

NWX-DOL ESA OFCCP

Moderator: Keisha Brown
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Coordinator: Welcome and thank you for standing by. All participants will be in a listen-only mode until the question and answer session of today's presentation. This call is being recorded. If you have any objections, you may disconnect at this time. I would now like to turn the call over today to our host, the OFCCP Director, Craig Leen. Sir you may begin. Thank you.

Craig Leen: Thank you very much. It's such a pleasure to be here with all of you today on this WebEx to talk about a topic that's of primary importance to OFCCP and that is the Indian and Native American Employment Rights Program or INAERP is what we usually call it.

For those of you on the call that may not know what OFCCP is, let me just give you a brief background. You all may know this but just in case, OFCCP is a civil rights agency of the federal government. It regulates federal contractors so any company that gets a contract from the United States government that's over a certain amount and they're over a certain size they have to do affirmative action programs for each of the establishment that company has.

So if you have a company that has 100 different factories or offices or work centers or whatever it may be, each one of those has to have an affirmative action program in place that ensures equal employment opportunity. The OFCCP does audits every year of about 1500 of these establishments across the United States. There are 25,000 federal contractors in the United States and there is about 125,000 federal contractor establishments.

We touch about 1/4 of America's workforce and a lot of these companies are the biggest most famous companies in the world that have a lot of economic might and have a major impact on the American economy and the world economy.

OFCCP is the agency that ensures that civil rights are followed, that they're protected, and that equal employment opportunities exist. As I always say in all my speeches, this is central to the American dream, essential to what makes this country so special, the idea that all are created equal and that everyone has the opportunity to participate in the economy.

Now I know speaking on this talk today, I'm speaking more generally about the times we're in and we have not lived up to that, and I know that Native Americans and tribal leaders know that more than basically anyone. So, I know that over the past 200 years, the United States government has not lived up to its obligations to the Native American community.

And as you can see today, very similar with the African-American community, where the United States government, even though it was founded on these tremendous principles, never lived up to it, and from the beginning the vision and the dream was imperfect and we're continuing to try to perfect that over the years.

But, you know, in a country where this nation was founded and took land from Native Americans through violence and through terrible events that I don't need to go into at length and then it started with the existence of slavery, it's obviously true that there is so much progress that had to be made to reach that vision.

So, even though we haven't done that what you should all know is that OFCCP is committed to the vision and trying to perfect it and trying to ensure that Native Americans are fully part of the American economy and, you know, there are a lot of obstacles. That is why INAERP exists and that's why we're on this call with you today to tell you about what we're trying to do to improve economic opportunity for Native Americans in this country.

Let me tell you a couple stats, which you may already know but that American Indian and Alaska Native population in the United States is about 6,795,785, actually it's a very specific number, or about 2%. In addition to the that states with the highest population of Native Americans it's Alaska at 27.9%, Oklahoma at 17.4%, New Mexico at 14.5%, South Dakota at 12% and it goes on from there.

Let me tell you all the nationally because it's interesting, Montana at 9.2%, Arizona at 4.5%. Why are those numbers of particular interest? Because it tells us two things that are important to OFCCP. One, among the general population Native Americans make up 2%. It's a smaller portion of our population and it's a portion that has been discriminated against throughout American history.

So one thing that OFCCP does is we prevent discrimination based on race, color, and or ethnicity and that includes preventing discrimination against Native Americans for being Native Americans. We are there and we fight against that, so one thing we have done in the INAERP program is we are trying to ensure that in every one of these audits that we do, particularly ones where we have a Native American population at a company, even if it's only one or 2%, we try to take a special look at those individuals to make sure they can be included because here's what happens.

There are times when OFCCP will do an audit and find compensation or hiring discrimination in favor of one protected class let's say for example it's typically in favor of whites against other groups but it can be in favor of any particular group. In some areas of the country, some actually find discrimination in favor of Asians or others in favor of Hispanics.

So let's say you have one where you have discrimination in favor of Hispanics and against all of the groups -- whites, African-Americans, Asians, et cetera. Let's say that that's what you have okay? Each one of those groups tends to have enough people that we can... we use statistics to determine discriminations and we can put those individuals all that data into a regression modeling with a finding that tells us that there is a problem.

Well because Native Americans only make up 1% to 2% you can't always do that because there's not enough Native Americans at the company to allows to make a statistical finding and what often agencies in the past would leave them out.

Well we need to stop that and that's something that I've asked Theresa and Tina who you're going to hear from in a little bit, Tina Williams our policy director, Theresa Lujan who's the head of the INAERP program I have asked

them no, you need to include Native Americans.

And I told our enforcement director too, run a cohort analysis and compare them individually to others, make sure we're always including Native Americans in every settlement that we can to make sure that we're increasing opportunity for that group. Now that needs to be done because of the small percentage of Native Americans throughout the country.

Now there's another issue though. And this is an issue that I know that CTER and a lot of tribal leaders are very focused on. And the other issue is that in certain areas of the country there are a lot of Native Americans and they're not being given jobs that are commensurate with the amount of Native Americans there are. They're not getting the same opportunity that other large groups of people in those areas are getting.

Companies aren't making sure that they're hiring more Native Americans on or near Indian reservations and that's why we have an Indian preference program and that's most helpful in states like Alaska, Oklahoma, New Mexico, South Dakota, Montana, Arizona, et cetera. That sort of program will help ensure greater opportunity for Native Americans in areas where they make up a larger part of the population.

That's where affirmative action will help bring more money to Indian country, more money to reservations, and OFCCP needs to be a partner with the TEROs and CTER in ensuring that occurs. That is our mission and that is our obligation as a federal agency.

I let me tell you I have talked to a lot of leadership across the country tribal leaders, leadership of CTER and they all tell me they say, "We need to do more, OFCCP you need to do more. When OFCCP is involved, we can get

more done for our reservation, for our Native American population. You need to be more involved."

So any how I can go on and on because we have a lot of people to talk today but what I wanted to assure you is that I get it. I've gone to South Dakota, gone to Phoenix several times as OFCCP director. I've met with Native American leaders, tribal leaders. I understand that we need to do more. I want us to do more but it has to be a top commitment of the agency and we commit to you to do that.

We want to get more federal contractors participating in the INAERP program. Just think if every one of these federal contractors or a significant proportion of them participated in an Indian Preference Program. How many more jobs would be available for Native Americans? That can make a huge impact. So we've got to do it. We have to certainly try, and we need your help.

So that leads me to just a couple of the points I wanted to make. So we have the INAERP program. Tina Williams is our OFCCP Policy Director. She's going to be speaking to you a little bit about the program. Tina has my full confidence. I recently appointed her as the director.

She's done many other jobs in her life at OFCCP. She's an attorney by trade, really strong public servant who has devoted her life to civil rights in her career and she's going to be talking a little bit and you're going to see that she's a very strong speaker powerful speaker and will touch on although I know forgive me Tina, because I know that this is not one of those speeches because you're going to be more informative.

But she is, I just want you to know that she's a strong advocate for minority

communities our Native Americans and for other groups and so I'm so proud that she's our policy director.

And then number two, and it's really not number two. It's at the same level we have Theresa Lujan. She has been the leader for INAERP program since it was founded by Tom Dowd, who is Hopi. He was a director, the acting director of OFCCP before I was director. And he was a deputy for a long time and someone who's a mentor to me and I'm very proud to continue to focus on their INAERP because it was a labor of love for him and it's something that he cared deeply about.

Theresa has taken that vision and made it into an incredible program today and she I - want you to know she has my full 100% support as well and so if you have any issues with federal contractors or with the Indian Preference Program please call Theresa. If you'd like her to come speak anywhere frankly, she has my full support. I know right now we're in COVID so we're a little limited so I'd have to be virtually but she has my full support. She has the resources of the agency behind her.

So I've given are basically an open check. And you obviously have to be careful when you say that in the federal government but I've given her the full support of the agency request, like this is a top priority for us. So please know that she has that. She's going to talk to you in a few minutes too. And she is a powerful advocate for Native Americans.

The last thing I wanted to say is that we've had a lot of accomplishments with INAERP. We conducted 11 stakeholder events with federal contractors and tribal entities in FY 2020. In FY '19 before that some of you may know this - we had a wonderful town hall event in Phoenix with - where many people got together. We also had representatives from HHS there.

And from – we had Jeannie Hovland, Commissioner, a lot of individuals interested in making more opportunity for Native Americans in this country and ensuring the full inclusion of Native Americans in this country while also recognizing their tribal rights and respecting that.

And then a couple other things we created a frequently asked questions on Indian preference that include guidance and have lawful extent preference and employment to Native Americans. We've posted best practices on the Web site. We're creating an inclusive workforce for Native Americans and we have improved collaboration with the DOL Office of Apprenticeship. All of this is because of Tina and Theresa and I want to thank them both, really they are the ones who should be speaking.

I've already spoken over my time but I wanted you to see that as the director I have a lot of passion for this. That's important. Some of you may know that I have been nominated to be the OPM inspector general and let me tell you I'm going to be focusing on Native American issues there as well if I get confirmed. That's going to be a priority for me.

But I wanted you to know, even though if I leave and someone else comes in, because of Tina and Theresa, this is going to continue to be a major priority for the agency for years to come. I have the full support, I want you to know, I have the full support of the Secretary of Labor and the Deputy of Secretary of Labor in these initiatives. This entire administration frankly has been supportive of me in doing this so with that, I want to turn it over to Tina Williams. Tina take it away.

Tina Williams: Yes absolutely. Thank you very much and good afternoon to everybody that is participating on this call with us today. You know, I won't go into a lot of

detail of what Director Leen mentioned but just know that I echo a lot of the sentiment that he shared.

You know, we are all familiar and aware that Director Leen will be leaving us sometime soon. With his impending departure, I just want to stress the importance of the INAERP program for OFCCP. As a career executive, I will not be leaving anytime soon and in fact, I will be staying here and working with Theresa Lujan as the INAERP director in her capacity.

This has become a priority for the agency. You will see a lot of messaging coming from OFCCP on behalf of our INAERP program and our efforts. Theresa Lujan is extremely passionate about this program. As a Native American herself, she has shared many stories with me and others and me after she left her reservation at the age of 17 going to college and a number of other things that she shared with us. She is not only knowledgeable, she has the passion, the dedication, and the commitment that we need to see this program develop into what we know it can be.

I just encourage you if you have not taken an opportunity to look at our landing page on our website please take the time to visit our INAERP landing page. Take the time to familiarize yourself with our best practices. Theresa and her team have worked very hard in this space in identifying best practices that employers can take on.

The other thing that we are committed to doing is as many of you are familiar with our help desk, many of you are familiar with requesting compliance and technical assistance from OFCCP and the supply and service space when it comes to the evaluation. But, know that OFCCP also provides compliance assistance with some of our programs as well, including INAERP. Theresa is there to provide a concierge type level of compliance assistance to you if it's

just to answer questions, give guidance, give recommendations she can do that.

Take advantage of her knowledge and her skill sets. Trust me, she knows everybody. We have participated in a number of calls with our MOU counterparts with CTER. We have participated in discussions (TERO). Theresa has the knowledge. She knows the issues and the challenges but she also knows how to bridge the gap between the two.

So at this time I just want you all to know as we move forward in fiscal year '21 INAERP will be at the top of our priority list. I encourage you all to reach out to us. I encourage you all to see how we can help you. We are taking on and considering many ways to develop and evolve this program even as it relates to the enforcement side of the house.

So at this time I am going to turn it over to our expert Theresa Lujan and I just again thank you all very much for taking time out of your busy day during the pandemic to receive this information. If you have a need for Theresa to participate in a discussion virtually or conferences, I echo director Lee's message.

I know we are dealing with some challenging times right now with the pandemic, but director Leen and myself have both continued to participate in giving presentations and Theresa is more than capable of doing so until next time we meet physically I'm now going to turn it over to our INAERP Director, Theresa Lujan. Thank you very much Theresa for allowing me to say a few words today.

Craig Leen

Wait Theresa, before you go. This is Craig. I just want to add one thing. Theresa is the real deal. She has the full support of the government behind her

on this matter. You should reach out to her.

I just looked on the website for the Council for Tribal Employment Rights and right there is a photo of Lee Adolph who's obviously the president and a partner of ours in a MOU and someone that I just spoke with yesterday, I believe and we spoke by phone and I went and visited him and he is someone that we care deeply about our relationship with him and with CTR and he held us to a very - he's holding us to a very high standard.

He tells me he always says, "I'm going to give you an earful," and he does and he's right to do it. But, it's him sitting there signing a MOU with Theresa Lujan of OFCCP. She is the real deal. She has the contacts with everybody. She has a trust of Lee; she is a trust of me, please contact her.

Theresa, thank you for all you do. You've taught me so much. You've been my guide whenever we go – when we go – wherever we go, you taught me. You took me all around Las Vegas, she took me all around South Dakota. I really enjoyed being with you and I just I think you're wonderful and you have our full support. So I'm looking forward to the presentation.

Theresa Lujan: Thank you both Director Leen and Director Williams for making INAERP a priority. We have accomplished a lot since INAERP was created back in 2013. I was asked by OFCCP leadership in 2013 to create a program that focused on American Indian and Alaska native job seekers and workers.

Now this was quite an undertaking for me but well worth the effort because it gave me a chance to give back to the Native American population. We developed INAERP's mission to advance awareness of employment rights and job opportunities for American Indians and Alaska Natives who work for or seek employment with companies doing business with the federal

government.

We accomplished this mission through compliance assistance and outreach to federal contractors and we coordinate with the federal contractors and help them to network with the tribes, with community-based organizations like the Council for Tribal Employment Rights, the local tribal employment rights organizations, apprenticeship programs, workforce development agencies and other federal agency stakeholders.

And our federal agency stakeholders are usually the contracting officer representatives who will contact me and ask me how they can work with the tribes as they're working on their solicitation and bids for federal projects and for work happening on or near the Indian reservation.

So I get a lot of requests from the different stakeholders and it keeps me not only busy, but it gives me the sense that individuals are interested in proactively working with the tribal communities across the United States.

We still have a lot to do though. We have thousands of government contractors and very few have participated in the INAERP program by contacting me or to find out more about how they can apply Indian preference and the benefits of having an Indian preference program within their company. So today's presentation and presentations in the future will be designed to explain the benefits of working with INAERP and how federal contractors benefit from having and utilizing Indian preference.

So today's key takeaways for this webinar are to define the permissible scope of Indian preference, to gain insight and why Indian preference and employment is legal, a brief overview of the regulations impacted by Indian preference and tips for creating a publicly announced policy and employment

for Native Americans.

One of the things that you'll hear today is my use of terms and they're going to be interchangeable. You'll hear me using the term Indian which is part of the code of federal regulations enforced by the Bureau of Indian Affairs and Indian Health Service. You'll hear me say Native Americans. You'll hear me say American Indian and Alaska Native. So these terms are all interchangeable and using the term Native American can be collectively, when I refer to Indians it's based on the way the regulations are written but if I'm specifically talking about the two different groups of American Indians and Alaska Natives, then I'll break that out. So you'll hear me use different terms and I know I get that question a lot, you know, why use different terms? So that's a quick explanation of why.

So today's presentation is a high-level overview of Indian preference and it is for informational purposes only. So sit back, relax and enjoy today's presentation.

Indian preference laws date back as far as 1834. During the Indian removal period, businesses could legally exercise an employment preference in favor of American Indians who were removed from their ancestral lands. This was a very difficult time within Indian history when the government wanted to take the land away from the Native Americans and move them into areas and entice them to take jobs in areas that they were not familiar with and they allowed businesses especially those that had government contracts to provide jobs to Native Americans.

Indian preference was incorporated into all OFCCP's regulations in 1978 and the permissible scope of Indian preference applies to work on or near Indian reservations. So it changes from work that was happening off in areas of

major metropolitan areas back to the work on or near Indian reservations.

Before we discuss the principles of Indian preference, I'd like to explain how OFCCP defines a federal contractor and the ways the federal government recognizes tribes and reservation. As Craig mentioned of federal contractor is defined as any contractor holding a government contract or subcontract or federally assisted construction contract or subcontract. These are our supplies service contractors and our construction contractors.

For purposes of this presentation all contractors and subcontractors who hold a federal contract in excess of \$10,000 are subject to regulatory requirements under one or more of the laws enforced by OFCCP depending on the amount of that contract.

A federally recognized tribe is an American Indian or Alaska native tribal entity that is recognized as having a government-to-government relationship with the United States with the responsibility, powers, limitations and obligations attached to that designation and is eligible for funding and services from the Bureau of Indian affairs.

Furthermore, federally recognized tribes are recognized as possessing certain inherent rights of self-government such as tribal sovereignty and are entitled to receive certain federal benefits, services and protection because of their special relationship with the United States. At present, there are 574 federally recognized American Indian and Alaska native tribes and villages.

The breakdown of OFCCP's region shows the 412 are in the Pacific region, 93 are in the Southwest and Rocky Mountain region, 39 are in the Midwest region, six in the Southeast region, seven in the mid-Atlantic region and 17 in the Northeast region.

The Bureau of Indian Affairs or BIA defines federal Indian reservations as an area of land reserved for a tribe or tribes under treaty or other agreement with the United States executive order or federal statute or administrative action as permanent tribal homelands and where the government holds title to land in trust on behalf of the tribe. Some reservations are the remnants of the tribe's original land base others were created by the federal government for resettlement of Indian people.

On May 16, 1988, the Equal Employment Opportunity Commission or EEOC issued a policy statement on Indian preference and its policy reads that Indian reservations are as defined as any federally recognized Indian tribe reservations including former reservations in Oklahoma, Indian allotment and land held by or incorporated with native groups, regional corporations and village corporations in Alaska under the provision of the Alaska Native Claims Settlement Act. OFCCP agrees with EEOC's broad definition of an Indian reservation.

Now that you have an understanding of these key terms let me define Indian preference and how it could be applied. OFCCP has three regulations where Indian preference may apply to federal contractors. The principle foundation outlining Indian preference can be found in the exemption section of the code of regulations at 41 CFR 60-1.5(a)(7). Later in this Webinar we'll discuss how Indian preference may affect placement goals and uniform guidelines on employee selection procedures.

Under the regulation, it states it shall not be a violation of the equal employment opportunity clause for a construction or non-construction contractors to extend a publicly announced reference and employment to Indians living on or near an Indian reservation in connection with employment

opportunities on or near an Indian reservation. The use of the word near would include all that area where a person seeking employment could reasonably be expected to commute to and from in the course of a workday. Contractors or subcontractors extending such a preference shall not, however, discriminate among Indians on the basis of religion, sex, or tribal affiliation, and the use of such a preference shall not excuse a contractor from complying with the other requirements contained in this chapter.

One of the most common questions that I get about Indian preference has to do with the commutable distance. OFCCP does not have a defined number of miles for that commuting distance and the reason is because there are a number of areas where individuals travel great distances to commute to and from work on a daily basis. For example when I commute to work, I travel 18 miles. My coworker travels 36 miles and so the reasonable commuting distance is based on what the average commutable distance is for employees. So we have to be mindful of where the location of individuals commute from when we're looking at this particular portion of this regulation.

This regulation, although brief, frames what circumstances federal contractors can utilize in Indian preference. The next slides will provide you with examples of applying in your preference. So, let's take a closer look.

Federal contractors must ensure they publicly announce their intent to expand Indian preference. Job postings should include a statement indicating employment opportunities are related to the work being performed on or near Indian reservations, and qualified American Indians and Alaskan Natives will be given preference in the selection process.

There are a few best practices to ensure job advertisements reach Indians and Native Americans living on or near Indian reservations or their tribal land.

You can supplement Web-based recruitment campaigns with word-of-mouth and print campaigns. This will ensure those living on reservations with limited or no access to the internet are aware of employment opportunities.

You might consider placing announcements on tribal radio stations, advertising in tribal newsletters, and mailing printed job postings to tribal meeting halls, career centers, and vocational rehabilitation centers. Including American Indians and Alaska Natives in job advertisements in our company Web sites in a culturally respectful manner will also increase the likelihood of American Indian and Alaska Natives to self-identify when applying.

You could visit our website and look at the best practices for creating an inclusive workplace for Native Americans and also find resources for different organizations and stakeholders where you can utilize your publicly announced preference.

In order to benefit from a contractor publicly announcing their preference, American Indians and Alaska Natives who (have applied) for an open position meet the minimum qualifications of the job can be offered an opportunity to complete a voluntary self-identification form. This self-identification form does not ask about tribal affiliation. Contractors should collect self-identification of race and ethnicity in the same manner as they would when Indian preference is not extended.

So, here's an example of how to apply Indian preference. A construction contractor is awarded a \$15 million contract to complete bridge repair work on Interstate 10, and work is about 25 miles from an Indian reservation. The contractor has a need to hire workers and wants to implement Indian preference in hiring, which is permissible.

The contractor knows that the local Tribal Employment Rights Organization Office is an excellent source of heavy equipment construction workers. The contractor makes a publicly-announced preference in employment for Indians and it is posted in the local newspaper, the job site, and in nearby communities. The contractor hires qualified Indians to work on this construction project.

Indian preference is not limited to hiring. Federal contractors maintaining their publicly announced Indian employment preference are permitted to extend such preferences to a broad array of employment actions. These include hiring, promotions, terminations, layoffs, reductions in force, and reinstatement.

Now that we have reviewed Indian preference, I'd like to give you an example of what a publicly announced Indian Preference policy may sound like. The ABC Company is a federal contractor and has employment opportunities for work being performed on or near the Confederate Tribes of the Colville Reservation located in the state of Washington. As such, we are extending a publicly announced preference to employ Indians as authorized by 41 CFR 60-1.5(a)(7). Applying this Indian Preference policy is not a violation of the Equal Opportunity clause. If you wish to be considered under our Indian Preference policy, please ensure you self-identify when applying for a job opening with the ABC Company.

Now, I would like to talk a little bit about placement goals. Under OFCCP's Regulations Act 41 CFR 60-2.16(f), contractors can address their placement goals to reflect the fact that they extend a publicly announced Indian employment preference. OFCCP's INAERP staff is available to assist you with how to reflect Indian preference in your placement goals.

For example, if a contractor applied Indian preference and has established a goal for minorities at 10%, they can adjust the goal to 13% because of the high Native American population in the labor market area.

Next, I'll discuss the impact of Indian preference on the uniform guidelines on employee selection procedures. The uniform guidelines on employee selection procedures do not restrict any obligation imposed or (right) granted by federal law to use those to extend the preference in employment to Indians living on or near an Indian reservation in connection with employment opportunities (for) that or near that Indian reservation.

For example, if a contractor implements Indian preference, and the high selection rate of qualified American Indians and Alaska Native applicants is the sole factor causing all this impact to other race groups, this would not be in violation of the Equal Opportunity clause.

This brings us to end of the presentation. I know that it was brief, but it was a good chance for you to get an overview and we encourage you to go to our website and to also read our Indian Preference Frequently Asked Questions. Our Web site has a number of items that are new. We've refreshed it to make it more user friendly and as we move forward in 2020, and into 2021, we're going to be expanding the information that we provide to the contractors.

But, because this is a general overview, I really encourage you to contact me and to work with me so that we can do some one-on-one exchange of information. I can get you to the right contacts because I will tell you from experience - and this is 35 years of experience working in the federal government with agencies that work directly with tribes, and my 26 years of working with OFCCP - sending a letter to a tribal office asking for applicants, or to recruit, does not work.

You have to be able to build the trust with the contractors and the tribal officials and those that work in the Tribal Employment Rights office. These are areas that are very important for you to be successful when you apply Indian preference. Based on the needs that your company has, those are your specific company needs, and it's why we do one-on-ones with the contractors and we get them to the right sources with the tribes because every region is different -- working with the tribes is different and just different populations.

We have to make sure that we work in concert with the tribes and we also want to make sure that if you are bidding on any scheduled projects, or you're bidding on any federal contracts with your client service contractor and you know that the work is going to be performed on or near an Indian reservation, please give me a call.

I will help you do some research with the tribes and so that you know, like, if the tribe has a Tribal Employment Rights office, that you have to sign compliance plans with the TERO office, what their laws are in relation to working on the reservations because remember, these are sovereign nations and they have their own laws, regulations, and ordinance that if you come onto the reservation, you must abide by the laws that the tribe enforces.

So, we want to make sure that you're comfortable working with the tribes. We want to make sure that you understand the benefits of working with the tribal communities and how the benefit of having Indian Preference programs and working with INAERP is going to make you successful in your recruitment efforts as you move forward.

So, I really look forward to hearing from all of you on the call today to see how I can help you. I will tell you that the first day that we launched the

refresh of our website, I had 20 contractors in one hour contacting me for assistance and so I'm working very hard to get them the information that they need so that we can continue this great work that we do in OFCCP and in INAERP.

So with that, (Charles), if you could, please open the phone lines so that we can start taking calls.

Coordinator: We will now begin the Question and Answer session of today's call. If you have a question today, please press Star 1 and make sure you record your name. Again, it's Star 1 to ask a question. One moment while we (go with) questions.

(Theresa): Okay. Do we have any calls there, (Charles)?

Coordinator: Showing no questions on the phone at this time.

(Theresa): Okay. I do have a question here on the chat and it says, "What if your company is not located in one of these identified regions?" So, first, we have a list of all of the federally recognized tribes and this list was published by the Bureau of Indian Affairs, and we can map the location of the tribes and the counties where the tribal lines are located and do a comparison with where your company is located.

And keep in mind, the regulation says, "On or near an Indian reservation." So, to give you an example of how Indian Preference may or may not apply, if you are in the Chicago area, there are no tribes on or near Chicago, or within or near Chicago. In Philadelphia, there are no tribes within the Philadelphia area, so Indian Preference wouldn't apply in those particular areas.

However, what we would do is we would say even though you don't have to have an Indian Preference policy in these particular areas, we encourage you to work with the Indian centers.

So, when I was talking about the Indian Removal Act, one of the things that happened is that as more Native Americans moved into the major metropolitan areas, they needed a community resource center for them to go to and that was the establishment of the Indian centers.

The first two Indian centers established in the United States were in Chicago and in Phoenix and I know working personally with both of these Indian centers, they provide resources and information to individuals representing over a hundred tribes across the United States, and they work with thousands of individuals on an annual basis to provide them with job training, resume writing, skills assessment, seeking work, looking at their transferable skills and how that relates to work that's being done by companies.

We are sending them back to school so that either they can get retraining or education and going back to school does not mean just a college or university, it may mean going to a technical school. It may mean getting involved with an apprenticeship program so they do a lot of work for the Native Americans that live in these major metropolitan areas.

I mentioned Chicago and Philadelphia, Dallas is another metropolitan area that does not have any Indian reservations on or near that particular area, but those three areas have a very large Native American population. So, there's still ways that you can recruit and be proactive with those particular communities, and I can give you information if you're looking to find out if your facility is on or near an Indian reservation. (Unintelligible).

"How would an organization go about determining they are in compliance if indeed there are hidden populations of Native Americans that one not might know about?" Well, this is - the Census Bureau is our key resource that we use to get the demographics on the Native American population. They work very closely with the tribes to get this information, the statistics on age and everything that they get from us that live in a major metropolitan area, they also get from the tribes and they have a specific department that is related to - or that is focused on the Native American population. They have a website that is devoted to the Native American population where you can get the demographic information, plus, they also have what is called, "My Tribal Area" where you can actually look up a reservation and get statistics specifically for that reservation, and they do a lot of tables and charts.

You can contact the Census Bureau's Native American Office, their division that they have, and they can put together the demographics for you within the geographical area that you're looking for.

So, they've been our source and we've had training from the Census Bureau on how to look up information, but they are available to help contractors with this information as well.

Okay, (Charles), any questions?

Coordinator: Yes. Yes, we have one question from (Mike Nathanson). Your line is now open.

(Theresa): (Hi, Michael).

(Mike Matheson): Hey, (Theresa). Hi, how are you? It's (Mike Nathanson) from Native America Today and you're on a speakerphone here, but can you hear me okay, if I

may?

(Theresa): Yes. Yes.

(Mike Matheson): Thank you. Thanks so much for all of your support and the only question I had is, you brought up a number of places where people can outreach, with your guidance, you can refer them to Indian centers, is commonly known as community groups, which have partnership programs and training programs. But how about the colleges and universities as a potential network for some of your - the contractors, if I may? Do you provide any of the information on the community colleges run by, for the most part, the tribes?

(Theresa): Yes.

(Mike Matheson): As well as information on popular schools like Oklahoma State, Arizona State? UCLA is an example that have high concentrations of Native Americans. Is that available as well?

(Theresa): Yes.

(Mike Matheson): Potential information?

(Theresa): Yes. On our website under the Resources link, we have a link to the 37 accredited tribal colleges and universities. This particular list came through the White House initiative on tribal colleges and universities and we were working closely with them before the pandemic hit where we were identifying the programs that they had and then we started doing more research on the major colleges and universities that did have high Native American populations and that had specific programs that were related to this population.

So, for example, we have been networking for the last couple of years with Arizona State University and their Construction in Indian Country program. We have spoken with them on a number of occasions and in their last conference that they had, they invited the Tribal Employment Rights representative to come and speak about TERO at the conference and you know, we're just continually building on the resources that we have.

But the tribal colleges and universities, this is a great opportunity for our supply service contractors to start networking with them. A lot of them are involved with the STEM educational program...

(Mike Matheson): Yes.

(Theresa): ...as well as the IT work that is, you know, becoming very - a primary focus within the United States. So, they've got so many different programs and that's why we're here to help, that is why, when Tina said that we can provide this concierge service, we're going to pinpoint areas that will help the contractors be successful.

(Mike Matheson): Thank you, thank you very much, yes. These schools seem to be great places for recruiting and an opportunity for many employers to create apprenticeship programs with, if I may - or internships - internship programs for summer.

And a lot of those kids at those schools that - or even outside of the tribal colleges - there's organized Native American coalitions at Harvard and Yale and Michigan State, and a lot of those kids return back to their reservations to be potential hires.

All right, I'm babbling. It's a pleasure speaking and thank you so much for

answering the question.

(Theresa): You're welcome. Next question?

Coordinator: As a reminder, please press Star 1 to ask a question. I'm showing no questions at this time. As a reminder, please press Star 1 to ask a question.

(Theresa): Okay. While we wait for another question, I have one on the chat. It says, "Can you talk a little bit more about the placement goals and increasing the overall minority rate you mentioned?" Federal contractors who are required to develop and maintain Affirmative Action programs, they're required to create placement goals in areas where particular minority groups are underutilized and, you know, you have the overall minority goal.

But if you have an Indian Preference program, you can highlight that in your placement goals and what your goals - what goals you want to establish for that particular job group. And this is a good way that I believe that your placement goals can reflect the proactive steps that you're taking when you're - when you are implementing Indian preference.

And if you need more specific information about the placement goals, please reach out to me and we can talk about your goals for your particular company.

Woman 1: Okay. I have one - another question that says, "What about the federal government agencies that want native preference?" So, there are two federal agencies, the Bureau of Indian Affairs and Indian Health Service that require applicants to provide their certificate of Indian blood in order to qualify under the Indian Preference program that they have and the certificate of Indian blood is usually signed either by the top official of the tribe or through the Bureau of Indian Affairs agency that that that particular tribe is covered under.

So, they require very specific information about an individual to show that they're qualified under their Indian Preference programs.

The regulations that OFCCP are (silent) about utilizing certificate of Indian blood and tribal identification. And usually what happens is that the Tribal Employment Rights offices, they gather all this information in advance. So, by the time that you are ready to start recruiting and hiring, they have already verified the person's eligibility under Indian Preference.

(Theresa): Let's see.

Coordinator: I do have a question that has come on the phones.

(Theresa): Okay.

Coordinator: This question comes from (Andrew Williams). Your line is now open.

(Andrew Williams): Good afternoon.

(Theresa): Good afternoon.

(Andrew Williams): My question is, (unintelligible) for this program (unintelligible)?

(Theresa): I'm sorry, you broke up. Could you repeat?

(Andrew Williams): I said my question is, was there (any) (unintelligible)?

(Theresa): I apologize. You - you still broke - I got the part about "my question is" and then you broke up again.

(Andrew Williams): Will there be any (work) (unintelligible)?

(Theresa): Will there be any - I got that part. Will there be any...

Coordinator: Seems to be a bad connection.

(Theresa): Yes.

Coordinator: Anyone else who has a question, please press Star 1. Showing no questions on the phone at this time.

(Theresa): Okay. I have a good question on the chat. It says, "Would you suggest that a specific question asking if someone identifies as an American Indian or Native Alaskan be added to the application if the federal contractor decides to (afford) an Indian Preference since most self-identification information is treated confidentially?" I would not add it to the application because you are inviting individuals to apply under this particular preference.

So, if you have an Indian Preference program, you have to develop a policy on how you're going to gather this information. And as I mentioned earlier, our regulation is brief.

And what we would need to find out from your company is how you normally get applicants to apply, especially if it's online, and we would need to work directly with you to make sure that your application process and your request for information for individuals to apply under Indian Preference is done so legally.

And I think this is a good question that we could probably put in our Frequently Asked Questions as we update them. So, I don't want to dance

around this question, but I do want to make sure that we have a legally sound answer to this individual who asked the question.

So, we'll post that question after we have vetted it through our Solicitor's Office and I have spoken with Director Williams about this question.

Man 1: Great.

(Theresa): All right. All right. (Charles), are there any other questions?

Coordinator: I'm showing no questions on the phone at this time. And as a reminder, you may press Star 1 to ask a question.

(Theresa): Okay. We have about four minutes left for today's webinar. (Tina) or (Craig), would you like to close out or say a few, you know, just say a few words or (unintelligible) comments?

(Craig): Certainly, I'd be happy to. (Tina), do you want to say anything first? No? Let me - let me, and actually to (unintelligible), I - (Tina) and I talked during your presentation, we had some additional ideas for INAERP and some other things, so she's probably working on those right now.

But the - but let me say a few words. The - first of all, I thought that was an outstanding presentation. Thank you, (Theresa). I think everyone can see what a comprehensive program INAERP is and how helpful it can be to the Native American community in the United States, and really, in the end, how helpful it can be to the United States as well because any time you increase equal employment opportunity, you increase productivity, you bring - you include more people in the workforce and that ends up increasing growth.

And it's good for the country -- diversity, inclusivity, reaching out to Native American communities, making sure that we're fully involving them in the economic, and indeed where they are -- because I'll tell you when I spoke with Lee, with President Adolph, he told me that there's a lot of Native Americans ready to work and that it's more an issue with the companies, with the contractors who are not going there and working with those employees.

There is quite a source of employees available and we would really like to see OFCCP, through our INAERP program, we would really like to see a great expansion of the Indian Preference program. So, you're going to see a lot from us over the next year.

We're going to be reaching out to a lot of contractors. We're going to be trying to incorporate Indian Preference into some of our settlement agreements like Early Resolution Conciliation Agreements that we're doing and other types of settlement agreements with companies where they discriminated.

And in situations where we find discrimination against Native Americans, we're going to ask the company, as part of the settlement, to do an Indian Preference, if for those parts that their companies that are on or near an Indian reservation, and we are going to be making this a primary focus for years to come.

Like I said, I have the full support of the administration, of the Secretary of Labor. INAERP is a key priority for the agency. I think if you ask anyone who worked at OFCCP, they would tell you we talked about INAERP all the time. We need to be doing more for the Native American community as a federal agency. We need to show President Adolph that we have heard (them) and we have heard the Native American community and we know we need to do more.

And I can tell you, I think you can see with (Theresa) and with the tremendous amount of authority and support she's been given, we have full trust in her. She can do things. If you need a federal official to come to a TERO to speak or come to talk to a company because they're discriminating, or whatever it may be, you have your person. You have (Theresa). She is there, she has the full support of our agency, and she has my full support. But more than me, the agency.

So, please, utilize her. I know how much she loves the INAERP program. She's put so much into it and I feel proud of the program and of (Theresa), and it's just such a pleasure to work with her and she's really an example of what a public servant should be.

So, (Theresa), thank you for everything you're doing. Please keep up the great work. I'm hoping we can expand INAERP and maybe you could even have a few others that can go around over time. That's the goal. So please utilize it.

That's the way we're going to be able to expand it, is if companies use it, if the tribal leaders cite it and mention it, and ask for more of it, and contact the agency, that's the way it's going to work, and that's the way it's going to improve and I do believe it will continue to make a major impact for years to come.

So with that, and then the last thing I should say is, look, you know better than we do, I mean, Theresa knows a lot obviously, but you know better than I do. You know better than the federal government, what you need. So if you're not doing it right, or you think there's something we can add, send a message to Theresa.

Please email me as well. My email address is Lean, L-E-E-N.Craig, C-R-A-I-G at DOL.gov. I'm the director. Even if I end up going to OPM, if I'm confirmed for that, please email Theresa and Tina. Tina is our Policy Director, and that's a very powerful post, and she's a career official. So both Theresa and Tina are career officials. So this is going to be going on for years to come. Email them. Theresa, did you give them your email address?

Theresa: Yes. It's on the screen.

Craig Leen: Oh, it was on the slide. Yes.

Theresa: Yes, and I've already gotten 15 messages, so thank you.

Craig Leen: Oh, okay. Wait a minute. Maybe don't email her so much. No, I'm kidding. I'm kidding. You know what, email her some more. Let's get up to 30. But Theresa, we may need to be getting you some more support. But, please email her. Theresa is wonderful. She will be there for you as you all will be. Theresa, is there anything I missed?

Theresa: No. I know that Tina is on.

Craig Leen: On, Tina.

Tina Williams: One thing that I think we would add is ...

Craig Leen: Tina, please.

Tina Williams: Yes, absolutely. Another one is a gentleman attempting to answer his question by phone. Sir, if you wouldn't mind, just send your question through this web

chat. For those of you whose questions I can't see, you can expect that Theresa and I will craft some responses, and we will get them posted. We can also notify you as soon as I scan through our stakeholder messaging.

So for those of you that have questions, please now is the time to ask those questions to the web chat and Theresa and I will provide responses to all those collectively, and share those responses to all of you and our entire stakeholder community. In addition to having Theresa's contact information, I would like to give mine as well.

Again, my name is Tina Williams. My email address is Williams, with an S dot Tina, T-I-N-A dot T as in Tom at DOL.gov. As the Policy Director, Theresa has my full support. So whatever she needs assistance with, I'm there to assist her. So again, questions, send through the chat. We will provide responses to those.

If you have any additional questions, please feel free to reach out to either of us. And again, Theresa, thank you for doing such a great job and thanks all of you for taking time out of your day today, to participate in this very, very important presentation. Thank you.

Theresa: Thank you all.

Craig Leen: Take care, everybody.

Tina Williams: Yes. Thank you and Charles, we're done.

Coordinator: And this concludes today's conference. Thank you all for participating. You may disconnect at this time.

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