

THE NAVAJO NATION



Personnel Policies Manual

June 3, 2020

Navajo Nation Personnel Policies Manual Amendment | HEHSCAP-04-23

Provisional Hire Procedures

Presented by the Department of Personnel Management and
Office of Background Investigations

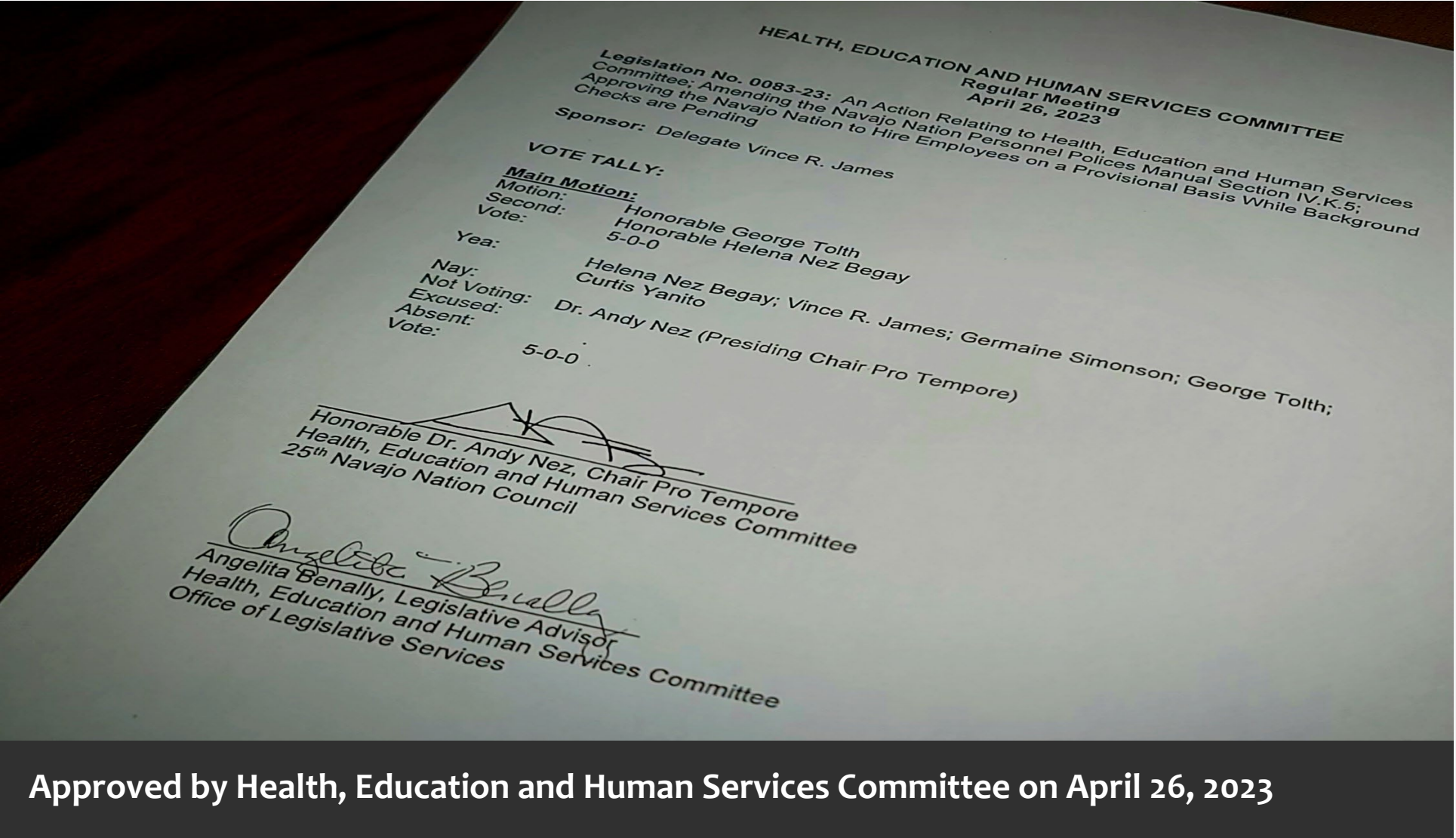
Objective.

- To introduce and educate all Division Directors, Department/Program Managers and supervisors of Resolution No. HEHSCAP-04-23 (Legislation No. 0083-23) “Provisional Hiring”.
- Resolution amended Section IV.K. of the Navajo Nation Personnel Policies Manual (NNPPM) to allow a “provisional hire” of most sensitive positions before a background check is completed.

Legislative Findings.

- The Navajo Nation's Executive and Legislative Branches have experienced significant delays in hiring qualified candidates due to the length of time background checks have taken to complete. Often times while the background checks are pending applicants have accepted other employment, which has caused the Navajo Nation to lose qualified applicants.
- Due to the high number of vacancies within the Navajo Nation, allowing employees to begin working while their background checks are pending will enable the Navajo Nation to fill positions of critical importance.

HEHSCAP-04-23: Hire Navajo Nation Employees on Provisional Basis



Approved by Health, Education and Human Services Committee on April 26, 2023

What does this mean for the Navajo Nation hiring process?

- A. The hiring process remains the same EXCEPT the background check component of the hiring.
- B. Essentially, the resolution amended Section IV(K) of the NNPPM to allow a “provisional hire” of most sensitive positions before a background check is complete. In practice, the DPM will process a PAF for a sensitive position even if OBI has not yet completed the background check.
- C. Importantly, employees who fall under sensitive criteria 1, which applies to those employees who provide child care or otherwise provide for the health, safety and welfare of a child, MUST STILL have a full favorable background check from OBI before DPM will process the PAF.

What is Section IV(K) of the NNPPM?

Section IV. RECRUITMENT AND SELECTION,

K. Background Check and Adjudication for Sensitive Positions.

NNPPM. IV.K. Background Check and Adjudication for Sensitive Positions

It is the policy of the Navajo Nation to promote a safe and secure work environment, for the safety of all Navajo Nation employees, volunteers, interns and program participants and to protect the Navajo Nation's funds, property and other assets by obtaining and adjudicating background checks on those positions designated as sensitive.

What Changed in Section IV(K) of the NNPPM?

- d. ~~The Navajo Nation shall not hire any applicant for a sensitive position until a background check and suitability assessment have been completed.~~ Provisional hire is permitted for an applicant whose position requires a background check if their position falls under or includes criteria number 2,3,4,5,6,7, 8, and 9.
- e. Provisional hire shall not be permitted for an applicant whose position require a background check and their position falls under or includes criteria number 1.
- f. ~~e.~~ Upon designation by the Department of Personnel Management, supervisors shall provide written notice to current employees that their positions require a favorable background investigation.

Provisional Hire Procedures



PROCEDURES EXECUTIVE AND LEGISLATIVE BRANCHES DEPARTMENT OF PERSONNEL MANAGEMENT

| | | |
|---------------------|--|-----------------------------|
| SECTION: | RECRUITMENT AND SELECTION | NO: 23-IV-08 |
| SUBJECT: | PROVISIONAL HIRE PROCEDURES | RELEASE DATE: 05/26/2023 |
| CROSS REFERENCE: | NNPPM Section IV.K. Background Check and Adjudication for Sensitive Positions | REVISION DATE: |
| REVIEW: | DEPARTMENT OF JUSTICE REVIEW | REVIEW DATE: 05/25/2023 |

Applicability

These policies apply to all employees who are regular status, at-will or temporary and employees assigned to a sensitive position including employee transfers, promotion of employees or reclassification of positions who are being hired in a position that requires a background check if their position falls under or includes criteria numbers 2, 3, 4, 5, 6, 7, 8 or 9.

Definitions.

1. **PROVISIONAL:** Arranged or existing for the present, possibly to be changed later.
2. **Provisional Hire:** or “conditional employment” is when a new employee is offered a job contingent upon the completion of a favorable background check.
3. **BACKGROUND CHECK:** A report of an individual’s criminal history that is obtained from legitimate criminal history repositories.

According to Resolution No. HEHSCAP -04-23, Criteria numbers 2, 3, 4, 5, 6, 7, 8 and 9 are approved for provisional hiring.

Criteria number 1, is the sole criteria that is not included in the provisional hire and is subject to a background clearance before the individual can be approved to work for the Navajo Nation.

What are the Criteria Numbers in the NNPPM?

| CRITERIA NO. | JOB RESPONSIBILITIES |
|--------------|--|
| 1 | providing child care in a child care facility, or providing for the health, safety and welfare of a child, particularly where responsibility involves direct repetitive contact with a child or unsupervised access to children; PROVISIONAL HIRE DOES NOT APPLY TO THIS CRITERIA. |
| 2 | providing patient care or providing for the health, safety and welfare of adults and elders; |
| 3 | having responsibility for money, receipts and/or disbursement of negotiable instruments, e.g., money, checks and property disbursements; |
| 4 | having responsibility for credit data, credit account records or credit transactions; |
| 5 | carrying and using firearms; |
| 6 | having responsibility for the safety and security of Navajo Nation property; |
| 7 | having routine access to security control and key systems; |
| 8 | having responsibility for controlled substances or toxic, radioactive or other hazardous materials; |
| 9 | having responsibility for confidential information or sensitive data protected by federal, state or Navajo Nation law. |

- These procedures provide a process that allows employees to begin working while their background checks are pending if the criterion includes Numbers 2, 3, 4, 5, 6, 7, 8 and 9.
- Employees hired with these procedures will be allowed time between their date of hire and when a favorable determination is made by the OBI to complete the required background check.
- The Office of Background Investigations (OBI) will continue the background investigation and determine the suitability of the employee for employment.

1


- Upon applicant’s hire, it is important that within 5 days of employee’s effective date of hire, the supervisor issues a written Referral for Background check and Adjudication form to the employee

2

- Upon receipt of the Referral Form, the employee will report to OBI to complete Intake process and sign a Provisional Hire Form.

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



**REFERRAL FOR
BACKGROUND CHECK AND ADJUDICATION**

TO : Navajo Nation Office of Background Investigations

FROM : _____
(Original Signature Required)

(Department Manager Name & Title)

(Division/Department Name)

DATE : _____

Pursuant to the Navajo Nation Personnel Policies Manual Section IV. K. a background check is required for those who shall occupy a sensitive position. Select the options below for number of request(s) to begin the background check process:

Individual Request Multiple Requests

I. The program must assign a contact person who will be responsible for several tasks as listed on the "Department/Program Checklist for a Background Check" and the "Security Packet Checklist and Instruction Sheet":

Contact Person Name and Title: _____

Department/Program Mailing Address: _____

Phone Number: _____ Fax Number: _____

Email Address: _____
(Official Navajo Nation government email address only.)

II. This Section for Multiple Requests Only, attach the following information in a listed format for these individuals:

| • Full Name | • Position Title | • Position Number | • Worksite | • Employment Status i.e. full-time, temporary, etc | • Department Number |
|-------------|------------------|-------------------|------------|--|---------------------|
| | | | | | |

For those positions identified as temporary or volunteer positions, provide the position title and the criteria number(s) as specified on the official designation of sensitive positions memorandum.

NAVAJO NATION OFFICE OF BACKGROUND INVESTIGATIONS
 POST OFFICE BOX #020 · WINDOW ROCK, AZ 86515
 PHONE: (928) 810-3599 · FAX: (928) 810-3599

If the supervisor does not comply with the submission of the Referral Form for the employee, the supervisor will be subject to disciplinary measures under the Table of Penalties Offense No. 42 of the NNPPM: Failure of the supervisor to notify the employee, in writing, of background check required by Section IV.K.

If the employee does not report to OBI to complete the Intake process, the OBI shall inform the supervisor in writing, and the employee shall be terminated from employment under Table of Penalties Offense No. 14: Failure to complete the background check required by Section IV.K.

If the OBI adjudicates the employee's background and issues a favorable determination, the employee shall continue his or her employment.

When OBI adjudicates the employee's background check and issues an unfavorable determination, the employee shall be terminated under Section IV.K.(8) of the NNPPM.

What are the responsibilities of Supervisors?

- The employee's supervisor is responsible for ensuring that the required background checks are completed within sixty (60) calendar days from the date of hire.
- If DPM or OBI does not have proof of a completed, favorable background check within that sixty (60) calendar days, the supervisor will be contacted.
- A supervisor who does not take action to make sure the employee completes the background check can be disciplined for neglect of duty under Table of Penalties Offense No. 25.

Where do I start the Background Investigation?

We present to you the OBI Team!



The Background Investigation remains with the Office of Background Investigations (OBI).



Let's begin with the Provisional Hire form.

- As stated by DPM, this form shall be reviewed, understood and signed by employee prior to initiating a background investigation.
- This form will be included with a Referral form submitted by supervisors to OBI.



Office of Background Investigations (OBI)
Provisional Hire Form



Pursuant to the Health, Education and Human Services Committee (HEHSC), Resolution No. HEHSCAP-04-23; An Action relating to HEHSC; Amending the Navajo Nation Personnel Policies Manual (NNPPM).

This amendment applies to the Navajo Nation Personnel Policies Manual Section IV.K.5.d. which allows a Provisional Hire for an employee whose position requires a background check. Criteria numbers 2, 3, 4, 5, 6, 7, 8 and 9 are considered provisional.

Section IV.K.5.e. Criteria 1 – Providing child care in a child care facility, or providing for the health, safety and welfare of a child, particularly where responsibility involves direct repetitive contact with a child or unsupervised access to children. This criterion is subject to a background check under the normal process, and does not fall under the Provisional Hires procedures.

Acknowledgement

By signing this acknowledgement form, I understand that if I am hired with the Navajo Nation, my position may be subject to a background check, and it is my obligation to begin the background check process with the Office of Background Investigation.

| | |
|------------------------------|-------------------------------------|
| NAME: | SIGNATURE: |
| CONTACT INFORMATION (EMAIL): | CONTACT INFORMATION (PHONE NUMBER): |
| SUPERVISOR NAME: | SIGNATURE: |

CC: DPM
DPS/IMS
DEPARTMENT

| |
|---------------------|
| OBI Internal Review |
|---------------------|

Procedures for Intake

- OBI will continue with Intake by appointments only. No orientation will be completed at this time and **limited Walk-In**.
- Visit www.obi.navajo-nsn.gov for required documents and download the checklist for instructions on how to initiate a background check with the security packet.
- All required documents must be emailed to obi.document@navajo-nsn.gov prior to scheduling an appointment.
- After the employee emails the required documents to OBI, a follow up call may be made to (928) 810-8589 to inform staff that documents were submitted and an appointment will be scheduled for the employee.



Appointment Process

- **HR RECORDS CLERK** verifies the required documents have been received in obi.document@navajo-nsn.gov
- Employee will be informed when all required documents have been received, including the Referral from the hiring department.
- Appointment will be scheduled at this time.



OUR PROCESS

Intake

- Digital Fingerprint submission



Investigation

- Obtain federal criminal history reports/court dispositions, etc.

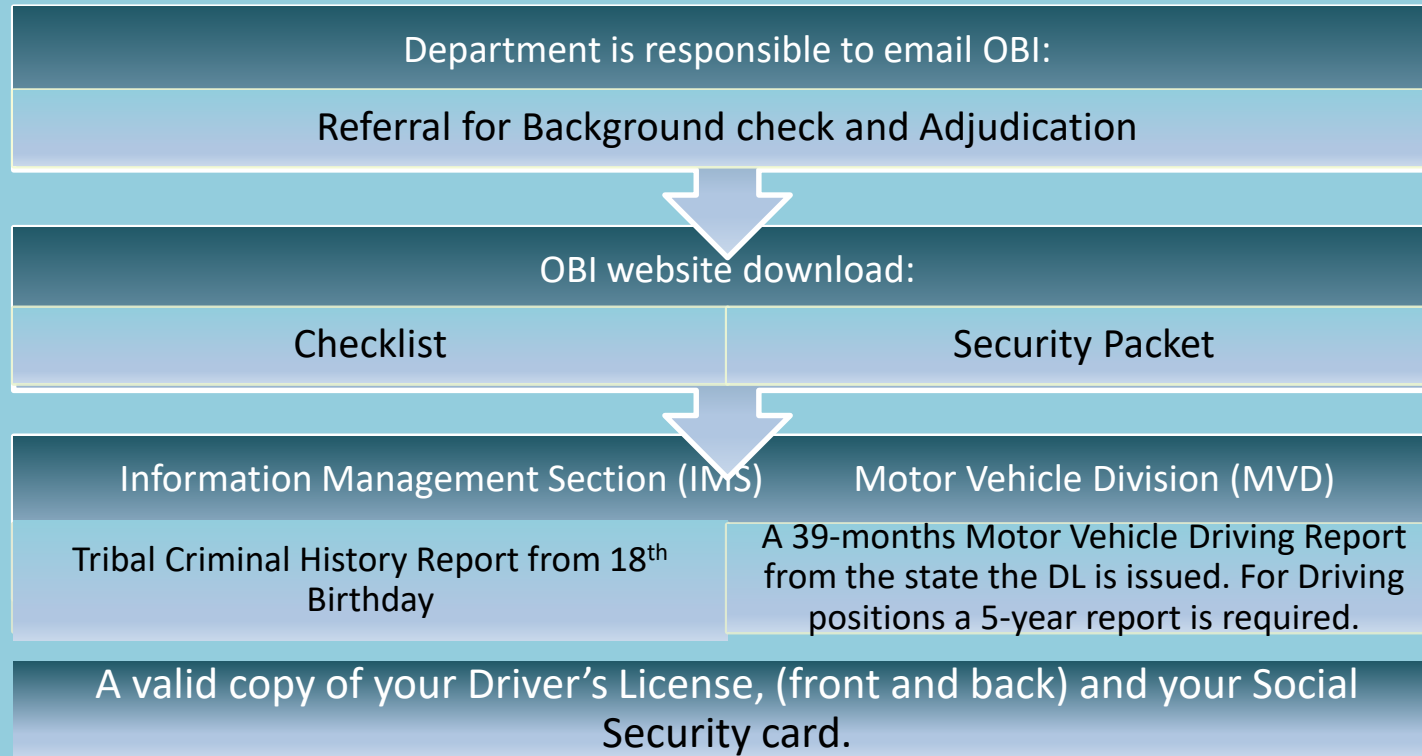


Adjudication

- Verify Investigation, suitability assessment, due process
- Issue Determination Notice



Required documents

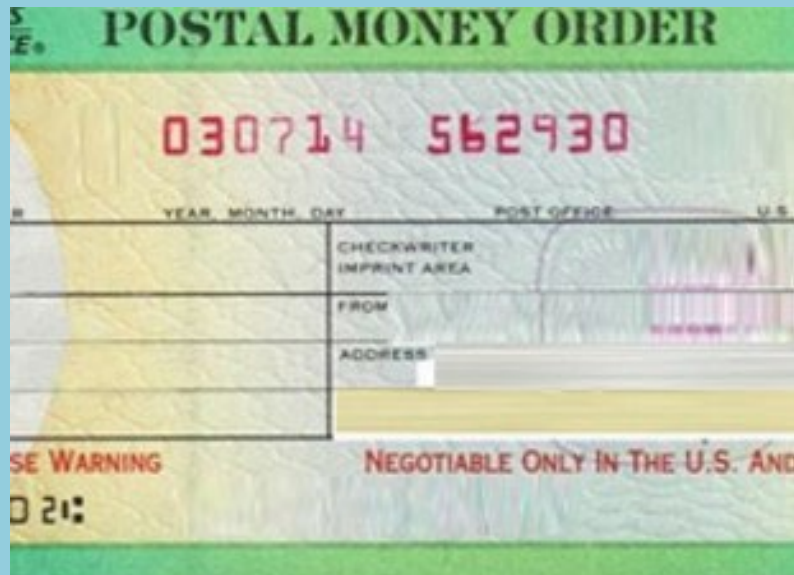


Fees

2 Money Orders

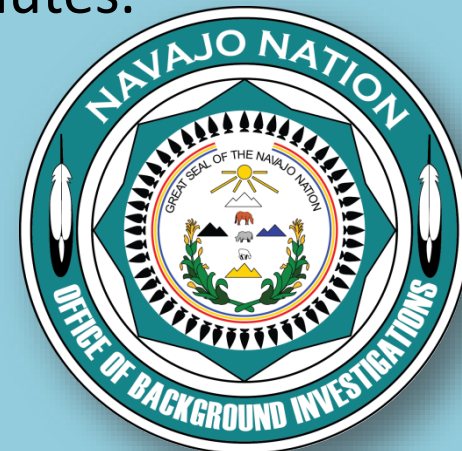
\$31.50

- OBI's document fee



\$23.95

- National Credit Reporting – They provide FBI channeling services, who we submit digital fingerprints to and they submit directly to FBI and OBI receives the FBI report within minutes.



Determination Notice

Favorable or Unfavorable

Who receives a copy of the determination notice?

1. Individual
 2. Requesting Department
 3. Department of Personnel Management
 4. Case Folder
 5. Department of Justice; if Unfavorable
 - It will not include the negative information based on the investigation and adjudication of the case to the Supervisor; however, a letter to the individual will receive the negative information.
- There is No Appeal process



Renewal

Pursuant to NNPPM, Sec. IV.K.8.f

- As a condition of employment, a background check shall be conducted every 3 years for each employee occupying a sensitive position, unless otherwise specified by funding source, laws, or regulations, or pursuant to the Acknowledgement of Understanding.



If you have any further questions, Contact Us.

Department of Personnel Management

(928) 871-6330

<https://www.dpm.navajo-nsn.gov/>

Office of Background Investigations

(928) 810-8589

<https://obi.navajo-nsn.gov/>

