

CHAPTER 3 – EMPLOYMENT POLICY & REQUIREMENTS

SECTION 1. POLICY

Employment in the Jicarilla Apache Nation Government shall be based on hiring an appropriately qualified applicant for each position. Each person selected and hired to a position must meet the minimum qualifications of the position. The Nation gives preference in employment to enrolled members of the Jicarilla Apache Nation as defined by Article II of the Revised Constitution of the Nation. This will result in an effective, responsive and efficient Nation Government. In return, employees will be compensated fairly and treated in an equal and consistent manner.

SECTION 2. COVERAGE—CLASSIFIED AND COURT EMPLOYEES

This Jicarilla Apache Nation Human Resource Manual (and Code) is intended for and covers Classified and Court employees of the Jicarilla Apache Nation Government unless exempted by resolution of the Legislative Council. The procedures and processes defined in the manual apply to and govern Classified and Court employees regardless of the source of funds from which they are compensated. Therefore, employees working under State or Federal funded programs are covered by the requirements of this manual.

SECTION 3. CLASSIFIED AND COURT EMPLOYEES

The two categories of employees that these policies and procedures address and are intended for are the following:

Classified Employees: All employees of the Executive Department of the Jicarilla Nation Government that hold or occupy a position or job that meet the following conditions:

- Position approved by the Nation’s President
- Budget approved for the position by Nation President and Legislative Council
- Authorization by the President and/or Executive Leadership to fill the position
- Position properly classified regarding duties and pay in accordance to the classification and compensation plan

Court Employees: All employees of the Judicial Department of the Nation that hold or occupy a position or job that meet the following conditions:

- Position approved by the Trial Judge
- Budget approved for the position by Trial Judge and Legislative Council
- Authorization by the Trial Judge and/or Court Administrator to fill the position

- Position properly classified regarding duties and pay in accordance to the classification and compensation plan.

SECTION 4. JICARILLA APACHE PREFERENCE

Jicarilla Apache Nation members, as defined by Article III of the Revised Constitution of the Jicarilla Apache Nation, shall be given preference in employment provided the Jicarilla Apache Nation member meets the minimum qualification requirements of the position for which applied.

Minimum qualification requirements are defined in an official position description on file in the Human Resource Office and as stated in recruitment and employment documents. All efforts will be made to make reasonable accommodation for a disability for Jicarilla Apache Nation members. The Human Resource Office validates Jicarilla Apache preference eligibility.

Jicarilla Apache Nation Preference shall be accorded in the following order of preference:

1. Honorably discharged Jicarilla Apache Nation Veterans of the US Armed Forces.
2. Enrolled members of the Jicarilla Apache Nation
3. Immediate family (spouse, father, mother, son, daughter, brother, or sister) of enrolled members of the Jicarilla Apache Nation. (Must attach certified copy of marriage and/or census record.)

Once employed as a Classified or Court employee of the Nation, such employee shall have the same employment and/or promotion rights as a Jicarilla Apache Nation member and must be considered for positions applied for concurrently, provided they have satisfactorily completed the required probation.

SECTION 5. JICARILLA VETERAN PREFERENCE

The Jicarilla Apache Nation Government will give employment preference to honorably discharged Jicarilla Apache Veterans of the United States Armed Forces. Veteran's preference will apply only for initial hire from outside the Nation. The Veteran receiving preference will be required to meet minimum qualifications for the position applied.

Veteran preference and Jicarilla Apache preference are considered equal. However, Jicarilla Apache veterans applying for initial hire or from outside the Jicarilla Apache Nation Government may be given preference over a non-veteran Jicarilla Apache Nation member.

SECTION 6. EQUAL OPPORTUNITY

As a Government entity the Jicarilla Apache Nation will comply with applicable laws of the United States and make every effort to assure that the civil rights of all citizens are

protected. The Nation gives preference in employment to enrolled members of the Jicarilla Apache Nation as defined by Article II of the Revised Constitution of the Nation

The Nation policies that apply specifically to this issue are the following:

- A. In establishing qualifications for employment, no provision or requirement will be adopted that would be discriminatory on the basis of protected characteristics, as determined under applicable laws of the United States.
- B. No questions in any interview, examination, application form or Human Resource proceeding will be used to elicit information concerning protected characteristics, as determined under applicable laws of the United States.
- C. No appointment to or removal from a position will be affected in any manner solely on the basis of the employees protected characteristics, as determined under applicable laws of the United States.

Any employee or job applicant who feels an employee, supervisor, or director of the Nation has subjected them to discrimination is requested to provide a written report of the incident to the Human Resource Office. The Human Resource Office will investigate and resolve the matter.

SECTION 7. NEPOTISM

To assure equality of opportunity and treatment for all Jicarilla Apache Nation members and/or employees with respect to employment within the Jicarilla Apache Nation Government, certain restrictions are set forth regarding employment of members of the same immediate family.

These general rules shall apply. No Jicarilla Apache Nation Office employee shall be directly involved in the selection of an immediate family member. No employee shall be directly supervised by an immediate family member unless approved by the President. Any issues that may arise due to the supervision of immediate family members shall be resolved by the President through department reorganization.

SECTION 8. CHILD LABOR LAWS

The Jicarilla Apache Nation Office will apply the requirements of the Federal Child Labor Laws. In implementation, the guidelines published by the Federal and State governments regarding the application of said laws would govern in the employment of youths at various age groups sixteen (16) and under.

SECTION 9. DRUG FREE WORKPLACE ACT

The Nation has adopted the policy and general requirements of the Federal Drug Free Workplace Act of 1988. Accordingly, it shall be unlawful to manufacture, distribute, dispense, possess or use any substance considered under Federal Law to be an unlawful controlled substance as defined by the Act. Possession or use is allowed only when prescribed by a Physician. Any violation of this policy, see Chapter 8 of Title 19 Personnel Code, will result in disciplinary action, which may lead to termination of employment. Additional information on the Nation's Drug and Alcohol Policies can be found in Chapter 18, Section 3.