



**NOTTAWASEPPI HURON
BAND OF THE POTAWATOMI**

A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT

**NOTTAWASEPPI HURON BAND OF THE POTAWATOMI
RESOLUTION NO. 04-22-21-08**

Adopting Revisions to the 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 VI, Section 1, of the Band's Constitution provides that the sovereign powers of the Band shall be vested in the Tribal Council;

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 within 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 12, 2012, Tribal Council approved Resolution No. 03-15-12-15, Adopting Human Resources Department Policies and Procedures Job Bank Policy and Procedure and Forms;

WHEREAS: since the initial approval of the Job Bank Policy in 2012, Tribal Council has approved amendments to the Job Bank Policy by the following resolutions: Resolution No. 01-17-13-02; Resolution No. 03-17-16-07; Resolution No. 01-19-17-05; Resolution No. 04-20-17-12; and Resolution No. 06-18-20-01; and

WHEREAS: the Human Resources Director and the CEO have developed revisions to the Job Bank Policy to clarify administration of the policy and qualifications of applicants to the Job Bank.

NOW THEREFORE BE IT RESOLVED: that the Nottawaseppi Huron Band of the Potawatomi Tribal Council hereby approves the Job Bank Policy in the form presented and attached hereto as Exhibit 1.

T.C. RESOLUTION NO. 04-22-21-08

ADOPTING REVISIONS TO THE HUMAN RESOURCES DEPARTMENT JOB BANK POLICY

APPROVED BY TRIBAL COUNCIL: APRIL 22, 2021

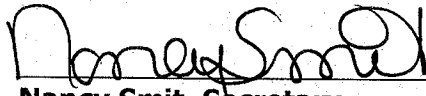
PAGE 1 OF 2

BE IT FURTHER RESOLVED: that the Tribal Council hereby directs that the Human Resources Director implement this revised policy immediately and provide such training for Tribal government personnel as may be required and appropriate to implement the amendments to the policy.

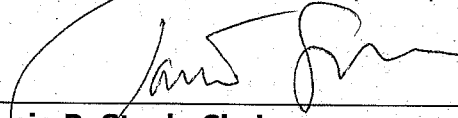
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CERTIFICATION

On April 22, 2021, this resolution was approved at a duly called Tribal Council meeting held on the Pine Creek Potawatomi Reservation, a quorum being present, by an affirmative vote of 5 members, 0 opposing, 0 absent, and 0 abstaining, this 22nd day of April 2021.



Nancy Smit, Secretary



Jamie P. Stuck, Chairperson

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True Certified Copy Shall Be Embossed
Signed by D. Hill
Date 04/23/2021



**NOTTAWASEPPI HURON
BAND OF THE POTAWATOMI**

A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT

DEPARTMENT: HUMAN RESOURCES

POLICY: 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 – Enrolled citizens of Nottawaseppi Huron Band of the Potawatomi, Tier II - Spouses and parents of citizens of the Tribe and Tier III - Other Native American Tribes. All Job Bank applicants and job bank employees are subject to The Job Bank Policy, to uphold The Seven Grandfather Teachings and Indian Preference and Tribal employment codes. When working for an outside agent, the Job Bank candidate is also subject to uphold any and all applicable policies and procedures of the outside agent.

Initials _____

SCOPE:

The scope of this policy applies to all NHBP Job Bank Employees.

DEFINITIONS:

Affordable Care Act:

An Act established by the Federal Government mandating that medical benefits be offered to all employees who regularly average work 30 or more hours per week during the established measurement period of the employer.

Arrest:

If applicable to the current position of employment where the employee is working with the vulnerable population of elderly and youth: any felony offense; any misdemeanor offense involving a crime of a sexual nature; any misdemeanor offense against a child; any misdemeanor offense for a crime of violence; any misdemeanor offense for theft; fraud or embezzlement; any offense that would affect an employee's ability to be GSA certified or insurable and related to his/her job.

At Will:

An employer's ability to dismiss an employee at any time without reason, notice or cause.

Back-dooring: When a Job Bank employee goes directly to the contractor trying to get work or the Contractor approaches a Job Bank employee to seek them out to work temporarily as a Job Bank employee on a specific project

Job Bank Employee: Employees who meets the preference criteria as established by NHBP's Indian Preference Law who are seeking temporary employment with NHBP employers. Established Preference Criteria is:

Tier I - Enrolled citizens of the Nottawaseppi Huron Band of the Potawatomi

Tier II – Spouses and parents of citizens of the Tribe;

Tier III – Other Native Americans

Contractor: A third party hired by NHBP to complete a project.

Decency: Honesty, good manners and respect for others.

Immoral Conduct: The quality of not being in accord with the standards of right or good behavior; wicked, evil behavior.

Indian Project Preference Coordinator: A position employed by NHBP Tribal Government who acts as a project based liaison between the contractor(s) and the Job Bank employees assigned to the job. This position reports directly to Tribal Council.

Malicious: Having a desire to cause harm to someone. May be characterized as spiteful, harmful or hateful words or behavior.

Native American: A person who is an enrolled citizen of a federally recognized Indian Tribe, a Canadian Indian Tribe or First Nation, or is enrolled with any nonfederally recognized Indian Tribe that is recognized by resolution adopted by the Tribal Council.

NHBP Tribal Member: An individual who is a duly enrolled citizen of the Nottawaseppi Huron Band of the Potawatomi.

Parent: A person who is the biological or adoptive parent of a minor child or children who is or are enrolled citizens of the Tribe who either:

- A. Resides in the same household as his/her minor child(ren); or
- B. Financially supports his/her minor child(ren).

Seniority: The fact or state of being in a higher position or status than another employee.

Spouse: The legally married spouse of an enrolled citizen of the Tribe.

Special Skill or Skilled Trade: Employees who rely on "specific set of knowledge, skills, and abilities and often possess certifications/licensing or journeymen cards.

The Seven Grandfather Teachings (Noeg Meshomsenanek Kenomagewenen):

Bwakawen	Wisdom
Debanawen	Love
Kejitwawenindowen	Respect
Wedasewen	Bravery
Gwekwadzewen	Honesty
Edbesendowen	Humility
Debewin	Truth

ACRONYMS:

NHBP: Nottawaseppi Huron Band of the Potawatomi

POLICY STATEMENTS:

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 health & welfare benefits, paid holidays, banked time, or paid time off or any other benefit unless specifically defined within a policy.

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 at NHBP Tribal Government 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 – Enrolled citizens of the Nottawaseppi Huron Band of the Potawatomi
- II. Tier II – Parents or spouses of citizens of the Tribe
- III. Tier III – Other Native Americans

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 _____

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 supportive documentation.
- II. Pass a criminal background check in accordance with the standards set within this policy and those applicable within NHBP's *Background Investigations Policy*.
- 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 within their Tier, and their qualifications for the position. Any qualifications and certifications/licenses/degrees for specialty skills or skilled trades etc. must be documented and on file with the Human Resources

¹ United States Department of Housing and Urban Development

Department. 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 contacted through his/her preferred method 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. Discretion will be used on a case by case basis to allow as much time as reasonably possible for the Job Bank candidate to return the phone call.

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. Exceptions will be made if he or she is uniquely qualified for a job or has a certification/license/degree on file with the NHBP Tribal Government Human Resources Department for a defined skill or a skilled trade such as heavy equipment operator, fork lift driver, licensed plumber, and dental hygienist are just a few examples of skilled trades/professions. Job Bank employees who possess certifications/licenses for a specialty skill or a skilled trade/profession will establish seniority within the Job Bank pool of candidates who also possess that same specialty skill on the date of hire. If more than one candidate is hired at the same time with the same specialty skill, then a drawing will be held to establish the seniority of the employees. The drawing shall be conducted with the Tribal Members present with the same certification/license at a specified date and time with two members of the Human Resources Team present for verification and establishment of the seniority listing. The seniority listing shall be available to those Job Bank employees within the specialty skill.

If a position becomes available for a specialty skill that requires a certification/professional license, then the seniority listing shall be utilized to contact those Job Bank employees in the order of their seniority within the list. Documentation shall be kept noting the date and time the attempt was made to contact the Job Bank employee.

Once a Job Bank employee who possesses a specialty skill/certification/professional license completes the assignment, he/she will be added back to the bottom of the list within his/her Tier.

If a Job Bank employee has two or more absences without notifying the employer (No Call No Show) shall be considered job abandonment or inability to complete the assignment.

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 under investigation for back-dooring, then the candidate shall not be assigned until a decision has been made from the investigation. If the candidate was determined to be back-dooring (on a NHBP work site going from contractor to contractor trying to get work) and not following procedures they will be immediately suspended from the Job Bank pool for thirty days and will be placed at the bottom of their Tier list of eligible applicants for placement.

If a Job Bank Employee is suspected of back-dooring while working on the job site, the employee will be allowed to continue working while the investigation takes place and until a determination is made. If found the determination proves that the Job Bank Employee was back-dooring, then the Employee 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.

If a contractor is approaching a Job Bank candidate/employee to work temporarily on a project without going through the proper channels by requesting through the Indian Project Preference Coordinator or the HR Representative of NHBP Tribal Government, then the Job Bank candidate/employee is to immediately report it to the Indian Preference Project Coordinator or the HR Representative. The Job Bank employee should also advise the Contractor of the proper protocol.

If a Job Bank employee is approached by a Contractor to become a *regular* fulltime or part-time employee of the Contractor, then the Job Bank employee must immediately inform either the Indian Preference Project Coordinator or NHBP Tribal Government's Human Resources of the opportunity that is available. The Indian Preference Project Coordinator or Human Resources will contact the Contractor to verify and arrange for a formal interview. If hired by the Contractor to become the Contractor's employee, then the Job Bank employee is no longer considered to be an employee under the Job Bank Policy and eligible for other Job Bank opportunities or associated wages.

Initials _____

EMPLOYMENT CONDITIONS

Employment conditions are not limited to background checks and drug testing. Guided by the Seven Grandfather Teachings, all Job Bank applicants and job bank employees are subject to The Job Bank Policy, the Indian Preference and Tribal employment codes. When working for an outside agent, the Job Bank candidate is also subject to uphold any and all applicable policies and procedures of the outside agent. As NHBP is an "At Will" employer, violations may result in the following actions but not necessarily in any given order. The type of violation and whether multiple occurrences have occurred shall be taken into consideration when determining the appropriate disciplinary action. Actions taken may result in:

- Documented Verbal Warning
- Written Warning
- Suspension (for up to 5 days of employment)
- Termination of Employment – results in ineligibility for employment for six months

Violations or multiple violations shall result in disciplinary action from a documented verbal warning to a suspension include:

- Tardy (7 minutes or more late from scheduled start time) two or more times in one pay period without prior notification to the supervisor and without a reason that can be validated.
- Three or more absences from employment with call-in (3 or more absences in a 30 day period).
- Not being ready to begin work when the shift starts or leaving the job site early.
- Poor or substandard performance.
- Immoral conduct or lack of decency on NHBP Property or at an NHBP event.
- Contributing to unsanitary conditions.
- Initiating or passing on malicious gossip and/or spreading rumors about coworkers, Tribal Members, Tribal Council or Tribal Government institutions.
- Interfering with the work of other employees.
- Inefficiency or lack of application of effort on the job (for example an employee who is capable of doing his/her job but fails to perform at a reasonable level of job performance.)
- Wearing of inappropriate clothing on the job or lack of wearing approved PPE on the job.
- Smoking in non-designated areas or on non-designated break times.
- Unintentional violations of harassment or bullying (violates Seven Grandfather Teachings).
- Insubordination – one willfully disobeys an order from one's superior.
- Unintentional or minor violations that are not specifically stated above.
- Solicitation or sales of food or material goods while on job site.
- Intentional or repeated violations that are not specifically stated and the type of discipline to be imposed.

Violations that shall result in termination of employment and ineligible for employment for six months:

- Repeat infractions involving initiating or passing on of malicious gossip, spreading rumors, lies or falsehoods resulting in embarrassment or harm to coworkers, Tribal Members, Tribal Council or Tribal Government institutions.
- Intentional or repeat violations of harassment, bullying or lack of respect towards others (violates Seven Grandfather Teachings).
- Sleeping on the job.
- Disorderly conduct such as horseplay which creates poses a risk to others or actions resulting in an altercation during working hours.
- Carelessly exposing other employees, NHBP Tribal Members, or visitors to hazards that may cause them injury or harm to health. For example, coming to work with a communicable illness and failing to answer the pandemic health screening questions honestly. This poses a risk to others especially during times of a pandemic causing others to become exposed to the virus which could be life-threatening. This also includes careless safety or health compliance violations such as a HIPAA violations.
- Knowingly or intentionally falsifying one's own time record or assisting another employee to falsify his/her time record.
- Possession of narcotics or consuming narcotics (including prescription drugs that are not your own or not taken as prescribed), during work hours or on NHBP property, or during NHBP sponsored events. (Please refer to Drug Testing Requirements below.)
- Reporting for work in an intoxicated or impaired condition and/or under the influence of a controlled substance. (Please refer to Drug Testing Requirements below.)
- Instigating others towards violence, theft, fraud, or other illegal activity during working hours, or on NHBP property, or during NHBP sponsored events.
- The theft or removal of unauthorized property belonging to someone else or NHBP.
- Willful destruction of NHBP property or that of others while at work.
- Gross insubordination.
- Falsifying pre-employment documents such as applications, educational documents, references or altering/falsifying drug tests or NHBP records, and failure to report arrests if related to the current position of employment (as defined within this policy), or convictions. NHBP strives to protect those who are considered the vulnerable population such as the Elders and our youth.
- Refusal to perform work assigned to the employee.
- Physical violence or fighting.
- Possession of firearms, fireworks or explosives on NHBP property without prior permission from management or in violation of Concealed Weapons Code or Fireworks Code.
- Careless or reckless operation of GSA vehicles or other machinery, or operating a vehicle while under the influence of alcohol or a controlled substance; or driving on a suspended license or when prohibited from doing so due to a poor driving record (tickets, fines, sanctions or warnings).

- Intentional or repeated violations that are not specifically stated to the type of discipline to be imposed.

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 additional drug tests at the same time that future background checks are performed. Job Bank applicants and employees are also subject to testing through NHBP's Alcohol and Drug Policy which includes testing for "reasonable suspicion" or "post-accident".

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 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.

A Job Bank employee who is found to be under the influence of alcohol or other controlled substances, may resume working after thirty days if:

- The employee agrees to a Job Jeopardy program where the employee meets with either NHBP's Employee Assistance Program (EAP) -HelpNet and follow all its recommendations and works towards the completion of the substance abuse program; or
- Chooses to meet with a Behavioral Health Clinician through NHBP's Health & Human Services and follow all recommendations to complete its program for substance abuse.
- And agrees to be subject to random drug testing for up to six months following the positive drug screen while employed by NHBP.

If the employee fails to follow through with the program or does not wish to sign a Job Jeopardy Agreement, then the employee is not eligible for employment for six months.

Initials _____

BACKGROUND CERTIFICATION

In General

All candidates for the Job Bank must consent to a background check every two years using their date of birth for the renewal date. Employees who are hired before his/her birthday in the current year, will not be subject to another background check until his/her birthday two years from the date of hire. Employees hired after their birthday in the current year, will be subject to a background check on his/her birthday which falls within the second year from the date of

hire. Candidates are expected to disclose any criminal convictions prior to their first background check and prior to each additional 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. Theft or retail fraud that is \$200.00 or less which is considered a misdemeanor in the State of Michigan, will not be counted against the Job Bank Candidate. Two or more misdemeanors for theft or retail fraud within the last 24 months will deem the Job Bank candidate ineligible for twenty-four (24) months after the date of the most recent conviction.

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 direct 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

Human Resources 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 _____

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.

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

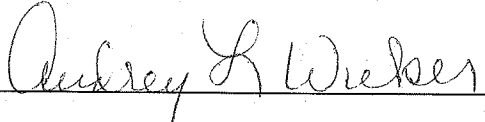
Date

- 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

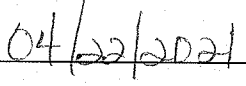
CERTIFICATION PAGE TO FOLLOW

CERTIFICATION:

The **JOB BANK POLICY** was reviewed and approved by the *Human Resources Director*. The policy as provided above is the final version presented for approval by Tribal Council without objection at the *April 22, 2021* regular meeting of the Tribal Council.



Audrey Wieber, Human Resources Director – NHBP



Date

Policy History

Effective Date	Policy Owner	Review Date	Revision Dates
	Human Resources	01/08/2020	03/19/2020
03/19/2020	Wieber – HR Director		06/18/2020
06/18/2020	Wieber – HR Director		04/22/2021
04/22/2021	Wieber – HR Director		