

# PERSONNEL POLICIES AND PROCEDURES MANUAL

## SECTION III – SELECTION POLICY

### ONEIDA PREFERENCE AND INDIAN PREFERENCE STATEMENT OF POLICY

Federal policy since 1834 accords hiring preference to Indians. The purpose of this preference is threefold: 1) to give Indians a greater participation in self-government; 2) to further the Government's trust obligation; and 3) to increase the positive effect of having Indians administer matters that affect Indian tribal life. [\(GTC Resolution – 5-23-11-A\)](#)

More recently, legislation such as the Civil Rights Act (1964) and the Education Amendments of 1972 (passed after the Equal Employment Opportunity Act) continued to specifically provide for preferential hiring of Indians by Indian Tribes.

As an employer, the Tribe seeks to employ individuals who possess the skills, abilities and background to meet the employment needs of the Tribe.

As a sovereign Indian Tribe and a unique cultural group, the Oneida Tribe has determined that a highly desirable employment characteristic is knowledge of Oneida culture that can be attained only by membership (or eligibility for membership) in the Oneida Tribe. Further, the Tribe recognizes the unique, shared culture of Native American Indians and has determined that a desirable employment characteristic is status as a member of an American Indian Tribe. At a minimum, the Tribe has determined that some knowledge of Indian culture is a desirable employment characteristic.

Accordingly, the Oneida Tribe establishes the following policy in regard to Indian Preference for selecting employees to provide services that meet the needs of the Oneida people. This Indian Preference policy shall be specific to staffing decisions made under the Personnel Policies and Procedures and shall not be construed to have an application outside of these policies and procedures.

The Oneida Tribe of Indians of Wisconsin is an equal employment opportunity employer and follows non-discriminatory policies and procedures in personnel decisions. [\(HR Interpretation 5-19-14\)](#)

However, the Oneida Tribe exists to serve the needs of the Oneida people and therefore accords Oneida Preference to enrolled Oneida Tribal Members where such preference is not otherwise prohibited. All General Managers and top administrative positions, as defined by HRD, shall be held by enrolled Tribal members. In all other instances, the Tribe applies the following priorities of Indian Preference in staffing decisions:

- 1 Enrolled Oneida Tribal member;
- 2 Oneida Indians eligible for enrollment in the Oneida Tribe;
- 3 Documented first generation Oneida descendant;
- 4 Other Native American Indian;
- 5 Other (non-Indian). [\(HR Interpretation 6-24-11\)](#)

This policy will apply in decisions where the basic requirements for employment are met.

## B. HIRING PROCEDURE

- 1 Statement of Policy
  - a. The Oneida Tribe of Indians of Wisconsin is an equal employment opportunity employer and follows nondiscriminatory policies in hiring.
  - b. The Oneida Tribe is a firm advocate of the 1964 Civil Rights Act (as amended) and the 1968 Indian Civil Rights Act (as amended) and will make every effort to ensure compliance with each Act; however:
  - c. The Oneida Tribe follows the principles of Indian Preference in the implementation of hiring practices (see the Oneida Preference and Indian Preference Statement of Policy).
  - d. The members of the Personnel Commission and all Tribal employees who supervise other Tribal employees shall undergo training in EEO and Tribal laws, rules and regulations.
    - 1) Training will be knowledge - and skills-based
    - 2) All Personnel Commission members and Tribal supervisors will undergo periodic re-training in EEO and Tribal laws, rules and regulations
  - e. No person shall be recommended for a position if a conflict of interest or nepotism is created. Nepotism is created by the following relationships: [\(HR Interpretation 08-13-12\)](#)

a) Father	i) Father-in-law
b) Mother	j) Mother-in-law
c) Husband	k) Brother-in-law
d) Wife	l) Sister-in-law
e) Brother	m) Son-in-law
f) Sister	n) Daughter-in-law
g) Son	m) Grandparent
h) Daughter	n) Grandchild
2. Hiring Procedures
  - a. HRD Office Responsibilities
    - 1) Unless specifically noted, the HRD Office will have responsibility for implementing the policies and procedures guiding the selection of Tribal employees.
  - b. Personnel Commission Role
    - 1) The Oneida Tribe established the Personnel Commission to represent the Oneida Community-at-large in the selection of tribal employees.
      - a) The Personnel Commission is directed to:
        - i. Seek out the best-matched applicants for each available position;
        - ii. Consider only job-related factors (such as education, experience, past job performance, skills and abilities, and compatibility with the position and potential co-workers) when selecting candidates.
  - c. Identification of Vacancies and Development of Job Descriptions [\(Work Standard, 11-16-11\)](#)
    - 1) Supervisors may inform the HRD Office of pending vacancies as soon as they are identified.
    - 2) For existing positions, the HRD Manager (or designate), the supervisor and the

Area Manager (at his/her option) will review the job description to ensure compliance with:

- a) The Tribal job structure;
  - b) The needs and requirements of the job.
- 3) For new positions, the HRD Manager, the appropriate Area Manager, and the supervisor shall develop the job description.
- a) **The new job description shall conform to the Tribal job structure.**
  - b) The new job description will be reviewed by the General Manager.  
[\(HR Interpretation, 12-8-16\)](#)
- 4) All job descriptions shall contain the following information:
- a) Job title, division/department, location, supervisor's title;
  - b) Posting date, application deadline, preferred starting date, date of job, description review;
  - c) Pay level (grade, step, hourly rate);
  - d) A brief job summary;
  - e) Duties and responsibilities;
  - f) Qualifications;
  - g) Inquiry address;
  - h) Statement of compliance with EEO and Indian Preference policies.
- d. Applications
- 1) All inquiries for job vacancies will be responded to with a Tribal Application Form which will consist of:
    - a) Job vacancy title;
    - b) Applicant biographical data;
    - c) A request for a resume (where applicable).
  - 2) The Application Form shall be accompanied by a Statement of Policy regarding Oneida Preference and Indian Preference.
  - 3) Hand-delivered applications will be accepted at the HRD Office until 4:30 p.m. on the deadline date; mailed applications must be postmarked on or before the deadline date.
  - 4) All applications will be acknowledged.
- e. Advertising
- 1) Position vacancies will be advertised as widely as possible including:
    - a) The Kalihwisaks;
    - b) Statewide, through print and electronic media and public employment agencies;
    - c) Through targeted recruiting efforts including:
      - i. Major metropolitan areas (i.e. Milwaukee, Chicago, Minneapolis, etc.)
      - ii. The Bureau of Indian Affairs;
      - iii. The Oneida Higher Education Office.
    - d) Other postings targeted toward special recruiting categories (such as professions) shall be carried out at the discretion of the HRD Office with the

- advice and consent of the affected department.
- 2) Unless otherwise prohibited by external grant source or federal law, the first posting for a position vacancy shall be limited to enrolled Oneida members and shall be posted for a minimum of seven (7) calendar days.
  - 3) The second posting for a position vacancy shall be posted for a minimum of ten (10) calendar days and shall be open to the general public, unless the position must be filled by an enrolled Oneida Tribal member. [HR Interpretation 8-9-11](#)
  - 4) All vacancies requiring re-posting shall be referred back to B-2.c (Identification of Vacancies and Development of Job description) to begin the re-posting process.
- f. Screening of Applicants [\(HR Interpretation 11-16-12\)](#) [\(HR Interpretation 10-22-12\)](#)
- 1) A Screening Committee consisting of the HRD Manager (or designate), the position supervisor, the Area Manager (at his/her option), and a member of the Personnel Commission shall be convened to conduct the screening of applicants. The Screening process will begin as soon as practical following the closing of the position. This Committee will:
    - a) Verify that all applications are complete, are accurate and were submitted on time.
      - i. Applications that are incomplete, inaccurate, or were not submitted on or before the posted deadline date may be screened out.
    - b) Analyze the job description to establish screening criteria. These criteria will include qualifications listed on the job description determined by the supervisor and Area Manager to be essential to the job [\(WS-5-6-13-T-O-E\)](#)
    - c) Screen verified applications
    - d) Recommend a list of applicants to be interviewed.
  - 2) The HRD Office shall notify screened out applicants within five (5) working days after the initial screening and reserve these applications in the general recruiting pool.
  - 3) The HRD Office will arrange for interviews with the listed candidates.
- g. Candidate Interviews
- 1) An Interview Committee will be convened and will consist of the members of the Screening Committee except that the HRD Manager will be replaced with a second member of the Personnel Commission. The Interview Committee will:
    - a) Construct an interview format consisting of:
      - i. A set of questions related to the screening criteria qualifications;
      - ii. An interview rating scale designed to objectively evaluate each candidate's qualifications.
    - b) Interview candidates and evaluate each individually
  - 2) The HRD Manager (or designee) will total the evaluation rating scale to rank order of the candidates.
- h. Selection [\(Interpretation - Disqualification of Applicant 10-24-2013\)](#)
- 1) The supervisor shall select one of the top two (2) candidates as ranked through the rating scale. [\(HR Interpretation - 10-17-12\)](#)

- a) The supervisor may conduct an additional personal interview with the top two (2) candidates.
  - b) The selection decision shall be governed by the Oneida Preference and Indian Preference Policy. [\(HR Interpretation - 6-6-11\)](#)
  - c) The HRD Office will notify the selected candidate and offer the candidate the job within five (5) working days of the selection decision by the supervisor.
    - i. Should the supervisor's first choice refuse the offer, the HRD Office will offer the job to the second ranked candidate.
- 2) Should both of the top two ranked candidates refuse the job offer, the supervisor may:
    - a) Repeat the process outlined in B.2.h.1. above; or
    - b) Re-post the position.
  - 3) The HRD Office will notify those candidates interviewed but not selected of the decision to hire the best-qualified candidate.
  - 4) All newly hired employees will be listed in the HR newsletter.
- C. TRANSFERS AND PROMOTIONS POLICY - The Oneida Tribe encourages transfers and promotions within and among units in order to make the best possible use of human resources to meet Tribal goals and objectives. Supervisors and employees are encouraged to work together to create an environment in which employees constantly strive to improve their skills and abilities and managers constantly seek to provide challenging and rewarding work experiences.
1. Procedure
- a. Internal Posting and Bidding
    - 1) Open positions as determined by a supervisor and his/her Area Manager will be posted internally for five (5) working days. This internal posting will be concurrent with the external (public) posting of positions.
      - a) Positions will be posted in prominent locations in each Tribal building
    - 2) Tribal employees may bid for transfers by notifying their immediate supervisor and submitting an Application Form to the HRD Office.
      - a) The HRD Manager will inform all affected Area Managers of each transfer bid.
    - 3) At the end of the five (5) day internal posting period, the HRD Manager will schedule a conference with the open position's supervisor and the Area Manager.
      - a) The conference committee will consist of the supervisor, the Area Manager and the HRD Manager (or designate) acting as this Committee will:
        - i. Establish selection criteria; and
        - ii. Review each bid.
      - b) The Committee may select the best-qualified applicant but is not required to choose an applicant to fill the open position from those employees who have submitted an application for a transfer or promotion.
      - c) If the Committee does not fill the position from the transfer/promotion

process, the process will continue through the full advertising, screening and interview steps.

i. Any decision will be governed by the Indian Preference Policy.

- 4) Employees who are transferred or promoted will not lose any benefits; however:
  - a) An employee may be required to continue serving in his/her present position until a replacement can be found;
  - b) An employee who is transferred to a position lower on the Tribal Job Structure will be paid at the grade level corresponding to the new position;
  - c) An employee must have completed one year of service to the Tribe before being eligible for a promotion or transfer (requests for transfers for documented medical conditions will be handled on a case by case basis and only when in the best interests of both the employee and the Tribe);
  - d) The newly transferred or promoted employee shall be required to complete a three (3) month probation period (all conditions of the Tribe's Probation Policy shall apply).
- b. Applicant Pool Process
  - 1) New and vacant positions will be advertised through the Tribal Applicant Pool.
  - 2) The job description will be sent to persons whose applications are maintained in the Applicant Pool.
    - a) The Tribal Applicant Pool will consist of open (unspecified) applications from Tribal members who wish to be considered for employment by the Tribe.
    - b) Advertising through the Tribal Applicant Pool will follow the format and time conditions set forth in the Hiring Policy.
2. Reassignments
  - a. Title Reassignments
    - 1) Title Reassignments may be made by supervisors to:
      - a) More accurately describe or define an existing job; or
      - b) Make minor adjustments in jobs within a unit or operating division.
    - 2) Title Reassignments may be made at any time with the approval of the Area Manager and HRD Manager.
  - b. Job Reassignments
    - 1) Job Reassignments may be made by supervisors to make more efficient and effective use of human resources.
    - 2) Job Reassignments may be supervisor-initiated or employee-initiated but must be made in the best interests of the operating unit.
    - 3) Job Reassignments may be made at any time with the approval of the Area Manager and after a review of each affected job by the Personnel Evaluation Committee.
  - c. Interim Job Reassignments [\(Work Standard 7-11-13\)](#)

D. PROBATION [\(Work Standard 1-20-2011\)](#)

1. The first three (3) months after an employee's starting date shall be considered a period of probation. At the end of six (6) weeks, the employee's performance shall be reviewed with him/her by the supervisor by completing an employee evaluation.
  - a. At the end of the three-month probation period, a second performance evaluation will be conducted. This evaluation will recommend the end of probation and regular status for the employee, an extension of probation, or termination for cause.
2. Status as a Probationary Employee
  - a. Probationary employees will be paid at five percent (5%) below the posted pay rate for the position.
    - 1) New employees hired under a negotiated salary will receive a salary one step below the agreed upon salary during the probationary period.
  - b. Probationary employees will accrue vacation/personal days during the probation period and will receive holiday pay.
  - c. Probationary employees may be terminated for cause at any time during the probation period. Cause must consist of a violation of policies or the documented inability of the employee to perform the duties and responsibilities of the position. This termination is subject to appeal. [\(BC Action 3-20-92\)](#)
3. Completion of Probation Period
  - a. Satisfactory completion of probation will result in the employee receiving the regular salary for the position.
  - b. Employees who are terminated during the probation period will receive credit for accrued vacation/personal days in their final paycheck.

Extensions of probation periods will not affect accrual of or use of benefits as explained under D.2.