

SJR 20 BACKGROUND: TRIBAL EMPLOYMENT RESOURCES

As sovereign nations whose citizens also are citizens of the United States and the state in which they live, tribes operate under varying lines of authority. In terms of employment programs, they have access to the state’s Job Service Offices but they also have access to whatever federal program funds the tribe may be receiving for use in training and employment services.

The various approaches complicate the state’s interaction with tribal employment and workforce development. Primarily this complication affects efforts by the state to avoid duplication of services. For example, finding out how a tribe has used federal employment money may not be simple if the tribe was able to combine federal employment funds with another program to achieve certain training or employment results.

What is important to remember for purposes of the Senate Joint Resolution 20 study of unemployment in high-poverty areas, many of which encompass reservations, is that tribes have varying approaches that do

not always translate to the approach the state might take with money from the same federal program. And not all tribes take the same approach, nor do all tribes necessarily commingle the same program funds if they use a combined approach.

Knowing What Federal Laws Apply

Understanding how tribes operate their employment programs requires knowing which numbers relate to the federal laws that provide the funding mechanism, generally either “638,” which references Public Law 93-638, or “477,” which references Public Law 102-477. These laws, shown in the table, reflect the degree of control the tribes exercise in administering program funds. Tribes that are

Federal Law	Tribal Government
<p>638 Tribes -- Public Law 93-638 The Indian Self-Determination and Education Assistance Act of 1975. This federal law lets participating tribal governments enter into compacts with government agencies and obtain grants directly from the agencies.</p>	<ul style="list-style-type: none"> • Confederated Salish and Kootenai Tribes (Flathead Reservation) • Chippewa Cree Tribes (Rocky Boy’s Reservation)
<p>477 Tribes -- Public Law 102-477 The Indian Employment, Training, and Related Services Demonstration Act of 1992, as amended in 2000, lets federally recognized tribes apply to the Bureau of Indian Affairs to combine various “formula-funded” program grants related to employment and training into one plan, commingling the funds, budgets, and reporting.</p>	<ul style="list-style-type: none"> • Blackfeet Tribe • Confederated Salish and Kootenai Tribes • Fort Belknap’s Gros Ventre and Assiniboine Tribes • Fort Peck’s Sioux and Assiniboine Tribes

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neither “638” or “477” get services directly from the Bureau of Indian Affairs (BIA). The most control is allowed under PL 93-638; 638 tribes can handle the services in their own way, getting funds directly from the BIA. The middle path is under PL 102-477; which allows tribes to apply to the BIA to combine certain “formula-funded” program grants, in particular those related to employment and training, into one plan. Both budgeting and reporting are simplified. However, from the state’s perspective, a combined reporting may not translate easily to allow the state to track exactly how much money goes toward what. In other words, the state may not know if duplication is happening, based on tribes’ streamlined budgeting and reporting.

Participating tribes must submit to the BIA their integrated service plans, listing which services are to be included under its 477 plan. Among eligible programs are:

- The Workforce Innovation and Opportunity Act (WIOA)
- Tribal Temporary Assistance to Needy Families (Tribal TANF)
- The Child Care and Development Fund
- The Tribal Work Release Program

Not all Montana tribes participate in the 477 program. Not participating are the Crow Tribe and the Northern Cheyenne Tribe. The Little Shell Tribe is not federally recognized and, as a result, cannot participate. The Rocky Boy’s Reservation has 638 status and does not participate in the 477 programs. However, the other 638 status reservation, the Flathead, does participate in the 477 program, according to the BIA.

What this means in terms of the Department of Labor and Industry’s interactions with tribes is that every tribe has its own approach to employment issues, some relying more on federal help and possibly state help than others. From the Economic Affairs Interim Committee’s perspective related to the SJR 20 study, the study suggested exploring in what ways state policy may assist in resolving the following concerns:

- A mismatch between jobs that are available and the skills of those available to work;
- The potential that available jobs do not pay adequate wages enabling people to afford insurance (or get insurance through work) or pay for child care or elder care as well as rent, food, and other essentials;
- The availability of transportation to get to jobs that might not be close by;
- The availability of child care or elder care that may allow people to take jobs; and
- The availability of accommodations so that employers can hire people with disabilities who could work if only they had those accommodations.

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