INSTITUTIONS Matter

FRAMING THE DISCUSSION

The institutions (constitutions, laws, codes, policies, procedures, administrative mechanisms, reporting/communications structures, etc.) that a tribal nation uses to govern play a pivotal role in its ability to forge an approach to workforce development that is capable of achieving its definition of success. Simply put, they are the rules of the road that a nation chooses to live by as it builds a brighter future for itself, in large part by developing its human capacity to accomplish that task.

When these institutions aren’t well thought out or—or when they were created by someone else to advance someone else’s objectives—they tend to provide a weak or unstable foundation upon which to build workforce development success or do anything else that the nation seeks to do. Conversely, when these institutions are thoughtfully and purposefully designed by the nation with accountability, consistency, culture, fairness, transparency, and the nation’s strategic vision in mind, they tend to provide a governmental and programmatic stability and deep institutional memory and knowledge that a nation needs to realize its long-range human capacity building goals.

It follows, then, that as tribal nations engage in “nation rebuilding,” they are dedicating significant time, energy, thought, and action to assessing the origins and functionality of their institutions and taking steps to strengthen them or create new ones so that the nation’s governance system is capable of achieving its strategic objectives. Through constitutional reform, code development, new laws, overhauling administrative policies and procedures, and other institutional measures, they are building a firm foundation upon which to craft and sustain innovative, tribal approaches to developing workforce. Among its many benefits, such institution building empowers their ability to create “comprehensive social service systems that offer efficiencies, expand available resources, and give [them] greater flexibility and capacity to effectively serve diverse client needs.” It also helps them cultivate and retain the human capital they need to build even more of it. Finding and keeping capable people to develop a workforce depends not just on competitive pay, but “on creating a working environment that encourages professionalism, processes disputes fairly and efficiently, and keeps politics in its place.” The presence of such a system...can be a critical factor in encouraging top-quality people—tribal citizens or not—to invest time, energy, and ideas in the future of the nation instead of going to work someplace else.” As one tribal leader put it, “Building accountability and transparency of the rules ends up being key to having equitable service delivery and equitable systems. And for our [tribal] members, the expectation that it doesn’t matter who you elect, the level of service you receive and your opportunities are the same.”

INDUSTRY SNAPSHOT

Gila River Indian Community (GRIC)

In 2012, GRIC became the first tribal nation to receive a DOL Career Pathways (CP) grant. It used the grant to design a workforce development system customized to the particular needs and short- and long-term priorities of the Community’s workforce, employers, and the entire nation. Eager to maximize GRIC’s return on its workforce investments, in 2011 the GRC Council instituted a human resources policy that gives automatic hiring priority to WIDA participants who complete training and then excel in their Work Experience placements. When GRIC launched CP a year later, the policy covered CP participants (who also are WIDA participants). Those who meet its criteria bypass GRIC’s standard screening process for hiring, providing them a bright-line path from their Work Experience placements to permanent employment working for the Community. This benefits not only those new hires, but tribal employers because they save the cost of advertising open jobs and expending the staff time needed to review applications, conduct interviews, and select top candidates.

One of the project managers at GRIC’s workforce development office, Lana Chanda, explains the policy’s impact:

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Pueblo of Laguna (POL)

In 2011, POL launched its Workforce Excellence initiative, a Laguna values-driven approach to improve POL’s staff morale, service delivery, and workplace environment; enhance employee retention; and ensure that all POL employees have the resources they need to do their jobs. To implement the initiative, the Pueblo overhauled its Personnel Policy and Procedure Manual, which includes its personnel grievance policy.

LEARNING LINK: http://www.ncai.org/ptg/workforce-development-laguna
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POLICY RECOMMENDATIONS

1. Develop and revise your current governing institutions with the nation’s overall strategic vision and its long-term workforce development priorities in mind. Develop new institutions where gaps exist.
2. Create inclusive human resource policies that fairly and consistently address the diverse needs of all of your nation’s citizens (college graduates, those with no GED, individuals with disabilities, etc.).
3. Develop a strong TERO ordinance that accords tribal citizens’ top priority for locally available jobs, and appoint an independent body (e.g., an ombudsman) to monitor/ensure its enforcement.
4. Enact laws regulating labor and employment relations that advance the nation’s values and policy priorities, and ensure you have the administrative/judicial structures in place to implement them.
5. Establish strong child support enforcement ordinances and policies to ensure that affected parents have the resources they need to pay for childcare so that they can train for and hold jobs.
6. Develop a usury law to protect citizens against predatory lenders, thereby strengthening their ability to grow their financial assets and, in turn, their ability to prepare for employment/stay employed.

7. Establish strong social service systems that offer efficiencies, expand available resources, and give [them] greater flexibility and capacity to effectively serve diverse client needs.

QUESTIONS TO CONSIDER

• Following tribal elections, is there a seamless transition of authority from one administration to the next, or does it result in mass dismissals of tribal employees who didn’t vote for the victors? What institutional changes can your nation make to avoid the latter and sustain the nation’s forward momentum on its workforce development and other priorities?

• Are your nation’s workforce development services provided equitably to all of its citizens? Or is the fair and consistent provision of these services hampered by interference from political leaders?

• Does the nation have an impartial mechanism capable of resolving hiring and firing disputes and personnel grievances within tribal government and businesses based on the merits of each case?

• Are your nation’s education code and its enforcement mechanisms capable of advancing its workforce development priorities? Is the code purposely aligned with those priorities?

• Does your nation’s citizens clearly understand how its governing institutions work and why? What can the nation do to make those institutions more transparent and understandable?