



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 04-0303-95

*Acceptance of Reference Check Procedure Policy for the Tribal Government and
Superseding All Prior Reference Check Policies*

WHEREAS, the status of the *Gaá Čhing Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(j) to take legislative actions consistent with delegated powers; and

WHEREAS, the Tribal Council adopted resolution # 03-0423-105 which contained three directives:

- a. authorization to engage consultant to conduct a comprehensive review and revision of the Tribe's employment practices, processes, documents and salary structure;
- b. freezing the status of all current employees during the review and allowing exceptions to be requested by the Ogema and approved by the Tribal Council; and
- c. prohibiting new hires during the review and allowing exceptions to be requested by the Ogema and approved by the Tribal Council; and

WHEREAS, the Tribal Council engaged a consulting firm to provide revised personnel policies which have been submitted and reviewed; and

WHEREAS, the Ogema has requested his management team to review the information and make final recommendations; and

WHEREAS, the Ogema has determined that the reference check policies of the Tribe should be brought forward for approval and that this action will not unduly hinder or interfere with the comprehensive revisions being conducted by the management team; and

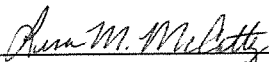
WHEREAS, the Ogema has reviewed the submission to the Tribal Council regarding the *Reference Check Procedure Policy* of the Tribe and recommends its adoption;

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians does hereby accept the attached *Reference Check Procedures Policy* for the Tribal government for immediate implementation.

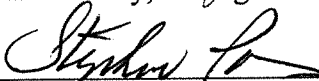
IT IS FURTHER RESOLVED THAT the Section 2.7(b) and related introductory language in Section 2.7 of the *Government Operation Personnel Manual* are hereby superseded by adoption of this resolution.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on March 3, 2004, at the Little River Band's Dome Room in Manistee, Michigan, with a quorum being present for such vote.



Lisa M. McCatty, Acting Council Recorder



Stephen Parsons, Council Speaker

Attest:

Distribution: Council Records
Tribal Ogema
Tribal Court



LITTLE RIVER BAND OF OTTAWA INDIANS

Reference Check Procedure Policy SOP-600-01:HR-07

Purpose: To clearly identify the processes by which the Tribe ensures the selection and employment of only those persons' whose performance, conduct and suitability will promote the efficiency of the Tribe.

Policy: It is the policy of the Tribe to utilize reference checks in all hiring processes to identify character and employment habits of applicants being considered for employment.

Steps:

A. Reference Checks

1. All applicants for employment, whether new applicants or current employees applying for another position, shall have a reference check conducted.
2. The Human Resource Department will conduct reference checks before a final employment selection or job commitment is made.
3. The Application for Employment includes an authorization for the release of information. This is the authorization for collecting additional information about the applicant.
4. All applicants for employment are asked to provide references from former employers and from personal contacts.
5. Upon identification of the selected applicant to be given a job offer, the Human Resource Department shall begin the reference check by contacting each employer and business reference identified by the selected applicant. The Director, and supervisor of the applicant to be hired, after receipt of a candidate referral, will review the selected applicant's job application and decide whether to conduct reference checks on the top three candidates or only on the selected applicant. However, reference checks must be conducted on the selected applicant.
6. Personnel files of employees applying for a new position shall be made available for inclusion in the reference check report.

B. Process

1. Before starting the reference check, the Human Resources Department should check to see if the selected applicant has suggested on the job application that the present employer should not be contacted and, if so, the Tribe should contact the selected applicant to learn why the present employer should not be contacted. The selected applicant should be

advised that, at some point before final selection, the current employer will need to be contacted for a reference check.

2. If the applicant is a current employee, the selected applicant will be notified that the current supervisor will be contacted for a reference check prior to making contact with the supervisor.
3. Using the reference check form, the Human Resource Department contacts the references to verify the accuracy of information provided on the Application for Employment and to obtain information regarding the applicant's work performance, job history and personal character. If requested by the reference, the form is mailed or faxed to the reference for completion.
4. The Human Resource Department should note the references' answers to questions concerning being fired, felony violations, firearms or explosives violations, other violations of law, probation or parole, court-martial convictions, and Federal debt delinquencies. If there is a "Yes" answer to any of these questions, the personnel office and/or the Tribe's legal counsel should be consulted to help resolve the suitability issue.

C. Interpretation of Reference Check Information.

1. Reference check information must be carefully interpreted. Listening closely and being alert for information that warrants additional clarification can maximize the value of checking references through current employers and associates. A discernible lack of enthusiasm by the current employer in talking about an applicant may suggest a reluctance to be candid about the applicant's problems or substandard performance. When such reluctance cannot be overcome, selecting officials should contact previous employers who may have other perspectives on the applicant's work or character, and may be more willing to talk about problem areas. On the other hand, the current employer may not be the best source of information if he/she is attempting to encourage the move of an unwanted employee.
2. *Release of Information.* Information collected through reference checks is considered confidential and must not be revealed to any other persons not involved in the selection decision. These notes must always remain under the control of the Human Resource Department, and are to be destroyed by the selecting official when he/she decides they have served their purpose. These notes must be retained for a sufficient time to assure that any potential complaints regarding the selection are resolved.

D. Procedures for Reference Reports

1. All reference reports should be treated as confidential material with regard to mailing and storage. When reference reports are mailed they should be wrapped in double envelopes with the inside envelope marked "Security Sensitive." Reference reports should be stored in a locking file when not in use.

2. The reference report is copied and presented at a meeting of the Tribal Manager, Human Resource Manager and Director as identified in the *Background Investigation Policy*, SOP-600-01:HR-06, Step C(2).
3. If the reference report is presented prior to conclusion of the background investigation, and the applicant is to be hired on the condition of passing a background investigation, the Tribal Manager, Human Resource Manager, and Director of the department shall review the reference report based on the criteria set forth in the *Background Investigation Policy*, SOP-600-01:HR-06, Step C(1).
4. If the reference report is presented with a completed background investigation, the Tribal Manager, Human Resource Manager, and Director of the department shall review the reference report concurrently with the background investigation under the criteria set forth in the *Background Investigation Policy*, SOP-600-01:HR-06, Step C(1).

Approved –

Ogema – February 24, 2004

Tribal Council Resolution # 04-0303-95