

WISCONSIN TRIBAL TRANSPORTATION CONFERENCE 2014

ENHANCING TRIBAL EMPLOYMENT OPPORTUNITIES
IN WISDOT CONSTRUCTION

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PRESENTATION OVERVIEW

- **Wisconsin tribal relations**
- **Tribal employment challenges**
- **Wisconsin's efforts to address employment challenges**
 - **Wisconsin Tribal Labor Advisory Committee (TLAC)**
 - **8 recommendations to enhance the utilization of Native American employment on WisDOT projects**
 - **Implementation Strategies**
 - **TLAC/Statewide Native American Labor Initiative updates**
 - **Native American Hiring Provision**
 - **Lac du Flambeau Provision Pilot**
 - **Transportation Alliance for New Solutions (TrANS)**

WISCONSIN'S TRIBAL RELATIONS



Wisconsin - Executive Order #39

WisDOT Tribal Partnership Agreement

WISDOT TRIBAL PARTNERSHIP AGREEMENT



- First of its kind agreement that creates and defines the processes by which WisDOT and the Wisconsin Division-Federal Highway Administration (FHWA) work in collaboration with tribes on transportation related issues.
- Originally signed in May of 2005 and resigned in October of 2010
- Emphasis areas: Partnerships, Economic Development, Business/Labor, Safety, Environmental/Cultural Resources, Technical Support and Training

NATIVE AMERICAN UNEMPLOYMENT RATES

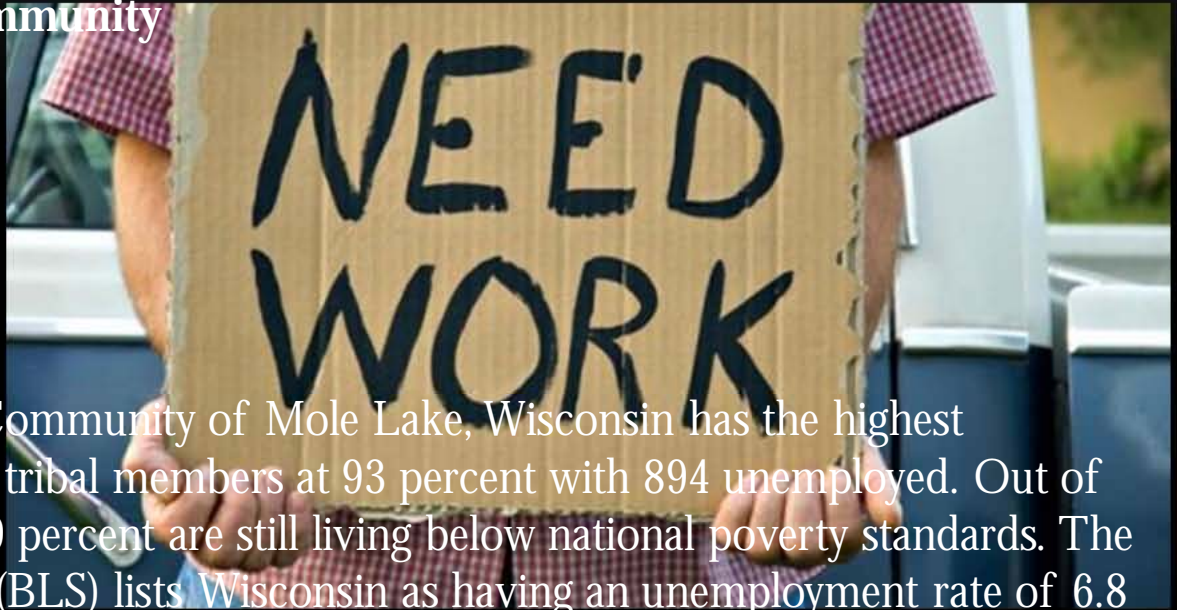
Sokaogon Chippewa Community

93 percent unemployment

Tribal enrollment 1,274

Available for work 961

Unemployed 894



The Sokaogon Chippewa Community of Mole Lake, Wisconsin has the highest percentage of unemployed tribal members at 93 percent with 894 unemployed. Out of those that are employed, 79 percent are still living below national poverty standards. The Bureau of Labor Statistics (BLS) lists Wisconsin as having an unemployment rate of 6.8 percent.

Read more at <http://indiancountrytodaymedianetwork.com/2013/08/29/danger-zone-15-tribes-unemployment-rates-over-80-percent-151078>

NATIVE AMERICAN UNEMPLOYMENT RATES

Bad River Band

81 percent unemployment

Tribal enrollment 6,875

Available for work 1,800

Unemployed 1,465



The Bad River Band of the Ojibwe / Chippewa is located on the south shore of Lake Superior in northern Wisconsin. At 81 percent unemployment, Bad River holds the number 14 spot with 335 employed out of the 1,800 available. Of those employed 273 or 81 percent are living below poverty standards.

Read more at <http://indiancountrytodaymedianetwork.com/2013/08/29/danger-zone-15-tribes-unemployment-rates-over-80-percent-151078>

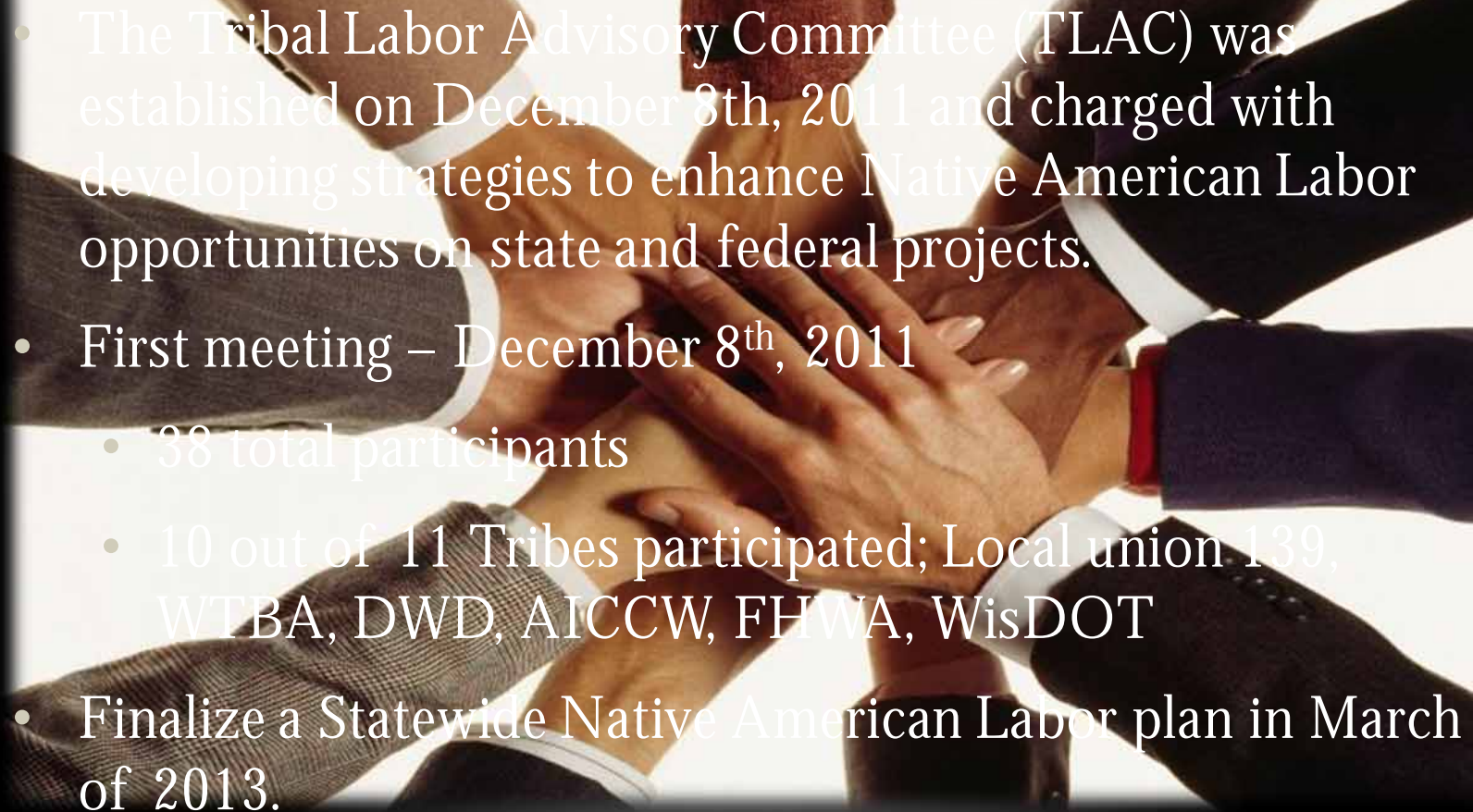
TRIBAL EMPLOYMENT CHALLENGES

- Data management/information maintained on workforce
- Recruitment/referral
- Retention
- Transportation
- Training/preparedness
- TERO ordinances
- Capacity
- Lack of enforcement of tribal preference/TERO/contract provisions

WisDOT OGC determination– WisDOT does not have the statutory authority to enforce TERO



WISDOT EFFORTS TO ADDRESS CHALLENGES: TRIBAL LABOR ADVISORY COMMITTEE

- 
- The Tribal Labor Advisory Committee (TLAC) was established on December 8th, 2011 and charged with developing strategies to enhance Native American Labor opportunities on state and federal projects.
 - First meeting – December 8th, 2011
 - 38 total participants
 - 10 out of 11 Tribes participated; Local union 139, WTBA, DWD, AICCW, FHWA, WisDOT
 - Finalize a Statewide Native American Labor plan in March of 2013.

STATEWIDE NATIVE AMERICAN LABOR LAUNCHED IN 2014

8 Executive Recommendations

- Centralized Native American Labor Initiative
- Statewide Native American Database
- Standardize Recruitment and Referral
- Monitor, Report and Assessment
- Partnership & Enhanced Communications
- Incentives
- Native American Hiring Provision

TLAC Implementation

- WisDOT -190,000
- IGA with Lac du Flambeau Band to facilitate the initiative.
- DWD – Database Development
- Tribal Coordination
- Interagency partnerships with BIA, DWD, DOA, DOL, industry and unions

Tribal Labor Advisory Committee Recommendation Work Teams

Centralized Statewide Native American Labor Initiative

- Tribal Government will carryout initiative and serve as a primary administrator

Statewide Native American Labor Database

- Assess and enhance capacity of tribal labor offices to maintain workforce data
- Centralize inter-tribal labor database
- Standardize a recruitment and referral process
- Monitoring and reporting
- Annual assessment

Training & Preparedness

- Cross cultural training
- Stakeholder advisory committee (TLAC)
- Outreach , coordination, communication and networking
- Project forecasting
- Skills assessment and training
- TrANS
- Tribally tailored recruitment strategies
- Resources and funding for training and support services
- Pre-training and screening
- Apprenticeships, DWD, unions and non-unions
- Non-WisDOT training services and opportunities
- Educational and promotional materials

Incentives

- Monetary
- Non-Monetary incentives
- Awards/recognition program

Native American Hiring Provision

- Applies to projects that are on or partially on tribal lands
- Promotes communication and coordination between contractors and tribal employment offices

LAC DU FLAMBEAU UPDATES:

State Wide Native American Labor Database

- Initiated contact with tribal labor or Human Resource offices to do initial interviews and found that:
 - Most offices are registered with DWD's Job Center as an "Employer" already
 - Most offices only utilize the program to post employment opportunities.
 - Most offices do have a resource bank of information they utilize locally of their workforce, for employment purposes, who have inquired
 - Through the initial interview process of capacity assessment in each tribe, it was found that there are additional strategies to be identified to help in the coordination of tribal employment office and tribal laborers, to ensure their available workforce is registering with Job Center, and keeping their contact information current.
 - Tribes with the need of technical support have been identified and coordination efforts are being reviewed, this process will be on going.

STATE WIDE NATIVE AMERICAN LABOR DATABASE

- TLAC will soon host a Tribal Labor Peer Exchange to gather how tribes collect workforce data, provide industry referrals and promote tribal labor opportunities. The peer exchange will also offer an opportunity for any participants input in regards the development of a state wide database, with a presentation of the current database, on how to use and updates on the new database, from Dept. of Workforce Development.
 - A work team will be put together to meet and regularly discuss recommendations of how they feel the database could best be utilized for them.

DEVELOP & DISTRIBUTION OF MATERIALS

- TLAC Website:
 - an official TLAC website will be up and running by mid/late November.
 - The website will include; a brief description of each of the 11 tribes, a calendar with meeting & training notices, TLAC's scope of work with recommendations.
 - Have asked for feed back from employment offices to forward any information they may have, per tribe, on any training events in their local communities (for example: interview processes, resume writing, communication skills, etc.)

DEVELOP & DISTRIBUTION OF TRAINING MATERIALS

TLAC Website (cont):

- The website will include; a brief description of each of the 11 tribes, a calendar with meeting & training notices, TLAC's scope of work with recommendations.
- Will be receiving and collecting feed back from employment/education offices any information they may have, per tribe, on any training events in their local communities (for example: interview processes, resume writing, communication skills, etc.)

TRAINING & PREPAREDNESS

- Expanding TrANS Program: an additional 3 – 4 programs
 - The Tribal Labor Advisory Committee will coordinate 3 – 4 TrANS programs though the first year of funding
 - These 3 – 4 programs will have a culturally tailored curriculum.
 - Initial interview processes have been started with all regional TrANS providers and further developments of this strategy will be discussed at the next TLAC meeting (Monday, October 30th, 2014)

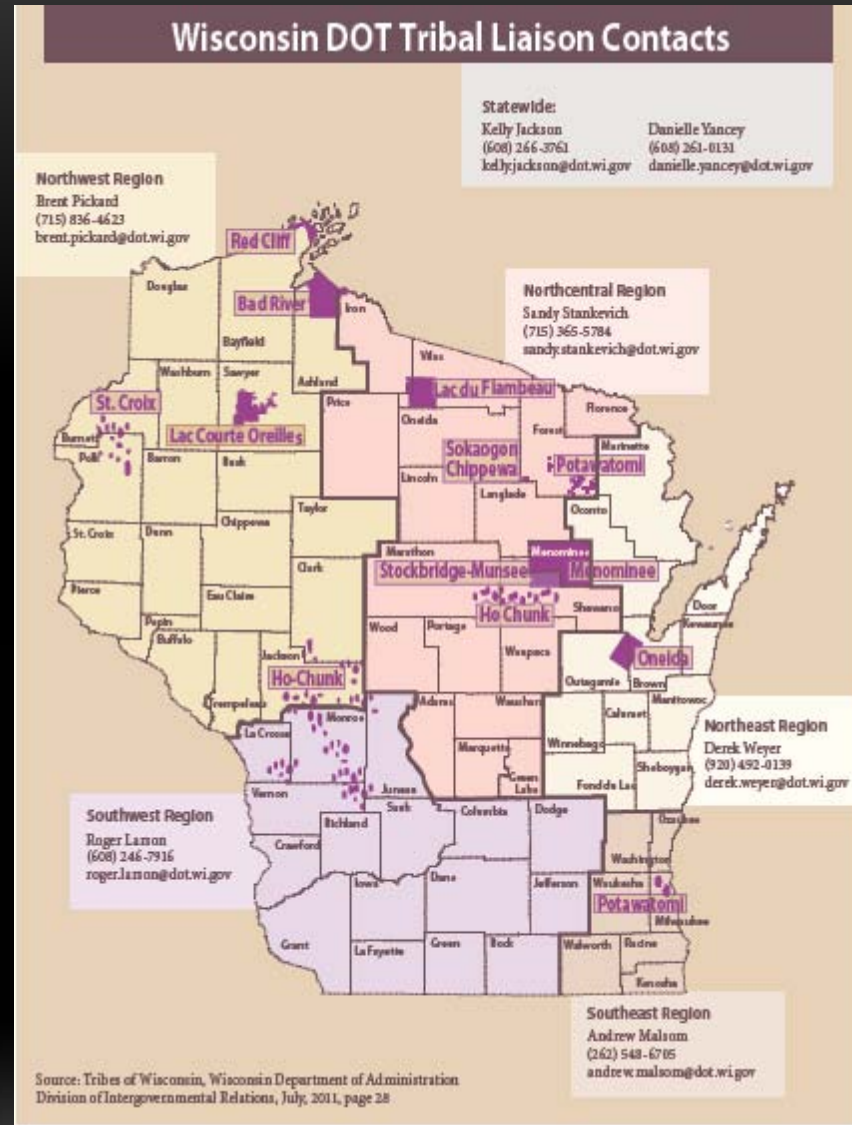
TRAINING & PREPAREDNESS

- Tribally Tailored Recruitment Strategies for TrANS:
 - Discussions and correspondence has been taking place between the Lac du Flambeau office and other employment/education offices have noted the following strategies have been used in the 2-3 years, by providing TrANS Training Recruitment Information to:
 - Local high schools
 - Tribal News papers & E News Letters
 - Putting the information on Tribal Website & or FaceBook page
- “A Day in the Life of a Construction Laborer”: a video to be produced and used a training aide for all Tribal Employment/Labor/HR offices.
 - A local union group has agreed to assist in making this video. Multiple discussions have taken place about the right time when to film due to their working season, follow up meetings are on-going with production.
 - this item along with other created training materials to be produced from the deliverables of the implementation plan will all be uploaded to TLAC’s website as well

TRIBAL AFFAIRS BUSINESS/LABOR REPORTS

- Background & Justification
 - WisDOT, FHWA, Tribal Partnership Agreement
 - Tribal programs utilize improvement funding which requires project review (ITTF, TLAC, and THPO initiatives)

REGION TRIBAL LIAISONS




MONITORING, REPORTING AND ASSESSMENT

January 2013-July 2013

WisDOT Tribal Affairs Northeast Region

Tribes in or near Region

| <i>Oneida Tribe of Indians of Wisconsin</i> | | | | | |
|--|--|--|--|--|--|
| Section 106 signature needed from THPO for CTH VV wetland mitigation site. CTH FF interchange construction will begin XXXX | | | | | |
| US 41 mainline work continues (labor and DBE numbers are attached) | | | | | |
| Duck Creek Bridge Jurisdictional Transfer will be recorded with the Oneida Register of Deeds in the coming weeks. The original copy is in Madison for signature. | | | | | |
| WisDOT will be participating in an "Open House" at the Oneida Land Management Offices in August. | | | | | |
| Oneida Tribe will be hosting this year's THPO Listening Session (Oct 22-24) | | | | | |
| <i>Menominee Indian Tribe of Wisconsin</i> | | | | | |
| Annual Summer Transportation Institute (STI) regional field trip will be held July 22nd | | | | | |




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Labor Utilization

| Reporting Period | Native Employment Head Count | | | Total Project Employment | Percent Native Employment | Native Population in Wisconsin |
|------------------|------------------------------|---|-------|--------------------------|---------------------------|--------------------------------|
| | M | F | Total | | | |
| 1/13-6/13 | 47 | 3 | 50 | 2,446 | 2.0% | .9% |

| Reporting Period | Native Employment Hours | | | Total Project Employment | Percent Native Employment | Native Population in Wisconsin |
|------------------|-------------------------|-------|---------|--------------------------|---------------------------|--------------------------------|
| | M | F | Total | | | |
| 1/13-6/13 | 5,780 | 104.5 | 5,884.5 | 238,287.6 | 2.4% | .9% |

DBE Utilization

Refer to the US 41 DBE Report (Attached)

Mission: To promote and enhance government-to-government relationships between Wisconsin's eleven tribal governments and the State of Wisconsin.

SAMPLE REPORT

January 2013-July 2013

WisDOT Tribal Affairs

Northeast Region

Tribes in or near Region

| <i>Oneida Tribe of Indians of Wisconsin</i> |
|---|
| Section 106 signature needed from THPO for CTH VV wetland mitigation site. CTH FF interchange construction will begin XXXX US 41 mainline work continues (labor and DBE numbers are attached) Duck Creek Bridge Jurisdictional Transfer will be recorded with the Oneida Register of Deeds in the coming weeks. The original copy is in Madison for signature. WisDOT will be participating in an "Open House" at the Oneida Land Management Offices in August. Oneida Tribe will be hosting this year's THPO Listening Session (Oct 22-24) |
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DBE Utilization

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WisDOT Tribal Affairs Northeast Region

Local Program on/near Tribal Lands

| HWY | COUNTY | PROJECT LIMITS | YEAR | DESCRIPTION | Status |
|----------------|--------|------------------------------|-------|-------------|--|
| CTH GE | Brown | Dutchman's Creek Bridge | 2016 | BRRPL | Bridge replacement |
| N/A | Brown | Alouez Safe Routes to School | 2014 | MISC | Sidewalk extensions throughout village |
| N/A | Brown | Alouez Trail Connection | 2014 | MISC | Trail connection to Fox River Trail |
| N/A | Brown | Ashwaubenon SRTS Non | 2013 | MISC | Non infrastructure encouragement |
| CTH N | Brown | Cornelius-Spartan | 2016 | RECST | XXXX |
| School Dr. | Brown | Susmico River Bridge | 2015 | BRRPL | Bridge replacement |
| Fair Road | Brown | East River Bridge | 2015 | BRRPL | Bridge replacement |
| Bower Creek Rd | Brown | Bower Creek Bridge | 2015 | BRRPL | Bridge replacement |
| St. Pats Rd. | Brown | Susmico River Bridge | 2015 | BRRPL | Bridge replacement |
| CTH YY | Brown | Holmgren-Ashland | 2015? | RECST | Design, may be moved due to US 41 construction |
| CTH X. | Brown | Railroad Bridge | 2016 | BRRPL | XXXX |

State Projects on/near Tribal Lands

Refer to the Regional List (Attached)

Mega Projects/Major Projects of Regional Significance

| PROJECT | STATUS |
|---|---|
| US 41 Mega Project (Brown County) | Construction in Brown County continues. Total project is estimated at 36% complete. |
| US 41 Mega Project (Winnebago County) | Lake Buite des Morts Causeway bridge ceremony was held June 11, 2013. Wouwash Trail ribbon cutting is tentatively scheduled for October 12, 2013. |
| US 10/ WIS 441 Expansion (Calumet, Outagamie, and Winnebago Counties) | Public Information Meeting (PIM) held on June 25, 2013. Project is currently in design. Construction is unlikely to start before 2016. |

WisDOT Tribal Affairs Northeast Region

NATIVE AMERICAN HIRING PROVISION

- Work team of tribal government representatives, FHWA and WisDOT
 - Draft adopted on March 22, 2013 (for project located on or partially on tribal lands)
 - Additional Eligible Projects
- NEXT STEPS:
 - Tribal Labor Agreements
 - Definition of Tribal Lands
 - Pre-con – Pre-bid expectations
 - Business components



NATIVE AMERICAN HIRING PROVISION CORE COMPONENTS

- WisDOT standardized special provision applied to projects on or partially on tribal lands.
- Requires pre-bid contact between prime contractor and tribal employment office
 - Present documentation in conjunction with DT1633 that contact has occurred
- Requires post-bid contact regarding job opportunities and application process
 - Occurs 3 days prior to the tribal coordination meeting
- Requires tribal coordination meeting
 - Occurs after WisDOT has received and approved subcontractors and between execution of the contract and project preconstruction conference
- Reporting and documentation

NATIVE AMERICAN HIRING PROVISION - USER GUIDANCE

- Reference and mapping tools to identify projects
- Policy considerations:
 - Regional tribal liaison involvement
 - Pre-advertising meeting with project manager, regional/statewide tribal liaison and tribal labor contact
 - Discuss DBE goal sets and outreach process under ASP 3
- Request documentation regarding communication with tribe at least twice during the project (within a couple weeks of the precon and at the end of the project)
 - Documentation goes to regional and statewide tribal liaisons and the tribe
 - No standard format for documentation
 - 5 business days
- Statewide Native American Labor Database

LAC DU FLAMBEAU HWY 47 PILOT

- Selected LDF HWY 47 project for pilot application in July 2013
 - Integrity (prime) and 8 subcontractors
- Pilot Project Outcomes:
 - Approximately 8 offers were made
 - Two additional offers on US41 were made by subcontractor outside of HWY 47 project
 - Construction meetings were held at land use tribal department office and included tribal and contractor participation
 - Regular and on-going communication between prime and TERO director



LAC DU FLAMBEAU HWY 47 PILOT

- Pilot assessment
- Lessons learned /critical success factors
- Modifications/adjustments
- Statewide implementation and application



BUREAU OF AERONAUTICS ONEIDA NATION

- Launched the second application of the Native American Hiring Provision in Oneida Wisconsin on a Bureau of Aeronautics's project. While we do not have any data on the results of the provision, the Oneida Nation in cooperation with the prime contractor convened a tribal coordination meeting between various Oneida programs, prospective employees and all subcontractors working on the airport project. This meeting has stimulated employment opportunity for local Oneida tribal members.

2015/2016 APPLICABLE PROJECTS


| <u>Map Label</u> | <u>Nation</u> | <u>State</u> <u>Fiscal Year</u> | <u>FOS Project</u> <u>ID</u> | <u>Net-Centerline</u> <u>Miles</u> | <u>Route</u> | <u>County</u> | <u>Work Type</u> | <u>Concept</u> | <u>Limit</u> |
|--|--|------------------------------------|---------------------------------|---------------------------------------|--------------|---------------------------|------------------|-------------------------------------|-------------------------------------|
| <u>SIGNIFICANT PAVEMENT WORK VIA STATE PROGRAMS</u> | | | | | | | | | |
| 1 | Oneida | 2015 | 92021071 | 7.91 | STH 029 | BROWN | RESURF | CONST/RESURF MILL/OVERLAY | WCL-CTH J |
| 2 | Oneida | 2015 | 11330473 | 13.93 | USH 041 | BROWN | RECSTE | STH 29 SYSTEM IC LANDSCAPING | MORRIS AVE - MEMORIAL DRIVE |
| 3 | Oneida | 2015 | 92000472 | 0.07 | STH 029 | BROWN | RECST | CONST/RECST UTILITY LIGHTING | STH 29 & CTH FF INTERSECTION |
| 4 | Ho-Chunk | 2016 | 10071042 | 21.53 | IH 039 | DANE | RECSTE | UTILITY LEVEL OF EFFORT FY 2016 | SOUTH DANE COUNTY LINE TO UP RR |
| 5 | Lac du Flambeau | 2016 | 92310870 | 8.65 | STH 047 | IRON | RESURF | CONST/RESURFACE | LOWER SUGARBUSH LANE TO USH 51 |
| 6 | Menominee | 2016 | 96501771 | 0.65 | STH 047 | MENOMINEE | RECST | CONST/RECONSTRUCT | SHAWANO CO LINE TO DUQUAINE ROAD |
| 7 | Ho-Chunk | 2015 | 69500340 | 0.68 | STH 054 | WOOD | RECST | UTL/RCTR PC 52 WP&L 6950-03-75 | STH 54 RELOCATION AT CTH D |
| 8 | Ho-Chunk | 2016 | 69500375 | 1.402 | STH 054 | WOOD | RECST | RECST | STH 54 RELOCATION AT CTH D |
| <u>OTHER WORK VIA STATE PROGRAMS</u> | | | | | | | | | |
| 9 | Ho-Chunk | 2015 | 10010064 | 5.67 | IH 039 | DANE | RDMTN | CONST/CONCRETE PAVEMENT REPAIR | USH 12/18 TO STH 30 |
| 10 | Ho-Chunk | 2016 | 10160062 | 49.7 | IH 090 | JUNEAU | RDMTN | CONST/OPS/RDMTN | CAMP DOUGLAS TO STH 33 |
| 11 | Ho-Chunk | 2015 | 10160092 | 49.7 | IH 090 | JUNEAU | MISC | TRF MIT 1016-00-62 | CAMP DOUGLAS TO STH 33 |
| 12 | Ho-Chunk | 2015 | 10094365 | 138.4 | VAR HWY | NORTH CENTRAL REGION WIDE | RDMTN | CONST/RDMTN STATE FUND APRVL 8/2/13 | VARIOUS COUNTIES |
| 13 | Menominee | 2015 | 10094362 | 0 | VAR HWY | NORTH CENTRAL REGION WIDE | RDMTN | CONST/SHRM/APPRVL 2/16/2012 | VARIOUS HIGHWAYS |
| 14 | Lac du Flambeau | 2015 | 90700362 | 6.77 | STH 070 | ONEIDA | RDMTN | CONST/SHRM/ROUT & SEAL | NORTH COUNTY LINE TO MORGAN ROAD |
| 15 | Oneida | 2016 | 10093235 | 0 | NON HWY | OUTAGAMIE | MISC | CONST/OPS-WETLAND SITE MONITORING | NORTHEAST REGION-MONITORING |
| 16 | Oneida | 2015 | 10093233 | 0 | NON HWY | OUTAGAMIE | MISC | CONST/OPS-CONSTRUCTION WETLAND | NORTHEAST REGION |
| 17 | Oneida | 2016 | 10093234 | 0 | NON HWY | OUTAGAMIE | MISC | CONST/OPS-WETLAND SITE MAINTENANCE | NORTHEAST REGION-MAINTENANCE |
| 18 | Menominee/Stockbrid ge-Munsee | 2015 | 10094082 | | CTH G | SHAWANO | MISC | PAYMENT FOR APPRAISAL SERVICES | CTH G & STH 47 INTERSECTION |
| <u>LOCAL PROGRAMS</u> | | | | | | | | | |
| 19 | Red Cliff | 2016 | 83570172 | 2.6 | TWN RD | BAYFIELD | PVRPLA | CONST/PVRPLA/FEDERAL LANDS PROGRAM | OLD CTH K TO TERMINI |
| 20 | Oneida | 2015 | 92860471 | | CTH J | BROWN | MISC | CONST/MISC HS/IP 2L | COUNTY LINE RD-HILLCREST DR |
| 21 | Oneida | 2016 | 92650771 | 0.1 | CTH GE | BROWN | BRRLPL | CONST/BRIDGE REPLACE P-05-0120 | DUTCHMANS CREEK BRIDGE P-05-0120 |
| 22 | Oneida | 2015 | 64990871 | | LOC STR | OUTAGAMIE | MISC | SRTS | ONEIDA ELEMENT-GR VALLEY HOUSE DEV |
| 23 | Ho-Chunk | 2015 | 58970070 | 12.238 | CTH H | SAUK | PVRPLA | CONST/OPS/PAVEMENT REPLC | FAWN VALLEY DR TO IH 90 |
| 24 | Lac Courte Oreilles | 2016 | 84500070 | | NON HWY | SAWYER | MISC | CONST/BIKE&PED FACILITIES PROGRAM | STH 27 TO CTH K |
| 25 | Lac Courte Oreilles | 2015 | 84500073 | | LOC STR | SAWYER | MISC | DESIGN/SRTS/MULTIUSE PATH | SAFE ROUTES TO SCHOOL |
| 26 | Lac Courte Oreilles | 2015 | 87720070 | | LOC STR | SAWYER | MISC | CONST/BIKE & PED FACILITIES | ROUND LK SCHOOL RD TO CTH K/PHASE 3 |
| 27 | Lac Courte Oreilles Menominee/Stockbrid | 2015 | 87800070 | 5.814 | CTH S | SAWYER | RECST | CONST/RECONSTRUCT | MOOSE LAKE ROAD TO STH 77 |
| 28 | ge-Munsee | 2015 | 62430270 | 0.12 | CTH G | SHAWANO | MISC | CONST/INTERSECTION MOD/HSIP | CTH G & STH 47 INTERSECTION |

2015/2016 APPLICABLE PROJECTS



TRANSPORTATION ALLIANCE FOR NEW SOLUTIONS (TRANS)

- <http://www.dot.wi.gov/business/civilrights/laborwages/trans.htm>

Doing Business Search 

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Labor and wage compliance - Transportation Alliance for New Solutions (TRANS)

[Industry class](#) | [Graduation](#) | [Screenings](#) | [Orientations](#) | [Support](#) | [Wage subsidy](#) | [Success](#) | [More information](#)

TrANS is a cost-effective program that helps to fulfill entry-level laborer positions for construction contractors. It is a collaborative effort combining the strengths of industry and labor, community-based organizations, government and the contractors of Wisconsin.

This public-private model for collaboration successfully prepares Wisconsin's untapped workforce with the skills needed to contribute to the transportation construction industry as laborers and apprentices. This untapped workforce that TrANS prepares to enter the construction industry involves those who have been underrepresented historically in the industry, including, but not limited to, women and minorities.

There are more than 24 core partners, including:

- [Associated Builders and Contractors \(ABC\) of Wisconsin](#)
- [Department of Workforce Development, Bureau of Apprenticeship Standards](#)
- [National Association of Minority Contractors \(NAMC\), Wisconsin Chapter](#)
- [Wisconsin Transportation Builders Association \(WTBA\)](#)
- [Wisconsin Technical College System](#)
- [Wisconsin Women's Council](#)
- Elected officials
- Labor unions

Wisconsin contractors and subcontractors have used this employee recruitment and retention program since 1995.

TrANS offers a 120 hour industry awareness class

Each TrANS class contains no more than 20 candidates to ensure quality of candidate preparation to work. These participants undergo an intensive 120 hour soft and hard skills preparation program that incorporates industry professionals, road construction contractors, or experienced road construction employees.

Instruction includes

- Physical conditioning

WISDOT TRIBAL AFFAIRS

[http://www.dot.wi.gov/localgov/aid/
tribalaffairs/index.htm](http://www.dot.wi.gov/localgov/aid/tribalaffairs/index.htm)

QUESTIONS/DISCUSSION
