



**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

PURPOSE

To provide procedures and guidance for supervisors and applicants when addressing the implementation of the provisional hire/employment while an employee's background checks is pending a fitness determination.

PROCEDURES

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 Nation's funds, property and other assets by obtaining and adjudicating background checks this procedure is for the purposes for positions designated as sensitive.

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.

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.

The following procedures provide a process that allows employees to begin working while their background checks are pending; the criterion includes Numbers 2, 3, 4, 5, 6, 7, 8 and 9.

1. Employees hired with these procedures are allowed time between their effective date of hire and a favorable background determination is made by Office of Background Investigations (OBI) to complete the required background check. The OBI will continue the background investigation and determine the suitability of the employee for employment.
 - a. Upon an applicant's hire, it is important that within five (5) working days of the effective date of hire, the supervisor issues a written Referral for Background Check and Adjudication form to the employee. Upon receipt of the Referral Form, the employee will report to OBI to complete the Intake process and sign a Provisional Hire Form. 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.
 - b. 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 the Table of Penalties Offense No. 14: Failure to complete the background check required Section IV.K.
 - c. If the OBI adjudicates the employee's background check and issues a favorable determination, the employee shall continue his or her employment.
 - d. 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.
2. The employee's supervisor is responsible for ensuring that the required background checks are completed within the 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) 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 the Table of Penalties Offense No. 25.

APPLICABILITY

These procedures shall 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 and 9.

These procedures shall not apply to employees and applicants whose position require a background check if their position falls under or include criteria number 1.

DEFINITION

Background Check: A report of an individual's criminal history that is obtained from legitimate criminal history repositories.

Provisional Hire: or "conditional employment," is when a new employee is offered a job contingent upon the completion of a favorable background check.

REQUIRED DOCUMENTS:

OBI Provisional Hire Form
Personnel Action Form