

## Chapter 5 – SELECTION TO A POSITION

### SECTION 1. NOTIFICATION OF SELECTION

Upon recommendation from the Interview Board and subsequent approval from the Nation’s President or Trial Judge, Human Resources will notify the applicant and the Department Director of the selection. An effective date shall be established for employment to begin at the beginning of the pay period.

The Human Resource Office will process and/or complete employment documents to include: Notice of Employment Selection, W-2, I-9, and Personnel Action Form (PAF) prior to the commencement of employment. The PAF specifies hire date, title, grade, and salary and is finalized with signatures from the new hire employee, Department Director, and Human Resources. Copies are provided to the Nation’s Finance and Payroll Office as well as the hiring department.

Applicants not selected for the position will also be notified concurrently.

### SECTION 2. NEW EMPLOYEE ORIENTATION

The Human Resource Office together with an appropriate Director shall conduct an orientation for the new employee. The orientation shall include the following: an explanation of the Nation and its operations, the policies and procedures outlined in this manual, specific job duties and responsibilities, compensation and benefits, probationary period and other relevant information.

The employee orientation will include a checklist of topics covered by the responsible department. The checklist will include:

- Signing of employment forms, an employee handbook, confidentiality agreement, summary of employee benefits and internal department orientation checklist (covered by HR)
- Health Benefits and Enrollment Information (covered by Risk Mgmt.)
- Pension Plan and 401K plan (covered by Retirement)
- Department Orientation (covered by hiring Department)

The employee along with Executive Leadership, Director or Court Administrator, as appropriate, will sign the checklist to signify that all items on the checklist have been covered and a signed copy will be made a part of the employee’s personnel file.

The new employee will be informed that a probationary period of ninety (90) calendar days will have to be served before employment with the Nation is considered permanent. Newly

hired Law Enforcement employees will follow the Standard Operating Procedures probationary policy.

### SECTION 3. CLASSIFIED OR COURT EMPLOYEE STATUS

An applicant hired through the policies and procedures described in this Chapter are considered a Classified or Court employee. Classified or Court employees are hired on a full-time permanent basis and are required to serve a probation of ninety (90) days. Classified or Court employees have a regularly scheduled set of duties and are required to work forty (40) hours or more each week. Employees in this category receive fringe benefits and are paid a salary.

The new employee is a Classified or Court employee upon satisfactory completion of the required probationary period.

### SECTION 4. FINAL STEP IN THE SELECTION PROCESS

When a new employee is hired, they accept this manual in its entirety as condition of employment with the Nation. Employees are expected to abide by and be guided by requirements of this manual.

In rare instances, the Nation's President or Trial Judge, as appropriate, with the approval of the Executive Committee of the Nation, may set employment conditions which are not found in this manual. Such authority is provided in Article V and Article XIX, Section 1, of the Revised Constitution of the Jicarilla Apache Nation.

### SECTION 5. PROBATIONARY PERIOD FOR NEW EMPLOYEES

All newly hired employees, or individuals not working for the Nation prior to being selected to a position, shall, from the effective date of employment specified on the Personnel Action Form, be conditional and subject to a probationary period of ninety (90) calendar days. All new employees, or individuals not working for the Nation prior to being selected to a position, shall complete the probationary period for each position selected. A partially completed probationary period of time shall not be transferable if there is a change in jobs.

A newly hired employee will earn annual and sick leave but may not use such leave during the probationary period. Newly hired employees may take ceremonial/cultural leave, bereavement leave, voting leave, administrative leave, or accrued comp time as needed and approved by the employee's supervisor. Any other leave taken is without pay. New employees will, however, be paid for official holidays. A new employee terminated during the probationary period is considered an "at will" employee and has no right to appeal and will not be paid for any leave balance accrued during probation.

The probationary period for a new employee will be extended for each day the employee is absent or on approved leave from work in order to allow for the full 90-day period of probation.

During the probationary period the supervisor shall evaluate the employee's overall work performance, including work skills and abilities, work habits, attitude and potential. An employee whose performance does not meet the required standards of work or who has not met or attained an acceptable level of performance shall be subject to termination. The decision to recommend termination will be made by the Director, Executive Leadership or Court Administrator through the Human Resource Office. In cases where performance is borderline or questionable, a determination may be made by Executive Leadership, President/Trial Judge as appropriate to extend the probationary period if there is a possibility that job performance could improve by such extension.

An employee successfully completing the probationary requirement will have their employment status changed from probationary to Classified or Court employee. The recommendation to change an employee's probationary status to Classified or Court employee status shall be made in writing to the Human Resource Office.

## SECTION 6. THIRTY-DAY EVALUATION PERIOD FOR PROMOTION

The Thirty Day Evaluation Period is for current Classified or Court employees promoted to a new position, or who are placed in a position in a temporary acting capacity, with a higher grade, status or class. Employees will be required to serve a formal thirty (30) day evaluation period, similar to the probationary period required for a new employee. The reason for this requirement is that the promoted employee may be working in a new environment, setting, discipline or field, which requires adjustment to new or different work requirements.

During the thirty-day evaluation period, Executive Leadership or Court Administrator is required to conduct one formal performance evaluation. During this evaluation, if the employee's performance is found to be lacking or unsatisfactory, an action plan will be developed to raise the promoted employee's performance to an acceptable level. If after this process is completed and the employee continues to have unacceptable work performance, formal action shall be taken which may include restructuring the job with lower pay, disciplinary action, and/or termination.

Employees whose employment status changed because of transfer or reassignment will be required to go through the same evaluation process.

## SECTION 7: RESTRICTIONS FOR APPEALING NON-SELECTION

Individual applicants for employment or persons who are not considered employees of Nation are not covered by this manual; therefore, formal personnel actions or decisions which such persons feel have wrongfully affected them shall not be addressed using the provisions of this manual. The only appeals proceedings that are allowed by this manual are those specifically addressing employment concerns and issues of Classified or Court employees.

A current Jicarilla Apache Nation employee who is not selected for a position and feels unfairly or wrongfully treated or feels that employment selection procedures outlined in this manual have not been properly applied, may formally express in writing such concerns to the Human Resource Director. The Human Resource Director shall investigate or cause to have investigated such matter and within five (5) days make a formal written response to the complainant. The decision by the Human Resource Director will be final.