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Law and Order Committee dialogues on employment background investigations issue

WINDOW ROCK, Ariz. – Improving the process of obtaining background check documents for Navajo Nation employment-seeking individuals and the general public was at the forefront of discussion during the Law and Order Committee’s meeting on Monday.

Six Navajo Nation governmental entities provided reports in response to a memorandum dated May 5 from committee vice-chair, Council Delegate Alton Joe Shepherd, in which the programs were asked to explain how background checks are used and processed in the nature of their work.

Officials from the Office of Background Investigations, the Navajo Police Department’s Information Management Section, the Department of Personal Management, the Head Start Program, the Navajo Nation Gaming Enterprise, and the Judicial Branch were present.

“We are trying to make it easier for people to obtain their criminal history checks,” said committee chair, Council Delegate Edmund E. Yazzie.

The majority of background check requests in the nation are made by individuals seeking employment for tribal positions that are classified as “sensitive,” meaning their work involves children, elders, or handling large amounts of money.

Delegate Yazzie’s concern was for the people who have to travel upwards of 2-3 hours to obtain background check documents in Toyey, N.M., which is where one of two Navajo Nation Information Management Section offices is located.

Currently, the IMS-Toyey office is the only location where the public can directly obtain a copy of their tribal background check.

However, it is only open on Monday, Wednesday, and Friday, and only the first 25 walk-ins will have their requests fulfilled.

“I’m advocating on behalf of our people who have to wait and hope to be one of the people who are the first twenty-five to be processed,” stated Delegate Shepherd.

“How can we improve this to better serve our people?” prompted Delegate Shepherd.

According to IMS program supervisor, Orlando D. Bowman, staff completed an average of approximately 7,100 criminal history record checks per year from 2006 to 2011. The office receives anywhere from 300 to 1,000 requests for both criminal and non-criminal history checks per month.

As of May 2012, 3,545 background checks have been completed. However, pending requests still number 7,091. Bowman stated they were doing their best to process pending requests but were limited by staff and resources.

Additional funds to address information technology maintenance and software upgrades would help to expedite the process, he stated.

Bowman recommended for the committee to focus on steering efforts to minimize duplication of services among tribal programs relating to background checks.

Streamline the process

Council Delegate Russell Begaye asked Colene Francis, interim manager of the Office of Background Investigations (OBI), "How do we set up the system so that people don't have to stand in line or drive all the way to Toyeyi?"

For now, Diné citizens can fill out an IMS form and send their payment to Toyeyi, but to begin embarking on a solution will require a collaboration with OBI on how streamline the process.

Privatization of tribal background check services was one alternative Delegate Begaye suggested. As he envisioned, Diné entrepreneurs and firms could set up their services and centrally process the background check requests.

"This will put more people to work," stated Delegate Begaye, who also saw this option as a way for money to stay on the nation.

Amending section K of personnel policy manual

The Department of Personnel Management (DPM) in their report will coordinate with the OBI to revise and amend Section K of the Navajo Nation Personnel Policy Manual (NNPP).

Section K outlines provisions pertaining to the background check and relevancy assessment for positions classified as sensitive.

OBI coordinates with DPM to process background checks – verifying the criminal history of job applicants and flagging those with unfavorable criminal offenses.

Currently, section K locks OBI into "considering only convictions, pleas of guilty to or no contest for specific crimes outlined in the personnel policy manual," stated DPM Human Resources Director, Bernadette Bernally.

Asked to elaborate on this point by Council Delegate Duane Tsinigine, Francis explained, as an example, people with active warrants could pass the background check because it is not considered a conviction.

"Preferably, minimum standards of character should cover trustworthiness, stability, past work performance, crimes, federal requirements, and others. These are not included in the NNPP, thus OBI is not authorized to utilize the above standards of character," added Bernally.

DPM is set to undergo the Signature Authorization Sheet (SAS) process in a couple of months to ensure the section K amendment is completed.

Background Check Processing Variances

Reports indicate that processing fees for background check requests vary among the different programs.

The Judicial Branch coordinates with the Toyeyi Background Investigation Program to obtain background checks without a fee, because the task is in line with the program's initial objective of conducting criminal justice reports for court-related activities, stated Darren Tungovia, Human Resources Director.

According to Navajo Head Start official, Edith Yazzie, the entity requires current employees to pay a \$4 fee for a four-year criminal history check record, and \$10 for one spanning ten years.

In a move to expedite the speed of background checks, the Head Start program assigned two staff through an MOA to work at the IMS-Toyei office. Yazzie suggested this might be a good alternative for other tribal programs to consider while a more efficient, and perhaps centralized, system is devised.

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