

# Summary of WIA Reauthorization Comments on Indian and Native American Programs

December 20, 2002

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## BACKGROUND

### Introduction

The Workforce Investment Act of 1998 (WIA) provides the framework for a national workforce preparation and employment system designed to meet the needs of the Nation's business community, job seekers and those who want to further their careers. Key components of the Act enable customers to easily access the information and employment and training services they need through the One-Stop system and empower adults to obtain the training they find most appropriate through Individual Training Accounts.

Congress is scheduled to take up the reauthorization of WIA in 2003. In anticipation of reauthorization, the Department of Labor, Employment and Training Administration (ETA), sponsored a series of WIA Reauthorization Public Forums to help gather input from the public. The first 12 Public Forums on WIA Reauthorization were held between March 24 and May 8, 2002. These Forums were held around the country, with at least one Forum held in each ETA Region. A Forum on One-Stop Services to Persons with Disabilities was held in Washington, DC on June 21, 2002. In addition, two WIA Reauthorization Forums were held to gather comments related to Indian and Native American Programs authorized under WIA Section 166. These Forums, or listening sessions, were held in Choctaw, Mississippi on October 8, 2002 and in San Diego, California on November 6, 2002.

This report provides a summary of public comments submitted orally and in writing to ETA as of November 15, 2002 in connection with the WIA Reauthorization Forums for Indians and Native American Programs held in Mississippi and California.

The following documents related to public comments on WIA Reauthorization are also available:

- Executive Summary of Public Comments on WIA Reauthorization
- Comprehensive Summary of Public Comments on WIA Reauthorization
- Summary Report: WIA Reauthorization Forum summaries for individual Forums
- Summary Report: WIA Reauthorization Forum on One-Stop Services to Persons with Disabilities

All of these documents can be accessed via the Internet at:

<http://www.doleta.gov/usworkforce/reauthorization>.

## **Overview**

A Discussion Guide was made available before the WIA Reauthorization Forums on Indian and Native American Programs that encouraged speakers to address key issues related to the reauthorization of WIA.

ETA contracted with TATC Consulting, a management consulting firm located in Washington, DC, to assist in conducting and reporting on the Forums. TATC's reporting role included preparation of this Summary Report, which summarizes the oral comments made during the Forums for Indian and Native Americans, as well as written comments and testimony submitted during and after the Forums through November 15, 2002.

The Forums included introductions and background by the following individuals from the Department of Labor, Employment and Training Administration: David Dye, Deputy Assistant Secretary for National Programs, John Beverly, Administrator of the Office of National Programs, and James DeLuca, Director of the Division of Indian and Native American Programs. Following the introductions, TATC facilitators explained the comment process. Pre-registered speakers were invited to present their comments first, followed by speakers who registered on-site. An open comment session followed in which all participants were invited to speak

## **Speaker Demographics**

Of those speakers who provided demographic information, most described themselves as members of Tribal government, Local Workforce Investment Boards (LWIBs), non-profit organizations, Alaskan Villages, or Alaska Natives Claims Settlement Act Corporations. Speakers generally stated their role as a Tribal Chairperson or Council Member, a Native American Grantee staff member, or an LWIB member.

Additional comments were submitted in writing directly to the Department of Labor.

## **Comment Topics**

This summary of public comments is categorized by the six principles ETA is using to guide its efforts related to the reauthorization of WIA:

- More Customer-Focused and Effective One-Stop Services
- Greater Responsiveness to Employers
- Clarified Roles for Federal, State, and Local levels
- Improved Program Performance
- Individualized Opportunities for Training
- Improved Youth Programs

Summaries of comments on these six topics are followed by comments on other topics.

## **COMMENTS**

### **1. More Customer-Focused and Effective One-Stop Services**

#### **Improved Access**

A number of comments on this subject focused on improving access for Indians and Native Americans to services provided through the One-Stop delivery system. One major area of concern dealt with the challenges of providing accessible services to rural areas, including many remote locations in Alaska.

Under WIA, a speaker from Alaska noted, service providers do only what is easiest and least expensive. One speaker noted that the One-Stop system would work in rural areas if they had the resources to give job seekers, employers, and partners the means to provide electronic outreach. The speaker said that the system is simply managing by using old technology that is expensive to replace, and that subsidies are needed in rural areas to assist them with obtaining modern technology. Another comment highlighted the need to focus on “systems” rather than “centers,” to strengthen the One-Stop concept in rural areas, where a majority of Section 166 grantees operate.

A large number of comments addressed the belief that both urban and rural Indian grantees have been providing a One-Stop system long before WIA used the term. They noted that it had long been necessary to use a One-Stop approach to meet the needs of their communities because they historically lacked the resources to establish different departments to meet different needs. One speaker indicated that they train their own staff within the agency, and know what is needed to serve the participants and provide them with the skills to make changes in the community. Another noted that the State One-Stop system provides services under one roof, but INA programs take their services to the people. INA programs adapt to the needs of the people, rather than forcing their participants to adapt to the system. One speaker described a satellite One-Stop that the community developed on a reservation. Satellite staff help participants prepare their documentation so that when they visit the One-Stop center they have everything they need.

Some comments addressed the issue of accessibility by noting the lack of assistance available at the One-Stops. For instance, one speaker commented that although One-Stop Directors are very cooperative, Indian and Native American participants tended to visit the Local One-Stop only once because do not receive the assistance they need to use the center’s resources during their visit.

#### **The WIA Partnership System**

With regards to improving access to services, some comments also addressed the issue of partnership. One speaker noted that relationships between partners need to be strengthened to improve participant access to eligible partners. Several speakers noted that although they partner with their communities, they have been mandated to establish formal partnerships. Some said

that it is not right to make all the partners pay, especially, as one speaker noted, the non-DOL partners.

### **Additional Recommendations**

Additional specific recommendations included the following:

- Provide realistic job listings from businesses, not only the EEO listings.
- Educate the Assistant Secretary for ETA on what a One-Stop system is in terms of Indian and Native American (INA) communities, and how the INA programs have strengthened the One-Stop system.
- To increase access, make applications for services available at tribal offices.
- Make available new services to all grantees.

## **2. Greater Responsiveness to Employers**

A few comments addressed the issue of increasing responsiveness to business as a customer of the Workforce Investment System. One comment noted that effectively engaging business is one of the major challenges of the system. Another noted that the relationship between the Native American service delivery system and the business community needed to be strengthened, and that the President of the United States has pledged to work with the Tribes to bring 100,000 new jobs to Indian Country by 2008. This comment noted that the “language in the current law prohibiting the use of Native American funds for the support of economic development activities must be dropped...such a prohibition is clearly inappropriate in view of the glaring imbalance in Native American communities between available jobs and available workers.”

One speaker suggested that greater coordination is necessary with the Small Business Association, other grantees, and incubator projects that have models for economic development.

Another speaker noted that to improve the employer relationship, it is necessary to increase communication and to work with the local private and public sectors, both union and non-union. A move should be made toward increasing training opportunities and providing education based on employer needs. The speaker also said that Workforce Investment Boards (WIBs) should be working more closely with employers.

One speaker suggested that a way to increase business engagement is to increase the number of private business representatives on WIBs, and to provide direct technical assistance to Local Workforce Investment Areas on business engagement. Another speaker said that, regarding business engagement and Indian and Native American programs, it is more important to extend job creation and opportunities to all communities than to simply have the provision.

Another speaker recommended providing employer incentives such as tax credits and providing better access to government contracts. This speaker also noted that States should be more flexible in their regulations in order to keep businesses in their area.

Regarding the need to improve training for workers, one speaker noted the importance of having business at the table to enforce skills training and education, as they are the ones seeking a trained workforce. It was pointed out that 90% of all jobs require some post-secondary education. The system should eliminate the option of sending businesses unskilled job applicants.

### **3. Clarified Roles for Federal, State, and Local Levels**

A number of comments addressed the need to maintain flexibility in Section 166 programs. This flexibility was credited with the success of the Indian and Native American WIA programs. Comments noted that the flexibility in the program is what enables the Native American WIA programs to provide services to meet the specific employment and educational needs of their customers in a culturally sensitive manner. One speaker reinforced the idea that “one size does not fit all, and the grantees know best what their participants need.” Flexibility is needed, particularly in rural areas, to design systems geared toward local needs. One comment specifically addressed the flexibility needed to find solutions to the transportation barriers in some areas and encouraged Congress to “review the possibility of combining some transportation dollars with these programs for demonstration projects which lead to employment.” This comment also noted the benefits of combining resources to improve efficiency in the system and increase opportunities to establish functional offices in rural areas of the State, where “roads are limited, employment is limited, and innovation is required.”

Additionally, a number of comments supported preserving the Indian and Native American program as a separate and distinct program within WIA. One speaker asked specifically to keep the integrity and sovereignty of Indian programs. Speakers stated their appreciation for the local accountability and local control of Indian programs, for which performance standards are much simpler.

Approximately 1,200 individuals signed and submitted to the Department of Labor a form letter expressing support for the Section 166 Program and requesting that Tribes operate the Indian Program for the local Indian community. A copy of the form letter is included in Attachment C. Further discussion with the organization that drafted the form letter indicated that the intended purpose of the letter was to request the reinstatement of the designation priority for State Tribes that existed under JTPA, including a priority for State Tribes over consortia.

### **Advisory Council**

The topic of the Advisory Council was raised in almost all comments made, both during the Forums and in written comments submitted to DOL. While one speaker recommended that the Section 166 Advisory Council be replaced with an American Indian WIB, all of the other comments recommended strengthening the language in the statute concerning the Council and

developing oversight procedures to ensure that DOL recognizes and adheres to the law as it is currently written. Specifically, comments expressed concern that the Department of Labor is out of compliance with the law by failing to sign off on the Advisory Council appointments, particularly because the Advisory Council voices the needs of the Indian and Native American community and provides input on policy to the Department. One comment specifically recommended that the language be changed to say that the “Secretary shall confirm” rather than the “Secretary shall appoint” the nominations as made by the INA entities. This comment also recommended allowing the current council to continue serving as a full-functioning body until the Department of Labor confirms new nominations.

### **Workforce Investment Boards**

A number of comments expressed concern that WIBs are disconnected from Indian and Native American communities because they do not reflect the diversity of the communities they serve. Others repeatedly expressed concern that there is no representation of Native Americans on WIBs. Many speakers expressed frustration about inadequate channels of communication. They said that Tribes want involvement and want to participate in meetings with non-Indian WIA programs. One specific recommendation involved including casino managers on WIBs as employers. Comments noted that the voices of Native Americans need to be heard in the policy councils of the State system, so the State system can understand the unique needs of the Native American community.

A number of comments raised concerns about the complications of working with WIBs and said that the process often results in frustration, confusion, and poor performance. A number of comments highlighted the major problem facing State service providers: State service providers may not act until their actions have been approved by a Workforce Investment Board (WIB) vote. This is problematic because the poor attendance of many employer members at WIB meetings prevents the WIB from reaching the quorum needed to vote. As a result, participants suffer from WIBs’ failure to act.

Speakers also indicated that it is difficult to attend committee meetings and be heard when there are so few staff available. One comment recommended changing the language of the legislation to allow individuals other than the agency or program director to participate on WIBs. This comment noted that some agencies are simply not big enough to enable agency directors to attend a large number of meetings.

One speaker expressed concern that the business community is involved in the workforce system merely for the political benefits. This comment suggested that representatives of business on Boards should not be only from successful firms, as there are also important lessons to be learned from less successful firms.

#### **4. Improved Program Performance**

Several comments addressed improved program performance, specifically the issues of performance measures, information sharing, and accountability within the workforce investment system.

Regarding performance measures, speakers said that WIBs have set unobtainable standards for economically challenged communities. One speaker noted that performance is relative, as some grantees are so small that if they have one participant who successfully completes training it is considered a big accomplishment. Another speaker recommended integrating information-sharing resources into the system in order to improve performance measures by reducing the time needed to train a client. An additional comment recommended that bonus dollars be allowed and awarded for National Grantees and States based on performance measures established by the Department of Labor, Employment and Training Administration.

One comment addressed the need to reform the reporting requirements of the program, saying that the requirement to file 12 monthly reports, four quarterly reports, and a final report is administratively cumbersome for small grantees. The comment recommended streamlining the requirements down to four quarterly reports with the last quarter serving as the final report with an additional narrative. This would reduce the annual number of reports from seventeen to four.

Another speaker said that additional information is needed for Tribal officials to determine whether WIA officials are distributing information to participants and applying the criteria on who can receive additional funds fairly.

#### **5. Individualized Opportunities for Training**

A number of comments addressed the issue of “education-first” versus “work-first,” saying that it is imperative that both adults and children obtain a sufficient education before being forced to work at a minimum wage job. One speaker said, “Our goal is to be able to provide (our participants) with the necessary skills before sending them into the workforce. To do this, we offer classes on the reservation through programs that exist as a result of DOL. First DOL pays tuition to send them to school, after which they work for a few months through the program before being formally hired.”

A couple of comments also addressed the need to reconsider the arrangement of tier services for training, noting that the current program reporting forms do not lend themselves to capturing data on core services, and that participants should be able to receive credit toward performance standards for core services.

One comment noted that reporting requirements for training institutions make things difficult, but that the software used is a good management tool for Native American grantees.

Additional recommendations for improving opportunities for training included the following:

- Making an education technology program a partner in the plan.
- Emphasizing entrepreneurial training for both adults and youth.
- Providing credit for core services.
- Repealing the “service tier” provision that keeps people from skipping stages in the training if they can reasonably skip some steps. One speaker noted the importance of assessing the individual before determining what services he or she should receive.

## 6. Improved Youth Programs

A large number of comments addressed the topic of youth programs, with the vast majority of them highlighting the need to provide services for all Indian and Native American youth. Speakers requested comprehensive services to meet the challenges of youth, including those living in urban areas, and a removal of the barriers youth face to access services. They said that one of the challenges facing youth is the scarcity of employment opportunities on the reservations. As a result, high-school age youth are forced to travel far, both to attend school and to find work.

The need to increase services for youth was highlighted by one speaker who noted that the Indian community is experiencing a 60% high school dropout rate and a 40% poverty rate, and that resources are needed to immediately combat these problems. A large number of commenters asked for additional funds to help solve these problems and provide much-needed services to all youth. One comment specifically requested a funding increase for both the Comprehensive Services and Supplemental Youth Services, as well as funding to address the needs of Native American youth not covered by the current Section 166 Supplemental Youth Services. Another comment recommended allowing Indian youth monies to be available to all grantees.

A number of comments noted the differences between services provided in urban areas and from those available in rural areas. Comments included a number of calls to extend Indian provisions to the urban Indian community. Another point raised was that youth indicators are structured for the urban areas and are not conducive to the Native American communities. Comments noted that Native Americans do not have direct access to municipal resources or technical assistance.

One speaker directly addressed the importance of the summer youth employment program. This speaker noted that the program offers youth a chance to earn money for the things they will need during the upcoming year and gain valuable employment experience. Youth participants also gain the opportunity to see what is needed to work in a specific field—an experience that can help them decide on classes for school. This speaker also noted that the program introduces youth to responsibility, dependability, and teamwork. By demonstrating a youth’s ability to manage multiple responsibilities at once, the program helps them stand out when applying to colleges. Additionally, as the speaker noted, the program offers workshops periodically to provide a hands-on approach to resume writing, job application, and money management.

One speaker noted that the grantees have achieved “amazing things” with funding for the Youth Opportunity Grant (YOG) program. The speaker recommended that the program be continued and made available to all Indian grantees.

Another speaker recommended that Youth performance measures provide Indian Nations with the option to select at least three youth performance measures that will have a direct impact on their Tribal communities.

## **7. Comments on Other Topics**

There were quite a few issues discussed during the Forums and in the comments submitted directly to DOL that addressed other topics. These comments are summarized below, organized into the following subject areas:

- Communication
- Consortiums
- Funding
- Persons with Disabilities
- General Comments on Section 166
- TANF
- Other Topics

### **Communication**

Many comments addressed the issue of communication between the Federal Government and the Tribes, with many expressing concern that Indians are ignored. Several speakers indicated their extreme dissatisfaction about the late notice of the Choctaw, MS forum. A few speakers expressed their feelings about the Public Forums themselves, noting that the Native American culture does not regularly involve public speaking that is done by individuals, with time limits. The Forum structure was uncomfortable because Indians generally speak to their Tribe and to their family. Additional comments noted that the Forums do not constitute the legally required “consultation” with Indian and Tribal government. One speaker stated that consultation means providing options and strategies before a final decision is made. Tribes must be involved with the process of program development to ensure that WIA is implemented in a manner consistent with their culture. She said that this government-to-government relationship has been recognized and reaffirmed by President Bush and that this work must continue.

Communication issues were also raised as a problem between Tribes and WIBs, with one speaker noting that although Native Americans want to do what DOL has requested, they find it difficult to do so when they do not receive any guidance or communication from the WIBs.

Recommendations to improve communication between Indian and Native American constituencies and the Department of Labor included the following:

- Develop cooperative agreements for service collaboration and resource expansion.
- Create a liaison who is informed and available at all times to work with the States and the Tribes.
- Extend resources to the programs dealing with Emerging Tribal Economies. It is important that a business relations group help connect employers and INA communities. Involve the DOL Business Relations Group (BRG).

## **Consortiums**

One speaker suggested that consortiums should not take precedence over Tribes, whether the Tribes are federally recognized or not. He said that it is not right that Consortium Boards lean more towards leaders and elected officials.

## **Funding**

A large number of comments addressed the issue of funding, with many saying that there are simply not enough funds to promote equality and serve people, and that funding levels must be increased in order to reasonably address the problems associated with increasing costs of living while still meeting performance standards. Additionally, one speaker recommended that if the implementation of a One-Stop center is mandatory, the system should set aside funds to construct a building in which to house services.

One speaker said that the Indian and Native American community should be included in the pool to receive bonuses. The \$55 million received by the INA programs is invisible in the \$12 billion United States Department of Labor budget. Another comment raised the issue of disparity between funds distributed to metropolitan areas and those distributed to Indian communities, two of which recently declared severe economic distress.

One speaker commented on the complications involved with the Indian community contributing funds to the One-Stop in order to provide services. This speaker noted that the Indian community cannot give money to the system because under regulation, Indian and Native American programs can pay only for services that benefit Indians.

Additional recommendations concerning funding included the following:

- Consolidate State funds into one account to eliminate unnecessary reporting requirements.
- Enforce the 30-day transfer of funds.
- Unemployment, poverty, and alcoholism are the problems that create the lack of skills and education. Not enough money is spent on Indian people in reservations and in the cities, and the budget is being depleted, including funds used to treat alcoholism.

## **Services to Persons with Disabilities**

Two comments addressed the topic of persons with disabilities, one of which recommended that persons with disabilities be invited to participate on Local WIBs to address the needs of their community. The other comment indicated that improved staff training within the One-Stops is necessary to help meet the needs of persons with disabilities.

## **General Comments on WIA Section 166**

Almost all comments expressed support for the Section 166 Program. Comments noted the unique purpose and structure of the program, and indicated that it provides a unique service delivery system to the Indian and Native American community. One speaker suggested that the model of the program should be duplicated in urban and State programs as a process of communication between service providers and users.

One speaker noted that the tools provided by the Section 166 program are those needed to build a strong nation. This speaker said that the services provided on the reservations as part of the One-Stop system are indeed a resource to the system, yet the programs are required to contribute financial resources as well.

## **TANF**

A number of comments addressed issues related to Temporary Assistance for Needy Families (TANF). Comments included recommendations that TANF recipients should only be authorized to receive cash assistance, that funds for training requirements should be transferred and implemented by WIA, that the number of TANF working hours should not be increased for the participants, and that more education should be made available to TANF recipients. Comments also included calls for additional funding to help the Native American community work with the 4<sup>th</sup> and 5<sup>th</sup> generation TANF recipients who still need assistance. One speaker requested that DOL do all it can to give the TANF recipients the dignity they need to ask for help.

Regarding TANF partnerships, several comments noted that TANF and other programs should be mandatory partners. One speaker recommended that Tribes administer TANF programs if they have experience in employment and training. If they do not have the necessary experience, they should subcontract it out to those agencies and Tribes that do have successful programs. The speaker said that the same overlap between the programs would occur whether partners were mandatory or not.

## **Other Topics**

Speakers addressed a variety of topics and provided a number of recommendations that are not summarized above. The following are summaries of these comments

- Current language discourages grantees from engaging in economic development. Grantees are also told to avoid on-the-job training.

- The One-Stop Centers should be up-front about the number of Indian people served.
- The program is a “hand up,” not a “handout.”
- The WIA Discussion Guide is not relevant to the Indian Community.
- The law should exempt the requirement for business in 166 programs. Exempt WIA from economic development for Indians.
- When Welfare-to-Work ended, American Tribes lost a lot.
- Publish Labor Bulletins.
- Encourage DOL to compare and contrast the performance and accountability of Indian programs with the mainline programs.
- Many people who claim to be Indians are not. This affects the performance indicators.
- The system should never expend resources to a service provider unless it is demonstrated to provide a pre-determined level of service.
- Establish a fast-track training program where elected officials go online and learn about the Tribal relationship with the U.S. Government. Make it a one-credit course and require elected officials to take this class.
- It does not make sense to help people go back to school without really dealing with the reasons behind why they dropped out to begin with.
- There is no excuse to ignore the needs of the poor because they are too difficult to serve.
- Native Americans need cooperation and access to DOL.
- In the census report, Indian is lumped under “Other.” On average between 1999 and 2001, there were 800,000 poor persons within the Indian community. This poverty rate is more than three times the rate among White Americans, and higher than the rate among African Americans.
- A five-minute limit for presenting comments at Forums is not right. Native Americans are an oral people who do not have a written history. They are also a people with a history of Tribal Councils. These Councils dictate to leaders who then pass it on to DINAP or the Department of Labor. The Council was a good idea; a way of establishing communication and to share the needs of different groups.
- The Native American community is asking for understanding and acceptance, not special treatment. They do not often get the credit they deserve.

- Native Americans are a subtle society and, while they do not like to create problems, they have to stand up for their rights. The government owes the Indians and should live up to their promises. Please do not leave the first Native American child behind.
- Indian people are stigmatized. A lack of confidence and motivation is a barrier to Tribal members, as is having English as a second language. Another barrier is the challenges that result from not being exposed to modern society on a more regular basis. These programs have a significant impact on the reservations and individuals.
- President Bush issued a proclamation of the Federal Government that said a goal of the Administration is to expand opportunities for Tribal people. In Idaho, Native Americans have had to challenge the Federal Government to sit at the table with them. Bush said, “This administration will work to promote coordination...for the purpose of promoting greater economic development for Tribal communities.”
- Public money is corrupt. The reimbursement policy is an opportunity to “cream.” There is so much money that is pumped into States but the data never changes. It is important to enforce what is in the community-based organizations. Let the clients be the evaluators of the organizations spending the public dollars.
- The United States promised to protect Tribal members and economies. Department of Labor, like the other agencies, has a trusted responsibility to protect and promote the interest of all Tribes and all Tribal people. This includes providing education and workforce development measures.
- Administrators should look at the Workforce Investment Act, open their hearts, and listen to what people are saying to them.
- Department of Labor, Employment and Training Administration staff under the direction of DOL Administration, gives the appearance of bowing to State-initiated concerns rather than enforcing the Workforce Investment Act.
- The Tribes are frustrated and feel as though the U.S. Government acts paternalistically toward them.
- A separate office should be established to oversee the law and meet the needs of the special Native American Indian population.
- Tribes should establish a coalition of Regions to lobby the Federal Government about issues for Native Tribes.
- Native Americans should vote local Native candidates into public office.