



**NOTTAWASEPPI HURON
BAND OF THE POTAWATOMI**

A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT

**NOTTAWASEPPI HURON BAND OF THE POTAWATOMI INDIANS
RESOLUTION NO. 04-20-17-12**

Adopting Revisions to Human Resources Department Job Bank Policy

WHEREAS: On December 21, 1995, the Department of the Interior recognized the Nottawaseppi Huron Band of the Potawatomi, as a federally recognized Indian Tribe pursuant to the Federal Acknowledgment Process (60 Fed. Reg. 66315);

WHEREAS: Article IV and Article VI of the Tribe's Constitution empowers the Tribal Council to manage and govern the affairs of the Tribe;

WHEREAS: The Tribal government has previously used a Job Bank to refer qualified Tribal Members and other persons entitled to Indian preference for employment in seasonal or temporary work positions available with the Tribal government;

WHEREAS: The Tribal government has previously used a Job Bank to refer qualified Tribal Members and other persons entitled to Indian preference for employment on construction projects where contractors are legally obligated to hire persons entitled to Indian preference on their workforce performing services on the Tribe's reservation;

WHEREAS: on March 15, 2012, Tribal Council approved Resolution Number 30-15-12-15 Adopting Human Resources Department Policies and Procedures Job Bank Policy and Procedure and Forms;

WHEREAS: Tribal Council approved Resolutions Number 01-17-13-02 , 03-17-16-07, and 01-19-17-05 adopting revisions to the Human Resources Department Job Bank Policy;

WHEREAS: the Human Resources department in consultation with the Legal Department have developed revisions to the Job Bank Policy to clarify administration of the policy and qualifications of applicants to the Job Bank.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council hereby approves the Job Bank Policy in the form presented and attached as Exhibit 1.

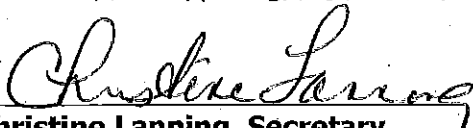
IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs that the Human Resource Department implement this revised policy immediately and provide such training for Tribal government personnel as may be required and appropriate to implement this policy.

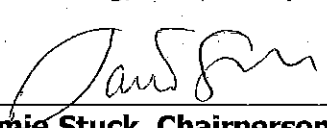
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[CERTIFICATION PAGE FOLLOWS]

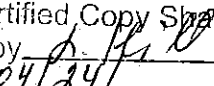
CERTIFICATION

On April 20, 2017, this resolution was approved at a duly called regular meeting of the Tribal Council held at the Pine Creek Reservation, a quorum being present, by an affirmative vote 5 members, opposing, absent, and abstaining, this 20th day of April 2017.


Christine Lanning, Secretary


Jamie Stuck, Chairperson

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True Certified Copy Shall Be Embossed
Signed by 
Date 04/24/17



JOB BANK POLICY

PURPOSE

To bring together Tribal Member job seekers and NHBP employers in need of work for all NHBP projects. For purposes of the Job Bank, job seekers are classified as Tier I-NHBP Tribal Members, Tier II-spouses and parents of NHBP Tribal Members and Tier III- members of other Native American tribes. ***All Job Bank applicants and job bank employees are subject to NHBP's Personnel Policy Manual, and Indian Preference and Tribal employment codes.***

Initials _____

EMPLOYEE CLASSIFICATION

Job Bank employees are hired to fill temporary positions. They may work fulltime or part-time hours depending on the needs of the position. Job Bank employees are not eligible for benefits or paid holidays.

For purposes of compliance with the Affordable Care Act, all Job Bank employees are considered variable hour employees. (See Affordable Care Act Compliance Periods Policy.) If a Job Bank employee is employed in the same position for six months or longer, Human Resources will assist the employee's Department Head in calculating the look back period to determine if and when a Job Bank employee may be eligible for benefits under the Affordable Care Act.

Initials _____

SELECTION

Job Bank focuses first and foremost on Tier I applicants per NHBP's Indian Preference Law, and hiring policies. In all instances where there are no other restrictions on hiring, the positions available will be offered to Tier I Job Bank Applicants first.

- I. Tier I – NHBP Tribal Members
- II. Tier II – NHBP Tribal Member Spouses and/or Parents of NHBP Tribal Member Children
- III. Tier III – Other Native Americans of Federally Recognized Tribes

However, some projects, for instance those funded through HUD¹, will require a larger hiring pool as a condition of receiving and using the funds from these sources. For those projects wherein the funding source dictates the hiring pool, then the applicants will be selected according to the criteria required by the project's funding source. (HUD is only one example of such a funding source, there are other programs to which this may apply.)

The selection of Job Bank Applicants to work on a project is up to the project owner/manager. This person may simply ask Human Resources for those available Job Bank Applicants or may elect to interview eligible Job Bank Applicants or request some other form of testing/selection criteria in order to decide who will be offered the position.

Initials _____

¹ United States Department of Housing and Urban Development

ELIGIBILITY REQUIREMENTS

- I. Fill out an employment application on-line or at NHBP's Human Resources Office including the "Eligibility for Indian Preference" form that includes the Tier's correctly filling out sections that apply to you and providing required documentation
- II. Pass a criminal background check
- III. Pass a pre-employment drug screen
- IV. Sign and Initial all forms for authorization purposes

NOTE: Please keep in mind that the contractor and/or sub-contractors may require separate eligibility requirements such as an additional background check, drug screen or other testing before hire.

Initials _____

ROTATION PROCESS

Eligible Job Bank candidates are added to the bottom of a list of available candidates within their Tier. Job Bank candidates are selected based on their Tier (exhausting all candidates in each Tier before moving to a lower Tier), their position on the list, and their qualifications for the position. Once a candidate completes his or her current assignment, he or she is added back to the bottom of the list within his or her Tier.

JOB ASSIGNMENT AND COMPLETION

If a Job Bank candidate is called three consecutive times for an employment opportunity and if he/she does not return a phone call to prospective employer, the Job Bank candidate will be moved to the bottom of the list of eligible applicants within his or her Tier.

Once assigned a job, NHBP Job Bank candidates must complete his or her current job assignment before he or she is eligible for a new assignment. An individual will not be assigned a new job prior to the completion of his or her current job assignment unless he or she is uniquely qualified for a job and no other qualified Job Bank candidates are available.

Inability to complete an assignment shall result in being marked in the unavailable listing as determined by the steps below:

- I. For the first occurrence:
The worker shall be placed in the unavailable listing for a total of 30 days
- II. If there are two occurrences within a 365 day period:
The worker shall be placed in the unavailable listing for a total of 3 months
- III. If there are three occurrences within a 365 day period:
The worker shall be placed in the unavailable listing for a total of 6 months and must resubmit all Job Bank application materials in order to be considered for future job bank assignments; Job Bank application materials include a background screen authorization and completed drug screen.

A Job Bank candidate who failed to complete three assignments within a 365 day period and who complied with the steps above will be treated as a new applicant.

Initials _____

BACKDOORING

If a Job Bank candidate is caught backdooring (on a NHBP work site going from contractor to contractor trying to get work) and not following procedures they will be immediately taken off the work site and suspended for 30 days. Following the suspension the Job Bank candidate will be placed at the bottom of their Tier list of eligible applicants for placement.

Initials _____

EMPLOYMENT CONDITIONS

Employment conditions are not limited to background checks and drug testing. Job Bank candidates are expected to adhere to and uphold all NHBP Human Resource policies.

Initials _____

DRUG TEST REQUIREMENTS

All applicants must pass a drug test prior to being eligible for hire through the Job Bank. Eligible applicants must pass a drug test every year thereafter. Job Bank applicants and employees are also subject to random drug tests and testing through NHBP's Alcohol and Drug Policy.

Failure to submit a sample for a drug screen will automatically make the applicant ineligible for any available positions until a sample is provided and a clean drug test is obtained.

An applicant with a positive drug test result may re-apply for a drug test after thirty (30) days. An applicant can re-apply up to three (3) times in any calendar year to obtain a clean drug test. After three (3) tests in one year come back positive, the applicant must wait until the next calendar year to reapply.

Initials _____

BACKGROUND CERTIFICATION

In General

All candidates for the Job Bank must consent to an annual background check. Candidates are expected to disclose any criminal convictions prior to their first background check and prior to each annual background check thereafter.

If a Job Bank candidate or person on the Job Bank is found guilty, pleads guilty or nolo contendere (no contest) to a crime involving theft, fraud, or dishonesty, that person must wait twenty-four (24) months after the date of conviction before he or she will be eligible for placement by the Job Bank.

Positions Involving Vulnerable Members

Some positions put Job Bank employees in close contact with vulnerable members of our community, namely children and the elderly. If a Job Bank position involves contact with or control over children or the elderly, to be eligible for this position, a Job Bank candidate must meet the general background requirements above and may not have a felony conviction or two (2) or more misdemeanor convictions

that involve any of the following crimes of violence to specifically include; sexual assault, molestation, exploitation, or prostitution; crimes against persons; or offenses committed against children.²

Initials _____

IMPLEMENTAION METHOD

The HR Director and/or designee shall survey Tribal Members for inclusion into the NHBP Job Bank pool. Affirmative efforts will be made to establish Tribal Members' current employment expertise, skills, knowledge, abilities and desire to work. The Job Bank will establish the career and training goals for members that desire on-the-job training positions (if it applies or if available).

Initials _____

RECRUITMENT PROCESS

Whenever a job announcement is posted for purposes of employee selection, the Job Bank will be used as a part of the recruitment criteria. Eligible Members in the Job Bank who meet the qualifications will be encouraged to apply. Those applicants recruited through the Job Bank will be treated in the same manner as all applicants.

Initials _____

JOB BANK ACKNOWLEDGEMENT SIGNATURE

By signing below, I acknowledge that I understand the above terms and requirements of the Job Bank Policy and agree to comply by submitting all required documents. I further understand that if I do not provide or fill out documents properly I could be disqualified from the selection process of possible temporary employment with NHBP.

Printed Name	Signature	Date
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- Tier I – NHBP Tribal Member
- Tier II – NHBP Tribal Member Spouses and/or Parents of NHBP Tribal Member Children
- Tier III – Other Native Americans of a Federally Recognized Tribe

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[CERTIFICATION PAGE FOLLOWS]

² These additional requirements are from the federal law, the Indian Protection and Family Violence Prevention Act, 25 USC §3207(b). NHBP is obligated to follow these background check requirements as a condition of accepting certain federal grant money.

CERTIFICATION

The Job Bank Policy was reviewed and approved by the Human Resources Manager. The policy as provided above is the final version presented for approval by Tribal Council without objection at the April 20, 2017, regular meeting of the Tribal Council.

Audrey G. Wieber
Audrey Wieber, Human Resources Manager- NHBP

4/20/2017
Date

NHBP Government Records Certified Copy
True Certified Copy Shall Be Embossed
Signed by [Signature]
Date 04/29/2017