

Chapter 3 - Recruitment and Selection

1. General Recruitment and Selection Policy

The Pueblo of Laguna promotes hiring the best qualified candidates in order to provide quality services to the members of the Pueblo of Laguna. The Pueblo of Laguna also promotes employment opportunities for qualified Laguna members and other qualified Native Americans.

2. Hiring of Relatives/Nepotism

No person shall hold or shall be hired, promoted, demoted or transferred to a position, which requires the employee to directly supervise or be directly supervised by an immediate family member. For the purposes of this policy, immediate family member is defined as: natural and/or legally defined spouse, mother, father, sister, brother, child, and individuals who cohabitate in the same residence regardless of relation.

Procedure

- A. In the event employees become related after employment and a conflict such as described in the policy is created; or, if a redesign of a department and/or program creates such a conflict, ninety (90) calendar days will be allowed to resolve the matter voluntarily or by a change of supervision or Change of Assignment of one of the employees.
- B. Employees and Executive Staff who are related to affected employees shall refrain from influencing all actions having to do with such family members.
- C. All applicants shall indicate on the official application form whether they are related to any employee. This information will be used to determine possible conflicts of interest involving the position. If an applicant knowingly answers questions untruthfully concerning the relationship, and this fact later becomes known, the employee may be subject to disciplinary action.

3. Advertising of Vacant Positions

The Human Resources Office shall be responsible for the maintenance, posting, advertising and distribution of all job vacancy announcements. Appropriate posting timeframes will be used and the Human Resources Office will ensure appropriate recruiting techniques for each position are used with the intention of reaching the maximum number of qualified candidates and attracting the best qualified candidates.

Procedure

- A. Each job vacancy announcement shall specify the job title, classification, compensation, program, department, supervisor, position summary, essential duties and responsibilities, minimum qualifications, education, experience requirements, suitability requirements, the closing date, Laguna Preference information, and any documentation that the applicant is required to submit.
- B. Supervisors shall complete a Vacant Position Announcement Form to initiate the posting of a vacant position. The form shall include the following:
 - 1) Position Information;
 - 2) Department and Program Information;
 - 3) Accounting Verification of funding source;
 - 4) Program Staffing Review determination; and
 - 5) Job Description Rewrite information.
- C. Non-Exempt positions shall be posted internally for a period of at least seven (7) business days. Following the seventh (7th) business day, if the supervisor deems additional recruitment is required, the position shall be posted externally and internally concurrently.
- D. Exempt positions shall be posted internally and externally concurrently for a period of at least seven (7) business days.

- E. All temporary positions shall be posted externally for a period of at least five (5) business days.
- F. Job Vacancy announcements shall, at a minimum, be posted in Pueblo offices and on the official Pueblo of Laguna website.
- G. The immediate supervisor and the Human Resources Office shall determine and establish an appropriate timeframe that meets the minimum posting requirements identified in this policy.
- H. Within the posting timeframes, the Human Resources Office will promote and ensure suitable recruiting methods are used in order to attract qualified applicants.
- I. The Human Resources Manager shall approve job vacancy announcements for positions that are posted as "open-until-filled."

4. Application for Employment

All individuals applying for employment shall complete an official Pueblo of Laguna employment application form. The application form will solicit information from the applicant relating to education, experience, training, residence and other pertinent information.

Procedure

- A. Applicants must ensure that applications are hand delivered, mailed, or electronically mailed to the Human Resources Office by 11:59pm on the closing date specified on the job vacancy announcement.
- B. It is the applicant's responsibility to confirm the receipt of their employment application and supporting documents in the Human Resources Office.
- C. Applicants will be required to sign the application, which includes a statement that they are certifying to the truth and accuracy of all information provided.
- D. The Human Resources Office will consider the application to be incomplete if the applicant fails to provide a valid signature. In the event an electronically submitted application does not have a signature, the Human Resources Office must receive the original application, with signature, prior to the onset of the background investigation process.
- E. The Human Resources Office will consider an application to be incomplete if information has been left blank. The Human Resources Office will not send incomplete applications to the hiring authority for consideration.
- F. The Human Resources Office will accept applications for consideration when they are submitted in response to a specific job vacancy announcement.
- G. Applications not submitted in response to a specific job vacancy announcement shall be kept on file with the Human Resources Office for a period of six (6) months after the date of receipt.
- H. To receive full credit for education, certification, or licensure, the applicant must submit unofficial transcripts, copies of degrees, certificates, and other required documentation identified in the job vacancy announcement. The Human Resources Office must receive these documents prior to the onset of the background investigation process.
- I. Any misrepresentations, falsifications, or material omissions on the employment application, or any other materials used in the recruitment and selection process, may result in the exclusion of the individual from further consideration for employment for that position; or if the individual has been hired, the individual may be subject to disciplinary action.

5. Applicant Evaluation

All applicants will be evaluated by the Human Resources Office using the same method and such methods will be job-related and constructed to reveal the ability of the candidate for the particular position for which he/she is competing. Evaluating factors include, but are not limited to, training/education qualification, job related experience, previous job performance, background investigations, applicable examinations, and oral interviews.

Procedure

- A. The Human Resources Office will screen and certify all applications submitted for a job vacancy announcement.
- B. Applicants not meeting the minimum qualifications for the position shall not be considered for employment.
- C. Applicants meeting the minimum qualifications shall be considered for employment except in the following circumstances:
 - 1) Applicants who have been considered unsuitable for the position through information provided in the employment application, a background investigation, and/or other documented information resulting in a determination by the adjudication process that the applicant is unsuitable for the position; and
 - 2) Applicants who have given false or incomplete information, used unfair influence, or in any way failed to compete fairly for the position.
- D. In the event more than ten (10) applicants are considered for employment, the Human Resources Office and the immediate supervisor will determine the ten (10) most qualified applicants for interview. The remaining applicants will not be considered.
- E. In the event none of the applicants meet the minimum qualifications, the job vacancy announcement may be reposted.
- F. In the event the job vacancy announcement has been posted on at least two occasions or is posted as open until filled and none of the applicants meet the minimum qualifications, and/or there is an extreme need to hire an employee in the position to avoid the loss of services or the disruption of program operations, the immediate supervisor and the hiring authority may request to interview applicants who do not meet the minimum qualifications.
- G. If an individual who does not meet the minimum qualifications is selected, a Professional Development Plan shall be in place prior to the hire date of the individual.
- H. In the event job related testing and/or evaluations are required during the interview, the Human Resources Office will ensure such mechanisms are administered to each applicant prior to offer of employment.
- I. The completion of the Introductory Period is the final step in the Selection process.

6. Interviews

The Pueblo of Laguna shall interview qualified applicants for each open position using the same interview methods. All interviews will be structured to provide each applicant with an equal opportunity. All interviews shall be conducted by an Interview Committee who will make a recommendation for hire to the hiring authority.

Procedure

- A. The Human Resources Office shall coordinate and make arrangements with applicants and the Interview Committee for interviews.
- B. The Interview Committee at a minimum shall include the immediate supervisor of the position, the supervisor's immediate supervisor, and a Human Resources Office representative. In the event any of the aforementioned persons is unavailable to serve on the committee, the affected individual shall designate another individual with like duties and responsibilities to serve on the Interview Committee.
- C. For positions supervised by Elected Officials, the Human Resources Office will coordinate the Interview Committee with the affected Official.
- D. The Human Resources Office shall provide copies of all applications and applicable documentation to the Interview Committee for review.
- E. All applicants designated for interview shall be interviewed and evaluated using the same process, experience, and qualification criteria, which may include, but not limited to job related questions, testing and/or evaluations.
- F. Hiring Authority
 - 1) The Department Director, or equivalent level position, shall have hiring authority of all hires within their respective department;
 - 2) The Chief of Operations (COO) shall have hiring authority of all hires within the COO's office and of all Department Directors reporting directly to the COO;

- 3) The Chief Financial Officer (CFO) shall have hiring authority of all hires within the CFO's office and of all Department Directors reporting directly to the CFO;
 - 4) The Pueblo Council shall have hiring authority for the COO and Chief Financial Officer (CFO) positions;
 - 5) The Governor, Treasurer and Secretary shall have hiring authority for all positions within their respective offices; and
 - 6) Other positions may be subject to hire as defined by Pueblo of Laguna Law.
- G. The Interview Committee will make a determination of the hire using the Recommendation for Hire form.

7. Background Investigations

The Pueblo of Laguna will conduct background investigations in accordance with applicable laws. The extent of the background investigation is dependent upon the position that the applicant will occupy.

Procedure

- A. The Pueblo of Laguna conducts background investigations on all new employees in accordance with Public Law 101-630, as amended, The Indian Child Protection and Family Violence Prevention Act, Section 408 and 25 CFR Part 63, and any other Federal Regulation deemed applicable to respective positions.
- B. The Human Resources Office shall be responsible for conducting and/or securing all background investigations.
- C. The Human Resources Office shall maintain a database of all positions and the types of background investigations required for each position.
- D. Employment in any position with the Pueblo of Laguna is contingent upon the results of background investigation.
- E. Results of the background investigations shall be used to determine the employee's suitability for employment and/or continued employment.
- F. The Human Resources Office shall be responsible for conducting and/or securing periodic background investigation of current employees and determining the frequency for such.
- G. The background investigation will be obtained at the expense of the Pueblo of Laguna.
- H. Unless previously approved by the Human Resources Manager, individuals may not provide background information from other sources in lieu of a background investigation initiated by the Pueblo of Laguna.
- I. All background investigation information gathered will be treated as confidential and will become a part of the confidential personnel file.
- J. In the event a background investigation produces results that would deem an applicant unsuitable, the Human Resources Office will notify the applicant of the results and provide a copy of the results, if requested.
- K. In the event background investigation results are questionable, the Pueblo's adjudicator shall make a final determination in suitability of the applicant in accordance to the adjudication process.

8. Suitability

The Pueblo of Laguna will make determinations regarding suitability of an individual for employment in all positions. Each applicant will be subject to suitability determination by using a background investigation process.

Suitability refers to identifiable character traits, current and past conduct, which is sufficient to determine whether an individual is likely or unlikely to be able to carry out the duties and responsibilities of the position with appropriate efficiency and effectiveness. Suitability also refers to statutory or regulatory requirements, that, if not met, may prevent the lawful employment of the individual into the position and/or continuation of funding by the funding agency. Minimum standards of character refer to identifiable character traits and past conduct to include, but not limited to:

- 1) Personal and/or professional conduct that would create a risk of danger or loss to the Pueblo based on the job responsibilities of the position in which the person has applied or is employed; and
- 2) Criminal arrest and/or criminal convictions that would create a risk of danger or loss to the Pueblo based on the job responsibilities of the position in which the person has applied or is employed.

Each investigation will be adjudicated to protect the interests of the Pueblo, its members, and the rights of applicants and existing employees. Adjudication is deemed as the action that takes place to determine the suitability of employment based on the results of a comprehensive background investigation conducted through the use of private or federal investigative services. During adjudication, each case is judged on its own merits and all available information, both favorable and unfavorable.

Procedure

- A. The Human Resources Office will determine a qualified adjudicator for all suitability determinations.
- B. When adjudicating the findings of a background investigation, the adjudicator shall consider all acquired information and assess the information in terms of accuracy, completeness, relevance, seriousness, overall significance and how similar cases have been handled in the past.
- C. The adjudicator must review the background investigation results to determine the character, reputation, trustworthiness and in some cases, physical aptitude for the position. At a minimum, the adjudicator must review and evaluate:
 - 1) The application for employment of a new applicant;
 - 2) The background investigation results;
 - 3) The results of written record searches requested from applicable law enforcement agencies, regulatory agencies, former employers, former supervisors, and employment or educational references;
 - 4) If applicable, the results of any fingerprint charts maintained by the Federal Bureau of Investigation; and
 - 5) If applicable, the results of required physical evaluations.
- D. Relevancy is a key objective in evaluating investigative data. The adjudicator must consider prior conduct in light of:
 - 1) The nature and seriousness of the conduct in question, in relation to the job duties of the applicant, employee, volunteer or contractor;
 - 2) The circumstances surrounding the conduct in question, and the amount of time that has passed since the incident;
 - 3) The age of the individual at the time of the incident;
 - 4) Societal conditions that may have contributed to the nature of the conduct;
 - 5) The probability that the individual will continue the type of behavior in question; and
 - 6) The individual's commitment to rehabilitation and a change in the behavior in question.
- E. The adjudicator must consider physical aptitude in light of:
 - 1) The degree of risk the individual would bring to the position;
 - 2) The degree the individual's current physical condition may create an immediate or long-term risk for the Pueblo; and
 - 3) Whether the individual's past physical management has interfered with his/her performance of duties.
- F. The decision of the adjudicator shall be final regarding an applicant or new hire employee.
- G. Employees who have been terminated due to suitability, unless otherwise prohibited by an employment agreement, or other applicable Pueblo of Laguna policies, shall address the termination through the Chapter 12, Discipline Policy and Chapter 13, Employee Grievance.

9. Pre-Employment Drug and Alcohol Testing

All applicants who are being considered for employment with the Pueblo of Laguna will be subject to a pre-employment drug and alcohol testing prior to being hired. The Pueblo of Laguna will not employ persons who use illegal/prohibited drugs or abuse drugs or alcohol.

Procedure

- A. The Human Resources Office shall provide information regarding the pre-employment drug/alcohol testing process to the applicant through the employment offer.
- B. Employment in any position with the Pueblo of Laguna is contingent upon the results of the pre-employment drug/alcohol test.
- C. The Human Resources Office shall receive the results of the testing and must review the test results before proceeding to the next phase of the recruitment and selection process.

- D. Applicants who refuse to be tested in accordance within the timeframes directed by the Human Resources Office, fail to report to a scheduled testing appointment or test positive for illegal/prohibited drugs and/or alcohol shall not be hired.
- E. In the event the pre-employment drug/alcohol test produces positive results for an applicant, the applicant will not be hired.
- F. The Human Resources Office shall notify the applicant of the results and provide a copy of the results, if requested.
- G. If test results are invalid, the applicant must retest the next business day. If the second test results are also invalid, the applicant will not be hired.
- H. If the applicant is able to provide proof from a medical professional substantiating an invalid sample, they may be hired. Proof must be received within three (3) business days after the second test.

10. Physical Examinations

The Pueblo of Laguna may require employees in applicable positions to possess and maintain the minimum physical qualifications necessary to perform essential duties of the position. The Pueblo of Laguna may require applicants to possess minimum physical qualifications necessary to perform essential duties of certain positions. Applicants may be required to submit to physical examinations during the recruitment process.

Procedure

- A. The Human Resources Office shall be responsible for coordinating and/or securing all physical examinations.
- B. The Human Resources Office shall maintain a database of all positions and the types of physical examinations required for affected positions.
- C. If the Human Resources Office requires a physical examination, employment in any affected position with the Pueblo of Laguna is contingent upon the results of the physical examination.
- D. Results of the physical examination shall be used to determine the employee's suitability for employment.
- E. For certain applicable positions where minimum physical qualifications are necessary to perform the essential duties of the position, the Human Resources Office shall coordinate and/or secure physical examinations and receive the results prior to employment.
- F. All information gathered will be treated as confidential. The physical examination record and medical information of applicants will become a part of the confidential personnel file of that individual.
- G. The physical examination will be obtained at the expense of the Pueblo of Laguna.
- H. Applicants must take a physical examination within three (3) business days after the request is made from the Human Resources Office.
- I. In the event the applicant does not meet the minimum physical qualifications necessary for the required position, the applicant will not be eligible for hire.
- J. The Human Resources Office will notify the applicant of the results and provide a copy of the results, if requested.
- K. In the event physical examination results are questionable, the Pueblo's adjudicator shall make a final determination regarding the suitability of the applicant during the adjudication process.

11. Selection

The Selection process is a joint effort among the immediate supervisor, Department Director and the Human Resources Office.

Procedure

- A. Upon completion of the interview process, job related testing and preliminary background investigation, the Interview Committee shall evaluate all applicants uniformly.
- B. For evaluation, the Interview Committee shall match applicant data and known information with the skills and qualities identified during the recruitment and selection process.

- C. The Interview Committee shall interview candidates and may recommend a top candidate and alternates in the order of rated qualifications and applicable preferences to the appropriate hiring authority.
- D. The Interview Committee shall document the results of the evaluation on the Recommendation for Hire Form and forward it to the Human Resources Office for processing.

12. Offer of Employment

The Pueblo of Laguna Human Resources Manager shall have the sole authority to officially offer employment for all positions within the Pueblo of Laguna.

Procedure

- A. After the hiring authority has selected an individual for hire, the Human Resources Manager shall contact the individual to offer employment.
- B. The Human Resources Manager shall not offer employment if selection was done contrary to the recruitment and selection provisions.
- C. The offer of employment letter shall contain specific reference to any contingent factors for employment including but not limited to:
 - 1) Position Title;
 - 2) Supervisor;
 - 3) Potential Employment Start Date;
 - 4) Introductory Period criteria;
 - 5) Background Investigation instructions;
 - 6) Drug Screening instructions;
 - 7) If applicable, Physical Examination instructions;
 - 8) If applicable, Employment Agreement; and
 - 9) If applicable, other applicable employment criteria.