

TRIBAL COUNCIL ACT 5.5

**AN ACT RELATING TO
HIRING POLICIES AND PROCEDURES**

BE IT ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL

SECTION 1.0 – TITLE AND CODIFICATION

This Chapter shall be known as the Snoqualmie Tribal Hiring Policies and Procedures Act, and shall be codified as Title 5, Chapter 5 of the Snoqualmie Tribal Code.

SECTION 2.0 – STATUTORY AUTHORIZATION

Reserved.

SECTION 3.0 – PURPOSE AND SCOPE

Reserved.

SECTION 4.0 – DEFINITIONS

Reserved.

SECTION 5.0 – RECRUITMENT AND APPLICATIONS

5.1 TERO AND AFFIRMATIVE ACTION

The principles of equal employment opportunity and affirmative action established by the Tribal Employment Rights Ordinance, STC 5.1, will be applied in all recruitment and hiring activities.

5.2 METHOD OF RECRUITMENT

The Tribal Administrator is responsible for establishing recruiting procedures and techniques, in consultation with the Tribal Council, that will result in a successful recruitment. Recruiting efforts may be conducted whenever the Tribal Administrator determines that a need to do so exists.

5.3 ANNOUNCEMENT OF POSITION AND EXAMINATION

Public announcement of all positions will be posted in the Tribal Office and elsewhere as determined by the Tribal Administrator and published in at least one local newspaper as determined by the Tribal Administrator for at least thirty (30) working days before the recruitment closing date.

5.4 NOTICE OF ACTION ON APPLICATION

Each person who files an application for an announced position will be notified of any action taken regarding the application.

5.5 DISQUALIFICATION OF APPLICANTS

The Tribal Administrator may refuse to examine an applicant, disqualify an eligible candidate after review or remove an eligible candidate's name from an employment list for cause.

SECTION 6.0 – REVIEW, EXAMINATION, AND HIRING

6.1 HIRING, REVIEW, AND DECISION

- (a) Unless otherwise indicated, the Tribal Council is responsible for appointing the following administrative staff positions upon the recommendation of the Tribal Administrator. Such appointment must be done by Tribal Council Resolution:

Chief Financial Officer
Grants & Contracts Officer
Human Resources Director
Information services Director
Governmental Affairs Tribal Director
Environmental and Natural Resources Director
Health and Human Services Director
Housing Director
Community Development Director
Enrollment Tribal Administrator
Education Tribal Administrator
External Affairs Director
In-House Legal Counsel
Legal Counsel
Governance Counsel
Records Auditor

Any other Tribal Administrator of any department, which may be created from this point forward.

Tribal Administrator (upon the recommendation of the Chairman of the Tribal Council)

- (b) All other staff are to be hired by the respective department heads with the advice and consent of the Tribal Administrator and/or the Tribal Chairman. Advice and input will also be received from the Human Resources Director (when and if that position is filled).
- (c) When Tribal Council members are involved in any application for employment, then the Tribal Administrator and any other staff involved in the hiring process will present finalists to the Tribal Council for a vote on whom to hire.

- (d) The Tribal Administrator will develop the job applicant scoring sheet(s) with the approval of the Tribal Council. Tribal members will receive ten (10) points for Tribal affiliation. Native Americans from other Tribes will also receive ten (10) points. Applicants with spousal ties to the Tribe will receive five (5) points for Tribal affiliation. Applicants will be ranked based on scoring with the job being awarded to the highest scoring applicant. In the event of a tie, then there will be a second interview to determine a winner. The Tribal Administrator and Tribal Chairman will score the job applicants.

6.2 ESTABLISHING A REVIEW PROCEDURE

The Tribal Administrator, after consulting with the Tribal Chairman or the Tribal Council, is responsible for determining the appropriate type of scoring and review for the positions listed in subsection 6.1(a). All reviews are competitive.

6.3 TRIBAL MEMBERSHIP PREFERENCE

The Tribal Administrator, in accordance with the TERO, STC 5.1, will determine if a Tribal member's preference percentage will be added to an applicant's score.

6.4 NOTICE OF REVIEW RESULTS

After a job applicant has been rated or scored and their eligibility established, the Tribal Administrator will create a list and submit such hiring list to the Tribal Council along with their scoring.

6.5 REVIEW FOR JOB RATINGS; CONFIDENTIALITY

The application, scoring, and examination records of applicants are confidential and may only be reviewed with the applicant, a person authorized in writing by the applicant, or a person authorized by the Tribal Administrator.

6.6 SCORING OF APPLICANT

An applicant who fails to score in -65- or above on the scoring sheet for the position sought is not excluded from applying later for the same position after ninety (90) days or any other position.

6.7 TIME OFF FOR EXAMINATIONS AND INTERVIEWS

Regular employees and temporary employees who are employed at least half-time will be entitled to reasonable and necessary time off with pay in order to qualify for a job sought with the Tribe. This will include time required to gather any records or complete any required interviews scheduled during the employee's work hours. This does not include time required to complete a questionnaire.

SECTION 7.0 – EMPLOYMENT LISTS

7.1 DURATION OF AN EMPLOYMENT LIST

An employment list will be established from all job applicants applying for a particular position. This employment list will remain in effect for one year or until abolished by the Tribal Administrator.

7.2 REMOVAL OF AN ELIGIBLE CANDIDATE FROM AN EMPLOYMENT LIST

Unless otherwise approved by the Tribal Administrator, an applicant will be removed from an employment list after being referred from the same employment list five (5) times without being appointed.

7.3 SUPPLEMENTAL EXAMINATIONS

The Tribal Administrator may conduct a supplemental examination of any job applicant in order to add the names of eligible candidates to an existing employment list. The same qualifications, reviews and evaluation scores used in the original review will be used for the supplemental examination. The Tribal Administrator will determine the scope of the applicant pool.

SECTION 8.0 – REFERRAL AND APPOINTMENT

8.1 REFERRAL

- (a) When the Tribal Chairman, Tribal Council, or Tribal Administrator requests that a vacant position be filled, the Tribal Administrator will refer the names of candidates from the appropriate employment list to the Tribal Council for hiring consideration as described in section 6.0 above.
- (b) The referral must include at least two (2) most competitive candidates but may consist of more at the discretion of the Tribal Administrator, and may include up to five (5) additional candidates, if requested by the Tribal Council. If there are fewer than three (3) candidates on the employment list, all candidates on the list will be referred. If there are other candidates from other lists that are determined to be equally competitive, then additional candidates will be included on the referral if the Tribal Administrator deems appropriate. The number referred may also increase as part of the job review process in the discretion of the Tribal Administrator.
- (c) Candidates who have been referred and interviewed twice by the Tribal Council will not be referred to the Tribal Council again, unless specifically requested by the Tribal Council.
- (d) At least two (2) referred candidates (if available) must be interviewed by the Tribal Council before an offer of employment can be made. The Tribal Administrator must conduct job-related interviews and be prepared to justify all candidate ratings.

- (e) Names of employees who have been authorized for transfer or reinstatement may also be included on a referral list in addition to the other candidates.
- (f) When a disagreement or concern arises as to the recruitment process as used by any department, the Tribal Administrator will determine the procedure for hiring in the department at issue. The Tribal Administrator will determine the referral and hiring process and shall be responsible for adherence to these guidelines.

8.2 REFERRAL FROM AN ALTERNATE EMPLOYMENT LIST

When an employment list does not exist for a position listed in section 6.0 or an existing list cannot be used for affirmative action purposes, the Tribal Administrator, after consulting with the Tribal Chairman and/or Tribal Council, may refer candidates from an employment list that was created for another position of the same or higher level in the same or in a related position. If a candidate is selected for a position in a lower classification, their name will not be removed from any employment list for a higher classification that the employee's name is already on.

8.3 PROVISIONAL APPOINTMENT PROCEDURES

- (a) The Tribal Administrator will consider a request for provisional appointment from the Tribal Council if all of the following conditions are met:
 - (1) The request is submitted in writing before the appointment is made;
 - (2) A current list of eligible candidates does not exist;
 - (3) A "requisition for personnel" form to begin work to recruit for eligible candidates is in progress or is submitted with the request; and
 - (4) The person to be appointed possesses the qualifications and meets the minimum and any special requirements of the position.
- (b) A provisional appointment will terminate thirty (30) days after referral of eligible candidates from the employment list or six (6) months from the date of the provisional appointment, whichever occurs first. To achieve permanent status in the position, the provisional appointee must be sufficiently competitive, as determined by the Tribal Administrator, to be referred to and selected by the Tribal Council.

8.4 TRANSFERS

- (a) An employee may submit a written request for transfer to the Tribal Administrator. The Tribal Administrator determines if the employee is qualified. The Tribal Administrator will authorize the transfer if, in the Tribal Administrator's opinion, the employee is qualified and the transfer benefits both the Tribe and the employee. An authorized request for transfer will be valid for one year from its authorization date, after which it

will become void without notification unless the employee has requested an extension in writing.

- (b) The name of an employee who has been authorized for transfer will be added, unranked, to the employment list(s) for the employee's classification, and may be referred to the Tribal Council for hiring consideration in addition to regular referrals or names that may be forwarded, at the time a recruitment process is authorized. The Tribal Council is under no obligation to interview or hire a transfer applicant.

8.6 VOLUNTARY DEMOTION

- (a) A voluntary demotion is normally approved if, in the judgment of the Tribal Council appointing authority, the following conditions exist:
 - (1) The demotion will benefit both the Tribe and employee;
 - (2) The employee meets the minimum qualifications for the lower level position; and
 - (3) The employee has previous experience performing the work of the lower level position, or, in the judgment of the Tribal Council, would be able to perform the lower level duties.
- (b) The procedure for carrying out a voluntary demotion is as follows:
 - (1) The employee submits a written request to the employee's appointing authority, setting forth the reasons for the request; and
 - (2) The appointing authority reviews and approves or denies the request.

SECTION 9.0 – PROBATIONARY PERIODS

9.1 APPLICATION OF PROBATIONARY PERIOD

- (a) New, recalled, and reinstated employees serve a probationary period from the date of their appointment. During this period, the employee is evaluated as a part of the final selection process; appointment to a permanent position is not considered final unless the employee successfully completes a probationary period. Employees who are promoted, transferred, or demoted serve a probationary period from the date of their change in status. If the change in status is due to a reclassification, then the appointing authority may allow the time spent performing work of the higher classification to satisfy the probationary requirement on a month-to-month basis. Further, if an employee hired into a higher classification performed the work as a special assignment, the Tribal Council may allow the time spent performing the work to satisfy the probationary requirement on a month-to-month basis.

