



MAY 15 2015

VETERANS' PROGRAM LETTER NO 05-15

TO: ALL REGIONAL ADMINISTRATORS AND DIRECTORS FOR
VETERANS' EMPLOYMENT AND TRAINING
ALL STATE WORKFORCE AGENCY ADMINISTRATORS
ALL REGIONAL ADMINISTRATORS, EMPLOYMENT AND TRAINING
ADMINISTRATION

FROM: KEITH KELLY *Keith Kelly*
Assistant Secretary for Veterans' Employment and Training

SUBJECT: Special Initiatives (SI) to Provide Employment Services to Native American
Veterans Living on Tribal Lands

- I. **PURPOSE:** To provide guidance and information to states and Veterans' Employment and Training Service's (VETS) field staff about submitting SIs to support Native American veterans living on tribal lands.
- II. **REFERENCES:** Department of Labor's Report entitled, *Native American Veterans; A Strategy to Improve Employment and Training Services on Tribal Lands*, August 4, 2014; Public Law (P.L.) 113-76, The Consolidated Appropriations Act, 2014, enacted January 17, 2014 ; P.L. 113-128, The Workforce Innovation and Opportunity Act, enacted July 22, 2014; P.L. 110-389, Veterans' Benefits Improvement Act, enacted October 10, 2008; P.L.107-288, The Jobs for Veterans Act, enacted November 7, 2002.
- III. **DEFINITIONS:**
 - A. Tribes. For purposes of this document, tribes include any federal or state recognized tribes in the 50 states and territories receiving Jobs for Veterans State Grants.
 - B. Tribal lands. For purposes of this document, tribal lands refer to land on or near any federally-recognized reservation, Oklahoma designated service area, village, or home land in one of the 50 states and territories, and established state-recognized Indian communities.

IV. BACKGROUND: In Fiscal Year 2009 (October 10, 2008), VETS was tasked by the Department to provide a report to Congress in accordance with Public Law 110-389, Section 314(a). That section mandated that, *“the Secretary of Labor, in consultation with the Secretary of Veterans’ Affairs and the Secretary of the Interior, submit to the Congressional Committees on Veterans’ Affairs a report assessing the employment needs of Native American veterans living on tribal lands, including Indian reservations, Alaska Native villages, and Hawaiian home lands.”* VETS conducted a study, through a contractor, and provided the mandated Report to Congress on August 3, 2010. The Report included the following six recommendations:

- Boost economic development on tribal lands.
- Collaborate across federal and state agencies and with tribal governments.
- Launch a communications program focused on outreach to Native American veterans on tribal lands.
- Map inventoried employment needs of Native American veterans against existing programs and services available to them to identify unmet needs and eliminate overlaps.
- Create an Advisory Committee subgroup to institutionalize an increased focus on Native American employment issues.
- Allow for flexibility in existing employment programs to better meet the needs of Native American veterans on tribal lands.

In 2014, Congress required that VETS submit a strategy that addresses the employment needs of Native American veterans living on tribal lands. This Veterans Program Letter (VPL) represents one of the elements of that strategy, which is to solicit from states requests for SI funding to facilitate outreach and employment services to Native American veterans living on tribal lands.

There is no specific provision of law that prescribes how to provide employment services to Native American veterans living on tribal lands. Given the sovereign status of federally-recognized tribes, and state relationships with state-recognized tribes, providing services via the Jobs for Veterans State Grant (JVSG) program is limited in many areas by a lack of protocols or agreements between the tribes and VETS. Consequently, VETS is seeking ways to provide services through the established protocols that currently exist between the states and the tribes and to promote new reciprocal pathways between states and the tribes while honoring their sovereign status.

State workforce agencies submit requests for SI funding separately from their Annual JVSG Program Funding Request. All SIs are considered for funding for a specific period of time with no expectation that they will continue or be re-approved for subsequent timeframes.

The law states that JVSG awards can only be granted to states and territories. There is no provision in the law that allows JVSG awards directly to tribal entities. States with tribal lands are requested to submit, through the VETS’ State Director for Veterans’ Employment and Training (DVET), requests for JVSG SI funding for new initiatives to assist Native American veterans living on tribal lands and separately report outcomes for those served under this

initiative. VETS will evaluate these funding requests and approve best candidates based on the initiative's potential for improving employment services and employment for Native American veterans living on tribal lands. VETS National Office will also review the requests and coordinate consultation with tribes as needed. VETS will prioritize and fund approved SIs subject to the availability of funds and tribal consultation.

V. RESPONSIBILITIES:

- A. The VETS Office of National Programs will oversee all management and review of SI requests.
- B. The Native American Veterans Program Lead in the National Office will act as the VETS Point of Contact for this program initiative. The Lead will coordinate program support with the Director of National Programs and the Director of Agency Management and Budget and consultation requirements with the Director of Field Operations and the appropriate Regional Administrator and DVET.
- C. The Native American Veterans Program Lead will advise Regional Administrators for Veterans Employment and Training (RAVET)s and DVETs on Department of Labor consultation requirements for SIs awarded under this VPL.
- D. VETS will work with the Office of Congressional and Intergovernmental Affairs (OCIA) and the Office of Public Affairs to develop a blog that identifies this opportunity to tribal communities. In addition, OCIA, the Employment and Training Administration, and the Office of Federal Contract Compliance Programs (OFCCP) will send notices about the VPL to their respective Native American outreach contacts.

VI. ACTION REQUIRED:

- A. State Workforce Agencies: review this VPL and determine how the Jobs for Veterans Program could serve Native American veterans living on tribal lands located in your state. If you decide to seek SI funding to serve Native American veterans on tribal lands, please submit your request in accordance with VPL 4-15 which is located at <http://www.dol.gov/vets/VMS/VPLs/VPL-04-15.pdf>. Such a request will function as a JVSG grant modification request since it is additional funding beyond your JVSG grant, but will be subject to the same requirements of your JVSG grant. State Workforce Agencies must include in their request for SI funding an affidavit with the signature of an authorized representative of the affected tribe attesting to the latter's concurrence with the SI and how the partnership works between the tribe and the state.
- B. DVETs: consult with states and provide technical assistance regarding questions related to this guidance.
- C. RAVETs and DVETs: review and ensure that SI funding requests are in accordance with VPL 4-15, and make recommendations to the VETS National Office.

D. State Workforce Agencies and State DVETS should contact the OFCCP Indian and Native American Employment Rights Program for technical assistance on equal employment opportunity issues for veterans living on tribal lands.

VII. **INQUIRIES**: Questions from states may be addressed to their DVET and RAVET. RAVETs and DVETs may contact the VETS Native American Program Lead, Mr. Gordon Burke, at (202) 693-4707 or email: burke.gordon@dol.gov.

VIII. **EXPIRATION DATE**: Until rescinded or superseded.