

InterOffice Memo

Department of Workforce Development

Date: August 10, 2005

File Ref:

To: Job Service Staff, Supervisors, and Directors

Cc: Workforce Development Board Directors; DVR WDA Managers; Job Center Managers

From: Brian Solomon, Director, Job Service Bureau

Subject: **Native American Job Order Policy**

Background:

Questions regarding tribal sovereignty and the application of DWS job order policies have resulted in a new statement of policy specifically regarding Native American job orders. This memo informs staff of changes to DWS Job Order Policy.

Discussion:

Native American tribes are sovereign nations as established by treaties and federal law. This generally means that state labor and employment related laws, and the authority of state regulatory agencies, do not apply to tribal entities or businesses located on tribally owned lands.

Federal labor laws do apply in principle, but federal regulatory agencies generally do not have jurisdiction. Most federal employment laws are incorporated into tribal constitutions. Therefore, employees of tribal businesses or businesses located on tribally owned lands have similar protections as provided by federal law. The enforcement and complaint processes may, however, be different. The tribal courts or tribal governments may be the only enforcement remedy when someone has a complaint.

The impact of this on DWS job order policy is explained in the new policy. A summary of the changes is attached. DWS Job Order Policy is available at http://dwdworkweb/dws/employer_services/jo_quality_assurance/ga.htm or http://workweb.dwd.state.wi.us/dws/employer_services/jo_quality_assurance/ga.htm for partners using the Extranet.

Action required:

1. Staff involved with writing or approving job orders should review the new policy.
2. Job Service staff should ensure that appropriate partner agency staff are advised of the new policy.

Contacts:

If you have any questions on the job order policy, contact Jesus Guerrero 608-266-0487, jesus.guerrero@dwd.state.wi.us or Phil Anderson 608-261-6974, philip.anderson@dwd.state.wi.us. Questions on Native American sovereignty issues can be directed to the DWD Native American Liaison, Rachele Ashley, 608-261-4883, rachele.ashley@dwd.state.wi.us.