internal Training Request Form shall not be processed through higher levels of review. If the training request is disapproved at one of the higher levels of management review, the Human Resources Officer shall return the disapproved form to the employee with an explanation of the reasons for disapproval.

9. Course Payment **Cross reference Management Manual, Volume 5, Finance Branch Procedures, Subject 2600, page 4; Certification of Training and Subject 2800, page 1, Educational Advances**. The Finance Branch will obligate funds for training and will issue payment according to internal procedures.

10. Travel Arrangements If the employee requires travel arrangements, he or she shall fill out a Travel Request Form entitled, "Request for Travel Authorization and Bookings." As a general rule the Travel Coordinator will make travel arrangements for employees attending government training courses upon confirmation of enrollment.

3410.3 Cancellation of Training

1. Timely Notification If an employee is unable to attend a training course after it has been approved by ONHIR officials, the employee must request approval for withdrawing from the course and cancelling the arrangements which have been made. The employee must initiate the cancellation as soon as he or she knows they will not be able to participate in the training.

2. Preparing and routing a Cancellation of Training Request An employee who wants to cancel an approved training request will initiate the request for cancellation by filling out the top portion of Cancellation of Training Request, **Form MM#3410.5**. The employee must attach copies of the approved Internal Training Request Form and SF-182. The employee should discuss the cancellation with their supervisor as soon as possible and explain the reason for the cancellation or withdrawal.

3. Review by Finance Before circulating the cancellation for approval, the employee shall obtain a review by the Finance Branch to determine if funds have been expended on the approved training. The employee may be required to reimburse the ONHIR any funds which have been expended for their course enrollment and/or travel arrangements which cannot be cancelled without penalty to the Office.

4. Required Approvals After the employee's supervisor has approved the request to cancel the training, the employee will circulate the request to the following offices for review and approval:

a. Human Resources Office

b. Finance Office

c. Executive Direction

5. Follow-up Actions The Cancellation of Training Request form, after completion by the employee, will be routed to the Supervisor, the Finance Officer, and the Executive Director for signature approval. The employee will be responsible for cancelling all training arrangements with the training vendor when the approval of the Cancellation of Training Request form has been obtained. The employee will route the original form to the Finance Branch for deobligation of funds. The original copy of the form will then be routed to the Human Resources Branch to be maintained in the training records. (Refer to copy of Cancellation of Training Request form at the end of this chapter.)

6. Cancellation Not Approved If the request to cancel the training is not approved by the employee's supervisor, the request shall not be processed through higher levels of review. If the cancellation is disapproved at one of the higher levels of management review, the Training Officer shall return the disapproved form to the employee with an explanation of the reasons for disapproval.

An employee who fails to attend approved training without obtaining approval for the cancellation will be considered absent from the approved duty station and may be subject to disciplinary action.

UNITED STATES GOVERNMENT

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

Christopher J. Bavasi
Executive Director

DATE: November 24, 2009

MEMORANDUM TO: All Staff

FROM: Executive Director

SUBJECT: Training Policy

Periodically, we review our various policies and procedures for applicability due to changing needs and priorities of the agency. The training policy has been updated and future training requests will be evaluated based on the following criteria.

I am inclined to approve training requests designed to improve performance, prepare for career advancement in this or other Federal agencies, and pursue degrees to enhance qualifications for advancement. Generally, training requests, university/community college course requests and conference/seminar attendance should meet one or more of the following:

- Training is required to correct an identified performance deficiency (there is documented unacceptable performance and corrective action is required by 5 CFR).
- Training is mandated by law or regulation, or is required to meet a condition imposed by law or regulation.
- Training is required to prepare an employee/team to use new equipment or technology.
- Training can be immediately used to improve agency operations.
- Training to prepare an individual for placement pursuant to an anticipated reduction in force.

Training requests will also be evaluated on the basis of acquiring the most cost effective means for the agency, including but not limited to, on line or web based training courses offered by training vendors.

Requests to continue college degree course work will be considered on a case by case basis. While I may approve attendance at more than one course per semester, I will not approve release time without charge to annual leave for more than one course per semester. Courses should meet the criteria above, or courses should be clearly designated as required for the award of a degree.

If you have questions, or want to discuss the training policy, please contact me.

P.O. Box KK • 201 E. Birch • Flagstaff, Arizona 86002 • (928) 779-2721 • Fax (928) 774-1977

SECTION 3000 **HUMAN RESOURCES BRANCH**

SUBJECT 3430 **Performance Appraisal**

AUTHORITY **5 CFR §430**

POLICY

It is the policy of this Office that the performance of each employee will be appraised accurately and timely and shall be recorded in writing. Performance appraisals shall be tailored to the job and shall encourage improved communication about work between supervisors and employees.

The objectives for appraising employee performance are to provide the information necessary to accomplish the following:

* Specify Office goals and objectives as they relate to the individual and determine whether these have been met;

* Improve employee, program, and Office performance;

* Enhance career development and professional growth; and

* Use the work performance information as a basis for training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees.

The above objectives cannot be met through once-a-year appraisal and discussion of employee performance. Rather, appraisal must be a continuing process.

An integral part of the ongoing, informal process is the periodic review of the previously communicated performance standards and critical job elements to ensure that they are mutually understood. Effective appraisal requires frequent communication between the supervisor and the employee regarding the quality and effectiveness of the employee's performance and ways it can be improved.

This section contains the performance appraisal policies and procedures of the Office of Navajo and Hopi Indian Relocation. It is intended to serve as a guide to supervisors in carrying out their performance appraisal responsibilities and as a source of information to employees concerning performance appraisal.

This Office recognizes performance appraisal as a key to effective personnel management because it:

* Helps supervisors and managers to plan and assign work and make the most efficient use of their staff resources;

* Provides supervisors a documented and supportable basis for making work-related personnel decisions;

* Provides employees the opportunity to actively participate in setting standards against which their performance will be appraised; and

* Provides supervisors a mechanism for giving meaningful feedback to employees about performance.

The provisions of ONHIR's performance appraisal system apply to all employees except the following:

* Members of the Senior Executive Service who are covered by a separate performance appraisal system which is described in 5 U.S.C, Chapter 43, Subchapter II.

* Intermittent employees and temporary employees appointed for periods of less than six (6) months.

Definitions

1. Performance

An employee's accomplishment of assigned duties and responsibilities.

2. Performance Appraisal

A multi-step process of observing and appraising an employee's performance in relation to preset job related performance standards.

3. Performance Standards

The level of performance an employee is expected to achieve for each critical job element. Performance standards address such criteria as quality, quantity, and timeliness. Performance standards in the Office shall describe a fully acceptable/successful level of performance.

4. Critical Job Element

A required element of the job that is sufficiently important to overall success in the job that performance below the minimum standard established by management results in unacceptable overall performance and requires some remedial action and denial of a salary increment. Failure to meet the standard in a critical element of the job may be the basis for demotion or removal; such action may be taken without regard to performance on other elements of the job.

5. Appraisal Period

The appraisal period is the period of time during which the employee's performance is observed for the purpose of making a formal appraisal. The appraisal period is established as follows:

a. New Employees

New employees hired for a regular appointment or temporary appointment of six (6) months or more shall receive a copy of the critical elements and performance standards for the job within thirty (30) days of being hired. The employee must be performing at the fully acceptable level in order to continue employment with the Office.

b. Permanent Employees

Permanent employees shall be appraised during the mid-year review and a formal rating will be provided at the end of the calendar year. Completed appraisals for the year shall be submitted to the Human Resources Office by the end of the current calendar year.

Appraisal forms for the coming year, setting forth updated critical elements and standards, shall be prepared for all employees by January 30th. The appraisals shall incorporate goals, objectives, and special projects and programs identified by the Commissioner for action during the new calendar year.

c. Temporary Employees

Temporary employees shall be appraised at the end of their appointment. For employees appointed for less than six (6) months, use of the ONHIR Performance Appraisal Form (critical elements and standards) is optional. However, use of this form is mandatory for temporary appointments of six (6) months or more.

Supervisors who leave their position during the year must complete appraisals of subordinates performance to date.

6. Responsibility for Appraising and Reviewing Performance

The immediate supervisor is responsible for developing critical elements and performance standards and involving the employee in the process. The immediate supervisor is also the official responsible for conducting performance appraisal of subordinates.

The second level supervisor will indicate his/her concurrence of the overall appraisal or, in the event of a disagreement about the overall appraisal, meet with the immediate supervisor to resolve any conflicting issues.

7. Appraising Performance While on Detail

When an employee has been officially detailed to another position, either to the same or a different supervisor, for a period longer than sixty (60) days, the employee's performance on the detail will be appraised by a supplemental appraisal so that the employee's records reflect this performance and it can be given appropriate consideration in personnel decisions.

8. Development of Critical Job Elements and Performance Standards

The development of critical job elements and performance standards requires participation by the supervisor and the employee. Elements and standards are recorded in writing on the Performance Appraisal Form.

The process begins with a discussion between the supervisor and employee about the employee's job, the purpose for the standards and the approach to be used in setting the standards. Meaningful two way communication about the job before the appraisal period begins can provide an opportunity to identify problems and avoid later misunderstandings. The supervisor, however, has the final responsibility for determining critical job elements and establishing performance standards. Written standards need to be kept as simple, objective, and precise as possible.

The supervisor and the employee discuss the major components of the employee's job and record them in the "Elements to be Performed" section of the Performance Appraisal Form. (Refer to the PAF Form at the end of this Chapter.) Components of a job include major tasks, duties and responsibilities contained in the position description. A good position description, i.e., one that is complete, accurate, and current, will contain the critical job elements as well as other significant, but perhaps less essential requirements of the position. The position description, therefore, is a good place to begin the process of identifying the job components.

Once the major job duties are identified the next step is to determine which are "critical job elements." Critical job elements are those which are of primary importance, or critical, such that success in the position would normally require that they be performed acceptably. Critical job elements will frequently reflect time spent in performing a particular aspect of a job. However, they may also reflect that a duty or responsibility is critical to overall performance, even though relatively little total time is spent on it. This might be the case, for example, where there are serious organizational consequences when the task is not performed acceptably, even though the task is not time consuming or is only performed periodically (e.g. annual budget preparation.)

The supervisor may also identify non-critical elements, i.e., a component of the job which is significant but not essential in determining whether or not an employee's performance is rated at the fully met level. Critical job elements are distinguished by placing an "X" next to the critical element.

Performance standards are stated generally in terms of quality, quantity, timeliness and creditable measures, and should answer the question: "How do you know if the employee performed this job element acceptably?" Written standards are prepared for critical elements. It is the performance of the critical elements which are the basis of subsequent personnel actions.

After all sections of the PAF Form have been completed, the supervisor and employee will sign the form and retain copies for reference during the year.

9. Reviewing and Updating the Form During the Performance Appraisal Period

During the year changes in the work program or the employee's assignments may necessitate updating the elements or standards recorded on the performance appraisal form. The supervisor and employee shall meet as needed to discuss changes, which must be properly documented.

10. Standards for ONHIR Employees

The Performance Appraisal establishes an additional dimension which must be reflected by critical job elements and standards established. These include certain duties and responsibilities that reflect the performance of the Office for which the individual is responsible and the degree to which the organizational objectives are met.

11. Standards for Supervisors and Managers

Supervisors and management officials shall have their performance appraised on their "organizational" as well as their "individual" performance, when these employees have organizational responsibilities.

The following organizational factors will be considered in establishing performance standards for and assessing the performance of supervisors and management officials.

* Accomplishment of Office goals, objectives, special projects and programs.

* Improvement in quality, efficiency, and productivity of work or service, including any significant reduction in paperwork.

* Cost efficiency.

* Timeliness of performance.

* Other indications of the effectiveness, productivity, and performance quality of the employees for whom the management official is responsible.

* Application of merit principles in accomplishing Human Resources management, including recommending or taking personnel actions, developing subordinates, appraising employee performance and attainment of Equal Opportunity/Affirmative Action goals.

12. Written Performance Appraisal

The supervisor shall record narrative statements of actual performance compared against each performance standard in the Performance Appraisal Form. The supervisor shall also record a summary rating of the employee's overall performance. Each employee must be given a copy of his or her performance appraisal. (Refer to Summary Rating Sheet at the end of this Chapter.)

13. Use of Appraisals

Performance appraisals are to be used as a basis for rewarding, reassigning, promoting, reducing in grade, retaining and removing employees. Appropriate action shall be taken to reward good performance and correct inadequate performance.

14. The Appraisal Interview

The appraisal interview affords an opportunity for the rating official and employee to review the employee's accomplishments during the appraisal period and for the rating official to discuss the element and summary ratings he/she has assigned. During the interview the rating official and employee should review together the employee's performance in each critical element on the job.

The appraisal review should be a two way exchange between the rating official and the employee. The rating official should involve the employee in the performance appraisal by taking into account results, accomplishments and how performance issues should be resolved.

The rating official should explain the summary ratings assigned that are derived from the critical job elements and that only performance on the critical elements shall be used as a basis for making personnel decisions.

The rating official should cite specific areas of commendable or unacceptable performance, drawing on specific incidents recorded during the appraisal period, rather than stating unsupported conclusions. Citing specific incidents shows a verifiable basis for the evaluation and allows the rating official to give specific suggestions for improvement.

a. Acceptable Level of Competence Determinations

In order to receive a Wage Grade Increase an employee must be performing at an "acceptable level of competence." The employee's performance must be at the "Fully Sucessful" level on all critical elements.

b. Quality Step Increase

An employee may be considered to a quality step increase for performance which substantially exceeds an acceptable level of competence. A quality step increase may be awarded based on documented sustained high level performance that exceeds the standard of a critical element.

c. Performance Awards

(See ONHIR Awards Policy at the end of this Chapter.)

d. Promotion

In considering an employee for promotion under competitive promotion procedures, due weight may be given to supervisory appraisals of the employee's performance on his/her present job to the extent that the employee's performance on his/her present job and the job for which he/she is applying having common elements. In considering an employee for a non-competitive, career promotion a performance appraisal in the present position is an indispensable tool in determining whether the employee is ready for promotion. (Refer to Section 3335 of these procedures on Promotion.)

e. Reduction in Force

Refer to 5 CFR Section 351.701.

15. Assisting Employees in Improving Performance

Performance appraisals provide supervisors with information about the employee's performance to be used to plan and assign work and make personnel decisions based on performance; provide employees with feedback on their strengths and weaknesses in performing their jobs, to indicate how they can improve their performance and what they can do to enhance their careers. It is extremely important that deficiencies, along with efforts to help the employee improve, be documented as early as possible.

An employee whose performance is "Not Acceptable" on any critical job element shall be entitled to a reasonable opportunity to improve performance. Supervisors must make every effort to motivate employees and provide on-the-job training and direction in order to bring performance to an acceptable level. The employee, on the other hand, must make every effort to achieve the required standards of performance.

The supervisor shall establish a conditional performance period of reasonable length (but no less than thirty (30) days) and specify the standards of improvement required during this period. At the end of the time period, a follow-up appraisal shall gauge the extent to which the employee's performance has improved.

16. Actions Based on Unacceptable Performance

Remedial action must be taken when an employee fails to meet performance standards in a critical element of his or her job. This remedial action may include counseling, remedial training, reassignment, demotion, or removal. Supervisors who are considering assigning a "Not Acceptable" rating must consult the Human Resources Officer before assigning the rating to discuss the remedial action that will be taken.

17. Training and Information for Supervisors

The Human Resources Office will provide supervisors and employees with information and technical assistance on the appraisal process, specifically on the development of critical elements and performance standards and how they serve as a basis for making decisions.

18. Employee Dissatisfaction with Appraisals

An employee who disagrees with the supervisor's appraisal of performance may grieve according to the Office's Grievance Procedures.

19. Records Maintenance

Official performance appraisal records are available for review by the employee. Records will be maintained by the Human Resources Office in accordance with the directives of the National Archives and Records Administration (NARA.)

20. Evaluation of Effectiveness of the System

The Office will evaluate effectiveness of the performance appraisal system annually to determine whether it meets the needs of the organization, management, employees, law, and regulation.

These evaluations will generally be conducted by the Human Resources Officer. Evaluation data will be used to improve the performance appraisal system.

21. Summary Ratings

Each appraisal shall include a summary rating of the employee's overall performance. (Refer to Summary Rating Sheet at the end of this Chapter.) One of the two following summary ratings will be assigned:

a. Fully Successful Performance

The employee's overall performance has consistently met established performance standards during the appraisal period. To receive a "Fully Successful" rating the employee must have met the standard for all critical elements.

b. Not Acceptable Performance

The employee's overall performance has failed to meet performance standards during the appraisal period. In order for an employee to receive a "Not Acceptable" rating, performance of standards in one or more critical elements must have failed.

/s/CJB
APPROVED

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SECTION 3000 **HUMAN RESOURCES BRANCH**

SUBJECT 3500 **Phased Retirement Program**

AUTHORITY 5 U.S.C. 8336a and 5 U.S.C. 8412a

POLICY

1. Purpose

The ONHIR Phased Employment/ Retirement Program is a program developed under 5 U.S.C. 8336a and 5 U.S.C. 8412a that allows federal employees to work part-time and enter into partial retirement.

The program will serve as a human resource tool for agencies to encourage employees to remain at work in a part-time capacity and mentor employees who will be filling the positions or taking on the duties of more experienced employees. The program provides a mechanism by which an agency can transfer, maintain or manage institutional knowledge, implement succession planning and promote career development.

2. Scope

The Phased Employment Retirement Program is not an employee right but an option. Participation is voluntary and requires the mutual consent of both the employee and the employing agency. An employee may only elect phased employment/retirement status once and if an employee who is in Phased Employment/Retirement ends their status for any reason, he or she may not re-elect phased employment/retirement status again.

The Phased Employment/Retirement Program will be implemented by the agency through an approval process that includes approval authority delegations, a written agreement between the agency and the employee requesting approval, establishment of time limits to determine whether an employee can return to regular employment after entering into the Phased Employment/Retirement Program.

The criteria for positions to be considered within the agency for Phased Employment/Retirement status will be determined by whether the duties of a specific position are vital to agency operations and can be performed on a part-time basis, whether the employee has institutional knowledge that needs to be transferred and whether the employee is able to mentor others.

The eligibility criteria for entry into the Phased Employment/Retirement program are:

- Employee must have been working a full time schedule for the 3 year period immediately before the effective date of a Phased Employment/Phased Retirement election.

- Employee must qualify for immediate retirement under 5 U.S.C. Section 8336(a) or (b) or 5 U.S.C. S 8412 (a) or (b) under the Civil Service Retirement or Federal Employees Retirement system as detailed:

- Civil Service Retirement (CSRS) age and service provisions for immediate retirement are:
  - Attained age 55 with 30 years of creditable service, or
  - Attained age 60 with 20 years of creditable service

- Federal Employees Retirement System (FERS) age and service provisions for immediate retirement are:
  - Attained MRA (minimum retirement age) with 30 years of creditable service, or
  - Attained 60 with at least 20 years of creditable service

Work/Retirement Schedule - Upon entry into the Phased Employment/Retirement program the employee will be required to spend twenty percent of work time in mentoring activities. The employee will work on a part-time basis (50% of their full time work schedule) and will be partially retired. A change in the working percentage during the Phased Employment/Retirement status will result in termination of the Phased Employment/Retirement status. Any payments of Phased Retirement annuity made after the change in working percentage will be considered an overpayment and must be repaid to OPM. An employee who is separated from Phased Employment/Retirement status for more than three days will enter full retirement status.

Pay/Benefits - An employee who is in Phased Employment/Retirement status will receive half (50%) of their gross pay. The employee will also receive approximately fifty percent (50%) of their full retirement annuity. The gross pay will continue to be subject to the withholding deductions as appropriate for the following benefit programs: FEHB, FEGLI, FEDVIP, FLTCIP, TSP, Federal and State tax, Social Security and Medicare Tax, CSRS or FERS retirement. FEHB and FEGLI premiums will be deducted from gross pay in the same amount as if the employee was in a full time status. Sick and annual leave accrual will be accrued on a pro-rated basis for the part-time schedule of the employee. An employee who is in the Phased Employment/Retirement program who is subject to wage grade/step increase (WGI) will continue to receive this increase as well as annual pay adjustments.

Application/Annuity Computation - The Phased Retirement status election will require completion of the "Phased Employment/Retirement Status Election" form (SF-3116). During this election, the annuity computation for either CSRS or FERS is calculated as a full retirement then divided in half and the employee will also receive approximately fifty percent (50%) of

their full retirement annuity. No special computations will apply during this status including no sick leave credit, no annual leave lump sum payment, no FERS annuity supplement and no reduction for survivor annuity. During Phased Employment/Retirement the part-time retirement annuity is subject to increase by applicable cost of living adjustments (COLA).

Effective Date - In accordance with regulations the effective date of Phased Employment (part-time work) will begin on the first day of pay period after phased retirement is approved by the agency, or the first day of a later pay period specified by the employee with concurrence of the head of the agency. The commencing date of the Phased Retirement (partial retirement) portion is the first day of pay period after approval by head of the agency or the first day of a later pay period specified by the employee with concurrence of head of the agency.

Ending Phased Retirement - An employee may elect to end their Phased Employment/Retirement status and enter into full-time retirement at any time. If an employee requests to return to work full time it will require approval by the authorized agency official.

Part Time Service Credit - The time the employee has worked under the Phased Employment/Retirement status will be credited as part-time service for full retirement annuity calculation purposes (composite retirement annuity).

SECTION 3000 HUMAN RESOURCES BRANCH

SUBJECT 3600 Federal Civilian Employee Pay and Leave Claims

AUTHORITY Title 5 CFR, Part 178

POLICY

This will summarize the process relating to claims for compensation and/or leave for the Office of Navajo and Hopi Indian Relocation. The formal regulations pertaining to this function can be found in Title 5 CFR, Part 178.

Procedures for submitting claims to the Office of Navajo and Hopi Indian Relocation are as follows:

Claim Submission:

A claim shall be submitted by the claimant in writing and must be signed by the claimant or by the claimant's representative. A claim filed by a claimant's representative must be supported by a duly executed power of attorney or other documentary evidence of the representative's right to act for the claimant. No specific form for submission of a claim is required, however, the following information for all claims should include the following:

- describe the basis for the claim
- state the amount that is being requested
- Name, address, telephone number and email address, if available, of the claimant.
- Name, address, telephone number and email address, if available, of the agency employee who was denied the claim.
- A copy of the denial of the claim issued by employing agency (ONHIR) and any other information which the claimant believes should be considered.

At the discretion of the agency, the agency may forward the claim to the Office of Personnel Management on the claimant's behalf. The claimant is then responsible for ensuring that OPM receives all of the information requested as listed in the Claim Submission paragraph.

Administrative Report

The Office of Personnel Management may request the agency to provide an administrative report. The report would include:

- Agency factual findings
- Agency conclusions with relevant citations of law
- Agency's recommendation for disposition of the claim
- Complete copy of regulation, instruction, memorandum, or policy relied upon by the agency in making its determination
- Statement that the claimant is or is not a member of a collective bargaining unit and if so, a statement that the claim is not covered by a negotiated grievance procedures that excludes the claim from coverage
- Any other information that the agency believes is pertinent and should be considered by OPM.

Basis of claim settlements

In accordance with 5 C.F.R., Section 178, the burden is upon the claimant to establish the timeliness of the claim, the liability of the United States, and the claimant's right to payment. The settlement of claims is based upon the written record only, which will include the submissions by the claimant and the agency. ONHIR will accept the facts asserted by the agency, absent clear and convincing evidence to the contrary.

Form of Claim Settlements

ONHIR will send a settlement to the claimant advising whether the claim may be allowed in whole or in part. If the Office of Personnel Management requested an agency report or if the agency forwarded the claim on behalf of the claimant, OPM also will send the agency a copy of the settlement.

Finality of Claim Settlements

The OPM settlement is final; no further administrative review is available within OPM. Nothing is this subpart limits the right of a claimant to bring an action in an appropriate United States court.

Statutory Limitations Relating to Claims

Except as provided in this document or as otherwise provided by law, all claims against the United States Government are subject to the 6-year statute of limitations contained in 31 U.S.C. 3702(b). To satisfy the statutory limitation, a claim must be received by the department or agency out of whose activities the claim arose, or the Office of Personnel Management within 6

years from the date the claim accrued. The claimant is responsible for proving that the claim was filed within the applicable statute of limitations.

Claims under the Fair Labor Standards Act.

Claims arising under the FLSA, 29 U.S.C. 207, *et seq.,* must be received by the department or agency out of whose activity the claim arose, within the time limitations specified in the FLSA.

Other Statutory Limitations

Statutes of limitation other than that identified in this section may apply to certain claims. Claimants are responsible for informing themselves regarding other possible statutory limitations.

Where to Submit Claims

Claims for pay and/or leave should be sent to the Office of Navajo and Hopi Indian Relocation, Human Resources Office, Human Resource Manager at 201 E. Birch, Flagstaff, AZ 86001. Telephone inquiries can be made at (928) 779-2721 or by e-mail to tslater@onhir.gov.

SECTION 3000 **HUMAN RESOURCES BRANCH**

SUBJECT 3713 **Equal Employment Opportunity**

AUTHORITY **29 CFR 1614**

POLICY

It is the policy of the Office of Navajo and Hopi Indian Relocation to support and ensure equal opportunity to all employees of and applicants for employment with the Office. Further, no employee of the ONHIR shall discriminate against any individual employed by or having dealings with the Office on the basis of race, color, sex, age, religion, national origin, disability or genetic information.

This part sets forth policy and procedures for assuring equal opportunity to employees of and applicants for employment with the ONHIR.

1. Definitions

a. Employee

Any person employed by the Office without regard to tenure or tour of duty.

b. Discrimination

Disparate treatment based on race, color, sex, age, religion, national origin, disability or genetic information. Discrimination may be said to exist when employees in like circumstances receive different treatment based on one of the eight categories above.

c. Complaint

Allegation of discrimination.

d. Counselor

Designated individual who will receive informal complaints to attempt resolution.

e. EEO Officer

Employees designated by the Commissioner who will receive, hear, and recommend decisions on formal complaints.

2. Responsibilities

a. Commissioner

The Commissioner shall issue a policy statement setting forth a personal commitment to equal

opportunity. The Commissioner shall appoint an employee of the Office to act as the EEO Officer.

b. Executive Director

The Executive Director shall provide for election or designation of an EEO Counselor to receive informal complaints of discrimination.

c. Managers

The Managers shall cooperate fully with all EEO Officials in eliminating discrimination.

d. Supervisors

The Supervisors shall communicate to employees their rights under Equal Employment Opportunity law and regulation and shall refrain from discrimination. Supervisors shall not interfere with employees in the exercise of their rights under this part.

e. Employees

Employees shall cooperate with management in eliminating discrimination and shall cooperate in the investigation of complaints. Employees shall not obstruct designated officials in carrying out their responsibilities under this section.

3. Procedures for Processing Complaints of Discrimination

When an employee believes he/she is the victim of discriminatory treatment, the procedures set forth herein shall be adhered to in processing and resolving the complaint. (Refer to EEO Discrimination Complaint Process Procedures and Alternative Dispute Resolution Procedures at the end of this Chapter.) **Attachments "A' and "B."**

In the informal stage the complainant has an absolute right to anonymity. If the complaint reaches the formal stage, the right to anonymity is set aside. Alleged Discriminating Officials (ADO) have the right to know the identity of the complainant.

The complainant has a right to be represented throughout the complaint process by a representative of his/her choice. The representative may be an attorney or another employee of the Office. If the representative is an employee of the Office, he/she shall be guaranteed freedom from restraint, interference, coercion, discrimination, or reprisal in carrying out the representative's duties.

The Office may deny a complainant permission to have as his/her representative a particular employee of the office when the representation would contribute appreciably to the neglect of that employee's regular duties. An employee may decline to serve as the representative for a complainant.

The Office may allow official time, subject to the approval of the Executive Director, to assist the complainant in preparing the complaint, in addition to the official time granted the complainant for

consultation. Normally said official time shall not exceed a composite of eight (8) hours per employee involved.

Counselors and complainants shall be free from restraint, coercion, interference, discrimination or reprisal in realizing their rights under this part.

MM#3713-Attachments and Forms

ATTACHMENT "A"	-	EEO DISCRIMINATION COMPLAINT PROCESS (Complainant's Processing Information)
ATTACHMENT "B"	-	ALTERNATIVE DISPUTE RESOLUTION PROCEDURES
ATTACHMENT "C"	-	NOTICE OF RIGHT TO FILE A DISCRIMINATION COMPLAINT
ATTACHMENT "D"	-	ROLE AND RESPONSIBILITIES OF THE EEO COUNSELOR
ATTACHMENT "E"	-	NOTICE OF RIGHTS AND RESPONSIBILITIES IN THE DISCRIMINATION COMPLAINT PROCESS
ATTACHMENT "F"	-	ALTERNATIVE DISPUTE RESOLUTION (ADR) AND PRE-COMPLAINT PROCESSING ELECTION
ATTACHMENT "G"	-	COUNSELING CHECKLIST
ATTACHMENT "H"	-	MEDIATION INFORMATION SHEET
ATTACHMENT "I"	-	INSTRUCTIONS FOR APPEALS TO MSPB

FORM MM#3713.1	-	EEO INTAKE FORM
FORM MM#3713.2	-	STATEMENT OF WITHDRAWAL OF PRE-COMPLAINT
FORM MM#3713.3	-	FORMAL COMPLAINT OF DISCRIMINATION
FORM MM#3713.4	-	COMPLAINT TRACKING LOG
FORM MM#3713.5	-	LETTER TO COMPLAINANT ENCLOSING FORMS EXPLAINING RIGHTS AND RESPONSIBILITIES
FORM MM#3713.6	-	DESIGNATION OF REPRESENTATIVE
FORM MM#3713.7	-	WAIVER OF ANONYMITY
FORM MM#3713.8	-	EEO COUNSELOR'S REPORT
FORM MM#3713.9	-	EXTENSION FORM

__/s/CJB__
APPROVED

SECTION 3000 **HUMAN RESOURCES BRANCH**

SUBJECT 3771 **Administrative Grievance System**

AUTHORITY **5 CFR §771**

POLICY

It is the policy of the Office of Navajo and Hopi Indian Relocation that an internal administrative grievance system shall exist to afford all employees the opportunity to receive fair and prompt consideration of dissatisfaction related to employment conditions which affect them and which they perceive as unjust and requiring remedy.

1. Definitions

a. Employee

Refers to current employees of the Office of Navajo and Hopi Indian Relocation regardless of the type of appointment.

b. Grievance

A request for personal relief in a matter of dissatisfaction relating to the employment of the individual and which is subject to the control of management.

c. Grievance File

A separate file which contains all the documents related to the grievance, including but not limited to any statements of witnesses, records or copies thereof, the report of the hearing when one is held, statements made by the parties to the grievance, and the decision.

d. Personal Relief

A specific remedy directly benefitting the grievant(s) and may not include a request for disciplinary or other action affecting another employee.

e. Day

Day or days in this section refer to calendar days.

2. Coverage

a. Employees Covered

The Office's administrative grievance system is available to all employees and former employees regardless of the type and tenure of appointment.

b. Exclusion

Applicants for employment with the Office do not have access to the agency grievance system.

c. Grievance Coverage

The procedures of this section apply to any matter of concern or dissatisfaction, not excluded by Section 2.d below, which relate to the employment of any employee which is subject to the control of Office management, including any matter upon which an employees alleges that coercion, reprisal, or retaliation has been practiced against him or her for using the Grievance System.

d. Matters Excluded

Grievance procedures do not apply to any of the following:

1. The content of published regulations and policy.

2. A decision appealable to the Merit Systems Protection Board, Office of Personnel Management or Equal Opportunity Commission under law or regulation.

3. Non selection for promotion from a group of properly rated and ranked candidates.

4. Preliminary warning notice of an action covered under the Grievance System.

5. Action terminating a temporary promotion within a two (2) year period.

6. Content of critical elements/performance standards of employee's position.

7. Non adoption of suggestion or disapproval of award nomination.

8. Termination of employee during a probationary period.

9. Separation action following expiration of term appointment or promotion.

10. Audit or investigation by the Attorney General, Department of Justice, or Office of Special Counsel.

11. Relief specified that is not personal to the grievant or is not within the control of management.

e. Steps and Time Frame

Steps:	Time Frame
1. Initiation of written formal grievance	Within seven (7) days following specific act or anytime for continuing condition.
2. Supervisor's Decision on informal grievance in writing.	Within seven (7) days following employee's presentation.
3. Submission of formal grievance in writing when employee dissatisfied with informal decision.	Within seven (7) days following employee's receipt of informal decision or seven (7) days following expiration of the period for Supervisor's decision.
4. Determination by Human Resources Office of grievance acceptability; grievance rejected or forwarded to deciding official.	Within seven (7) days following receipt of of employee written presentation.
5. Deciding official appoints fact finder if needed, or	No time limit - as soon as practical.
6. Deciding official's decision to employee	Within seven (7) days after receipt of grievance.

All time frames in the grievance procedures are expressed in calendar days and include weekends but not holidays. When a time frame expires on a weekend, the deadline is extended to the next regular working day.

3. Responsibilities

a. Commissioner

The head of the Office shall exercise final review within the agency's administrative grievance system. Authority to issue final decisions on specific cases may be delegated to the Executive Director or other individual as provided in Number 9 of this section.

b. Executive Director

The Executive Director shall exercise general oversight of the administrative grievance system, assuring adherence to the policies and procedures contained in this section.

c. Supervisor

Supervisors shall hear all grievances registered in good faith by employees under their supervision, promptly and courteously and try to clarify misunderstandings and make reasonable adjustments to any complaints that arise in day-to-day relationships.

d. Employees

It is the responsibility of employees to take problems and complaints to their immediate supervisor and make a sincere effort to resolve grievances through the chain of command. Employees shall attempt to resolve problems informally at the lowest possible supervisory level before resorting to the formal grievance procedure.

e. Human Resources Officer

The Human Resources Officer shall instruct ONHIR employees about the agency grievance system and shall distribute written material on the procedure to be followed. The Officer shall provide staff support during the processing of a grievance, including: research of applicable federal regulations; independent investigation of the circumstances of the case when requested to do so by the reviewing official; attending and recording hearings and oral arguments and preparing summaries of the statements made; and preparation and maintenance of the grievance file.

4. General Requirements

a.. Representation

An employee may represent himself or herself or may select an individual to represent him or her. An employee has the right to be accompanied, represented, and advised by a representative of his or own choosing, except that the Office may disallow the choice of an individual as a representative which would result in a conflict of interest or position, which would conflict with the priority needs of the agency or which would give rise to unreasonable cost to the government.

b. Official Time

The grieving employee and his or her representative, if also an employee of the Office, shall be allowed a reasonable amount of official time to present a grievance and receive fair consideration of the matter being grieved. The amount of time allowed shall be determined by the complexity and specific circumstances of the case. The Executive Director shall approve the request for release time based upon calculations of reasonable time requirements submitted by the Human Resources Officer.

c. Protection

In order to assure a climate of openness in which an employee feels free to express concerns or dissatisfaction and to use the grievance system for their resolution, the Office shall assure that a grievant and his or her representative shall be free of restraint, coercion, discrimination or reprisal in presenting a grievance.

d. Obligations of the Grievant

Whether during the informal or formal period of the grievance process, the grievant has the following obligations:

* Compliance with time limits established for the different steps. Failure to comply with the specified time limits may be the basis for rejecting a grievance.

* The grievant must clearly identify the matter being grieved. If not enough detail is provided the grievance may be rejected on that basis.

* The grievant must specify the personal relief requested. A grievance which does not request personal relief may be rejected as it does not meet the definition of a grievance as defined by statute.

e. Time Frame

An employee may present a grievance concerning a continuing practice or condition at any time but must present a grievance concerning a particular act or occurrence within seven (7) days of the act or occurrence or within seven (7) days of the date he or she became aware of the act or occurrence.

The time allowance for submittal and response during the grievance process, both formal and informal proceedings, is seven (7) calendar days.

The time limits specified above may be extended only for good reason by the agency official receiving the grievance on the recommendation of the Human Resources Officer.

f. Termination or Withdrawal of Grievance

A grieving employee may withdraw a grievance at any time during the formal or informal process by notifying the official who is considering the grievance. Records will be kept of the employee's decision.

A grievance may be rejected if the employee fails to comply with the conditions specified in Number 4.d and 4.e of these procedures.

5. Informal Grievance Procedure

a. Presentation of Grievance to Lowest Possible Supervisory Level

An employee must first seek resolution of a grievance through informal channels before initiating a formal grievance. Initial presentation of an informal grievance is normally made to the immediate supervisor. When the grievance concerns relationships with, or actions taken by the immediate supervisor, the grievance may be presented to the second level supervisor who should discuss the matter with the immediate supervisor as part of the fact finding process.

b. Form of Presentation

The informal grievance must be presented in writing. The employee must make it clear that he or she is presenting an informal grievance (as provided in 4.d) and must clearly identify the matter being grieved and specify the personal relief sought. Supervisors who receive complaints must ascertain whether or not the complainant is actually pursuing the first step in the grievance procedure.

c. Disposition of Informal Grievance

The supervisor to whom a grievance has been presented for informal adjustment will attempt to resolve it as expeditiously as possible, seeking the advice and assistance of others when necessary, and will give the employee his/her decision on the matter not later than seven (7) days after the date of presentation. The informal grievance may be taken to the Supervisor/Manager in order to achieve resolution but may not go beyond this level. In an action wherein Manager is the subject of the grievance the Executive Director may be consulted.

If the issue requires consultation with other supervisors or staff members, the employee is informed of their participation in the decision.

If the adjustment sought by the employee cannot be granted the employee is informed, in writing, of the reasons and of the employee's right to request further consideration under the formal procedures. If the employee needs assistance in filing under the formal procedures, he or she will be referred to the Human Resources Officer.

d. Rejection of Grievance

A grievance may not be rejected in the informal procedure for any reason. If Supervisor/Manager believes that the grievance is not timely or consists of a matter not covered under the grievance system, the employee should be so advised but the employee must be allowed to submit the grievance for a determination under the formal procedures if he or she insists.

6. Formal Grievance Procedure

When an employee receives a decision under the informal procedure which does not satisfy the grievance or when the time limit for management action has expired without a decision, he or she may, within seven (7) days, resort to the formal grievance process. The grievance must be in writing and signed by the employee, contain sufficient detail to identify and clarify the basis of the grievance, explain the efforts made to resolve the grievance informally and specify the relief sought by the employee.

If the employee has a representative the employee must provide the representative's name and how this individual can be contacted. Copies of any document related to the grievance, or to the efforts at informal resolution, should be attached.

The grievance is submitted through the Human Resources Officer to the Executive Director. Upon receipt of a written grievance the Human Resources Officer makes a technical review for acceptability and within seven (7) days informs the Executive Director:

* Whether or not the grievance includes issues which are excluded from the grievance system.

* Whether or not the grievance was filed timely and if not, whether the employee has good cause for delay.

The Human Resources Officer shall reject a grievance which is not technically adequate.

The Human Resources Officer shall verify that the employee first attempted to resolve the grievance through the informal procedure and that the Supervisor/Manager has had an opportunity to resolve the issue. If not, the grievance will be returned to the employee with direction to use the informal procedure.

If the grievance is acceptable, the Human Resources Office will establish a grievance file and forward it to the Executive Director who will have seven (7) days to complete an investigation and review of the case and issue a decision.

7. Action of the Executive Director or Commissioner

In arriving at a decision several courses of action are available to the Commissioner or Executive Director (if so delegated) who will determine which course of action is most appropriate dependent upon the circumstances of the case.

The information contained in the grievance file may be sufficient for the Commissioner or Exective Director (if so delegated) to render a written decision within seven (7) days without conducting any further investigation.

The Commissioner may appoint a "Fact Finder" with the authority to conduct an inquiry and develop a recommendation for final action by the Commissioner or Executive Director (if so delegated).

8. Appointment of a "Fact Finder"

Fact finding may be appropriate when there is conflicting evidence causing the dispute over the facts necessary to resolve a particular grievance or when the Office believes that a "Fact Finder" would assist in reaching an equitable decision.

a. Qualification of a "Fact Finder"

The Commissioner or Executive Director (if so delegated) may appoint as a "Fact Finder" an employee of the Office or an individual from outside of the Office. The individual appointed as "Fact Finder" must not have been involved in a decision making capacity in the grievance under consideration and may not occupy a position which is subordinate organizationally to any individual who was involved in a decision making capacity in the particular case. In addition to the statutory requirements, the person appointed as a "Fact Finder" should be respected for impartiality and the ability to analyze situations and present reasonable conclusions.

b. Fact Finding Procedure

In conducting an inquiry necessary to resolve any dispute about facts and develop sufficient basis for a recommendation the "Fact Finder" may:

* Review records and documents.

* Conduct personal interviews.

* Hold group meetings.

* Conduct a hearing.

While records must be kept of the information presented during group meetings or during a hearing, verbatim transcripts are not needed. The proceedings should be kept informal and conducive to the free disclosure of information. Both sides may call witnesses but the "Fact Finder" shall determine which witnesses will be heard after considering the relevancy of their anticipated testimony. Witnesses shall be permitted to express themselves freely without fear or intimidation or reprisal.

c. Grievance File

When fact finding is utilized a grievance file shall be established which is made available to the grievant and his or her representative for review and comment. The file should contain, at a minimum, statements of witnesses; records or copies of records; reports of personal interviews or group meetings; the record of the hearing, if one is held; the "Fact Finder's" Report, and the decision.

d. "Fact Finder's" Report

The "Fact Finder" will submit a report of Findings and Recommendations as to a decision on the grievance to the Commissioner or Executive Director (if so delegated) within seven (7) days of the conclusion of the inquiry.

9. Final Decision

A formal grievance shall be concluded upon the issuance of a written decision by the Commissioner or the Executive Director (if so delegated.) The written decision will include a Report of Findings and reasons for the determination and shall be issued within seven (7) days of the completion of the inquiry.

There is no further administrative review of a case presented under the Administrative Grievance Procedure.

SECTION 4000 CONTRACTING BRANCH - PROCUREMENT

SUBJECT Documenting Procurements

PROCEDURES

A. PROCUREMENT REQUESTS:

All requests for goods or services required for ONHIR operations will be submitted in writing to the Contracting Branch.

1. Initiating a Procurement Request.

Requests will be submitted on a two-part Procurement Request (PR) Form. (Available in "ONHIR Forms" on your desktop; sample attached.) With the exception of recurring requests (See No. 3) the staff member who requests the goods or services shall initiate the procurement request by filling out the PR Form as completely as possible, depending upon the nature of the request. The PR Form must identify the staff member who is the designated authorized receiver.

In the case of a large and/or complex procurement the requesting branch shall provide detailed specifications and technical assistance in the form of a "Scope of Work" to the Contracting Branch. The requesting staff member will sign the Procurement Request and obtain the necessary approvals. This may require putting the request in the form of a Memorandum with specific details and attachments.

2. Approving a Procurement Request. The Procurement Request must be approved by the requesting Branch Manager. In addition, the following procurements will also require the approval of the Contracting Officer:

a. Requests for fixed assets and equipment over $1,000.00 in value,
b. Requests which will be paid from the New Lands revenues,
c. Requests which will be paid from Discretionary Funds, and
d. Requests which will be paid from Range monies. In this case, the Procurement Request must also be approved by the New Lands Manager.

3. Recurring Requests. Requests for goods or services which are renewed annually, such as subscriptions, maintenance contracts, utilities, advertising, blanket purchase orders, etc. will be initiated by the Supply Management Specialist. The Specialist will develop the Procurement Request from the Document Master List and will submit the form with a cover memo to the appropriate Branch Manager for confirmation and approval. Renewals will be prepared annually by August first in order to be processed by the start of the fiscal year, October first.

4. Logging the Request. After the approvals have been obtained, the requesting staff member shall deliver the request for the Contracting Branch. Within one (1) day of receipt, the Supply Management Specialist will log the request in the PR/PO Log and will route the request to the Contracting Officer.

5. Review by Contracting Officer. The Contracting Officer will determine the type of procurement action to be taken and will assign the procurement to the appropriate staff member through

the Project Management Tracking System (PMTS) and assign a due date. The Officer will attach **Transmittal Form ALH7** and all related documentation to the Procurement Request. As necessary, the Officer will enter detailed instructions in the automated PMTS System.

6. Authority to Approve Procurement. The following Contracting Branch staff members may approve procurements up to the following limitations:

Contracting Officer	-	Unlimited
Contracting Specialist	-	$1,000,000.00
Supply Management Specialist	-	$3,000.00

7. Action of Finance Branch. The Finance Branch will enter the appropriate vendor and document numbers, accounting code, and verification of funds on the transmittal form. The Finance Branch will return the request and transmittal form to the Contracting Branch for preparation of the appropriate procurement documents.

B. IMPAC PURCHASES:

Several members of the Office and procurement staff hold and maintain Government IMPAC (Visa) cards. These cards may be used to make small purchases (within the individual's limit) from local vendors or telephone orders. All purchases are to be strictly for government uses and must be in accordance with the Federal IMPAC regulations.

Procedure: As with any government purchase, a Procurement Request (PR) must be completed and signed by the requesting employee. It must then be approved and forwarded to the procurement office (Contracting Branch) via hard copy, mail, e-mail, or fax transmission for logging and final approval. Once approved, the requesting employee will be notified and the paperwork will be returned to them for the Impac File.

C. PURCHASE ORDERS;

General. The Supply Management Specialist will prepare a Purchase Order (PO) on Federal Form OF 347. The following information must be included on the Purchase Order.

1. Authorized Receiver. The Purchase Order will identify the staff member who is authorized to receive the goods or services ordered. In most or all cases the purchasing agent will be the receiver of the goods. Other staff members will be authorized to receive and account for specific goods and services only as specified in the original Procurement Request Form.

2. Blanket Purchase Agreements. In the case of a blanket purchase agreement, the Purchase Order will identify the staff member (s) authorized to sign receipts. If the vendor operates more than one outlet or location, the Purchase Order will identify the location from which the goods/services will be obtained. The Purchase Order will be issued to the vendor with a cover letter listing staff members who are authorized to sign receipts and the maximum amount for which they may sign.

3. Service Agreements. In the case of a Service Agreement, the Purchase Order will identify the staff member(s) authorized to sign that service has been received.

4. Amended Purchase Orders. Purchase Orders will be amended when there is a change in the staff member authorized to receive goods or services such as a change in personnel through hiring, transfer or resignation. Purchase Orders may also be amended when there is an approved increase in the amount of funds obligated for the procurement.

5. Tax and Shipping Costs. The Supply Management Specialist will enter the amount of tax and shipping costs (if applicable) on the Purchase Order if known. If unknown, the Purchase Order will state: "Plus applicable taxes and shipping costs."

6. Additional Information. The Supply Management Specialist will enter the vendor's phone number, including the area code, in the vendor address block. The Specialist will also enter any additional necessary information including FOB origin, FOB destination, any discount terms available, etc.

Contracts and Purchase Orders for personal services will also include the or employer ID number. The payment address should be included if it is different from the vendor's address.

7. Utility Purchase Orders. The Supply Management Specialist will contact the appropriate staff member to obtain meter numbers for utilities. The meter numbers will be entered on the Purchase Order. The Specialist will prepare Purchase Order Amendments for any new meters which are added to the system after the procurement renewal is issued. If the meter number is not known when the amendment is prepared, a location will be used to identify the meter. When the procurement renewal is prepared the following year, the new meter number will be added to the Purchase Order.

8. Confirmation Purchase Orders. In the event that a vendor will accept a telephone order on the condition that it will be followed by a written Purchase Order, the Supply Management Specialist will mark the Purchase Order "Confirmation Order - Do Not Duplicate."

9. Approval of Purchase Orders. When the Supply Management Specialist has completed preparing the Purchase Order it will be submitted to the appropriate Contracting Branch staff member for review and approval. The reviewing official will verify, at a minimum, that the following information is included and is correct:

* Purchase order number, vendor number, and document number.
* Vendor address and telephone number.
* Items or services being ordered.
* Identity of authorized receiver (s).
* Tax and shipping, if applicable.
* Period of service or latest acceptable date of delivery.
* Signature of Contracting Branch Official.
* FOB point.
* Mathematical accuracy of totals.
* "Confirming Purchase Order" if items have already been sent.
* Purchase orders for advertising will specify that tear sheets will be included with the invoices.

10. Distribution of Purchase Order. After the appropriate Contracting Branch official has approved the Purchase Order the Supply Management Specialist will distribute copies of the form as follows: a. The original copies will be issued to the vendor, ordering department, and Finance Branch.

D. RECEIVING REPORTS.

General. Only the employee who is the designated authorized receiver should accept delivery of an item. The authorized receiver for the item(s) will maintain the pink copy of the Purchase Order in a running manual file until the items ordered are received by the Office. When the Office receives delivery of equipment and/or supplies the employee will use the back of the pink copy as the receiving report. The employee who receives delivery will perform the following actions.

1. Accepting Delivery. The employee will examine the items delivered and/or inspect the services performed and determine whether or not to accept delivery. If the delivery is accepted the employee will sign the bottom of the freight bill and the back of the receiving copy. If the employee accepts the delivery but notes damage to the items or any discrepancy with the delivery instructions set forth in the Purchase Order the employee will describe the problem by writing on the back of the pink copy of the Purchase Order and also on the freight bill.

2. Routing the Receiving Documents to the Finance Branch. After accepting delivery and completing the receiving report, the employee will staple the freight bill and packing slip if any to the copy of the Purchase Order. These documents will be routed or mailed to the Finance Branch by the close of business on the day the item(s) are received.

3. Blanket Purchase Orders. On Blanket Purchase Orders the signature of an authorized receiver on the vendor's invoice will constitute the receiving report. The employee must write "Received by" before their signature and the date. The pink copy may be retained by the branch requesting the procurement until the fiscal year has ended or the contract is final.

SECTION 4000 CONTRACTING BRANCH - PROCUREMENT

SUBJECT 4100 Major Duties of Key Procurement Staff

AUTHORITY

POLICY

The purpose of this section is to describe the internal procedures by which ONHIR procures goods and services. These procedures do NOT supplant 42 CFR and the Federal Acquisition Regulations (FAR.) Office staff who have procurement responsibilities must familiarize themselves with all federal laws and acquisition regulations which apply to their duties.

This section focuses on the division of responsibilities of key procurement staff, lines of authority and communication within the Office, and how branches and specific staff interface in the procurement process.

4110 <u>Contracting Officer (CO.)</u>

Unless another staff member is designated in writing by the Executive Director, the Contracting Officer serves as the lead person on all procurements. The duties and authorities of the Contracting Officer are set forth below:

* Has the sole responsibility among Office staff to obligate ONHIR in procurement matters. Accordingly, the Contracting Officer signs all contracts on behalf of the Office unless the Officer delegates authority to the Contract Specialist to sign contracts which do not exceed a specified dollar amount.

* Approves change orders, task orders, and contract amendments which change the amount of the contract price.

* Appoints the Contracting Officer's representative for each contract.

* Reviews and approves periodic progress and financial reports submitted by the contractor and Office staff.

* Is ultimately responsible for ensuring that both the Office and the contractor comply with the provisions of the contracts and with applicable federal laws and regulations.

* Has the sole authority within the Office to terminate a contract.

* Supervises the Contract Specialist and the Supply Management Specialist in the day-to-day administration of contracts and other acquisitions.

* Negotiates contracts as necessary and is involved in resolving problematic situations.

* Consults with and provides direction to Office staff in their respective duties in contract administration.

The Contracting Officer may delegate any of the above responsibilities with commensurate authority except as prohibited by the FAR.

4120 Contract Specialist.

The Contract Specialist oversees and coordinates the daily administration and management of contracts according to the responsibilities listed below and as delegated by the Contracting Officer.

* Writes or arranges for the writing of bid documents, contract narratives and provisions, change orders, task orders, and amendments. Additionally, the Specialist may draft related correspondence for signature by higher authorities.

* Compiles progress information and financial data for each contract and prepares a monthly report for the Office.

* Maintains official contract files.

* Directly supervises the Contracting Officer's Representatives (COR) in the performance of the COR's duties.

* Coordinates periodic staffings to review the status of contracts.

* Approves invoices for payment of amounts not to exceed delegated warrant levels. Recommends action to the Contracting Officer on invoices which exceed that amount.

* Reviews reports from the CORs and the contractor and recommends appropriate action to the Contracting Officer unless the Contract Specialist has delegated approval authority.

* Coordinates all phases of contract acquisition, including advertisement, bid opening, negotiations, and pre and post award conferences.

* Ensures the sound management of all contracts. Immediately reports to the Contracting Officer any serious problems which require the Contracting Officer's attention.

4130 Supply Management Specialist.

The Supply Management Specialist is responsible for all procurements not exceeding the micro-purchase dollar threshold. The Specialist also researches the best method of procurement, arranges for advertisement, and prepares Purchase Orders, renewals, etc.

The Specialist assists in the review of procurements which exceed the micro-purchase dollar level and may assist in drafting scopes of work and special conditions. The Specialist may participate in post-award conferences, contract status reviews, and special meetings with the CORs.

4140 Contracting Officer's Technical Representative (COR.)

The COR reports to the Contracting Officer in his/her capacity as the Contracting Officer's technical representative. The Contracting Officer appoints the COR from office staff unless the required

expertise is available only from an individual from another agency, in which case the Contracting Officer makes appropriate arrangements. The duties of the COR, as set forth below, are technical and advisory in nature.

* Monitors the technical aspects of the contractor's work in accordance with the specifications.

* Informs the contractor of work which does not conform to specifications. Reports any violations to the Contracting Officer immediately.

* Submits periodic contract status reports to the Contracting officer per a pre-determined schedule.

* Reviews invoices for accuracy and recommends action by the Contracting Officer.

* Analyzes and interprets technical details of all contract documents, including primary specifications, change orders, task orders, and amendments.

* Maintains detailed records of all contacts with the contractor. Records observations of work in progress.

* Has authority to stop work only under exceptional circumstances such as matters of life or death or where costly errors are occurring. Otherwise, the Contracting Officer or the Contract Specialist are responsible for issuing Stop Orders.

* Participates in periodic staffings to review the status of the contract.

4150 <u>Finance Officer.</u>

The Finance Officer reports directly to the Contracting Officer rather than to subordinate Contracting Branch staff. The Officer's basic duties with respect to contracting are as follows:

* Maintains a full set of financial records according to GAAP.

* Prepares periodic financial reports on each contract and submits them to the Contracting Officer.

* Analyzes financial reports and advises the Contracting Officer on potential budget problems.

* Processes payments to the contractor.

* Serves as the Office consultant in the evaluation of the contractor's accounting system.

* Participates in Contract Status Reviews as needed.

SECTION 4000 CONTRACTING BRANCH - PROCUREMENT

SUBJECT 4200 Acquisition Planning

AUTHORITY

POLICY

Acquisition planning is a process by which the efforts of all personnel responsible for an acquisition are coordinated and integrated through a comprehensive plan for fulfilling the Office's need in a timely manner and at a reasonable cost.

Acquisition planning may occur at any level of a procurement matter from small, simple acquisitions to costly and complex procurement actions. For high level procurements formal written acquisition plans may be initiated by the Contracting Officer who may designate a procurement staff member as the acquisition planner for a specific project. The written plan should follow the elements described in the Federal Acquisition Regulations, as applicable to the project.

Less formalized acquisition planning may be accomplished for minor procurements through discussions between procurement staff and the requesting branch. The Contract Specialist shall meet at least annually, preferably at the beginning of the fiscal year, with Office Branch Managers and should discuss projected acquisition needs. The Contract Specialist should review the nature of the procurement, the target date, approximate cost and special features or technical requirements, property or services to be acquired. The Contract Specialist may, as needed, assist the requiring branch in completing a requisition for the desired goods or services.

The Contract Specialist shall summarize the anticipated acquisition needs of each branch in the form of a written report to the Contracting Officer for fiscal management purposes.

Effectively done, acquisition planning will enable the Office to:

* Acquire quality goods and services in a timely manner,

* Comply with Government procurement regulations, and

* Save agency funds.

SECTION 4000 CONTRACTING BRANCH - PROCUREMENT

SUBJECT 4300 Micro Purchases / Small Purchases (Less than $3,000.00)

AUTHORITY

POLICY

All requisitions, when required by the amount, cost or availability of the items to be ordered, must be submitted first to the Supply Management Specialist who reviews the requisition for detail and completeness. The Specialist may return the requisition to the ordering branch if more information is required.

A requisition for supplies and/or services is required from the ordering branch for all orders except for trivial amounts of expendable in-stock supplies, such as a few pens, pencils, pads of paper, or staples, etc. The Supply Management Specialist has discretion as to when a requisition is required for small orders.

The employee must sign for the receipt of all supplies and equipment even if no requisition was submitted. An "Expendable Item Issue Form" shall be kept by the Specialist for the issuance of small amounts of supplies. The procedure for the receipt of other types of property are described these procedures.

Since this Office is statutorily required to adhere to the Federal Acquisitions (FAR) micro and small purchases shall be accomplished in accordance with the procedures set forth in Part 13 of the FAR, "Simplified Acquisition Procedures."

4310 Estimated Cost of Less than $3,000.00.

The Supply Management Specialist routes the completed requisition, documentation or quotes along with any other pertinent information to the Contract Specialist for approval. The Contract Specialist may consult with the Contracting Officer if further direction is required.

Upon the approval of the Contracting Officer, and/or the Contract Specialist, the Supply Management Specialist shall prepare a Purchase Order, GSA Requisition, or arrange for the purchase under a blanket purchase agreement (BPA) or under the IMPAC Card Program. The ordering document may be signed by the Contract Specialist or the Contracting Officer.

The Supply Management Specialist routes the completed requisition to the Contract Specialist who determines if the order is adequately justified.

The Supply Management Specialist may consult with the Contract Specialist if the item in question seems superfluous or luxurious. Otherwise, the Specialist has authority for orders within this price range.

The Supply Management Specialist may solicit quotes. Once the procurement process is completed the Specialist will prepare a Purchase Order for signature by the Contract Specialist or the Contracting Officer.

If the order is disapproved, the Supply Management Specialist will provide the ordering branch with a detailed written explanation of the reason for the denial. The requesting branch may appeal the denial to the Contract Specialist.

4320 Estimated Cost of More than $3,000 but less than $150,000.

The Supply Management Specialist will route the completed requisition to the Contract Specialist who in turn will prepare a written recommendation as to disposition. The Contract Specialist shall have authority for orders within this cost range but may consult with the Contracting Officer if further direction is required.

Upon approval, the Contract Specialist shall route the requisition to the Supply Management Specialist who will process the procurement up to the juncture at which the Office enters into a verbal agreement with a vendor or issues a Purchase Order. At such time the Supply Management Specialist will forward the completed, unsigned Purchase Order, with all quotation documentation, to the Contract Specialist for final approval.

The Contracting Officer or the Contract Specialist will sign the Purchase Order and route it to the Supply Management Specialist who will complete the procurement process.

4330 Budgetary Considerations.

On a monthly basis the Finance Officer shall provide the Contracting Branch with a schedule reflecting the amount of funds available for supplies, equipment, and services. This schedule will include the amount budgeted, expended, encumbered and forecasted for the balance of the fiscal year. The Contracting Officer and Contract Specialist will consider this information before approving any requisition.

At any time during the fiscal year the Contracting Officer may issue special instructions in writing to the Contract Specialist and the Supply Management Specialist regarding the availability of funds. Such instructions may include cost limitations on pending or future purchases, a requirement of consultation and special approval of the Finance Officer and/or a freeze on the purchase of specific classes of property.

SECTION 4000 CONTRACTING BRANCH - PROCUREMENT

SUBJECT 4400 Major Procurements

AUTHORITY

POLICY

A major procurement is any ONHIR procurement for supplies and/or services that exceeds the sum of $30,000.00 in the estimated or actual contract price. All such procurements shall be managed in accordance with Parts 1, 14, and 15 of the Federal Acquisition Regulations (FAR.)

The FAR specifies procedures designed to maximize competition among prospective contractors regardless of whether the procurement is performed by formal advertising or by negotiation. In the case of a noncompetitive negotiated contract the Contracting Officer shall strictly adhere to Part 15.105 of the FAR to enhance the possibility of the contract being let competitively in the future.

1. Selection of the Procurement Method.

The Contract Specialist shall analyze each acquisition plan or alternative procurement proposal to determine the appropriate procurement method. The Specialist will prepare a comprehensive written recommendation to the Contracting Officer as to the use or formal advertising or negotiation, with applicable citations from the FAR and determinations and findings if needed.

2. Preparation of the Solicitation Documents.

The Contract Specialist will prepare, using other qualified ONHIR staff as necessary, the "Invitation for Bid or Request for Proposals," in accordance with Parts 5, 6, 14. 101, 14.2, and 15 of the FAR. The Contracting Officer will have final approval authority over all solicitation documents.

The "Invitation for Bid or Request for Proposal," will be prepared on Form SF-33 when applicable, and shall contain a clear, concise, accurate and complete description of the supplies or services to be procured. All pertinent clauses, certifications, and representations shall be attached or incorporated by reference as appropriate. No solicitation document shall be written in a manner that may unduly restrict competition.

The Contract Specialist shall synopsize the proposed contract in a form consistent with Part 5.207 of the FAR.

When in the best interests of the government and the ONHIR, the Contracting Officer may authorize the use of newspaper advertising or other media announcements to publicize proposed contracts.

3. Dissemination of Solicitation Documents.

The Contract Specialist shall, upon written request by an interested party, send such party a complete solicitation. The written request and copies of the cover letter generated by the Contract Specialist shall be placed in the solicitation file for that procurement.

4. Receipt of Solicitation Documents.

The Contract Specialist will inform administrative support staff of the anticipated receipt of solicitation packages. The Specialist shall also instruct staff as to the proper handling and routing of the documents.

Despite the fact that solicitation packages should be clearly labeled per the solicitation instructions clerical staff should be alerted to avoid the accidental opening or mis-routing of bid/proposal envelopes.

The Contract Specialist shall secure, under lock and key, all solicitation packages until the time and date of opening. The Specialist is directly responsible for the safekeeping of all solicitation documents.

5. Opening the Solicitation Documents.

The Contract Specialist is in charge of the Opening of offers but shall have two other ONHIR employees, including at least one other procurement staff member, assist in the Opening.

The Opening shall conform to the requirement for sealed bids set forth in Part 14.402 of the FAR.

SECTION 4000 CONTRACTING BRANCH - PROCUREMENT

SUBJECT 4500 Contract Administration

AUTHORITY

POLICY

The Federal Acquisition Regulations (FAR) contain explicit requirements, primarily described in Part 42, for the efficient and effective administration of Government contracts. Since the ONHIR is obligated to adhere to the FAR, all ONHIR employees who have contract administration responsibilities must thoroughly familiarize themselves with and follow those pertinent sections with contract documents.

The Contracting Officer and the Contract Specialist are the principal contracting staff persons responsible for the day-to-day contract administration, albeit the ultimate responsibility rests with the Contracting Officer. The Contract Specialist is provided assistance by the Contract Officer's Representative (COR) who is appointed by the Contract Officer on each contract.

The importance of effective contract administration cannot be over emphasized. The most well written contract documents are rendered useless when not soundly managed.

1. <u>Appointment of Contracting Officer's Representative (COR.)</u>

The Contracting Officer will appoint by letter a Contracting Officer's Representative for each contract. While the appointment is not official until the execution of the contract, an informal designation may be made in anticipation of the contract award to utilize the technical expertise of the COR during acquisition planning, bid preparation and evaluation of offer.

2. <u>Orientation of Contracting Officer's Representative.</u>

The Contracting Officer and/or the Contract Specialist shall conduct, when necessary, an orientation for the Contracting Officer's Representative. The orientation shall consist of a comprehensive review of all contract documents, including solicitation documents, technical specifications, general provisions and special conditions. Knowledge of boiler-plate material should not be taken for granted.

Essentially, the goal of the orientation is to provide the Contracting Officer's Representative with a complete and accurate understanding of:

* What the contractor is obligated to perform or deliver,

* When and how the tasks described in the contract are to be completed; and

* The scope of authority and the responsibility of the Contracting Officer's Representative in administering the contract.

3. Post -Award Conference.

The Contracting Officer shall convene a Post-Award Conference as soon as practicable subsequent to the award of the contract but in no case after the effective date of the contract.

The conference shall be conducted according to Part 42.5 of the FAR. Unless exceptional circumstances prevail, the Contracting Officer shall conduct the conference with the assistance of Contracting Branch staff and the Contracting Officer's Representative. A formal report of the conference proceedings shall be prepared and distributed to all interested parties and filed in the contract file.

The Contracting Officer may waive the requirement for a Post-Award conference if the Office's prior experience with the contractor indicates the conference would serve no useful purpose.

4. Contract Status Review.

The Contract Specialist shall establish a schedule for periodic meetings to review the status of each contract. These meetings shall be conducted monthly, quarterly, semi-annually, or convened as necessary, dependent upon the anticipated or actual performance of the contractor.

The purpose of the meetings is to discuss progress, problems and issues related to the contract. The Contract Specialist shall prepare minutes of these proceedings and distribute them to them as well as placing a copy in the contract file.

The Contract Specialist may include in these meetings any ONHIR staff member or contractor's personnel whose participation would contribute to the meetings.

5. Monitoring Plan.

The Contract Specialist and the Contracting Officer's Representative will create a Monitoring Plan to outline a specific schedule and list of tasks to ensure that the Contracting Officer's Representative has a systematic approach to monitor the contractor's performance. The contract scope of work and key provisions shall be incorporated in the plan.

6. Contracting Officer's Representative Reports.

The Contracting Officer's Representative will submit a "Contract Status Report," **Form MM#4500.1**, monthly to the Contract Specialist. This report will provide the Contract Specialist with information concerning the contractor's progress and set forth any problems encountered. The report will also incorporate a sign-off line for the Contracting Officer's Representative to approve or disapprove the contractor's invoice, a copy of which must be attached to the report.

The Contract Specialist will review the report and invoice and route both documents to the Contracting Officer for final approval, unless the Contracting Officer has delegated final approval authority to the Contract Specialist.

After final approval by the Contracting Branch staff, the report and invoice shall be routed to the Finance Officer for processing of payment.

7. Contracting Officer's Technical Contract Monitoring.

In accordance with the Monitoring Plan the Contracting Officer's Representative shall monitor the contractor's performance to ensure the contractor's compliance with the terms and provisions of the contract. However, the Contracting Officer's Representative should not hesitate to deviate from the Monitoring Plan if unusual circumstances dictate.

The Contracting Officer's Representative shall fully and timely inform the Contracting Officer of any problems with the contract, either verbally or via the Contract Status Report. The Contracting Office's Representative should not delay reporting a serious problem until the monthly reporting cycle if a serious problem develops but should immediately verbally inform the Contracting Officer of the problem and follow up promptly with a written report.

Examples of problems the Contracting Officer's Representative should carefully watch for are: (1) Failure to meet time lines in performing the work. (2) Failure to meet reporting deadlines. (3) Faulty workmanship or defective products. (4) Failure to hire key staff. (5) Excessive turnover in personnel. (6) Lack of compliance with the contract terms and conditions.

The Contracting Officer's Representative is responsible for making every effort to assure the contractor's adherence to the contract. To this end, the Contracting Officer's Representative should address minor issues before they become major concerns.

The professional relationship between the Contracting Officer's Representative and the contractor can either enhance or impede the Representative's efforts to elicit compliance. The Contracting Officer's Representative should establish a rapport with the contractor which is based upon open communication and a mutual interest in accomplishing the work. The Contracting Officer's Representative shall absolutely avoid becoming involved with the contractor in a way that could be construed as a conflict of interest.

A major responsibility of the Contracting Officer's Representative is to interpret the contract documents for the contractor. In this capacity the Contracting Officer's Representative must exercise caution to avoid making interpretations within the scope of work which would result in an inadvertent (i.e. "Constructive") change in the service and product specifications and/or the contract price.

The Contract Specialist shall ensure that the Contracting Officer's Representative keeps informed of contracting activities through inspections, site visits, or any other appropriate means of gathering information. If the Contract Specialist determines that the Contracting Officer's Representative is not sufficiently informed of the contractor's performance, the Contract Specialist should review and revise the Monitoring Plan and ascertain if the Contracting Officer's Representative is willing and/or able to effectively monitor the contract.

The Contract Specialist shall promptly report to the Contracting Officer when it is not appropriate for the Contracting Officer's Representative to continue in that capacity. At the discretion of the Contracting Officer, a new Contracting Officer's Representative may then be appointed.

The Contract Specialist shall provide the Contracting Officer's Representative with instructions, guidance, and discretion in the monitoring of the contract. The Contract Specialist must be accessible to the Contracting Officer's Representative when contractual problems arise and decisions are needed. The

Contract Specialist should promptly refer to the Contracting Officer any situation beyond the Contract Specialist's scope of authority, responsibility, or level of training.

8. Verbal Instructions to the Contractor.

Contract Branch staff and the Contracting Officer's Representative shall endeavor to provide only written instructions to the contractor. However, due to extraordinary circumstances, it may be necessary to verbally instruct the contractor of an interpretation of the contract documents or to make changes within the scope or amount of work.

Any verbal instructions to the contractor shall be documented within two (2) working days in a letter to the contractor which describes in detail the verbal directions given. Copies of the letter shall be distributed to all interested parties and placed in the contract file.

The Contracting Officer may rescind the actions of any other procurement official or the Contracting Officer's Representative if the Officer determines that it is in the best interests of the Government to do so. All such recisions shall be addressed in writing to the contractor with the appropriate distribution of copies.

SECTION 4000 CONTRACTING BRANCH -PROCUREMENT

SUBJECT 4600 Contract Files

AUTHORITY

POLICY

In accordance with the regulations and procedures set forth in the Federal Acquisition Regulations, (FAR) Part 4.8, this Office has established and maintained a comprehensive filing system to ensure that all contracting activities are properly documented and that records are easily accessible to principal users.

Due to the small size and staffing pattern of the Office the number and type of official files for each contract have been consolidated. Contracting Branch staff have developed their own working files as needed for immediate accessibility of the key contract documents.

An individual "working file" may be kept on each contract or task order for major procurements. Individual vendor files may also be kept on small purchases. All official contract files are physically located in the Finance Branch Office.

The Contract Specialist is responsible for the accuracy, completeness, and security of the files and shall promptly report to the Contracting Officer any evidence of tampering, loss or damage to the files.

1. Contents.

Each contract file shall contain the documents listed in Part 4.8 of the FAR as applicable. Particular attention shall be given to recording actions taken by Contracting Branch staff, especially those actions which deviate or appear to deviate from the contract terms and conditions or federal regulations.

2. Organization.

The file folder shall be durable; a six part classification folder that is uniformly divided so that the same type of information is kept in the same section of the folder for each contract.

3. Working Files.

Contracting Branch staff are encouraged to keep informal working files on contracts immediately accessible to them for immediate consultation. If such files are kept, the employee is cautioned not to use the working file as a substitute for the filing of official contract documents.

The Supply Management Specialist will maintain working files on vendors for small purchases and for property acquired through federal sources. These files will be used for tracking acquisitions, monitoring purchases, and for reference in placing future orders.

SECTION 4000 CONTRACTING BRANCH - PROCUREMENT

SUBJECT 4800 Prohibition Against Illegal Activities

AUTHORITY

POLICY

The Contracting Officer shall review all proposed contracts to determine if the potential for problems, misunderstandings, or misinterpretations exists within the contract "Scope of Work" which may in inadvertently lead to prohibited activities on the part of the contractor. If the Contracting Officer determines that any such potential for wrongdoing exists, the Officer shall draw the contractor's attention to the issues and shall fully explain the parameters within which the contractor must work. Furthermore, the Contracting Officer shall insert into any such contract a clause which.....

* Clarifies the legal parameters of the work.

* Admonishes the contractor not to engage in prohibited activities.

* States the consequences for engaging in prohibited activities.

SECTION 5000 CONTRACTING BRANCH - PERSONAL PROPERTY MANAGEMENT

SUBJECT 5100 Personal Property Management Procedures

Subsection: Major Responsibilities of Staff Involved in Personal Property Management

AUTHORITY:

The authority for the development and issuance of these procedures is set forth in 41 CFR Chapter, 114-60.100, "Supplemental Regulations," and in 31 U.S.C. 66a, which direct agencies to establish regulations for the proper implementation of Federal Property Management Regulations. (IPMR).

POLICY

The purpose of this section is to describe policies and procedures for the management of personal property under the control of the Office of Navajo and Hopi Indian Relocation (ONHIR.) These policies and procedures are in conformance with the federal regulations and law as cited in Section I herein.

1. <u>Contracting Officer (CO.)</u>

* Supervises all Contracting Branch (Procurement) staff.

* Approves final disposition/acquisition of excess property.

* Reviews internal audits and recommends action to the Executive Director if necessary.

* Has oversight responsibility for the property management system.

2. <u>Contract Specialist.</u>

* Supervises the Supply Management Specialist.

* Serves as the Accountable Officer for the Office.

* Approves the issuance to staff of non-expendable property already in stock and having a purchase value of greater than $1,000.00.

* Reviews property accounting records for accuracy, completeness, and timeliness no less than annually.

* Coordinates the disposition/acquisition of excess property.

3. Supply Management Specialist.

* Analyzes property management needs and recommends alternatives to the Contract Specialist.

* Evaluates unassigned and potentially excess property and makes recommendations to the Contract Specialist for disposal or retention.

* Maintains lists of unassigned property to avoid the procurement of property which is already in stock.

* Maintains adequate on-going stocks of frequently used consumable supplies.

* Implements the inventory system of office supplies, furniture, electronic equipment, and other types of property.

* Is responsible for vehicle fleet management, including dispatching, servicing and repair, the submission of GSA Reports, accident reports, and determining the need for new or additional units.

* Receives deliveries/shipments of property. Checks condition, quantity, size, color, etc. against the packing slip, Purchase Order, and invoice.

4. Contracting Officer's Representative (COR.)

* Monitors contractor's use of government property and reports any misuse, abuse or loss to the Contracting Officer.

* Makes recommendations to the Contracting Officer as to the appropriate action to be taken on requests from contractors to be assigned government property.

5. Finance Officer.

* Is responsible for all financial transactions and record keeping relating to the purchase of personal property.

SECTION 5000 PROCUREMENT PROCEDURES

SUBJECT 5200 Use of Government Property Restricted to Official Purposes

AUTHORITY

POLICY

No Officer or employee of the Office of Navajo and Hopi Indian Relocation shall use or authorize the use of Government property for other than official purposes. If an employee loses or damages government property while using it for personal reasons or is grossly negligent, that employee will be held financially liable for the repair or replacement of the property, the cost of which shall be determined by the Government.

In addition to financial responsibility, the employee is also subject to disciplinary action.

SECTION 5000 CONTRACTING BRANCH - PERSONAL PROPERTY MANAGEMENT

SUBJECT 5200 USE OF GOVERNMENT PROPERTY

SUBHEADING 5240 Government Vehicles

The vehicles available to the ONHIR program staff for official travel and the performance of official duties include both vehicles leased from the General Services Administration (GSA) and vehicles purchased by the Office. The ONHIR Supply Management Specialist is responsible for defining and administering internal Office procedures for vehicle use consistent with applicable GSA requirements.

Regardless of the amount of damage all motor vehicle accidents and all other incidents involving Federally owned or leased vehicles will be investigated and reported on by a Board of Review.

5241 Requirements for Drivers.

General. All drivers must possess a valid state driver's license and a Government driver's license issued by the ONHIR.

1. Reporting Citations. All citations, including parking tickets, received during the operation of a government vehicle must be reported to the Supply Management Specialist within two working days of receipt.

2. Reporting Suspension of License. An employee whose driver's license has been suspended by the State must report it to the Supply Management Specialist as soon as the employee learns of the suspension. Failure to report the suspension of a license may result in disciplinary action.

3. Verification of Driving Record. The Supply Management Specialist will contact the Arizona Department of Motor Vehicles to obtain a history on the driving records of agency employees and verify the status of their driver's licenses. This in no way eliminates the requirement of the employee to inform the ONHIR of the suspension of their driver's license as set forth in #2 above.

5242 Permanently Assigned Vehicles.

General. Certain positions within the Office require extensive travel or require a vehicle in the performance of the job duties. Government vehicles may be permanently assigned to staff members holding these positions.

1. Request/Approval of Permanent Vehicle Assignment, The Branch Manager should first discuss the need for a permanent vehicle assignment with the Executive Director. The Supply Management Specialist may be required to obtain specifications on vehicles which will meet job requirements. After an informal agreement has been reached regarding a permanent vehicle assignment, the Branch Manager will confirm the request by submitting a Procurement Request for the approval of the Executive Director. The Procurement Request must describe specifically the type of vehicle needed and the nature of the anticipated use.

2. Assignment of Vehicle. Based upon the requirements stated in the Procurement Request, the Supply Management Specialist will assign a vehicle from the motor pool or will obtain a vehicle as directed to do so by the Contracting Officer. The Specialist will equip the vehicle as required for the performance of the job duties.

3. General Requirements for a Permanent Assignment. The responsibilities associated with a permanent vehicle assignment are the same as for vehicles checked out from the loan pool, with the following minor exceptions.

a. Vehicle Dispatch and Trip Report. The employee will complete the trip report daily and turn in the completed report at the end of each week. Gas receipts must be stapled to the upper left corner of the report.

b. Cleaning the Vehicle. The driver who is permanently assigned to the vehicle is responsible for cleaning the interior/exterior of the vehicle. Two car washes, not to exceed $30.00 for a van/truck and $20.00 for a sedan per month are allowed. Drivers with a Sanders or Chambers duty station are responsible for washing the vehicles as needed.

5243 Office Loan Pool Vehicle Check-Out Procedures.

The ONHIR maintains a loan pool from which staff members who do not require a permanently assigned vehicle can check out vehicles on an as needed basis.

1. .Request for Vehicle Assignment. A staff member who needs to use an agency vehicle for travel to and from an official assignment will complete **Form MM#5240.1,** "Vehicle Reservation Form," as soon as the employee identifies the need for a vehicle. The Vehicle Reservation Form is available on the employee's Desktop or can be obtained from the Supply Management Specialist.

2. Vehicle Reservation Form. The staff member must provide the following information on the Vehicle Reservation Form.

a. Name of the staff member requesting the vehicle.

b. Date the request is submitted.

c. The type of vehicle required: highway or high clearance and/or 4-Wheel drive. If the staff member is unsure what type of vehicle is appropriate, the Supply Management Specialist will advise the employee.

d. If the vehicle will be used for travel to several locations each destination should be listed on the request form.

e. The staff member will note the departure date and time on the request form along with indicating whether the departure hour is a.m. or p.m.

f. If the official travel requires the staff member to travel over a weekend or a holiday, the Executive Director must approve the Vehicle Reservation Form.

3. Assignment of Vehicles. The Supply Management Specialist will check the Vehicle Dispatch Log, **Form MM#5240.2,** to determine if the type of vehicle requested will be available on the specified date. If a suitable vehicle is available the Specialist will record the assignment on the Vehicle Dispatch Log.

a. Assignment of a Different Vehicle. The Supply Management Specialist will assign a different type of vehicle if the Specialist determines that the type of vehicle requested is not appropriate for the use described. (For example: The employee requested a 4-Wheel drive vehicle for highway driving when no bad weather is expected.)

b. Cancellation of Travel, If the type of vehicle needed is not available the employee may cancel their travel plans with the Branch Manager's approval. (For example: If a high clearance 4-Wheel drive vehicle is needed for travel to a remote area but no such vehicle is available, the employee may be required to postpone travel until an appropriate vehicle is available.) Travel may be rescheduled on the basis that traveling on bad roads in bad weather in an unsuitable vehicle poses a risk that the employee may become stranded.

c. Use of Personal Vehicle. If no vehicle is available and/or the employee is willing to use their personal vehicle the employee will be reimbursed in accordance with the Government Travel Regulations. Information on current rates is available from the Finance Branch.

4. Vehicle Request Log. The Vehicle Request Log lists all vehicles in the ONHIR Motor Pool which are available for assignment. Each sheet covers a week at a time. The log is used to record vehicle assignments and to track the amount of usage of the motor pool.

5. Picking Up the Keys. The Supply Management Specialist is normally available from 7:30 a.m. to 4:30 p.m. Monday through Friday unless otherwise posted. In the event the Specialist is not available other Contracting Branch staff may issue the keys. Drivers leaving the Office prior to 7:30 o'clock a.m. should pick up the vehicle keys the evening before the date of travel.

6. Returning the Keys. Keys must be returned to the Supply Management Specialist when the vehicle is returned to the parking lot. If the vehicle is returned after hours, keys must be left on the tray on the wall by the supply room door unless the Specialist has left other written instructions. (For example: The Specialist may ask that the keys be left on the desk of the employee who will be using the car the next day.)

7. Government Credit Cards. A Government credit card is attached to the vehicle keys and imprinted with the vehicle tag number. The cards are good only for the vehicle identified on the card. The operator may purchase gasoline, oil and miscellaneous supplies such as windshield washer fluid.

8. Purchasing Gasoline. Operators are required to use only self-serve pumps with regular unleaded fuel. Operators who utilize full-service pumps or who use premium fuel may be required to pay the full credit card charges. All service stations do not accept government credit cards, therefore the operator should check with the vendor before filling the gas tank. GSA and the ONHIR are not required

to reimburse staff for fuel purchased from a vendor who does not accept the government credit card. It is recommended that operators purchase fuel at the ADOT yards at Flagstaff or Sanders since the cost of fuel is less at these locations.

9. Purchasing Supplies or Paying for Repairs. The operator may purchase minor items or services as needed for emergency repairs in the field. (For example: Tire repair or a broken engine belt.) These purchases shall not exceed the sum of $100.00. The operator must report any minor repairs on the Trip Report, **Form MM#5240.3,** and attach the receipt to the report.

10. Trip Report. The operator will pick up a copy of **Form MM#5240.3,** "Trip Report,"when the keys to the vehicle are picked up. The operator must complete all areas of the form. Before the trip the operator must check the routine maintenance items listed on the bottom of the form. All stops during the trip must be logged. When the trip is over the driver will sign the Trip Report and turn it in to the Supply Management Specialist with the vehicle keys. All gas receipts and/or receipts for minor repairs must be stapled to the upper left corner of the form. The driver must also report any problems incurred with the vehicle.

11. Returning the Vehicle. If the gas gauge shows three-quarters or less the operator must fill the gas tank when the trip is over. The vehicle must be returned to the ONHIR parking lot. A key to the parking lot is attached to the vehicle key and credit card in the event the gate to the lot is locked when the employee leaves or returns from travel. The employee must return the keys pursuant to the instructions set forth in Item No. 6 above.

5244 Parking Procedures.

1. Securing Government Vehicles in the Locked Parking Area. All government vehicles will be parked in the designated lot at night and over the weekend unless the operator is on approved travel away from the employee's official duty station. The ONHIR has secured parking areas in Flagstaff and Chambers. The gate to the Flagstaff lot is locked nightly and on weekends. Employees are instructed to lock all vehicles and remove all keys from the vehicle when returning from travel.

2. Leased Parking Spaces in Flagstaff. The ONHIR leases forty-four (44) parking slots in the fenced parking lot on the Southeast corner and Aspen and Verde. These spaces are utilized for employee parking and government owned vehicles. All government vehicles must be parked along the fence at the South end of the lot.

3. Parking Spaces for Executive Officials. The ONHIR also leases three parking spaces located on the corner of Verde and Birch. One of these spaces is reserved for use by the Executive Director.

4. Employee Parking. Parking spaces which are not reserved for government vehicles or Executive staff are available for use by employees on a first come first serve basis.

5. How to Park. Drivers must stay between the white lines. Employees who take up two spaces, park on the white line, park perpendicular to the marked space, or who block other vehicles by parking behind their vehicle, will be asked to move their vehicle. Vehicles which are not moved will be

towed.

6. Towing Vehicles. Vehicles which are improperly parked are subject to towing at the owner's expense.

7. Parking Spaces at the New Lands Offices. There is a secured government parking lot at the Chambers Range Office. Designated staff will be responsible for locking the lot(s) in the evening and over the weekend.

The Sanders Office parking lot is considered secure for nighttime and weekend parking. Government vehicles assigned to the Sanders Office must be parked overnight in the fenced parking lot.

5245 Accidents.

1. Notification of Authorities. If a staff member is involved in an accident, however minor, while operating a government vehicle, the employee must immediately notify the following individuals, in order of priority:

a. Local law enforcement/emergency authorities.
b. The ONHIR Supply Management Specialist.
c. The employee's supervisor.

The Supply Management Specialist will notify the General Services Administration (GSA) if the vehicle involved in the accident is a GSA vehicle.

2. Accident Packet. In each ONHIR vehicle an Information Packet is located in the glove box compartment. The operator shall familiarize him/herself with the contents of the packet and must refer to the packet for instructions in the event of an accident.

3. Employee Report. In addition to the required immediate verbal notification within one (l) working day the employee must submit an Accident Report Form and a memo to the Supply Management Specialist explaining how the accident occurred and providing detailed information about the accident.

4. Board of Review. Boards of Review will be convened to investigate and report on all motor vehicle accidents involving government vehicles or employee owned or rented vehicles while in use on official business regardless of the amount of damage. The Board of Review will also investigate and report on injuries to the driver or passengers resulting from an accident involving government vehicles or employee owned or rented vehicles used on official government business.

5246 Vehicle Malfunctions and Breakdowns.

Employees are responsible for safeguarding and taking care of the government vehicles entrusted to them. Poor judgment or negligence which results in damage to the vehicle or compounds damage from a vehicle malfunction, may be brought before the Board of Review. An employee may be held liable for the cost of repair of damages to the vehicle if the employee continues to operate the vehicle after a malfunction has occurred.

1. Vehicle Malfunction or Breakdown. When an operator has a breakdown or malfunction the operator should not continue to operate the vehicle unless the vehicle is situated in a location where additional damage could occur or the operator is in a situation where their safety and well being is threatened. The operator should immediately park and secure the vehicle.

2. Reporting Vehicle Malfunctions/Breakdowns. The problem must be reported to the Supply Management Specialist as soon as possible. The driver should immediately telephone for assistance and to report the problem. If the operator does not have a telephone and assistance is available the operator may request transportation to the nearest telephone to report the problem and await instructions. (For example: A local resident or contractor who is in the area.)

5247 General Instructions.

Employees are responsible for adhering to the following instructions regarding vehicle use whether the vehicle is permanently assigned or checked out of the motor pool.

1. Report Damage or Loss Immediately. Any damage to the exterior or the interior of the vehicle, from whatever cause, must be reported to the Supply Management Specialist immediately followed by a report to the employee's supervisor. The Report must be in writing. Similarly, any loss of assigned vehicle equipment must be reported to the Supply Management Specialist as well as the employee's supervisor. A Board of Review will be convened to investigate and report on damage or loss exceeding the sum of $50.00.

2. Use of Government Vehicles for Official Use Only. Government vehicles may be used only for official purposes. While on official travel the vehicle may be used for reasonable transport to lodging and meal accommodations. When an employee returns to the official duty station the assigned vehicle must be returned to the secured government parking lot. Pursuant to 31 U.S.C. §1344 an employee may park the vehicle at their residence or use a vehicle for transportation between their residence and their duty station only for compelling operational considerations. This use of a government vehicle must be approved in advance, in writing, by the Executive Director. The Supply Management Specialist will maintain a log of all such approvals and will furnish a copy of the written approval to the General Services Administration (GSA) if the vehicle is provided by GSA.

3. Locking the Vehicle and Equipment. The operator is responsible for locking the vehicle when returning the vehicle to the government parking lot and when parked while on official travel. Equipment issued with the vehicle must be locked in the vehicle. Spare tires must be mounted in the tire rack.

4. Warming Up Vehicles; Leaving a Vehicle Running While Unattended. Vehicles may not be left unattended with the engine running. This practice is a waste of fuel and is harmful to the vehicle engine and constitutes a security risk. When the operator exits a vehicle the vehicle engine must be turned off. If it is necessary to warm up a vehicle on a cold morning the vehicle should idle only long enough for the driver to be able to scrape the windshield. The driver may not leave the vehicle while it is warming up.

5. Cleaning of Vehicles. The Supply Management Specialist will arrange for the government

vehicle to be washed twice a month. However, the operator is responsible for cleaning out the interior of the vehicle. When an employee returns from a trip the employee should remove all trash and wipe out any mud or dirt in the vehicle. All trash should be placed in the dumpster or other designated receptacle. Smoking is prohibited in all government vehicles.

a. Two (2) washes not to exceed $30.00 on a truck or van and two (2) washes, not to exceed $20.00 on a sedan per month.

6. Passengers. The vehicle operator must be a government employee, approved contractor, or sub-contractor. Passengers may be transported in government vehicles for official business only. (For example: Other employees, relocation clients, official visitors, or tribal representatives. Non official passengers, such as **dependents or friends of the employee may not be transported in government vehicles unless prior approval has been obtained from the Executive Director. Staff are directed to refer to the current Policy Memorandum on this issue.**

7. Insurance. The United States Government is self-insured. Costs associated with accidents which occur during the course of official travel by an ONHIR employee may be paid by the Government depending upon the cause of the accident and the nature of the claim.

8. Seat Belts. Drivers and passengers in government vehicles must utilize the seat belts at all times.

9. Emergency Supply Kits. Emergency supply kits for use in travel to remote areas in bad weather are available for check out from the Supply Management Specialist. As with all equipment the kits and items which they contain must be kept locked in the vehicle when they are not in use. The kits are sealed. The contents of the kit will be inventoried if the seal is broken when the operator returns to the Office.

10. Firearms. Firearms are not permitted on government property or in government vehicles without specific statutory authorization. No ONHIR employee is authorized or permitted to bear firearms or to carry a firearm in a government vehicle.

11. Modification of Vehicles. Drivers may not modify vehicles, including permanently assigned vehicles, without the permission of the Supply Management Specialist. This includes "adornments" such as bumper sticker or decorations hanging from rearview mirrors, as well as mechanical or equipment modifications.

12. Use of Cell Phones while operating Government Vehicles.

The use of cellular phone, including texting, is specifically prohibited while operating a government vehicle. (See Policy Memo No. 16.)

SECTION **4000** **CONTRACTING BRANCH - PROCUREMENT**

SUBJECT **5200** **USE OF GOVERNMENT PROPERTY**

SUBHEADING **5250** **BOARD OF REVIEW: ACCIDENT INVESTIGATION AND LOSS CONTROL**

AUTHORITY Federal Property and Administrative Services Act of 1949, 68 Stat.1128, as amended; 18 U.S.C. 641; 41 CFR 101; 25 CFR 700; FPM 930; and ONHIR Policy Memorandum No. 5.

POLICY

It is the policy of the Office that a Board of Review will be convened by the Executive Director for the following types of incidents or government vehicle accidents:

1. On-duty employee injuries in a government vehicle requiring first aid, medical attention, continuation-of-pay or lost time, including any temporary or permanent disability, regardless of duration.

2. Motor vehicle accidents and all other incidents involving Federally owned or leased vehicles and employee owned or rented vehicles while being used on official business, regardless of the amount of damage.

3. Office property or equipment damage or loss in excess of $50.00.

5251 RESPONSIBILITIES

1. Board of Review

a. Composition. The Board of Review is convened by the Executive Director. The Board will generally conduct its review proceedings within ten (10) days of the Notice to Convene from the Executive Director. The membership will be composed of a Chairman appointed by the Executive Director, Legal Counsel, the Supervisor of the employee involved, and a Peer Representative if one is designated by the employee involved. In cases of motor vehicle accidents or incidents, or other damage to government property, the Contracting Officer or designee, as appropriate, will sit as a Board Member. In cases of employee on-the-job injury, the Human Resources Officer will sit as a Board Member.

b. Functions. The Board of Review will ascertain the primary cause (s) of the accident or incident, whether the employee was negligent and, if possible and appropriate, the degree of negligence. The Board will also recommend to the Executive Director whether discipline or adverse action should be taken and whether costs incurred by the Office should be recovered from the employee. The Board's recommendations are not binding on the Executive Director.

* The Board will review the required accident report forms submitted by the employee.

* The involved employee will describe what happened and answer questions from the Board.

* As appropriate, the employee's immediate Supervisor will act as the investigating officer and will describe the accident/incident, findings, etc., and will answer questions from the Board.

* The employee has the right to be represented before this Board of Review by an attorney (at the employee's expense) or other person (Peer Representative) but it is not required to name a representative to the Board.

* The Board, out of the presence of the employee, will consider all the information and isolate identifiable causes.

* The Board will vote on a recommendation for action.

* No Board member shall abstain from a vote.

The Board's recommendation will be incorporated into a written report to the Executive Director. A copy of the report will be provided to the employee. In its report the Board will include a summary of the statements by the parties appearing before it, copies of the reports and other information considered in its deliberations, and any comments made or conclusions reached. The Board's report will include how the members voted by number of votes but not by name. The report will generally be submitted to the Executive Director within one week of the Board's hearing.

2. Employee Responsibility.

Each employee must immediately verbally report any motor vehicle accident or incident or other equipment damage or loss or related personal injury. Within 24 hours of the accident or incident a written report must be submitted to the Contracting Officer with a copy to the employee's immediate supervisor. Employees must also cooperate with a Board of Review in describing the accident or incident and answering the Board's questions.

Accidents/incidents require the submission of the following:

* Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator.

* Standard Form 91, Operator's Report of Motor Vehicle Accident.

* Standard Form 94, Statement of Witnesses, if any.

* Appropriate CA Forms in the event of employee injury.

* Narrative statement of circumstances of accident, incident, loss or injury.

* Law enforcement officer's investigative report, if any.

3. Supervisor.

Each supervisor must cooperate with a Board of Review to investigate the cause(s) of the accident/ incident. The supervisor must also inform the Board of his/her knowledge of the accident/incident to

accompany the employee's report. The supervisor's report may be verbal or in writing, depending upon the instructions of the Board. The supervisor may be requested to provide the following information:

* Employee's accident/incident equipment damage or loss history which may have a bearing on the accident/incident under review.

* Any training provided the employee which may bear upon the accident/incident under review.

* Any previous accidents/incidents of a similar nature.

4. Employee's Peer Representative.

An employee named as a Peer Representative may decline to serve. In such cases the employee may select another Peer Representative. The Peer Representative may advocate on the employee's behalf but is not required to do so. The Peer Representative sits and votes as a member of the Board of Review and may vote to find the employee negligent or not.

5. Supply Management Specialist.

The Supply Management Specialist will inform the Contracting Officer of the occurrence of a vehicle accident/incident in writing within one working day from the time the Specialist learns of it. When the Board of Review is convened the Supply Management Specialist will inform the Board of Review of his/her knowledge of the accident/incident under review and provide copies of documents received under paragraph two above. The Supply Management Specialist may be asked to appear before the Board of Review to answer questions.

6. Human Resources Officer.

The Human Resources Officer will review any employee injury reports and provide the Board of Review with information regarding the employee's history of on-the-job injuries. The Human Resources Officer will provide the Executive Director with information regarding the employee's history of disciplinary or adverse actions based on comparable accidents or incidents.

7. Supervisory Responsibility.

Pursuant to the requirements of 5 CFR, in cases where disciplinary action is proposed, the employee's Supervisor will receive the findings of the Board and will act as the Proposing Official, consistent with the Board's findings. The Supervisor will inform the employee in writing of the action proposed and the employee's right to provide new information which should be considered by the Deciding Official.

8. The Supervisor.

The Supervisor will inform the Executive Director and the Human Resources Officer of the occurrence of an accident/incident generally within one working day from the time he or she learns of it. When a Board of Review is convened the Executive Director will receive a report of findings from the Board. The Executive Director will take the following action:

a. Administrative Actions. In cases where administrative action is proposed the Human Resources Officer will decide the action to be taken. Such action may include additional training, changing practices or procedures, or repayment from the employee's salary.

b. Disciplinary Actions. In cases where disciplinary action is proposed, the Executive Director/Legal Counsel will function as the Deciding Official. A decision will be generally made within one week of the Board's recommendation.

c. Adverse Actions. In cases where adverse action is proposed, the Executive Director will function as the Proposing Official.

9. Executive Director Responsibility.

Upon being informed of an accident, incident, loss or injury the Executive Director will convene a Board of Review and will appoint a Chairman of the Board. The Executive Director will take the following action:

a. Administrative Actions. In cases of administrative action, the employee may grieve the action to the Executive Director.

b. Disciplinary Actions. In cases of disciplinary action the employee may appeal the action of the Deciding Official to the Executive Director.

c. Adverse Actions. In cases of adverse action, the Executive Director will function as the Deciding Official. The employee may appeal the Deciding Official's action to the Merit System Protection Board.

10. Conflict of Board Members.

If a Board member must recuse himself/herself from the proceedings because of a conflict of interest or other reason which disqualifies him/her from serving, the Executive Director will appoint a replacement.

5252 DISCIPLINE/ADVERSE ACTIONS RESULTING FROM INCIDENTS.

Initial training and remediation is a supervisory responsibility. Employee misconduct should be documented to support disciplinary and/or adverse actions that may be warranted at a later date.

1. Situations Where Adverse Actions May be Warranted.

* A supervisor's failure to properly train subordinates or failure to take remedial action to correct poor driving performance.

* Employee convicted of operating under the influence of alcohol or illicit drugs.

* Employee is found to have misused a government owned or leased vehicle.

* Employee is found negligent as a result of a government vehicle accident. (Employees

will not be held financially liable for damage or loss of a vehicle when the damage or loss is attributable to inadequate instruction or inherent defects in the vehicle.)

* Employee is convicted of leaving the scene of an accident without making himself/herself known.

* Employee is convicted of moving traffic violations with a government vehicle.

* Employee's state license is revoked or suspended.

* Employee exhibits high accident frequency or abnormally high dollar accident costs.

* Employee fails to comply with administrative orders relating to motor vehicle care and operations.

and/or

* A qualified physician finds that the employee fails to meet the required physical standards.

2. Actions That May be Taken Against Employees.

* If damage is a result of negligence the employee may be held financially liable for the amount of loss, damage or destruction of government property.

* Suspension of government driver's license and government driving privileges.

* Letter of warning or official reprimand.

* Suspension from duty without pay, and

* Separation from employment in extreme cases.

3. Use of Personal Vehicles - Insurance and Financial Responsibility.

The use of a personal vehicle for official purposes must be officially authorized. In the event of damage or loss to an employee's vehicle or other personal property while under a POV travel authorization, employees must seek reimbursement from their private insurance carrier. Employees may file a claim under the Miliary Personnel and Civilian Employee's Claims Act for up to the deductible amount in the employee's personal vehicle insurance policy.

SECTION 5000 CONTRACTING BRANCH - PERSONAL PROPERTY MANAGEMENT

SUBJECT 5300 Requesting Assignment of Property

AUTHORITY

POLICY

The Office of Navajo and Hopi Indian Relocation provides its staff with supplies and equipment essential to the accomplishment of their work. The Office maintains a stock of commonly used property and may procure, subject to the availability of funds and proper justification, property not commonly kept in stock. To maintain inventory control and ensure that property is assigned where the need is greatest, a requisition procedure must be followed.

1. Requisition Procedure.

To obtain supplies or equipment the employee completes a "Procurement Request Form" and submits it to the Branch Manager for approval. The completed form is routed to the Supply Management Specialist for action.

The Supply Management Specialist evaluates the Purchase Request for clarity, accuracy, and acquisition value of each items. If any single item has an acquisition value greater than $500.00, the Contracting Officer or Contracting Specialist must approve the Procurement Request. The Supply Management Specialist has authority to procure items of an acquisition value not to exceed $3,000.00 in accordance with the authority given by the CO and Government Credit Card (IMPAC).

After the necessary approvals have been obtained the Supply Management Specialist shall process the Procurement Request within two (2) working days or sooner if warranted by genuinely urgent circumstances.

In filling the order the Supply Management Specialist first determines the availability of each item in stock. Items are checked off as the order is filled from stock supplies. When all in stock items have been identified and are ready for issuance the Supply Management Specialist notifies the requesting branch. When the property is issued the Specialist and the employee requesting the supplies sign and date the Procurement Request to acknowledge delivery and receipt. For items classified as assets ($1,000.00) the employee to whom the property will be assigned must sign a Property Receipt.

The Supply Management Specialist makes appropriate entries in the Supply/Asset Inventory Program. The processed Procurement Request is filed according to Office branch when all items on the Procurement Request have been issued. Where outside procurement is required the Procurement Request will be placed in a tickler file until the order is received and issued.

The sign out procedure will be used for trivial amounts of supplies, generally defined as less than one unit (box, dozen, etc.) of a particular item. No Procurement Request or Requisition is required.

For larger amounts of supplies such as one or more units of a given item, a Procurement Request

will be required.

The Supply Management Specialist will purchase items not in stock according to established Office procurement procedures. The employee will be notified when the order is placed and when it is expected to arrive.

As ordered items are received and issued a copy of the initialed Procurement Request will be provided to the employee. Property receipts will be also be signed as required for issuing assets and appropriate computer entries made for inventory purposes.

If an order is not received within two weeks after the anticipated delivery date, the Supply Management Specialist will contact the vendor and request a new delivery date. The employee should be kept informed of delays in delivery so that alternative measures can be taken to meet the employee's needs.

5310 Stock Replenishment.

The Supply Management Specialist shall regularly monitor the stock of commonly used consumable supplies to determine points of re-order. The methods of monitoring may involve a combination of visual inspection, usage counts, and pending requisitions.

A re-order point shall be established for each type of consumable supply item, based on the following considerations:

* Shelf life. (e.g., felt tip markers)
* Available storage space.
* Average rate of issue per month.
* Length of time from placing order until delivery; using most economical vendor.
* Critical nature of the item.
* Discounts.

The Supply Management Specialist shall ensure that an adequate supply of necessary supplies is maintained. When a re-order point for an item is reached the Supply Management Specialist will notify the Contract Specialist who will negotiate the procurement of the item. It is essential that re-order points are closely monitored to avoid depletion of essential items necessitating an emergency purchase which would likely result in a much higher cost to the government.

5320 Receiving.

Pursuant to 41 CFR 114.60.200, the receipt of all property acquired by the ONHIR shall be properly documented by a responsible ONHIR Official. The purpose of receiving procedures is to ensure the property acquired by the Office conforms to the quantity and specifications of the order and that the Office does not pay for goods that it does not receive.

1. Inspection.

The Supply Management Specialist shall thoroughly inspect all property upon delivery to the Office or upon pickup at the vendor's place of business. The inspection shall determine the correctness of the order in terms of quantity, model or stock number, color, size, gauge, and other specifications as described in the ordering document, plus any defects in or damage to the property. Articles which require technical identification or inspection shall be examined also by other qualified Office employees at the request of the Contracting Branch staff.

The Supply Management Specialist will list any discrepancies as to quantity and/or specifications between property received and property ordered on the invoice or packing slip as appropriate. If goods are damaged the Specialist will notify the carrier and the vendor as stipulated in the vendor's and carrier's procedures. If goods are defective the Supply Management Specialist will notify the vendor according to the vendor's procedures. The Supply Management Specialist will further document the receipt of defective or damaged goods by filling out the receiving report section on the back of the Purchase Order.

The receiving document and invoice are routed to the Finance Branch for payment and a photocopy of all such documents is retained in the vendor file.

2. Labeling.

Assets with a value in excess of $1,000.00, received in acceptable condition shall be promptly labeled in accordance with 41 CFR 114-60.300. The Office has adopted a nine digit numbering system which identifies each asset by class, type, subtype, and ID number.

SECTION 4000 CONTRACTING BRANCH -PROCUREMENT

SUBJECT 5800 Safety Equipment

POLICY

The following policy sets forth the procedures for the acquisition of OSHA approved steel safety footwear (boots) and safety prescription glasses, for the use of ONHIR employees who normally wear corrective lenses for work, and will affect the New Lands Range Crew Staff who are engaged in laboring, equipment operations, facilities maintenance/repair work and range operations.

5800.1 Safety Footwear.

a. Annual Inspection

The New Lands Manager will conduct an annual inspection to determine which New Lands staff are in need of replacement safety footwear. The Manager will then document his/her findings concerning the footwear to be replaced, i.e., the type of damage to the boot, when the damage occurred, and why the replacement of the safety footwear is necessary in lieu of having the safety boot repaired. These findings will then be delivered to the Contracting Officer for approval.

b. Accident on Duty Which Requires Replacement

In the event of an on-the-job accident before the year has elapsed in which footwear is so severely damaged that it must be replaced, the ONHIR will provide replacement safety footwear.

c. Off-Duty Use

In the event the safety footwear wears out or is damaged off-duty before the year has elapsed, replacement of the safety footwear shall be the sole responsibility of the employee at his/her expense.

d. Employee Responsibility to Obtain Replacement Footwear

Employee(s) shall have no more than two (2) weeks from the date they are notified that authorization for replacement footwear has been granted within which to obtain (place an order for) replacement safety footwear.

Any amount expended by the employee for safety footwear over and above the ONHIR annual allowance shall also be the responsibility of the employee.

5800.2 Safety Prescription Glasses.

a. Replacement

The cost of replacement of safety prescription glasses will be borne by the ONHIR and will be authorized annually by the New Lands Manager only for those employees who require prescription glasses for work, subject to the conditions set forth in paragraphs b. and c. below. A request for payment, along with the required documentation, shall be submitted to the Contracting Officer who shall have authority to grant or deny the employee's request.

b. Prescription Changes

The employee must submit sufficient proof to establish that his/her prescription has changed within the last year and that it is necessary that the glasses be replaced in order for the employee to perform his/her job duties.

c. Damage to Safety Glasses

The safety glasses have been accidently damaged during the course of the performance of the employee's job functions.

d. Off-Duty Damage to Safety Glasses

In the event the safety glasses are damaged while the employee is off-duty, then the responsibility for replacement of the safety glasses shall be that of the employee.

e. Employee Responsibility to Obtain Replacement Glasses

Employee(s) shall have no more than two (2) weeks from the date they are notified that authorization for replacement safety glasses has been granted within which to obtain (place an order for) replacement safety glasses.

Any amount expended by the employee over and above the ONHIR annual allowance shall be the responsibility of the employee.

5800.3 Procurement Request.

Subsequent to the approval of the Contracting Officer for the replacement of safety footwear or safety prescription lenses, the New Lands Manager shall submit the requisite Purchase Order Request to the Contracting (Procurement) Branch. The Contracting Branch will solicit pricing information from vendors in accordance with the FAR (Federal Acquisition Regulations) to determine the amount of money which will be allocated for the purchase of the equipment. The Contracting Branch will then notify the New Lands Manager of the amount that has been authorized.

SECTION 6000 GENERAL ADMINISTRATIVE SERVICES

Subject 6110 Parking Lot Facilities

BACKGROUND STATEMENT

The facilities leased by the Office of Navajo and Hopi Indian Relocation include a fenced a parking lot adjacent to the southeast corner of the building. This lot is used for parking GSA and employee vehicles. These guidelines have been established because there are minimal spaces needed to accommodate all GSA and employee vehicles. The parking lot facilities are supervised by the Procurement Branch.

1. GSA Vehicles.

The ONHIR parking lot was acquired for the security of GSA vehicles which have priority for parking spaces. There are eleven designated spaces for GSA (including 3 spaces for the IHS) vehicles in the southern row of the parking lot. Private vehicles may not be parked in spaces designated for GSA vehicles unless employee parks his/her POV while using GOV.

If an employee observes that there is a private vehicle parked in a GSA space, it is the employee's responsibility to report it to the Procurement Branch immediately. If the private vehicle belongs to an individual other than an ONHIR employee, it may be towed at the owner's expense after an attempt has been made to locate the owner. If the vehicle belongs to an employee, the Supply Management Specialist will notify the employee to move the vehicle.

2. Employee Owned Vehicles.

There are thirty-three spaces available for the private vehicles of ONHIR employees. These spaces are located in the first three rows of the parking lot.

-Employees must provide the Procurement Branch the license plate numbers of the vehicles they intend to park in the parking lot on a REGULAR basis. A notice will be placed on the windshield of an unauthorized vehicle in an attempt to notify the owner of the violation. If notice is ignored and violations continue the ONHIR will have the vehicle towed at the owner's expense. This includes vehicles belonging to other government agencies, employees' family or friends and contractors.

-Employees should exercise courtesy in the parking lot by not double parking or blocking other vehicles. Vehicles should be parked front end forward in the spaces adjacent to the parking lot fence. Vehicles parked improperly may be towed at the owner's expense.

3. Snow Removal and Winter Parking.

During the winter months, when there has been an accumulation of at least three (3) inches of snow, snow removal will be done by a private contractor, usually before or after working hours and also during working hours if snow accumulation persists. During winter months (November through March) the three (3) GSA parking spaces at the southwest corner of the GSA lot shall be kept free for stock piling snow and/or parking snow removal equipment if necessary. During this time NO government or private vehicle shall be parked in these spaces.

4. Parking Lot Security.

The parking lot gates will be locked every evening and over weekends. The lot will be patrolled by the agency's security officers. Employees should obtain a key to the lot from the Procurement Department but they are responsible for locking the lot if they use it after working hours or on weekends.

5. Additional Parking.

Three spaces at the east of building on the corner of Birch Avenue and Verde Street have been reserved for the Executive Director and other special needs, i.e., CFC Employee of the Month.

If the parking lot is full, staff will have to utilize street parking.

NOTE: Employees are cautioned to be extremely careful while walking or driving in the GSA parking lot during winter as very slick sheet ice can form on the asphalt.

SECTION 6000 GENERAL ADMINISTRATIVE SERVICES

Subject 6115 Reception Area

BACKGROUND STATEMENT

The reception area is located at the main entrance to the Office of Navajo and Hopi Indian Relocation. This room is used as a waiting room for clients and for persons doing business with ONHIR staff. The Receptionist will greet visitors and will ascertain the nature of their business. The Receptionist will maintain a log of all visitors to include the delivery of U.S. Mail, Fed Ex, UPS or other miscellaneous packages delivered to the front reception area.

1. Visitor Entry

-When a visitor arrives at the reception area, the Receptionist will call the employee whom the visitor wishes to see and record the name and time on the Visitor's Log.

-The employee can either come up to the reception area to escort the visitor; OR can request that the visitor come in unescorted.

-If the employee whom the visitor wishes to see is not in when they call, the visitor can wait in the reception area or leave a message with the Receptionist.

-If a visitor is uncooperative regarding non-entrance to the Office, the Receptionist will inform the Supervisor immediately.

2. Posting Material in the Reception Area

There is a bulletin board located in the reception area. Anyone wishing to display brochures, notices, or any other written material may do so by placing it on the bulletin board. No written material should be placed on the walls. The Receptionist will maintain the bulletin board and will make sure that advertisements are left on the board for an appropriate length of time.

3. Selling Items in the Reception Area

Any individual or vendor who wishes to sell items is welcome to do so but must remain in the reception room. The Receptionist will notify staff members over the intercom system of the types of items for sale. ONHIR staff members may take a short break to go to the reception area to view the items.

SECTION 6000 GENERAL ADMINISTRATIVE SERVICES

Subject 6120 Intercom/Paging Services

BACKGROUND STATEMENT

The Office of Navajo and Hopi Indian Relocation has an intercom/paging system with speakers located at various strategic locations throughout the Office premises.

The intercom/paging system is used by the ONHIR staff members to announce vendors/ visitors in the reception area, to announce meetings, to locate staff or for emergency purposes.

1. Instructions for Use

The intercom/paging system is accessed through your telephone. In order to use the paging system:

a. Dial one of the two paging numbers from your telephone extension or from the main console: 700 - All call paging (phone sets and speakers). 761-Overhead paging (speakers only.)

b. Wait for the click.

c. Hold the telephone receiver close to your mouth so your voice will be clear and audible over the speakers.

d. Proceed to speak and make the announcement. Repeat announcement.

e. When paging another employee or making an announcement the announcement should state whom should be called to respond and/or state the nature of the announcement.

SECTION 7000 INFORMATION SYSTEMS

SUBJECT 7020 GENERAL USER INSTRUCTIONS

GENERAL.

The Information Systems Branch (hereinafter referred to as the IS Branch) of the Office of Navajo and Hopi Indian Relocation (ONHIR) will provide support to all office branches for recording, maintaining, and producing the information required for efficient program operations. Information recorded in the manual systems which is frequently used and can be translated into automated language, will be transferred to the automated records as the Office needs dictate.

IS staff is available to all ONHIR staff members to discuss the need for programming and other types of IS support and to help ONHIR staff define needs and develop requests. The IS Branch will assist ONHIR branches in analyzing their information requirements and will advise branch managers of information available from other branches which may enhance intra-program operations.

The IS Branch will assist branch managers in identifying the hardware and software needed to accomplish branch functions. Employees will be provided with personal computers which link to the mainframe. The procurement of identified components will be accomplished by the Contracting Branch with technical assistance from the Information Systems Branch.

The IS Branch may also assist managers and staff in identifying the training which employees need to accomplish job duties involving word processing, data entry, report production, specialized programming and/or similar activities requiring the use of computer equipment. IS staff will also provide direct training to staff in basic and frequently performed computer operations.

7020.1 Computer Access.

General. Branch managers will identify the positions within their branches which require the use of computer equipment for word processing, data entry, and file information access. An employee hired for a position which utilizes automated equipment will be assigned hardware and software by the IS Branch. The IS Branch will maintain an inventory of the equipment and software assigned to individual employees.

The Chief Information Officer (hereinafter referred to as the "Information Officer") will determine the security level and type of access which the employee will be assigned. The Human Resources Officer and branch managers will inform the Information Officer of staff changes which will necessitate changes in information system access requirements.

1. Human Resources Officer. Immediately upon the receipt of a resignation, or upon the processing of a personnel action (termination, new hire, transfer, promotion, etc.), the Human Resources Officer will inform the Information Officer of the action so that computer access can be modified. In the case of a termination, the Information Officer will determine measures needed to secure automated data against unauthorized access. The IS Branch will route a copy of **Form MM#7020.1** to the supervisor or the Manager of the Branch requesting that they complete the appropriate entries on the form.

2. Branch Manager. Within one (1) day of a personnel action, as appropriate, the

supervisor or Manager will complete Part I of **Form MM#7020.1**, "Computer Access Request," when there are staff changes which require the modification of access.

3. Chief Information Officer. The Information Officer will discuss the access and the proposed date of implementation of any action with the employee's supervisor or Branch Manager as necessary. The Information Officer will also determine the necessary steps required to accomplish the action(s) requested and assign the task to IS Branch employee.

4. IS Staff. The IS employee to whom the assignment is made will complete Part 2 of **Form MM# 7020.1** as the actions are completed. The IS employee will record the assignment of any equipment to the employee. When all actions are completed, the designated staff member will inform the employee's supervisor or Branch Manager, as well as the employee, of any changes made to the employee's system access and will provide training/orientation to the employee as required. Such training may include orientation in the following:

a. The use of the hardware and the "sign-on" function of the AS/400. (It will be the responsibility of the employee's supervisor to assure the employee is sufficiently trained in the AS/400 menu functions which the employee will be required to utilize in the performance of his/her job duties.)

b. Introductory training in software assigned to the employee, which may include:

1. Outlook
2. WordPerfect
3. Microsoft Word/Excel
4. ONHIR "Forms Made Easy"
5. Any other software program(s) assigned to the employee which may be required in the performance of his/her duties.

c. Immediate training such as texts, on-line help programs or the assignment of training by ONHIR employees who are familiar with and trained in the operation of the software.

5. **Form MM#7020.1** is available in the IS Branch. After an action has been completed as a result of **Form MM#7020.1,** the original form will be maintained in the IS Department manual files.

7020.2 Request for IS Programming Support

General. A staff member who needs IS support for the recording, processing, and production of information shall submit a written request to the IS Branch.

1. Staff Request for IS Support. A staff member shall fill out and submit **Form MM#7020.2**, "Request for IS Support," when assistance is needed in recording and producing information required by the branch. A requester may contact the Information Officer or another IS staff member for assistance in formulating a request. If the requester is not the branch manager, the manager's approval must be obtained by either the requesting staff member or by the Information Officer after the request has been sufficiently described to allow analysis by the Information Officer. (**Form MM#7020.2** can also be obtained from the IS Branch.)

2. Requests from Outside Agencies or Individuals. Written requests for reports may also be submitted by outside agencies or individuals. The staff member who receives the request for a report will submit the request to the ONHIR Legal Counsel, who will review it for conformity to the

requirements of the Freedom of Information/Privacy Act. (The ONHIR Legal Counsel, also referred to as the "Attorney" is the designated Freedom of Information/Privacy Act Officer for the ONHIR.) The Attorney will review the request and determine if it meets the criteria of a "Freedom of Information/Privacy Act Request." If necessary, the Attorney will contact the requester to clarify what information is being requested.

3. IS Review and Analysis. After approval by the Freedom of Information/Privacy Act Officer, the written request will be submitted to the Information Officer for analysis. The Officer will determine:

a. If similar or equivalent automated information already exists, which can be updated or modified to meet the requester's needs.

b. Whether or not the requested information can most efficiently be produced through query or through a high level language program.

c. The anticipated amount of time required to produce the requested information.

d. If the request should be considered a major or minor assignment and its place within the priorities and previously scheduled branch assignments.

e. If the requested information contains data which is used by more than one branch of the Office, the Information Officer may request a meeting with the appropriate branch managers to identify other possible uses for the automated information.

Unless the request requires extensive analysis, the Information Officer will complete the analysis of the request within one week of receipt. The Information Officer must obtain approval from the Freedom of Information/Privacy Act Officer for any extension of time to complete his/her analysis of the request.

4. Compliance with a Freedom of Information/Privacy Act Request.

Upon completion of the analysis of the request by the Chief Information Officer, he/she will provide the Freedom of Information/Privacy Act Officer with the results of the analysis and an estimate of the amount of time which will be required to compile the data/information requested. The FOIA/Privacy Act Officer will then issue a response to the requester in compliance with the requirements of the Act.

The Chief Information Officer will then generate/issue any report(s) or compile the data requested and forward it to the Freedom of Information/Privacy Act Officer for review and subsequent delivery to the requester. (The requested information may be provided to the requester in hard copy or in digital format.)

All time limits established in U.S.C. 552a shall be adhered to.

SECTION 7000 INFORMATION SYSTEMS

SUBJECT 7030 COMPUTER SECURITY

POLICY. The Office of Navajo and Hopi Indian Relocation will safeguard Office electronic equipment and records in order to protect Government property and maintain the integrity of program data. The Information Systems Branch will be responsible for monitoring and evaluating the security procedures established by the ONHIR and advising the ONHIR Executive Director and Managers of the effectiveness of procedures and of any changes which may be needed.

ONHIR management will issue directives to staff as needed regarding computer security requirements. A staff member who fails to follow instructions for safeguarding equipment and data may forfeit the right to use the Office electronic equipment and to access program data.

Vulnerability. The ONHIR does not create nor maintain records which relate to national security, or records which have a widespread impact on federal operations. The vulnerability of the ONHIR computer system lies in (1) potential for theft; vandalism or misuse of equipment which could cause expense to the Government; and (2) intentional or unintentional changes to data which could alter or erase program records and cause confusion and/or liability to the Government.

INSTRUCTIONS.

7030.1. Equipment Security.

1. Access to ONHIR Offices. Access to the ONHIR offices and thus to office equipment, is secured by locked external doors and, at the Flagstaff office, by combination locks on doors leading into the office from internal building corridors. Building keys and the combination lock numbers are issued only to staff and to contracted facilities maintenance employees. Visitors are required to access the Office through the Reception Area and check in with the Receptionist.

ONHIR staff are prohibited from furnishing keys to the ONHIR offices or the combination lock number to other persons, including family members, clients, contractors, or other persons having business with the Office.

2. Access to Mainframe. The Office mainframe is located in a locked room in the Information Systems Office. Only IS staff and other authorized personnel have the combination to the lock.

3. Equipment Assigned to Staff Members. All staff are assigned a personal computer (PC.) The PCs are connected to the Office mainframe. Staff are responsible for taking care of the equipment assigned to them and reporting any problems to the Information Systems Branch.

Some ONHIR employees routinely lock their individual offices. The Information Systems Branch will be provided keys to all offices so they may gain access to computer equipment for the purpose of resolving issues (problems) with the hardware/software or wiring. (Management may require all staff to lock

their office doors when they leave their office if it is determined that there is a significant risk of theft or vandalism during the employee's absence.)

4. Printers. There are several printers located throughout the ONHIR offices which are connected to employee's personal computer. Printers are accessible to persons having access to the offices or open areas in which they are located.

5. Software. The software license is to be kept on file in the Information Systems Branch for all software installed on Office personal computers.

6. Acquiring Equipment. It is the responsibility of Information Systems Branch staff to work closely with staff and program managers to determine their hardware and software requirements, and to advise management of equipment and software options and costs. This is accomplished through discussion with staff and managers, analysis of work requirements, and research into available products, maintenance requirements, and costs.

7. Installing and Moving Equipment. IS staff will be responsible for testing equipment when it is received by the Office. IS staff will have the primary responsibility for determining the wiring network for office electronic equipment and installing or overseeing the installation of equipment. **Staff may not install equipment without consulting with the Information Officer.** If equipment needs to be removed from an office or moved around for rearranging furniture, cleaning, etc. IS staff must be consulted.

7030.2 Data Security.

1. Data Saves. The Information Systems Branch daily backups (M-F) and any PII informaiton is encrypted and also performs a bi-monthly *encrypted system save which all data on the mainframe, AS/400, These *encrypted cartridges are kept off-site at a secured fireproof location at the U.S. Geological Survey offices.

(*The Office utilizes required encryption standards according to the National Institute of Standards and Technology (NIST), and as required by Federal Information Security Management Act of 2002 (FISMA))

2. Employee Menus. IS staff will create an electronic "menu" for each employee. The content of an employee's menu is determined by the employee's job function. The menu will list the electronic programs which the employee can access, "read only" file inquiry, and data entry. Items can be added to or deleted from an employee's menu to reflect changes in the employee's job responsibilities.

3. Passwords. Each employee will create a password for the purpose of accessing his/her menu. The employee will be automatically notified when their password is about to expire. Employees are directed to refer to the ONHIR Security Information Handbook, Topic 5, for additional instructions and information.

Employees should not create a password using their name, birth date, address, or personal information known to others. **Employees are instructed not to reveal their password to any un-authorized person.**

4. New Employees. The position Team Leader, Branch Manager or Human Resources Manager will notify the Information Systems Branch when a new employee is hired. The employee will be assigned the menu appropriate to that position and will receive instruction from IS concerning the creation of a password, basic computer operations, and the contents of the employee's menu.

5. Terminating Employees. Employees who leave ONHIR employment will be removed from computer access, usually on his/her last day of employment. Employees who are terminated for cause, or whose continued access to electronic records is judged to place data at risk, may be removed immediately upon instruction from management.

The Information Systems Branch will be informed when an employee leaves his/her employment with the Office. The IS staff will change the employee's password to prevent continued access, and the list of word processing documents created by the employee will be printed out and provided to the appropriate Team Leader or Manager. The IS staff will delete any personal non-program documents created by the employee. The departing employee's Team Leader will inform IS staff of documents which should be retained, deleted, or archived and who the document(s) should be transferred to.

6. Computer Sign-Off. ONHIR employees are instructed to lock their computer when they leave their office for any period of time or Restart the computer when they leave the Office at the end of the work day to prevent unauthorized access to their computer. Computer terminals which are connected to the AS/400 will be automatically disconnected after one (1) hour if there is no keyboard activity.

7. Restrictions on Word Processing and Data Entry. An employee may provide another employee with access to a document which he/she has created. The employee who created the document can request an Information Systems Branch staff member accomplish the transfer of the document to the other employee or the employee could email the document themselves.

Sensitive Client Data. Certain client data is considered sufficiently sensitive that the information can only be entered in the electronic records by IS staff following management action. Instructions regarding such data entry is generally contained in the program procedures. The Information Systems Branch will maintain a manual record of data entry performed upon special request.

Accounting Records. Accounting file maintenance and batch entry is controlled by the Office's Financial Officer(FO) or in the absents of the FO the CIO may preform necessary maintenance.

8. Access to Data. Office staff who need information which is not contained in the programs on their menu can request a report from the Information Systems Branch. The request must explain their need for the information. Persons who are not ONHIR staff may submit a request for program data to the Freedom of Information/Privacy Act Officer pursuant to the provisions of the Freedom of Information/Privacy Act.

SECTION 7000 INFORMATION SYSTEMS

SUBJECT 7100 PERSONAL SOFTWARE

POLICY.

ONHIR employees may load personal software, which will assist them in their duties, on their office computer. Prior approval must be obtained from the Information Systems Branch for the installation of personal software.

Instructions:

1. Employees may need the assistance of the Information Systems Branch staff to load software to their personal computer.

2. Software products carry license agreements. In purchasing a software product the employee agrees to the terms of the license. The employee must assure that loading the software on the office PC does not violate the terms of the license agreement. Personal software can only be loaded to the employee's PC from the original diskette or CD.

3. Employees **may not download software** from the Internet. Employees may not copy and load software belonging to someone else; this is a violation of the terms of the software license.

4. Use of music CDs does not require authorization. Playing music CDs on the computer should follow the same standards of office courtesy as playing the radio; the sound must not distract from the employee's work, and it must be played at a low volume so as not to bother other staff. Employees playing CDs will lower the volume or turn off the music if asked to do so.

5. **Games may not be installed on the PC.**

6. The installation of screen savers or wallpaper will follow the authorization procedures listed above, as these additions can also interfere with the computer operating system.

7. **Form MM#7100.l**, "Personal Software Installation Form" must be completed and routed to the Information Systems Branch for approval.

This policy can also be found in Volume No. 1 - Policy Memo No. 10.

ONHIR INTERNET POLICY

Section 1: USE OF THE INTERNET

SCOPE.

Effective January, 1999, the Office of Navajo and Hopi Indian Relocation provided all employees with access to personal computers (PCs) which are capable of connecting to the Internet. The Internet provides a source of information which can benefit the professional and personal development of each employee of the Office of Navajo and Hopi Indian Relocation and can benefit the ONHIR through enhanced job performance.

In order to exercise this privilege, employees were required to participate in training scheduled by the Office and to familiarize themselves with the acceptable use of the Internet.

BACKGROUND.

The Internet is comprised of thousands of interconnected networks which provide digital pathways to millions of information sites. Because these networks subscribe to a common set of standards and protocols, users have worldwide access to Internet hosts and their associated applications and databases. Electronic search and retrieval tools permit users to gather information and data from a multitude of sources and to communicate with other Internet users who have related interests.

Access to the Internet provides government agencies with the opportunity to locate and use current historic data from multiple sources in their decision making processes. Employees are encouraged to develop the skills necessary to effectively utilize these tools in the performance of their jobs and to prepare themselves for future employment when the Office closes.

POLICY.

It is the policy of the ONHIR that employees will be encouraged to access the Internet using ONHIR computer equipment during work and personal time on the Office premises to build their search and retrieval skills. It is expected that employees will use the Internet to improve their job knowledge; to access legal, regulatory, technical, and other information on topics which have relevance to the ONHIR; and to communicate with employees of other government and private agencies whose services and products relate to the work of the ONHIR.

Users must be aware that when they access the Internet using the ONHIR sign-on address they will be perceived by others as representing the ONHIR. Users may not use the Internet for any purpose which would reflect negatively on the ONHIR or its employees.

Improper or unauthorized use of the Internet, including the E-mail function discussed in the next section, may be grounds for restricting the employee's use of the Internet or disciplinary action.

DOWNLOADING INFORMATION.

With authorization, staff may download files or graphics for government business purposes only. Downloading is a process by which a copy of a document or file is transferred to and stored on a computer for future retrieval and use. Downloading files can result in operating system conflicts and can import viruses to the Network and the PC. Consequently, with the exception of those key positions to which pre-approval has been granted, all staff must obtain advance approval from the Chief Information Officer prior to downloading files onto their personal computer.

USE OF THE INTERNET.

The ONHIR computer system is for official use. Personal use is permitted in accordance with the guidelines set forth below. Employees who are skilled at using the Internet are encouraged to guide and encourage other employees. **ONHIR employees are permitted to engage in the following activities:**

1. Access job-related information as needed to meet the requirements of their jobs.

2. Access information and graphics to enhance Internet use skills. It is expected that these skills will be used to improve the accomplishment and job assignments.

3. Search for job opportunities. Recognizing that the ONHIR is gradually phasing down, employees are encouraged to engage in job search to prepare themselves for other employment.

The following uses of the Internet are not allowed, either during working hours or on personal time, using the ONHIR equipment. Employees may not:

1. **Access or visit**, **retrieve, download, print, store, create, transmit or copy text from,** any Internet site which displays or advocates material which is sexually explicit in nature or related to sexual orientation, gambling, illegal weapons, terrorist activity, is offensive to co-workers or the public which shall include hate speech, and/or material which ridicules others based on race, creed, sex, religion, color, disability, national origin, culture or sexual orientation.

2. Access, retrieve, or print text or graphics which exceed the bounds of generally accepted standards of good taste and ethics.

3. Engage in any unlawful activity or any other activity which would in any way bring discredit to the ONHIR.

4. Offer services or merchandise for sale on the Internet.

5. Purposely engage in any activity or access an Internet site which would allow someone to

invade the ONHIR computer system for the purpose of accessing, altering, or destroying agency records.

6. Engage in any fund raising activity, endorse any product or services, participate in any lobbying activity, or engage in any prohibited political activity.

7. Employees may not disclose their passwords to visitors or family members. **Visitors and family members are not permitted to access the Internet using an employee's PC.**

USER RESPONSIBILITIES.

Employees shall limit the amount of time spent accessing Internet sites for personal use. As a guideline, personal use of the Internet should be limited to morning and afternoon breaks, lunch breaks, and after hours. Employees are specifically responsible for:

1. Following Office security policies and procedures in their use of Internet services and will refrain from practices which might jeopardize the ONHIR computer systems and files.

2. Familiarizing themselves with any special requirements for accessing, protecting and utilizing data, including Privacy Act materials, copyrighted materials, and the procurement of sensitive data.

3. Conducting themselves in a way that reflects positively on the ONHIR.

MONITORING.

The ONHIR procures its Internet connection through "CenturyLink" by way of the Department of Homeland Security [DHS.] The Service screens out certain inappropriate sites from user access for all subscribers. These sites include pornography, gambling, drugs, militancy, dating and violence.

This Service, when requested, will provide ONHIR with reports of the sites accessed by ONHIR employees. These reports record the date and time the sites were accessed. The reports are intended to provide management with information as to the extent and nature of Internet use by employees.

MONITORING EMPLOYEES.

If a supervisor is concerned that an employee may be spending government time accessing the Internet for personal use; or is accessing inappropriate sites, the supervisor may ask the Chief Information Officer to individually electronically monitor the employee's use of the Internet. Employees need to be aware that any site they visit on the Internet may be subject to scrutiny and accordingly should assure themselves that it is an appropriate site and that their action in visiting the site will not reflect poorly upon the ONHIR or the government. Staff are cautioned that although our server does screen out inappropriate sites, this process is not 100% effective and that ultimately the responsibility for the proper use of the Internet at work rests with the employee.

SUPERVISOR RESPONSIBILITIES.

When questions arise, supervisors with line authority shall be responsible for making the initial determination about the appropriateness of their employee's use of the Internet. This shall include the acceptability of Internet sites visited and the determination of personal time versus official work hours.

Issues of employee conduct with respect to Internet use which are not resolved at the supervisory level will be referred through the chain of command for resolution.

Section 2: USING E-MAIL

SCOPE.

With the installation of the Internet, ONHIR employees will have access to electronic mail. E-mail will allow ONHIR employees to communicate more efficiently and economically but there are responsibilities which accompany this new tool. Federal law and regulation about electronic mail is still evolving. In the meantime, existing laws and regulations, including the Federal Records Act, the Freedom of Information Act, and the Privacy Act, apply to electronic mail just as they do to paper and other media.

POLICY.

It is ONHIR policy to encourage all employees to take advantage of the increased efficiencies made possible by electronic mail in conducting Office business. Employees shall have desktop access to electronic mail for both sending and receiving messages. Electronic mail is by far the least expensive form of communication available and, absent other factors, it should be the communications medium of choice. Correspondence should be transmitted via electronic mail when possible. It is anticipated that electronic mail will be used as extensively as feasible for communications with other federal agencies, with state and tribal government agencies, contractors and vendors.

Employees may use electronic mail for personal communications with restrictions equivalent to those governing the use of government telephones. Employees are advised that there is no expectation of privacy with respect to their personal E-mail. Personal E-mail communications must be infrequent, brief, and present minimal cost to the government. E-mail may be used to communicate with offices and businesses which are only open during regular working hours, when it would be impractical for the employee to have to leave the office. E-mail may also be used to contact family members when necessary to communicate an urgent or important message.

Electronic mail messages may be government records. Supervisors shall apply management controls in order to ensure compliance with applicable laws and regulations and accepted standards for record keeping, accountability, and protocol.

GENERAL USE AND PROTOCOLS.

1. Some electronic mail messages may constitute official government records and as such they may be subject to release pursuant to the Freedom of Information Act and/or all other legal requirements that deal with government records. They also may be subject to the civil "discovery" process used by parties to litigation.

2. Since electronic mail messages can be official government records they are not private, however, they are generally kept confidential. They may be reviewed by supervisors in the same manner that mailed and faxed communications are reviewed. All electronic mail messages should be analyzed for their status as records or non-record materials under the Federal Records Act.

3. Client file information and other information which requires approval of the Freedom of Information/Privacy Act Officer for release from the manual records, also requires approval for release via E-mail. Such requests should be directed to the FOIA/Privacy Act Officer.

4. The same standards of civility apply to electronic mail as to other forms of communication. Use of profanity, slang, racial or ethnic slurs, sexually harassing language, and slander are as inappropriate in electronic mail as elsewhere, and will not be tolerated. Users are cautioned to choose words carefully, as facial expressions and verbal inflection are not available to clarify the user's meaning or intent. E-mail must adhere to the same standard of conduct as expected in any written business communication.

5. Users need to be aware of the impact of over-sized files and extremely large volumes of mail on the Office printing facilities and adjust their requests to printer availability accordingly.

6. Electronic mail may not be used to advertise personal services or goods for sale.

7. Staff are cautioned concerning the opening of E-mail and/or attachments from unknown sources as they may contain viruses which can result in damage to the ONHIR network and/or the personal computer.

8. Users are responsible for using the electronic mail professionally and considerately. Misuse of electronic mail is cause for restriction on use and/or disciplinary action.

RESPONSIBILITIES OF USERS:

1. Employees are responsible for the general management and security of their mail, mailboxes and passwords. They are responsible for checking their own mail in a timely manner and for making arrangements for their mail to be checked when they are out of the office for extended periods of time. They may disclose their passwords to a supervisor or other staff who have need to know, such as a assistant who must retrieve E-Mail in the employee's absence. If a staff member is expecting business correspondence which needs prompt action (ie. letter from an insurance company or contractor) and plans to be out of the office, the assistant or supervisor should be able to retrieve the document for appropriate action.

2. Correspondence or memoranda which is sent via electronic mail must adhere to standard routing procedures. If a supervisor or team leader's signature or concurrence is required on a paper document, E-Mail will also require the team leader or supervisor's concurrence.

3. Correspondence sent by electronic mail should follow the standard correspondence addressing procedures. The layout and features should be as simple as possible. It should not contain bolds, underlines, special fonts, tables or other features as they do not always translate well from other software to electronic mail and may create printing problems or the recipient.

4. Users are responsible for assuring that the ONHIR's manual files are complete and that the manual copies are filed in the appropriate section of the manual file. When E-mail is sent to or received from an outside agency, vendor, contractor, etc., it is the responsibility of the originating staff member (or receiving staff member) to print a copy of the electronic correspondence, with attachments, if any, for the manual file, which may be a project file, client file, contract file, or vendor file. The paper file copy of the electronic correspondence must contain the transmission data, including the names of the sender and the addressee, the date the correspondence was sent, and the fact that the correspondence was sent by electronic mail. The same procedures shall be followed on internal E-mail (electronic correspondence or memoranda sent from one ONHIR staff member or department to another.) *The foregoing applies to all E-mail which is government business related and meets the definition of an "agency record."*

5. "Record" E-mails shall be printed, file in the appropriate system of records and then, if no longer needed, deleted from the employee's In-box.

6. Staff may receive E-mails which contain reference material or technical material which they may wish to maintain on their computer for future use. E-mails of this nature can be maintained on the employee's computer for an indefinite period of time at the discretion of the employee.

7. Electronic messages or mail of a temporary nature, such as notices of staff meetings, CFC Fund raising, in-house training, training courses, temporary acting delegations, Office functions of a social nature such as potlucks, etc., should be deleted from the electronic record when the event has been completed.

8. E-mails which are purely personal in nature should be deleted after being read by the addressee. Outgoing personal E-mails should be deleted by the employee as soon as is reasonable.

9. Employees are cautioned that compliance with the foregoing schedule is important. E-mail backups are created by capturing E-mails as they arrive from the server. These backups are for recovery purposes only and are written over on a weekly basis. Consequently, failure to properly save an important E-mail could result in it being permanently lost.

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Employees are reminded that their use of the Internet is a privilege. There are no exceptions to the foregoing policy and compliance is mandatory. The Office has set in place monitoring functions to assure this compliance. Failure to adhere to these policies will result in disciplinary action. If you have questions concerning these policies, you should contact the Human Resources Office or the Chief Information Officer.

SECTION 7000 INFORMATION SYSTEMS

SUBJECT 7300 FEDERAL INFORMATION SECURITY MANAGEMENT ACT P.L.107-347, 44 U.S.C. §3541, et seq.

GENERAL

The Office of Navajo and Hopi Indian Relocation (formerly the Navajo-Hopi Indian Relocation Commission) was established by Congress (P.L. 93-531, 25 U.S.,C. 640d.) for the singular purpose of implementing the settlement of the land conflict between the Navajo Nation and the Hopi Tribe. As such the Office is a "Sunset Agency;" and upon completion of its mission will close. In furtherance of its mission the Office has compiled extensive personal information on those individuals who have requested relocation assistance benefits and submitted applications for relocation assistance benefits. The security of this information is of utmost importance to the Office.

POLICY

POLICY MEMORANDUM NO. 13:

SUBJECT: FISMA Documents Policy

POLICY: The FISMA Documents Policy is hereby adopted.

DISCUSSION: It will be the policy of the relocation office to conform with all the Federal Information Security Management Act of 2002 (FISMA) requirements and to move expeditiously to satisfy the deficiency in reporting as soon as possible. Towards that end all procedures and file documentation will be maintained in the IS Department as they are particular to that department and there are no implementation responsibilities in any other departments.

The Office of Navajo and Hopi Indian Relocation has taken steps to ensure full compliance with the provisions of the Federal Information Security Management Act, "FISMA," and has to date implemented an Incident Response Report Procedure. The Office is continuing in its goal of continuing efforts to ensure the safety of the information/data collected for use in completion of its mission.

APPROVED /s/ Christopher J. Bavasi Date: 11/13/00
Executive Director