

Two decades ago, one Tribal Nation in the Southwest was struggling with high staff turnover, an inconsistently enforced and routinely politicized personnel grievance process, and low morale among its government employees. In response to these challenges, in 2011 the Nation established its Workforce Excellence Initiative, a culturally grounded approach to enhance employee retention and professional growth, improve staff morale, and ensure that all employees “have the resources they need to thrive.”<sup>1</sup> At the core of this initiative was the Nation’s establishment of a “progressive,” impartial personnel policy that handles minor personnel grievance issues within its administrative structure; serious ones are resolved by an objective third-party grievance committee that works outside of employees’ direct chains of command.<sup>2</sup> Not only has the initiative enhanced the Nation’s ability to retain and cultivate valuable staff, but it also has relieved the Nation’s political leaders of the demand of expending invaluable time and energy on personnel disputes, freeing them up to focus more intently on advancing the Nation’s long-range priorities.<sup>3</sup>

This story and others across Indian Country clearly demonstrate that the **institutions** (constitutions, laws, codes, policies, procedures, administrative mechanisms, reporting/communications structures, etc.) that a Tribal Nation uses to govern itself play a pivotal role in its ability to forge and administer an approach to workforce development capable of achieving its definition of success. Simply put, these institutions comprise 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 all-encompassing task.

When these institutions aren’t well thought out – or when they were created by someone else to advance someone else’s objectives (e.g., the federal government) – they tend to provide a weak or unstable foundation upon which to build workforce development success (or do anything else the Tribal Nation seeks to do). Conversely, when the Nation thoughtfully and purposefully designs these institutions with accountability, consistency, culture, fairness, transparency, and the Nation’s strategic vision in mind, it fosters the governmental and programmatic stability and deep institutional memory and knowledge that the 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 (1) assess the origins and functionality of their institutions, and (2) take steps to strengthen them or create new ones so that their governance systems are capable of achieving their strategic

**“As sovereign nations, Native nations have the authority to establish their own employment laws...Some of these interconnectedness-centered policies include promoting a healthy work-life balance, centering traditional cultural practices in policies, and offering a Tribal preference for hiring...”**

– NATIVE GOVERNANCE CENTER<sup>4</sup>

objectives. Through constitutional reform, code development, new or revised laws, revamped administrative policies and procedures, and other institutional measures, they are building a firm foundation upon which to craft and sustain innovative, self-determined approaches to developing Native workforces.

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>5</sup> It also helps them cultivate and retain the human capital they need to refine, strengthen, and grow those systems over time. Finding, keeping, and growing 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>6</sup>

Strong institutions are also imperative in ensuring that the workforce development services themselves are fair, consistent, and make sense to those in need of them. 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>7</sup>

## ASK YOURSELF

- ▶ Following the elections/appointments of our political leaders, is there a seamless transition of authority from one administration to the next? Or does it prompt mass dismissals of tribal employees who didn’t vote for the victors? If the latter, how does that impact our workforce development services? What institutional changes can we make to ensure a seamless transition?
- ▶ Are our 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 our Nation have an impartial mechanism capable of resolving hiring and firing disputes and personnel grievances within tribal government and enterprises based on the merits of each case?
- ▶ Are our education code, policies, and enforcement mechanisms capable of advancing our workforce development priorities?
- ▶ Does our Nation have a procurement law and policies that provide tribal citizen/Native entrepreneurs with preference for securing tribal contracts, enabling them to grow their businesses? Are they properly and consistently administered?
- ▶ If our Nation has a 477 Program or is considering developing one, does it have the necessary institutions (such as a comprehensive set of 477-specific policies and procedures) in place to effectively administer that program?

## INDIAN COUNTRY SNAPSHOTS



### Gila River Indian Community (GRIC)

In 2012, GRIC became the first Tribal Nation in the U.S. to receive a DOL Career Pathways (CP) grant. GRIC used the grant as a springboard to develop a nationally acclaimed workforce development system customized to the the Community’s distinct needs and priorities, its employers, and workforce, with a particular focus on five industry sectors: Government (e.g., training tribal firefighters), Construction, Medical, Small Business, and Hospitality (with a focus on Culinary).<sup>1</sup> Eager to maximize a return on GRIC’s workforce investments, in 2011 the GRIC Council instituted a human resources policy granting automatic hiring priority to GRIC’s WIOA participants who complete training and then excel in their work experience placements.<sup>2</sup> When GRIC launched CP a year later, the policy covered CP participants (who also are WIOA participants). Those who meet the policy’s 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 GRIC.<sup>3</sup> For example, CP Construction sector participants are assigned to GRIC’s Building and Maintenance Department and when a participant performs well in their work experience placement, the Department’s director issues a request to GRIC’s Human Resources Department to do a direct hire. Once approved, the participant’s work experience placement essentially “becomes de facto on-the-job training.”<sup>4</sup> This strategy benefits not only those hired through the policy, but also tribal employers who save the cost of advertising job openings and expending staff time to review applications, conduct interviews, and select the top candidate for each position.<sup>5</sup> In addition, hiring WIOA participants enables GRIC to use WIOA dollars for work experience wages, saving its participating departments money they otherwise would have to spend from their own budgets.<sup>6</sup> After several years of successful placements, the GRIC Council expanded the policy in 2021 to extend to participants across all of GRIC’s Employment & Training programs.<sup>7</sup> Meanwhile, Gila River’s enterprises have adopted the same preferential hiring practice for Community members who complete successful work experience placements within their operations.

**LEARNING LINK:** <https://www.ncai.org/workforcedevtoolkit/gric.pdf>

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### Leech Lake Band of Ojibwe (LLBO)

In 2017, LLBO member Levi Brown took part in the Native Governance Center’s Native Nation Rebuilders Program, a two-year leadership training experience providing Indigenous changemakers “with Indigenized tools and frameworks they can use to help rebuild their nations.”<sup>1</sup> Through the program, Brown developed an action plan to address a troubling fact – that “Leech Lake Band of Ojibwe civics is underrepresented and in most cases absent from all levels of educational institutions.”<sup>2</sup> Called the Leech Lake Civics Training initiative, the plan quickly gained community support from LLBO’s Local Indian Councils (LICs) and a governmental partner in its Human Resources Department.<sup>3</sup> Recognizing the “study of the political rights and responsibilities of citizens and of the operations of the government” is “essential to a vibrant and robust society”<sup>4</sup>, in 2019 the LLBO Reservation Business Committee passed a resolution requiring “all new Leech Lake Band of Ojibwe employees including Tribal Council members to complete the Leech Lake Civics course and receive certification.”<sup>5</sup> Taught monthly, the four-hour training empowers LLBO staff to ably serve the Band by grounding them in Leech Lake’s culture, traditional governing institutions, colonization’s enduring impacts, and how the LLBO government functions today.<sup>6</sup> It also teaches the responsibilities each LLBO employee is expected to fulfill, including: upholding LLBO’s laws and policies, working for the betterment of every tribal member, safeguarding LLBO’s institutions “because the institutions are the people,” and how their specific roles advance LLBO’s nation-rebuilding priorities.<sup>7</sup> The 1,000+ employees who have completed the training to date are now “better equipped to make and implement decisions in accordance with tribal goals and cultural values.”<sup>8</sup> Meanwhile, LLBO’s Gaming Enterprises and other businesses now require new hires to complete the training, which is also provided to community members, Leech Lake Tribal College, LICs, and local school districts upon request with increasingly regularity.<sup>9</sup> Recognizing “an informed nation is a strong nation”<sup>10</sup>, LLBO leaders have requested the launch of a “second-tier” curriculum to deepen employees’ understanding of Leech Lake Civics in 2025.<sup>11</sup>

**LEARNING LINK:** <https://www.ncai.org/workforcedevtoolkit/llbo.pdf>

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## POLICY TIPS

- ▶ 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 address the diverse needs of *all* of your citizens (college graduates, those with no GED, single parents, seasonal subsistence practitioners, formerly justice-involved citizens, individuals with disabilities, etc.).
- ▶ Build “intentionality” into the Nation’s hiring processes by including “transparent, unbiased checks and balances to ensure staff prioritize the right fit for a position, regardless of personal connections”<sup>8</sup>; ensure you *always* follow these processes.
- ▶ Develop a strong TERO/procurement ordinance giving tribal citizens and other local Native people priority for locally available jobs and tribal contracts, and appoint an independent body (e.g., an ombudsman) to monitor/ensure its proper enforcement.<sup>9</sup>
- ▶ Enact laws regulating labor and employment relations that advance the Nation’s values and policy priorities<sup>10</sup>, and ensure you have the administrative/judicial structures in place to implement them.
- ▶ Establish a strong child support enforcement ordinance to ensure affected parents have the financial resources they deserve.
- ▶ Develop a usury law to protect tribal citizens and other local Native people against predatory lenders.