

Executive Summary of Committee Recommendations

Final Document

Approved by Committee Resolution on July 26, 2012

Purpose:

The Tribal Labor Advisory Committee (TLAC) was established on December 8th, 2011 and charged with developing strategies to enhance Native American Labor opportunities on state and federal projects. The following recommendations have been developed as a result of the draft TLAC work plan approved by committee resolution on April 9th, 2012.

This final recommendations document includes comments from committee members and has been approved by committee resolution on July 26, 2012. The next steps are to establish five work teams that will be assigned specific recommendations to develop an implementation plan that allocates the needed tasks, responsibilities, resources, budget and timeline to carry the recommendations forward. This document will be presented to the WisDOT Secretary's office for authorization.

Recommendation 1: Centralize a Statewide Native American Labor Initiative

Creating a centralized Native American workforce development initiative would benefit tribal employment offices and construction industry human resource offices to identify and refer Native American candidates that are ready, willing and able to gain employment on DOT construction jobs. Furthermore, the statewide Native American labor initiative will provide the programmatic structure to implement TLAC recommendations in conjunction with WisDOT Tribal Affairs staff.

Goal 1: Develop a Native American labor initiative to be administered by a tribal government in cooperation with the WisDOT Tribal Affairs staff.

Objective A:¹ Establish a scope of work to administer the Native American Labor Initiative. The primary functions will be to create and administer the statewide Native American employment database, coordinate annual employment outreach and training programs and facilitate regular networking opportunities between tribal employment offices, employees and construction industry representatives.

Objective B: Distribute the scope of work to tribal governments to solicit interest in the administration of the Native American Labor Initiative and select the tribe to serve as project lead².

¹ Committee Comment: Clarify "monitoring" under the goal/objective to also include tracking to assess effectiveness. Implementation plan and critical factors for success.

² Current Intergovernmental agreements between WisDOT and tribes can be used as a model.

Recommendation 2: Statewide Native American Labor Data Management

Serious deficiencies were identified in the current data management structures and monitoring of Native American hiring activities on state and federal projects. Tribal employment offices lack the capacity to adequately provide industry referrals for labor opportunities on state and federal projects. The following goals were identified to address those deficiencies.

Goal 1: Enhance the capacity of tribal employment offices to maintain information on their ready, willing and able work force and create a more efficient means of recruitment and referral for WisDOT projects.

Objective A: Host a tribal labor peer exchange to gather how tribes collect workforce data, provide industry referrals and promote tribal labor opportunities. The peer exchange will also provide an opportunity for tribal input into the development of a statewide database.

Goal 2: Develop and create a centralized inter-tribal Native American employment database.

Objective A:³ Assemble work team to develop a centralized inter-tribal Native American employment database structure for content, management, confidentiality, access, and use⁴.

Objective B:⁵ Enlist the support of a data-management expert to provide technical assistance to create the database system.

Recommendation 3: Standardized Recruitment and Referral

Communication between tribal employment offices and contractors is critical to the recruitment and referral process. TLAC recognized that a standardized method of communication to facilitate the recruitment and referral process would greatly benefit hiring outcomes. The following goals will aid in creating this strategic process.

Goal 1: Establish a standard process by which contractors can recruit and/or receive referrals of qualified individuals that are ready, willing, and able to work on DOT construction projects.

Objective A: Survey and coordinate discussions between tribal employment offices and contractors to identify the current methods used to outreach, refer and recruit eligible candidates for employment.

Objective B: Utilize survey information to establish the standard process that will be used by tribal employment offices and contractors. Create instruction and training materials to prepare statewide database users.

³ Committee Comment: Define how we want the system to function and what we want to get out of it. Then go about creating the logistics.

⁴ Tribes raised concerns with confidentiality, management and access to data. Consider the creation of two separate systems – one that would be maintained and accessed by tribal labor offices and one that would be accessed by industry contractors seeking candidates.

⁵ Committee Comment: Timeline will be directly related to whether or not we find a system that's already in existence or one that need to be built. Dawn Pratt has presented some possibilities that could potentially be used. This would have an impact on the process. Explore existing systems.

Recommendation 4: Monitoring, Reporting and Assessment

Tribal communities have some of the highest unemployment rates in the state. This fact has heightened concerns for tribal governments to strongly advocate for increased employment opportunities. Access to accurate and comprehensive information regarding Native American employment on WisDOT projects has also been raised as a big concern. Enhanced monitoring and reporting will yield the appropriate information needed to adequately assess Native American labor activities.

Goal 1: Enhance the monitoring and reporting of Native American labor activities on WisDOT projects.

Objective A:⁶ Report regularly to Great Lakes Inter-tribal Council (GLITC), WisDOT Tribal Task Force, tribal labor offices, governments and industry on existing state and federal reports⁷ regarding Native American⁸ hiring and data gathered from the inter-tribal Native American employment database.

Objective B:⁹ Conduct an annual assessment to identify trends, patterns and challenges to improve Native American employment outcomes, reporting and overall effectiveness of the Native American labor initiative.

Objective C:¹⁰ Report regularly to stakeholders.

Recommendation 5: Partnership Building and Enhanced Communications

Discussion revealed a need for tribal employment offices to gain a comprehensive view into how the construction industry manages hiring and career development. It was also critical that construction companies understand how tribal governments operate and manage work force data and interact with state and federal agencies.

Goal 1: Increase cultural awareness and understanding between tribal employment offices and the construction industry to foster the development of stronger partnerships.

Objective A: Provide an annual cross-cultural training¹¹ between contractors and tribes. Develop a training curriculum that supports tribal and construction industry perspectives, expectations and hiring processes.

⁶ Committee Comment: Provide tribes an opportunity to pull reports at anytime. Also, provide reporting to WTBA, unions and other construction industry stakeholders as well.

⁷ State and federal reports include Charts 15 and 16, 1392, Civil Rights Compliance system reporting, TrANS and Equal Employment Opportunity reviews.

⁸ Current state and federal reporting identifies individuals based on self-identification as "Native American". The classification of tribal governments as minorities, versus sovereign governments with their own membership, has been of concern to the tribes. Tribes have requested the tracking of tribal membership and affiliation.

⁹ Committee Comment: Run report both in July and at the end of the construction season (coincides with 1392 reporting cycle). End of the year is the best time of year to run the report when the season is complete.

¹⁰ Committee Comment: Add Job Service (DWD) as a reporting entity because they maintain this information and to further help facilitate connecting people with jobs.

¹¹ Existing forums to deliver this training include the Tribal Transportation Conference, WTBA conferences, and other similar venues.

Goal 2: Institutionalize a formal method of regular coordination and communication between tribal governments and the industry to ensure the Native American Labor Initiative is effectively and efficiently applied.

Objective A:¹² Establish a formal advisory committee of various stakeholders to monitor and make recommendations to enhance tribal labor activities within the agency¹³.

Goal 3: Establish outreach initiatives that promote communication between all stakeholders engaged in Native American labor activities.

Objective A: Foster direct one-on-one contact between tribal labor offices and contractors.

Objective B: Conduct broad based outreach between tribes and construction industry contractors, unions and other state/federal agencies via conferences, job fairs, and other statewide networking events.

Goal 4: Enhance communication and labor activities

Objective A:¹⁴ Identify WisDOT projects in the WisDOT 6-year plan¹⁵ and expand job opportunities to include IRR, county and local construction projects.

Objective B: Submit project forecasts to tribal labor offices and establish direct lines of communication with contractors through one-on-one meetings and mandatory pre-bid and pre-construction meetings.

Objective C: Identify the type of skills needed for upcoming WisDOT projects and establish Native American targeted outreach and training opportunities.

Recommendation 6: Educational Resources, Preparedness & Career Development

An interest to address entry level and long-term career oriented opportunities in the construction industry was discussed at length during committee meetings. Furthermore, the committee felt it was essential to document and create materials that would aid in the recruitment, awareness and marketing of the services and training that would be offered by the Native American labor initiative.

Goal 1: Ensure tribal members have an equitable opportunity to engage in WisDOT/FHWA training programs that support their introduction into the construction industry.

Objective A: Expand TRANS services to tribal communities across the state (mainly in the northern Wisconsin) and create modified TRANS curriculum to more suitably address tribal communities.

¹² Committee Comment: Use bi-annual or quarterly meetings to not only report on activities, but also WisDOT upcoming programs, projects and other resources/services.

¹³ During meeting discussions, considerations were made to solidify TLAC as a standing committee to fulfill this role.

¹⁴ Committee Comment: Regional tribal liaisons are already identifying projects in 6-year plans during their annual tribal outreach meetings. Can Dawn Pratt pull together other HR directors within the construction industry to make this happen?

¹⁵ The WisDOT 6-year plan is a listing of potential projects to occur over the next 6-year period. Those projects that will occur within the next 2-3 years are more likely than those identified in years 4-6 as they may change depending upon funding, etc.

Objective B:¹⁶ Establish a tribally tailored recruitment strategy to increase participation in the TrANS and other construction training opportunities within tribal communities.

Objective C: Identify resources and funding to increase the participation and programming offered to tribal communities.

Goal 2: Ensure tribal employment offices have adequate training in TrANS and methods for successfully placing applicants into the work force.

Objective A:¹⁷ Survey TrANS providers to identify the methods utilized to successfully place graduates and implement a best practices training program for tribal employment offices (e.g. curriculum, recruitment, marketing, placement, etc.).

Goal 3: Increase hiring and long term employment opportunities for Native American TrANS graduates and qualified individuals interested or working in the construction industry.

Objective A:¹⁸ Host a focus group to gain perspectives from Native Americans with experience working in the construction industry to develop training, recruitment and career development programming.

Objective B:¹⁹ Create and provide “pre-training” to prospective construction industry employees based on industry expectations and qualifications.

Objective C:²⁰ Host two annual Partnering for Employment Workshop (PFEW)²¹ sessions in northern Wisconsin and include construction companies working in the region. Establish statewide networking forums as part of the Wisconsin Tribal Transportation Conference, construction conferences, career fairs, etc.

Goal 4: Utilize non-DOT training services to enhance tribal labor work force development opportunities.

Objective A:²² Link with the apprenticeship and training programs offered by tribal employment offices, DWD, unions and non-unions.

¹⁶ Committee Comment: Is there anything else other than TrANS that can be offered? Need to map out all the training opportunities that are out there. Updated TrANS curriculum can now give nationally accredited certification for building trades. DWD has apprenticeship manuals that are written down and can be provided to the tribes. DWD has job banks in each region and individuals can post their resumes. Database can start with construction and expand to other industries (DNR, parks, etc.) that could be of great value to the tribes.

¹⁷ Committee Comment: Include contractors under the “roles” section. They provide insight on what to do to be successful.

¹⁸ Committee Comment: See Goal 5 (record focus group input to develop marketing materials like a video, etc. to create awareness about initiative)

¹⁹ Committee Comment: Dawn Pratt is already working on this. Is well underway to developing those expectations. Explore including individuals from vertical construction and other broader construction industry representatives. Dawn can talk with the AGC board to get their involvement as well. DP will take the outline and meet with Mike Habecheck from AGC.

²⁰ Committee Comment: Looking to host the next PFEW in Mole Lake in March of 2013. Consider adding tribal labor representatives to the agenda to the meeting to aid those in face-to-face interactions. Consider hosting WisDOT resource fair in northern region. Consider having the tribes present to the contractor as an additional “Objective” rather than bringing all the contractors together.

²¹ Partnering for Employment Workshops are held on an annual basis to provide equal employment updates to contractors and coordinate speed networking sessions between TrANS graduates and contractors.

²² Committee Comment: See Goal 1/Objective B for additional comments on non-DOT training services.

Goal 5: Provide educational materials and reference tools to enhance tribal participation in training programs, union and non-union apprenticeships and training programs.

Objective A:²³ Establish and create educational materials (brochures, videos, website etc.) that outline the various training programs, benefits of union membership, and apprenticeship programs.

Objective B:²⁴ Create a flow chart/tool and other visual aids that demonstrate the different avenues by which an individual can gain employment within the industry (union, non-union, TrANS, etc.)

Objective C: Establish regular lines of communication between tribal labor offices, tribal employees, unions and other training entities through onsite visits, interviews and assistance in the application processes.

Recommendation 7: Investigate Construction Industry Incentives

Goal 1: Increase incentives for utilizing Native American labor.

Objective A:²⁵ Establish a work group to examine existing incentives and develop recommendations to create monetary and non-monetary incentives utilizing state, federal and tribal sources.

Objective B: Implement those recommendations that are legally authorized and feasible, and institutionalize efficient means of accessing those incentives²⁶.

Objective C:²⁷ Create an annual awards program recognizing the industry contractors' efforts to utilize Native American Labor and enhance Native American labor opportunities.

Recommendation 8: Native American Hiring Provision for On or Partially On Tribal/Reservation Lands

Goal 1: Support the government-to-government relationship between the state and the tribes and enhance Native American labor employment opportunities for projects that are located on or partially on tribal or reservation lands²⁸.

²³ Committee Comment: See comments under Goal 3/Objective A in regards to a video and developing marketing and training materials. Also utilize Tribal newspapers as an avenue for advertising to showcase success stories, etc. See Tribal Affairs website as a place to house some of this information. Identify a way to provide additional links and house all resources, marketing materials, database, etc. for online access. Utilize tribal newsletters to also get information out. Note we will need to add statements about how information will be sent out.

²⁴ Committee Comment: Dawn Pratt has already completed. Need to discuss how it will be utilized. Big Step will do mock interviews with contractor s and discuss feedback on what was good, what could be improved, etc. Should be included as part of that curriculum.

²⁵ Committee Comment: Explore adding IRR into the recommendations, survey where that could/should be added. Need to adjust the timeline.

²⁶ Discussions have suggested exploring the feasibility to increase TrANS graduate \$5 reimbursement incentive for projects located on or partially on tribal lands/reservations.

²⁷ Committee Comment: Could also recommend to the Secretary adding a category to the annual Golden Shovel event held in the winter.

Objective A:²⁹ Create a work team of tribal representatives and agency staff to redraft the Native American Hiring Provision for state and federal contracts located on or partially on tribal lands or reservations by September 2012.

Objective B: Create a statewide roll out of the new Native American Hiring Provision.

Objective C: Share with stakeholders to get buy in through TLAC

²⁸ TLAC recognizes the unique government to government relationship between tribes and the state and has recommended the negotiations for a contract provision applicable on tribal lands be carried out in direct consultation between the state and tribal government representatives.

²⁹ Committee Comment: Explore Colorado as a case study that has successfully implemented a hiring provision and use as a case study. Tulalip tribe is another example model. Does their state constitution give them the authority to enforce an Indian hiring preference? This is currently Wisconsin's roadblock. Recommend FHWA review.