

Subject: Hiring Practices & Background check procedures
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POLICY RATIONALE

All employees must follow Kaw Nation's policies and their hiring approved by the supervisor, the Chair, and HR. Human Resources will conduct all activities relative to recruiting, hiring, placement, promotion pay, compensation, working conditions, apprentice and training, demotion, layoff and termination solely on the basis of qualification or merit, without regard to race, color, sex, religion, national origin, age (except where age is a bona-fide occupational qualification), disability, pregnancy or genetic information. The Kaw Nation is an "at-will" employer; therefore, both employee and employer have the right to terminate the employment relationship without cause. Hiring supervisors must meet with HR to ensure the process is followed correctly. The Chair has the right to hire/terminate any employee for any position at any time, based on the needs of the Kaw Nation.

Native American Preference

The Kaw Nation adopts the provisions of the Indian Self Determination & Education Assistance Act PL 93-638 as amended. In selection for employment, preference will be given to enrolled members of federally recognized tribes, providing other qualifying factors prove the enrolled member is equal in merit to other applicants.

The Kaw Nation offers no guarantee of employment based on this policy of Native American Preference.

We are an equal opportunity employer.

Veterans Preference

In selection for employment, preference will be given to veterans, providing other qualifying factors prove the veteran is equal in merit to other applicants.

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PROCEDURE:

APPLICATIONS

Applicants for positions will be submitted on the Application Forms provided by the Kaw Nation in the manner specified in the applicable job vacancy announcement. All resumes shall be accompanied by the Application Form. The application must be timely submitted for employment consideration. All information submitted in connection with applying for Tribal positions is subject to verification.

Applicants will be required to provide any information and complete any examinations or testing necessary to demonstrate compliance with prescribed standards for appointment to the positions involved.

MEDICAL EXAMINATIONS

A person selected for employment may be required to undergo a medical examination and/or drug screen and employment may be contingent upon successful completing of the medical examination and/or drug screen in relation to the standards of fitness required for the position involved.

RESIDENCE REQUIREMENTS

There will be no residency requirement for employment. Employees likely to be called back to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of work.

REFERENCE CHECKS

References cited on the application form for only those persons selected for interviews will be checked either by telephone or by mail and will be documented and made a part of the applicants' files. Information acquired during reference checks will be used only for the purposes of employee selection and will not be released. Such information will be considered to be subject to the Privacy Act. Applicants for Child Care, Tribal Youth, Library, or Law Enforcement position shall be required to undergo a background investigation and fingerprinting.

INTERVIEWS

If the information received on the employment application and from reference checks indicate the applicant is eligible for a position with the Nation, an employment interview will be conducted with job applicants. An interview will be scheduled at a time which is mutually convenient for the Kaw Nation and the applicant. All interviews will be conducted with a minimum of 1 staff plus a Human Resource Representative.

DISQUALIFICATION

An applicant will be disqualified from consideration for appointment if he or she:

1. Does not meet the qualifications deemed necessary for performance of the duties of the position involved.
2. Has made a false statement of material fact on the application form or supplements thereto.
3. Has committed or attempted to commit a fraudulent act at any point in the evaluation process.
4. Is not a legal resident of the United States at the time application is made.
5. In the case of professional, fiscal, and managerial personnel, conviction of a crime may be considered strong evidence of lack of fitness for the job. Before the Kaw Nation employs in any capacity a person who has been convicted of a crime, the Kaw Nation shall conduct an investigation in accordance with fair standards and procedures and, if it is found that prior conviction does not disqualify the person for the proposed position, consider the applicant as a viable candidate for the specified vacancy.
6. In the case of other positions, including clerical and non-professional jobs, criminal records by themselves shall not constitute a basis for the disqualification for employment, but full disclosure of any such record must be made by the applicant.
7. In all Law Enforcement and certain other positions which exhibit control over children (as designated by the Director of Human Resources) the applicant must be adjudicated upon hire by the standards designated by the Bureau of Indian Affairs (BIA). Failure to obtain adjudication in a designated position will result in immediate termination of the employee.
7. Any applicant may be disqualified from consideration upon other reasonable grounds relating to job requirements. Such factors as medical, financial, personal, or employment difficulties will not necessarily disqualify an applicant from consideration. Directors, Managers and Site Coordinators will be individually evaluated by the Chair and Human Resources Director in relation to reasonable standards for the type of position involved.

UN-DESIGNATED APPLICATION

Applications for employment will only be accepted for open or advertised positions. Applications must state what position is being applied for, or they will be rejected. A separate application must be submitted for each available position the applicant is interested in. Applications will not be accepted for future openings or positions which do not exist.

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CHANGES IN HIRING POLICY

In the event these hiring policies are changed, the new policies will be effective as of the date of the Resolution approving the change. In no case will hiring policy changes be made to be retroactive, affecting the retention of employees hired under the former policies. However, hiring which takes place after the resolution of the change by the Tribal Council must adhere to the new policies.

CHANGE IN FUNDING SOURCE FOR A JOB

An employee who has been hired to fill a position is allowed to remain in that position as long as the position description for that employee remains essentially the same. The fact the position is subsequently funded from a different grant, contract, or other source will not require the employee be fired, or subject to a reduction in force, or the position declared vacant, and the hiring process repeated.

The following ORIGINAL documents need to be presented to Human Resources on or before the first day of employment:

Proof of identity and employment eligibility requires one of these original documents be presented:

- U.S. Passport.
- Valid Foreign Passport with I-551 stamp.
- Employment Authorization Document (Form I-766).
- Resident Alien Form with bearer's photograph (Form I-551)
- Temporary Resident Card (INS Form I-688).
- Employment Authorization Card (INS I-688A).
- Valid Foreign Passport with official stamp or valid Form I-94.
(NOTE: Use of the I-94 Form must first be verified by HR)

If the individual does not have any of the above documents, he/she must present a document form each of the next two sections.

- State-issued driver's license or state-issued Identification Card containing a photograph.
- U.S. Coast Guard Merchant Mariner Card.
- U.S. Military Card or Draft Record.
- Identification Card issued by federal, state, or local government agencies or entities.
- School Identification Card with a photograph.
- Native American Enrollment Card.
- Military Dependent's Identification Card.
- Driver's license issued by a Canadian government authority.
- Voter's registration card.

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- Social Security Card that does not have “not valid for employment purposes” printed on it.
- Certification of Birth issued by Dept. of State (Form FS-545).
- Original or certified copy of a birth certificate issued by a state, county, or municipal authority bearing a seal.
- Certification of Birth Abroad, issued by Dept. of State (Form DS-I350).
- Employment authorization document issued by the INS.
- U.S. citizen identification card (INS Form I-I97).
- Identification card for use of resident citizen in the U.S. (INS Form I-I79).

After hiring the employee must complete all specified training within the prescribed timelines and comply with organization policy.