

## CHAPTER 2 – HUMAN RESOURCES MANAGEMENT

### SECTION 1. AUTHORITY

The Jicarilla Apache Personnel Code is enacted in accordance with Article V, Article X, Section 1, Article XIII, Section 3, and Article XVI, Section 1(b) of the Revised Constitution of the Jicarilla Apache Nation. The Personnel Code establishes the general framework that governs the recruitment, hiring, training, promotion, disciplining, and discharging of Nation employees and provides for the general regulation of employees. The Jicarilla Apache Personnel Code is the only source of authority governing Jicarilla Apache Nation employees in their employment.

This Jicarilla Apache Human Resource Manual establishes, defines and outlines the operational procedures allowed under the Code. This Manual supplements the Code.

The Jicarilla Apache Nation President and Legislative Council have approved these policies and procedures, as required by the Code and Jicarilla Apache Nation Constitution. The administration of these policies and procedures rests with the Nation's President and the Jicarilla Apache Human Resource Office, which operates under the direct authority and direction of the President.

### SECTION 2. EXEMPTIONS FROM THE CODE AND MANUAL

Persons or officials specifically exempt by the Jicarilla Apache Nation Constitution from coverage by the Personnel Code and thus, this manual, are the following:

- Nation Legislative Council
- Nation President
- Nation Vice-President
- Nation Secretary
- Nation Treasurer
- Trial Judge
- Administrative Manager
- Other Appointed Officials

Employees of Law Enforcement are exempt from certain provisions of this code and manual and are directed to the Legislative Council approved Standard Operating Procedures (SOPs).

The Legislative Council may, by resolution, approve special personnel policies and procedures for law enforcement employees of the Nation, including the Police Department and Chief of Police. The provisions of the Human Resources Manual shall not apply to employees of law enforcement to the extent such personnel policy differ from the provisions of the Human Resources Manual.

Employees of unincorporated enterprises or corporations of the Nation or any other retail, commercial or industrial concern or business within the Jicarilla Apache Nation, regardless of its ownership or affiliation, or any persons hired by the Nation as consultants, contractors, or subcontractors who are self-employed or employed by another firm or agency are not covered by this manual. Members of board, commissions and committees when serving in such capacity are also not covered in this manual

### SECTION 3. ENFORCEMENT

The responsibility for enforcing the requirements of the Code and this manual rest with the President and Trial Judge, as appropriate. The Human Resource Office through its Director is delegated the responsibility to execute the requirements of the Code and manual. Executive Leadership, Court Administrator, Directors, Supervisors and employees are required to follow the requirements of this manual.

### SECTION 4. HUMAN RESOURCE OFFICE

The Jicarilla Apache Nation Human Resource Office is established under Article V, Article XI, Section 1(f) and Article XVI, Section 1(b) of the Revised Constitution of the Jicarilla Apache Nation.

The Human Resource Office is responsible for the administration and implementation of the policies and procedures contained in this manual. The Human Resource Office is a part of the Executive Department of the Nation and its Director is responsible to and reports to the President of the Jicarilla Apache Nation.

For purpose of efficiency and economy, the Human Resource Office also performs personnel administration duties for the Judicial Department of the Nation when employees or positions of that Department are affected.

The Human Resource Office, has responsibilities that include the following:

- A. Exercises leadership in and encourages the development of an effective human resource management program and system within the Nation and among its departments, offices and programs.
- B. Administers a comprehensive human resource management system which includes: recruitment, employment, merit promotion, classification, rules of conduct, compensation and benefits, separation, grievance, safety, employee records maintenance, and other personnel related activities for employees of the Nation
- C. Maintains and keeps current officially approved organizational chart(s) of the Nation, which includes a description of functions and organizational relationships, and coordinates organizational structure matters with appropriate departments and programs.

- D. Assures compliance with Jicarilla Apache preference requirements and applies appropriate requirements of Equal Employment Opportunity and Civil Rights laws of the United States.
- E. Assures compliance with Nation and applicable United States labor standards and requirements.
- F. Determines, assesses, and assures that applicants for positions in the Jicarilla Nation Government meet the minimum qualification requirements of each position.
- G. Verifies and assures that Jicarilla Apache Nation members meeting the minimum qualification requirements are given preference in employment.
- H. Promotes and coordinates employee training and development activities designed to improve the efficiency of Nation by enhancing the skills and professional capabilities of employees.
- I. Provides personnel management assistance and services to Nation enterprises, organizations, and contractors (consultants), who are not covered by the Code and manual, when directed by the Nation's President and/or Legislative Council.
- J. Maintains and assures confidentiality of official employee personnel records, assures that such records are not removed from the Human Resource Office, and assures that the right to privacy of an individual is protected.
- K. Retains employee records for a period of three (3) years from the date a vacancy is filled, recruitment notices and any other relevant materials related to the filling of a vacancy or position.

## SECTION 5. EXECUTIVE LEADERSHIP AND COURT ADMINISTRATOR RESPONSIBILITIES

The Nation President and Trial Judge, as appropriate, for the purpose of operational efficiency delegate human resource management responsibilities to Executive Leadership and Court Administrator, respectively.

Executive Leadership are those individuals that are responsible for managing broad functional areas or divisions of the Jicarilla Apache Nation Government, who report directly to the President of the Nation, and who have been formally delegated supervisory and budgetary responsibility for their respective organizational Department. The responsibilities of the Court Administrator are equivalent to those of Executive Leadership as they relate to the Judicial Department (Nation's Court).

Executive Leadership may delegate certain human resource management responsibility to subordinate supervisory personnel. Executive Leadership will ultimately be held

responsible for and accountable for carrying out the requirements of this manual. All delegations of responsibilities relating to human resource management by Executive Leadership will be formal and in writing.

Executive Leadership and the Court Administrator in compliance with these policies and procedures, are expected to perform or accomplish management tasks that include the following.

- A. Takes action or makes final recommendations for the selection, retention, transfer, training, promotion and separation of employees in their area of responsibility.
- B. Supervises, evaluates, and reports the performance of employees, and when necessary, initiates corrective or disciplinary action following established procedures incorporated in this manual.
- C. Reports changes in the duties of employees and assures that proper classification of their position is maintained.
- D. Recommends changes in wages and salaries in accordance with an established Nation pay plan.
- E. Recommends appropriate changes to these personnel policies and procedures, which will result in an improved management program and system.
- F. Follows and applies principles and procedures established in this manual.

To promote and conduct an orderly and efficient operation, Executive Leadership and Court Administrator may establish internal policies and procedures for their Department. When Executive Leadership establishes such policies and procedures, they must be approved by the President, be consistent with this manual and officially filed with the Human Resource Office. All employees of each respective organizational Department must be aware of such additional internal policies and procedures.

Executive Leadership and the Court Administrator, as appropriate, may request assistance from the Nation's in-house counsel regarding Human Resources matters. Executive Leadership and the Court Administrator must seek approval from the Nation's President or Trial Judge when requesting assistance from outside counsel.

## SECTION 6. DEPARTMENT DIRECTORS

Subordinate to the Executive Leadership and Court Administrator are Department Directors who are directly responsible for operation of day-to-day functional units of the Nation. The duties and responsibility of a Department Director are those formally delegated by Executive Leadership or Court Administrator. When and/or unless Executive Leadership

or Court Administrator are specifically stated or mentioned in this manual, the term Director will generally refer to a Department Director.

## SECTION 7. ADMINISTRATIVE DIRECTORS

There are staff functions and offices in the Executive Department in the Jicarilla Apache Nation Government that report directly to the Nation President. The Directors in those offices are designated Administrative Directors in this manual.

Administrative Directors for purposes of implementing the requirements of this manual shall have the same level of responsibility as Executive Leadership, except as limited by the Nation's President. When the term Executive Leadership is used in this manual it also includes Administrative Directors.

## SECTION 8. NATION EMPLOYEES

All Employees of the Jicarilla Apache Nation Government are required to follow, abide by, and apply the requirements of this policies and procedures manual in their employment with the Jicarilla Apache Nation Government. Employees are encouraged to submit written suggestions for changes in policies and procedures contained in this manual or improvements to the Human Resource Office of the Jicarilla Apache Nation Government.