



## 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 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 foster the 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.”<sup>1</sup> 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 effectively, 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.”<sup>2</sup> 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.”<sup>3</sup>



Red Lake Nation elder Anna Gibbs completes a survey on what she would like to see included in a new Red Lake Nation constitution. (Photo: *Minneapolis Star Tribune*)

“Indigenous nations that are doing well economically have strong, effective, and efficient governing systems. They back up sovereignty with good rules, regulations, policies, and they are enforceable. It creates stability.”

– Professor Manley Begay, Applied Indigenous Studies, Northern Arizona University

## 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 those 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?

## INNOVATION SNAPSHOTS



### 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 GRIC Council instituted a human resources policy that gives automatic hiring priority to WIOA participants who complete training and then excel in their Work Experience placements.<sup>1</sup> When GRIC launched CP a year later, the policy covered CP participants (who also are WIOA 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.<sup>2</sup> 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.<sup>3</sup> In addition, hiring WIOA participants enables GRIC to use vocational training dollars and wages paid by WIOA, saving it money it otherwise would have to come up with itself.

LEARNING LINK: <http://www.ncai.org/ptg/workforce-development-gila-river>

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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 thrive.<sup>1</sup> To implement the initiative, the Pueblo overhauled its Personnel Policy and Procedure Manual, which includes its personnel grievance policy.<sup>2</sup> Previously, POL's political leadership – namely the Governor and two Lieutenant Governors – served as ultimate arbiters of the policy, which lacked due process and consistency. Sometimes, they were not adequately informed about the particulars of a given case or made personnel decisions outside the scope of the policy. Now insulated from politics, POL's new personnel policy features a “progressive disciplinary process” for minor personnel issues that is handled within the Pueblo's administrative structure; serious personnel grievance issues are now resolved by an objective third-party grievance committee outside of employees' direct chains of command. This shift has brought consistency and fairness to the process, helping to stabilize POL's employment system and enhance the Pueblo's ability to retain and cultivate its human capacity.<sup>3</sup> As an added benefit, it has freed up the time of POL's political leaders to focus on advancing Laguna's big-picture priorities.

LEARNING LINK: <http://www.ncai.org/ptg/workforce-development-laguna>

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## POLICY RECOMMENDATIONS

- Assess and revamp 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.
- Create *inclusive* human resources 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.).
- 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.<sup>1</sup>
- Enact laws regulating labor and employment relations that advance the nation's values and policy priorities<sup>2</sup>, and ensure you have the administrative/judicial structures in place to implement them.
- 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.
- 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.