

# 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. Nepotism

No person shall be hired, promoted, demoted transferred or reassigned 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 vacant position(s). 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. Temporary positions shall be posted externally for a period of at least five (5) business days.
- F. Emergency Temporary positions shall not be required to be advertised.
- G. Job Vacancy announcements shall, at a minimum, be posted in Pueblo offices and on the official Pueblo of Laguna website.
- H. 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.
- I. Within the posting timeframes, the Human Resources Office will promote and ensure suitable recruiting methods are used in order to attract qualified applicants.
- J. In the event a position is posted and there are no qualified applicants, the position will be posted a second time. In the event there are no qualified applicants during the second posting, the position will be posted as open until filled.

#### 4. Emergency Temporary Hires

In the event a Program is in need of an emergency temporary hire, the Program must demonstrate, through a documented justification to the COO at least one of the following:

- A. The temporary position is necessary in order to continue necessary program operations;
- B. The temporary position is necessary in order to maintain essential client services; or
- C. The temporary position is necessary in order to alleviate extreme understaffing issues within the program.

No emergency temporary hires shall be hired for a period longer than 120 days.

##### Procedure

- A. Supervisors shall complete a Vacant Position Announcement Form to initiate an emergency temporary position(s). The form shall include the following:
  - 1) Position Information;
  - 2) Department and Program Information;
  - 3) Accounting Verification of funding source;
  - 4) Approved documented justification must be attached to the VPA Form
- B. An individual who is being considered for an emergency temporary position, unless otherwise stated, is subject to the provisions of Chapter 3 – Recruitment and Selection.

#### 5. 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.

## 6. Applicant Evaluation

All applicants will be evaluated by the Human Resources Office. The Office will use the same criteria and procedures to evaluate each applicant. The criteria are designed to inform the Office on the abilities of the applicant for the position. Evaluating factors include training or education, job related experience, previous job performance, background investigations, job-related testing or examinations, oral interviews and suitability.

### 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 a position.
- C. Applicants meeting the minimum qualifications shall be considered for a position 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 there are qualified Laguna member applicants who applied for non-exempt positions, all other non-Laguna's will not be considered for interview.
- E. In the event more than ten (10) applicants are considered for a position, 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.
- F. In the event the position is posted as open until filled and none of the applicants meet the minimum qualifications, applicants who do not meet the minimum qualifications shall be considered for the interview process.
- 1) If an applicant who does not meet the minimum qualifications is selected for a position, a Professional Development Plan shall be developed and submitted with applicant's offer of employment.
- G. In the event more than one qualified applicant has applied for an emergency temporary position, all qualified applicants shall be considered for the interview process.
- 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.

## 7. Interviews / Selection

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. The hiring authority shall make the final determination during the selection process.

### Procedure

- A. The Human Resources Office shall coordinate and make interview arrangements with applicants and the Interview Committee.
- 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.
  - 1) 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. Supervisors are responsible for creating interview questions. Interview questions shall require review and approval by the Human Resources Office prior to the interview.
- G. 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.
- H. The Interview Committee will make a determination of the hire using the Recommendation for Hire form.
  - I. After interviews, continued advertising may be considered if the supervisor provides documented justification detailing the reasons for not selecting the interviewed candidates.
  - J. Upon completion of the interview process, job related testing and preliminary background investigation, the Interview Committee shall evaluate all applicants uniformly.
  - K. For evaluation, the Interview Committee shall match applicant data and known information with the skills and qualities identified during the recruitment and selection process.
  - L. 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.
  - M. 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.
  - N. The completion of the Introductory Employment Status Period is the final step in the Selection process.

## 8. Background Investigations

Background Investigations will be conducted on applicants and current employees. The Pueblo of Laguna will conduct, and / or will use a third party to conduct background investigations in accordance with applicable laws, regulatory timelines or operational procedures. Depending upon the position, the applicant or employee shall be required to submit to varying levels of investigation determined by the Pueblo's Suitability policy.

### 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.

## 9. Suitability

A suitability determination is the process of deciding whether a person is or is not suitable for employment with the Pueblo of Laguna based on the presence or absence of one or more specific factors. 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, which if not met, may prevent the lawful employment of the individual into the position and / or continuation of funding by the funding agency.

A certified adjudicator shall 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. The level of review will be based on the level of public trust associated with the job position.

Every position must be designated at a position risk level commensurate with the public trust responsibilities and attributes of the position. The suitability risk levels are ranked according to the degree of adverse impact that an unsuitable person could cause. There are three suitability position risk levels; High Risk Public Trust (HRPT) positions; Moderate Risk Public Trust (MRPT) positions; and Low Risk Public Trust (LRPT) Positions. Every position within the Pueblo will be designated as a HRPT, MRPT or LRPT level position. The Human Resources Office is responsible for maintaining the risk level designation for all job positions.

### Procedure

- A. High Risk Public Trust Positions (HRPT)
  - 1) High Risk Trust Positions involve duties especially critical to the Pueblo, and its department and/or program missions with broad scope or policy or program authority, such as:
    - a) Policy development and implementation duties;
    - b) Higher level management assignments;
    - c) All law enforcement duties
    - d) Duties requiring regular contact with children;
    - e) Duties requiring provision of medical care;
    - f) Duties demanding a significant degree of public trust;

- g) Duties involving access to or operation or control of financial records, proprietary information, personal financial records, classified/confidential information, ability to disburse funds, and any position with a significant risk for causing damage or realizing personal gain; and
  - h) Spokespersons and non-management positions with authority for independent actions.
- 2) Positions involving a higher degree of public trust generate a more thorough investigation and suitability criteria. In addition to the provisions of the Pueblo's Adjudication Policy, a High Risk Public Trust Position shall not be filled by any person having a:
- a) A conviction in any jurisdiction involving any crime of moral turpitude that occurred within the past fifteen (15) years. Moral turpitude is defined as a crime where the perpetrator has committed a reprehensible act with knowledge and intent.
    - 1. Violent crimes of moral turpitude include crimes with a presence of unjustified violence or unnecessary endangerment of human life, and include murder, voluntary manslaughter, rape/sexual assault, spousal abuse, child abuse, incest, kidnapping, robbery, aggravated assault, aggravated battery, and animal fighting.
    - 2. Property crimes of moral turpitude are crimes involving malicious or intentional destruction of property because of the presence of criminal intent, and includes crimes such as burglary, embezzlement, extortion, blackmail, theft, bribery, obtaining property under false pretenses, forgery, larceny, receiving or transporting stolen goods, conspiracy, and any crime in which fraud is an ingredient.
    - 3. Inchoate crimes of moral turpitude also include any attempt or acting as an accessory to a crime if that crime involved moral turpitude.
  - b) Lawful requirement to ever register as a Sex Offender pursuant to any state, tribal, or federal Sex Offender Notification and Registration Act.
- B. Moderate Risk Public Trust Positions (MRPT)
- 1) Such positions involve duties with significant program responsibilities and delivery of services, including services to the public, such as:
    - a) Assistance in policy development and implementation; mid-level management assignments;
    - b) Non-management positions with authority for independent or semi-independent action; or
    - c) Delivery of service positions that demand public confidence, confidentiality, or trust.
  - 2) In addition to the provisions of the Pueblo's Adjudication Policy, Moderate Risk Public Trust Position shall not be filled by any person having a:
    - a) Felony conviction involving property crimes of moral turpitude or involving inchoate property crimes of moral turpitude;
    - b) Felony conviction involving violent crimes of moral turpitude or inchoate violent crimes of moral turpitude for the past ten (10) years; or
    - c) Current lawful requirement to register as a Sex Offender pursuant to any state, tribal, or federal Sex Offender Notification and Registration Act;
- C. Lower Risk Public Trust Positions (LRPT)
- Involve duties of limited relation to the department or program mission, with program responsibilities that affect the efficiency of the service. Lower Risk Public Trust Positions shall be adjudicated in accordance with the provisions of the Pueblo's Adjudication Policy.

## 10. Adjudication

The Human Resources Office will identify and utilize a qualified adjudicator for all suitability determinations. 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 information, both favorable and unfavorable. Each investigation will be adjudicated to protect the interests of the Pueblo, its members, and the rights of applicants, existing employees, volunteers and contractors. The adjudicator may consider additional factors, to the extent they are relevant, if deemed pertinent to the individual case, but such factors shall not circumvent the requirements identified below.

### Procedure

- A. The adjudicator will consider the following in making suitability determinations. They make take into consideration:
  - 1) Personal and/or professional conduct that would create a risk of danger or loss of 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 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.
- 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.
- D. At a minimum, the adjudicator must review and evaluate:
  - 1) The application for employment of an applicant, employee, volunteer or contractor;
  - 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.
- E. 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.



## 11. Pre-Employment Drug and Alcohol Testing

All applicants who are being considered for employment with the Pueblo of Laguna will be subject to 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.

## 12. Physical Examinations

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

### 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.

### 13. 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. All individuals selected for hire by the hiring authority shall be provided with a documented offer of employment. Employment terms shall be negotiated by the Human Resources Manager in consultation with the Department Director and final approval by the Chief of Operations.

#### 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.