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B. KILBERG

THE WHITE HOUSE

WASHINGTON

June 11, 1976

MEMORANDUM FOR: DAN MC GURK
JIM MITCHELL
FROM: TED MARRS
SUBJECT: AMERICAN INDIAN EMPLOYMENT

Will you please provide a draft with recommendations to DOT in regard to the attached.

Enclosure





OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

MEMORANDUM FOR: Theodore C. Marrs
Special Assistant to the President

During my conversation with you during the meeting with the Oglala Sioux yesterday, I suggested that the Department of Labor (Office of Federal Contract Compliance Programs) could be contacted to develop and implement special provisions for employment of American-Indians on Federal and Federally-assisted construction projects on the Pine Ridge Reservation. We are advised that there is 60 percent unemployment among the Oglala Sioux and that of the employed, 40 percent are underemployed. Special provisions for Federal and Federally-assisted contracts could be developed to require employment (and training) of Indians in that area.

As a second suggestion, I mentioned that OFCCP has an Indian on its headquarters staff who could play an identifiable role in this effort. He is Tom Fields, a Cherokee from Oklahoma, with several years of experience in the contract compliance program.

Bob
Robert J. Coates, Chief
Public Programs Division
Departmental Office of Civil Rights

(202) 426-4754



Ued,
As you know I am personally interested
in doing what I can to help American
Indians. Please contact me to help
in any way I can -

Bob

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*Teo,
I think that OFCEP
is already working on his idea.
Rather than have McGuek report
to DOT, it might be more
effective for you to call
directly to Larry Lorber,
OFCEP Director.
Bobbie*



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Robert J. Coates, Chief
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Ted,

As you know I am personally interested in doing what I can to help American Indians. Please count on me to help in any way I can -

Bob



U.S. Department of Labor
Employment and Training Administration
July 1976/Vol. II, No. 7



'We've Turned a Corner,' Kolberg Tells IAPES

Looking back over his three years' leadership of the Federal-state employment security system, Assistant Secretary Kolberg told IAPES national conference goers last month in Atlanta "a major corner has been turned in our conception of what to do and how to resolve some of our problems."

"The employment security system, by the very nature of its geopolitical structure, has so many variables, so many facets, so many tangents, that our hopes and aspirations, I realize now, had to be tempered by time. I don't think -- I know that the time has arrived," he said.

Confidence Based on Changes

His confidence, he said, is based on the plans and changes that state and local offices are making to improve the system in the coming months and years, and on similar changes the USES and UIS are making to provide sustained leadership.

Reviewing recent innovations by the Employment Service -- or Job Service, he called it -- Kolberg pointed to the Employment Security Automation Project (ESAP), consolidating the Job Bank, Applicant Data System, ES Automated Reporting System, and UI Automated Tax Accounting System.

"A national, automated system has been in the talking stage for more than a decade," he said, "and I am proud to be able to stand here today and say that you and I had a hand in finally launching this dream of a better way to carry out our mission."

"We're on Track Now"

After a rundown of recent Employment Service developments -- placements, employer services, job matching, resource allocation, and so on -- Kolberg said "we're on track now."

"I think our knowledge of the role of the Job Service and its ultimate potential is now well-established. We are settling down to the basics of what it can do and are moving ahead with conviction to get the job done," he said.

Turning to the Unemployment Insurance Service, Kolberg said UI benefits were denied to more than four million ineligible claimants as 14 million collected benefits in 1975.

While state UI systems were paying out nearly \$18 billion in benefits during the year, Kolberg said the system's quality controls saved a potential \$4.5 billion in additional payments by catching ineligible claims.

"Despite the incredible pressure of millions of claimants and not enough UI staff, the system also detected \$78 million in overpayments and recovered \$45 million to date," Kolberg said.

(Continued on Page 5)

2/3rds of CETA Sponsors Assessed 'Satisfactory'

Nearly two-thirds of the 431 CETA prime sponsors performed satisfactorily during the first three quarters of FY 1976, according to results of formal assessments.

The performance assessments were conducted by regional office staff between April 1 and May 31. They are required by law each year prior to funding decisions for the new fiscal year.

"We have to ensure that maximum efforts have been made by prime sponsors to meet the provisions and goals of the plan they proposed and ETA approved for funding for the past year," Assistant Secretary Kolberg said.

All sponsors were reviewed and classified as either satisfactory, marginal, or unsatisfactory, based on their performance in six critical program areas as published in the Federal Register of February 20, 1976.

If a sponsor received an unsatisfactory rating in any one of the three most critical areas -- performance-against-plan, financial reporting, or management information systems -- it resulted in an over-all unsatisfactory rating.

(Continued on Page 7)

Job Corps Goes Coed; Better Program Is Result

"When people ask me about the whys of co-educational Job Corps programs, I just tell them it's the natural thing to do," says Glenn Hardison, associate regional administrator for Job Corps, Region VI.

Another reaction comes from Jon Bosman, director of residential living for the Cincinnati Job Corps Center: "The initial reaction of many staff members -- myself included -- was 'Why do we have to change to a coeducational center?' I guess we expected the worst -- a new set of problems. It hasn't turned out that way at all; in fact, the opposite is true."

For many years, there were Job Corps centers for men, and Job Corps centers for women. There were even separate divisions within the Job Corps national office to administer the two types.

Today, all that has changed. Increasingly, it's one Job Corps program, with a strong movement for equal training opportunities for both men and women, including non-traditional vocational training for both sexes.

The catalyst for this movement is CETA, which requires the Secretary to enforce subsection 712 (a), prohibiting discrimination on the basis of sex.

Over the years, the biggest sex inequity in Job Corps was sheer numbers: men outnumbered women about 5 to 1. The low point occurred in FY 1968 when only 16 percent of the program's training opportunities were available to women. Each year has seen an improvement. Today, 29 percent are available to women. And the goal for the end of FY 1977 is 33 percent. Eventually, 50 percent of Job Corps capacity must be open to women.

With budget restrictions not permitting new centers, existing centers had to be -- and continue to be -- converted to coed centers. Most of the conversion has occurred in the past two years.

Today, Job Corps has 21 coed centers: Angell (Ore.), Cincinnati, Detroit, El Paso, Phoenix, Portland (Ore.), San Jose, Kicking Horse (Mont.), Excelsior Springs (Mo.), Guthrie (Okla.), Keystone (Pa.), Los Angeles, Tongue Point (Ore.), Charleston (W. Va.), Cleveland, Atterbury (Ind.), Breckinridge (Ky.), Gary (Tex.), the Brotherhood of Railway and Airline Clerks extension training center in Minneapolis, and the Marine Cooks and Stewards extension training center in Santa Rosa, Calif.

Besides providing more training spaces for women, the "coeding" of Job Corps centers gives greater access to nontraditional training

to both men and women. This includes pre-apprenticeship union training in the construction trades and welding for women, and nurses' training for men.

Another result of coed conversions -- and the one most obvious to the actual participants -- is to improve interpersonal relationships among corpsmembers by providing an atmosphere in which men and women share learning and working experiences similar to those they are expected to encounter after they complete their Job Corps training.

Has this occurred? Job Corps is undertaking some limited studies to find out, but the preliminary word coming in from the centers is affirmative.

For example, Robert M. Blackwell, supervisor of residential living and security at Cincinnati, reports that coeding has resulted in a more active student government, improved class attendance, better rapport among trainees, and conspicuous improvements in grooming by the young men.

Brief Facts on Job Corps

Operation: A national system of 60 residential centers in 31 states and Puerto Rico provides basic education, vocational training, counseling, health care, and similar renewal services to help disadvantaged young men and women, 16 through 21, prepare for jobs and adulthood.

Enrollees in Job Corps residential centers receive room and board, clothing for work and dress, books and other learning supplies, and a cash allowance, part of which is paid on leaving the program after satisfactory participation. A few of the centers also accommodate young people who live at home and take training during the day. Enrollees may stay in Job Corps as long as two years. When they leave they are helped to find a job or advanced training or education.

Job Corps provides training, often by skilled union workers, in such occupations as heavy equipment operation, auto repair, carpentry, painting, masonry, nursing, office work, and electronic assembly. Basic education covers reading, mathematics, social studies, and preparation for the General Education Development (GED) high school equivalency examination. Instruction is also given in general living skills, such as hygiene and grooming, getting along in the world of work, and constructive use of leisure time.

Enrollment: Job Corps has about 20,000 enrollees (71% male, 57% black, 11% Spanish speaking, 2% Indian, and 28% white) at any one time. Average length of stay being about six months, total enrollment in a year is more than 40,000. Since Job Corps began in January 1965, more than 550,000 young people have been served.

Funding: In fiscal 1976, Job Corps was funded for \$190 million.

Results: In FY 1975, Job Corps had a 93% placement rate; that is, of all youths available for placement, 70% went to jobs (average starting pay: \$2.50 an hour), 18% to school or other training, and 5% to military service.

New Funds Add Jobs For Older Workers

A recent appropriation of \$55.9 million is being used for an immediate expansion of the Senior Community Service Employment Program (SCSEP) from its present level of 12,400 slots to about 15,000.

SCSEP, authorized under Title IX of the Older Americans Act, is administered by ETA's Office of National Programs. Participants must be at least 55 years of age and economically disadvantaged.

SCSEP funds are allocated for use in states by a statutory formula that takes into account each state's per capita income, number of persons 55-plus, and level of program activity in FY 1975.

The new funds come from an emergency supplemental appropriations bill that also included \$1.2 billion for CETA Title II jobs (see ETA Interchange, May 1976).

Over 80 percent of the money for older worker programs -- \$46.3 million -- will support existing projects through June 1977. The remaining \$9.6 million is to be used to establish new community service job projects that will create approximately 2,600 additional positions for the July 1976 - June 1977 period.

Individual SCSEP projects are sponsored in 47 states by five national organizations: Green Thumb, Inc. (a subsidiary of the National Farmers Union), the National Council of Senior Citizens, the National Retired Teachers Association-American Association of Retired Persons, the National Council on Aging, and the Department of Agriculture's Forest Service.

In seven jurisdictions -- Alaska, Delaware, Hawaii, American Samoa, Guam, the Trust Territory of the Pacific, and the Virgin Islands -- the projects are sponsored by state or territorial governments.

The five national SCSEP sponsors are required to consult with state agencies on aging about the location of new projects and with area agencies on the design of new programs. The national sponsors either run projects directly or sub-contract with locally based public and private non-profit groups.

With their wages subsidized by the Federal Government, SCSEP participants hold down part-time jobs with day care and senior citizen centers, schools, hospitals, conservation and beautification projects, and so forth.

Besides subsidized jobs, the program also provides participants with annual physical

exams, personal and job-related counseling, job training if necessary, and placement in regular unsubsidized jobs, whenever possible.

During the first nine months of the current fiscal year (September 1975 through March 1976), cumulative enrollment was over 18,000, and equally divided between male and female workers. Their average hourly wage was about \$2.40, and 56 percent of them were over 65.

Half of the participants had no more than an eighth grade education. Nearly 73 percent were white, 20 percent black, and the remaining 7 percent American Indian or from another ethnic group. Six percent were Hispanic.

Many Title IX projects are supplemented with funds from local CETA prime sponsors or from Governors' CETA grants (see ETA Interchange, January 1976).

Regulations for the Senior Community Service Employment Program appeared in the Federal Register March 2, 1976.

The FY 1976 appropriation for SCSEP was \$42 million.

Extra \$35 Million Means More Summer Jobs

An extra \$35 million from CETA Title I discretionary funds allocated to 45 large cities with nine percent or higher unemployment is creating about 60,000 more summer jobs for youth, 14 through 21.

The announcement was made for the Secretary by Under Secretary Moskow at the annual meeting of the U.S. Conference of Mayors.

"Inner cities have the greatest concentrations of unemployed," the announcement said. "And youth unemployment in these areas represents the largest share of the unemployed, with the rate for black youth invariably double the rate for persons in the 16 to 24 age bracket."

The summer jobs funds are being used to provide jobs and training in the inner city only through the CETA prime sponsors. Even if a prime sponsor for a large city conducts programs for a metropolitan area, covering several adjacent counties, this special CETA Title I allocation will be restricted to core-city use, the announcement made clear.

With the new funds, the total now available for summer jobs and training opportunities for youth amounts to \$563.4 million for a minimum of 946,000 jobs, a record high in dollars and jobs in the 12-year history of the program.

FY'77 Regs Issued For CETA Titles I, II

Revised regulations for programs funded under CETA Titles I and II in FY 1977 were published in the Federal Register June 25.

The regulations, first proposed last April, reduce operating costs, improve services, and clarify Labor Department policy on maintenance of effort.

During the 30-day comment period, reactions to the proposed regulations were received from more than 200 individuals and organizations. These comments were carefully evaluated and some resulted in revisions in the earlier version.

One of the principal effects of the revised regulations is to ease the administrative burden of prime sponsors.

In fiscal 1977, the notices describing the program that all sponsors are required to publish need appear only one day instead of three. Furthermore, the description must give only the purpose of the grant and the amount and source of funds, and indicate where the public can see the complete program plan, as well as a comparison of last year's performance with its plan.

Formerly, sponsors were required to publish a much longer description of program operations, including detailed statistics. The requirement was eased because of minimal public response.

The revised regulations also reduce by 10 to 15 percent the need for prime sponsors to audit sub-grantees and contractors, by requiring that audits be limited to projects of \$100,000 or more, and at least 25 percent of the remainder.

Grant modification procedures are also streamlined, thereby lessening the number of modifications that require prior approval from DOL and notification to public interest groups.

Administrative terms are redefined to make them more compatible with local government accounting systems, and most prime sponsors are relieved from having to obtain prior approval for administrative cost-allocation plans.

The revised guidelines also clarify DOL policy on the limitation of the number of laid-off public employees a city or county can re-hire under public service employment programs.

For example, if a city has 10,000 jobless persons and 800, or 8 percent, are laid-off

city workers, the number of such former city workers who could be rehired in public service jobs is limited to about 8 percent of the total hired for public service jobs with CETA funds.

In cases where a percentage calculated in this manner would result in a very few rehires, the percentage may go as high as 10 percent. Prime sponsors in exceptional circumstances may appeal through their regional offices for an exception to the 10 percent limitation. The regulations now also provide that the 10 percent limitation applies only to new rehires and will not affect rehires already on CETA rolls.

In the section that prohibits training for jobs in lower wage industries, the example of sewing machine operators and similar workers in the garment and apparel industries was omitted in the revised regulations. This omission does not alter the Department's policy of prohibiting training for lower wage occupations not only in garment and apparel work but in any industry.

Copies of the revised guidelines are available from ETA's regional offices.

\$2 Million in DUA Paid Out in 3 Areas

Over \$2 million in Disaster Unemployment Assistance (DUA) funds has been allocated to provide eligible, jobless workers temporary income following a series of disasters that have occurred within the U.S. and its territories since mid-May.

Secretary of Labor Usery allocated \$1.5 million for DUA benefits to Idaho, following the June 5 collapse of the Teton Dam and subsequent flooding of five counties. Eleven people were reported killed.

Early estimates indicate that 10,000 individuals are unemployed, mostly farmers and other agricultural workers, as a result of the dam collapse. The Idaho State Employment Security Agency has established three centers, in Rexburg, St. Anthony, and Idaho Falls, to handle DUA claims.

On May 20, Typhoon Pamela swept Guam, and two days later President Ford declared the island a disaster area. Half a million dollars in DUA funds has been allocated for unemployment assistance to islanders who are jobless because of the typhoon.

Two counties in Oklahoma suffered severe storms and flooding on May 30. Affected workers are eligible for \$20,000 in DUA.

'...Turned a Corner' (From Page 1)

The four million persons denied benefits were in two categories, he said. Half were turned away because they had quit their jobs or had been fired for cause, the other half because they had refused suitable work or had failed to look for work.

He told members of the International Association of Personnel in Employment Security that the "UI system, however, has some real credibility problems."

"Its integrity as an aid for the many thousands eligible who collect jobless pay is in question because of the lack of integrity of a few who take advantage.

Vital We Maintain UI Integrity

"It is vital," he said, "it is imperative we maintain the integrity of the UI program and restore the public confidence and acceptance that it has enjoyed over its 40-year history.

"My concern for restored confidence in the system is based on my ultimate concern for the eligible UI claimant. Any situation . . . that tends to detract from the earned right of that person to collect what is rightfully his or hers concerns me deeply," Kolberg said.

Noting that in one week alone in January 1975 more than 975,000 individuals had filed initial claims, Kolberg said the unprecedented numbers "severely strained the solvency of the trust funds, both state and federal, to the extent that 22 are currently borrowing from the general revenues of the United States to continue payments."

Of the \$17.9 billion paid out in 1975, \$11.4 billion was from trust funds created by employer UI taxes, the usual source for jobless pay benefits. The major balance was from emergency appropriations from general revenues for extended benefits up to 65 weeks. Most states have a regular program of 26 weeks, with 13 weeks of extended benefits supported 50-50 by state and federal funds.

Some Future Directions

Referring to the "suitable work" standards used for determining the eligibility of unemployed workers for Federal Supplemental Benefits, Kolberg said:

"Now that the economy is improving and job opportunities are opening up, a major effort must be aimed at restoring long-term jobless workers to the employed labor force. This effort is as important as catching the relatively few cheaters."

Before closing, Kolberg referred to the Congressional oversight hearings where the

"tired old cry" was raised that the Employment Service be federalized because the States were not doing a good job.

"Well, I've said this before and I will say it again: There is nothing special or magic about human beings who receive a U.S. Treasury paycheck. Whether a system is operated successfully or not depends entirely on the individuals in the operation and not on who has hired them," he said.

"All the computers and machines in the world cannot supplant that special dedication and service you have provided your fellow Americans," he said.

"Things are beginning to change in the employment security system after more than 40 years of trial and growth," Kolberg said in conclusion. "Certainly, the dire predictions at the outset of what the system would perpetrate on our basic liberties proved totally false. Just as certainly, the predictions of what the system would accomplish for working Americans did not totally materialize.

"I think we have nurtured the seed properly and may expect the results in the immediate years ahead as the final realization of what had been expected," he concluded.

Farmworker Programs Get Estimated \$54 Million

To facilitate planning for migrant and seasonal farmworker programs in fiscal year 1977, Secretary Usery announced planning estimates totaling \$53.7 million for 49 states and Puerto Rico.

The Federal Register notice July 2 said the money would be available October 1, subject to appropriation by the Congress. Funding is authorized by CETA Title III, Section 303.

The estimate for each state is based on its proportion of the Nation's farmworkers, and is no less than 90 percent of the state's FY 1976 allocation.

Migrant and Seasonal Farmworker Programs, operating in every state but Alaska, provide such services as skill training, work experience, education assistance, job placement, transportation help, and day care of children.

Prospective program sponsors must submit a Preapplication for Federal Assistance to the ETA, Room 7122, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213 by 4 PM EDT, August 2.

Prime Sponsors Initiate New Approaches to OJT

Looking for some new approaches to OJT? Consider two fairly unusual ones -- a voucher project recently begun in Florida, and a manual for employers developed by a local Kansas prime sponsor, both described briefly below.

The experimental voucher program, run by Manatee County, Fla., is an attempt to see if giving participants more involvement in negotiating their training plans and wage rates is more effective than the traditional way of running an on-the-job training program.

The program, which began in May, is also expected to result in reduced staff costs and provide an additional learning experience for the participants. Here's how the experimental project works:

Thirty disadvantaged OJT participants, randomly selected, will receive orientation and job counseling, but not the usual job development and placement assistance.

Instead, the Department of Human Resources provides them with (1) voucher forms which specify the occupation for which the participant seeks training, with its DOT code and the minimum/maximum hours of training required, (2) letters of introduction from the department to employers, and (3) descriptions of the OJT program, both regular and experimental.

The participants then develop their own OJT situations and negotiate their wages and training schedules. The OJT coordinator keeps a regular check on training candidates' progress, but enters the negotiation process only in the final stages and then works out extraordinary costs.

Any employer in the county who employs six or more persons and can provide the required training leading to permanent employment is potentially eligible to participate.

At the same time the 30 are negotiating their arrangements, another 30 disadvantaged participants are being enrolled in the traditional OJT program and receiving job development and placement assistance, along with orientation and counseling. Over the next several months, results of the experimental and control groups will be compared.

For more information, contact: Wansley Hancock, OJT coordinator, Manatee County, Department of Human Resources, 417-12th Street West, Bradenton, Fla. 33506. The phone is: (813) 748-0087.

An on-the-job training manual, developed by the Topeka-Shawnee County, Kan., prime sponsor is used as a marketing device to promote CETA OJT services to privately owned local firms.

"After we've explained the program verbally, the manual is something we can leave with the employer that he can look at later," says Thomas Rodriguez, intergovernmental coordinator for the Department of Labor Services which runs the CETA program.

Financed through a grant from the Governor's office, the 38-page booklet explains the on-the-job training program and provides information on guidelines and copies of required documents and forms.

In the four months since the manual was published, there has been a "noticeable change" in employers' interest in the program and a remarkably sharp rise in the number of new contractors, according to Rodriguez.

A limited number of copies of the manual are available free to other prime sponsors from: Topeka-Shawnee County, Department of Labor Services, 901 Monroe Street, Topeka, Kan. 66603. Attn: Thomas Rodriguez. The phone is: (913) 357-6226.

Suitable-Work Standards Tightened for FSB Claims

The U.S. Department of Labor has issued a letter to all State Employment Security Agencies emphasizing the application of "suitable work" standards in determining eligibility of unemployed workers for Federal Supplemental Benefits (FSB).

According to a notice published in the *Federal Register* June 18, persons receiving FSB (emergency unemployment compensation), who refuse to accept suitable job offers, lose their eligibility for further unemployment compensation payments.

Suitable work for an FSB beneficiary is defined as work for which a person is reasonably fitted by training and experience.

If an individual lacks the skills and training needed to perform work that is offered, the job may nonetheless be considered "suitable," if, as part of the job, the worker is provided with the training needed to develop required skills.

Work may also be considered "suitable" when it involves lower pay and less developed skills than the individual's customary occupation does, but prospects for employment at his customary level are diminished.

Sponsors Assessed (From Page 1)

An unsatisfactory rating in any two of the other criteria -- adherence to regional office directives, grant management, or advisory councils -- also resulted in an over-all unsatisfactory rating.

Kolberg said that 21 prime sponsors or five percent of the 431 sponsors received unsatisfactory ratings for regular Title I and Title II programs and about 145 were assessed as marginal performers. More than 260 received satisfactory ratings.

Kolberg pointed out that marginal and unsatisfactory categories "do not mean necessarily that the prime sponsor is operating a totally inadequate program or that ETA will not continue funding.

"It is merely an indicator specifying problem areas the sponsor, in conjunction with ETA, must resolve prior to receiving Fiscal Year 1977 grants.

"I feel reasonably certain that prime sponsors in the unsatisfactory category will be able to take the corrective actions necessary to eliminate their shortcomings," Kolberg said.

"I have directed our regional offices to work with the prime sponsors to eliminate the problem areas and assist with the corrections necessary to permit them to continue the sponsorship of programs in the new fiscal year."

Marginal ratings meant that prime sponsors were not performing satisfactorily but were capable of improving and performing satisfactorily by October 1, start of the fiscal year.

ETA Interchange is a technical information bulletin for staff involved in the operation of employment, training, and related programs at the federal, state, and local levels. It is published monthly by the Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Room 10410, Washington, D.C. 20213. Contributions from readers are encouraged for the exchange of program ideas and resource information.

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William H. Kolberg
Assistant Secretary of Labor
For Employment and Training

Larry R. Moen
Director of Information

Editor: Abby Martin; Editorial Offices: 202/376-6270

Marginal, Unsatisfactory

Due to space limitations, we are listing only prime sponsors that were assessed as marginal (M) or unsatisfactory (U). Sponsors whose names do not appear were rated as satisfactory. "BOS" means Balance of State.

Ala. -- Huntsville Csr. (M), Tuscaloosa Cnty. (M). Ariz. -- Phoenix/Maricopa (M), Tucson-Pima Cnty. (M), BOS (M). Calif. -- Pasadena (M), San Mateo Cnty. (M), Santa Cruz Cnty. (M), Solano Cnty. (M), Imperial Cnty. Csr. (M), Richmond Csr. (M), San Diego Regional Training and Employment Csr. (M).

Colo. -- Arapahoe Cnty. (M), Colorado Springs Csr. (M), LaFimer Cnty. (M), Weld Cnty. (M), and BOS (M). Conn. -- Bridgeport Csr. (M), Hartford Csr. (U), New Haven Csr. (M), Stamford Csr. (M). Delaware -- BOS (M). District of Columbia (M).

Fla. -- Lee Cnty. (M), Alachua Cnty. (M), Brevard Cnty. (M), Orange Cnty./Orlando (M), Sarasota Cnty. (M), Pasco Cnty. (M), Northeast Florida Manpower Csr. (M), Broward Csr. (M), Tampa Csr. (U), Manatee Cnty. (M), Seminole Cnty. (M), BOS (M).

Ga. -- Atlanta (M), Fulton Cnty. (M), DeKalb Cnty. (M), Cobb Cnty. (M), CSRA Csr. (M), Savannah/Chatham Csr. (M), Mid-Ga. Csr. (M), Clayton Cnty. (M), BOS (M). Hawaii -- Honolulu/Hawaii Csr. (U).

Ill. -- Kane Cnty. (M), Macon Cnty. (M), Will-Grundy Csr. (U). Ind. -- Hammond (U), Lake Cnty. (U), St. Joseph Cnty. (M), Tippecanoe Cnty. (U), Madison Cnty. (M), Indianapolis (M), LaPorte Cnty. (M), Fort Wayne Csr. (M), Delaware Csr. (M), Southwestern Csr. (M), BOS (U).

Ky. -- Louisville Csr. (M), Bluegrass Manpower Csr. (M), BOS (M). Maine -- Cumberland Cnty. (M), BOS (M). Md. -- Prince George's Cnty. (U), Western Md. Csr. (M). Mass. -- Boston (U), EMHRDA Csr. (M), New Bedford Csr. (M), Worcester Csr. (M), Brockton Csr. (M), BOS (M).

Mich. -- Wayne Cnty. (M), Detroit (U), Monroe Cnty. (M), Oakland Cnty. (M), St. Clair Cnty. (M), Berrien Cnty. (M), Ann Arbor (M), Muskegon Csr. (M), Genesee/Flint Csr. (M), BOS (M). Miss. -- Jackson Csr. (M).

Mont. -- BOS (M). Nev. -- BOS (M). N. H. -- Rockingham/Stafford Csr. (M), BOS (M). N. J. -- Atlantic Cnty. (M), Jersey City (M), Monmouth Cnty. (M), Essex Cnty. (M), Newark (U), Union Cnty. (M), Middlesex Cnty. (M), Paterson (U), Mercer Cnty. (M), Trenton (U), Burlington Cnty. (M), Camden Cnty. (M), Camden City (U), Gloucester Cnty. (M), Ocean Cnty. (M), BOS (M).

N. Y. -- Albany Csr. (M), Saratoga Cnty. (M), Buffalo City (U), Niagara Cnty. (M), New York City (M), Rockland Cnty. (U), Westchester Csr. (M), Nassau Cnty. Csr. (M), Monroe/Rochester Csr. (U), Syracuse (M), Oneida Cnty. (M), Steuben Cnty. (M), BOS (M).

N. C. -- Buncombe Cnty. (M), Charlotte (M), Wake Cnty. (M), Greensboro-Guilford (M), Alamance Cnty. (M), BOS (M). N. D. -- BOS (M). Ohio -- Butler Cnty. (M), Lorain Cnty. (M), Canton Csr. (M), Cleveland Csr. (M), Greene Cnty. (M), Toledo Csr. (M), Allen Cnty. (M), Clermont Cnty. Csr. (M), BOS (M).

Pa. -- South Allegheny Csr. (U), Erie City (M), Susquehanna Csr. (M), Bucks Cnty. (M), Montgomery Cnty. (M), Philadelphia (M), Allegheny Cnty. (M), Washington Cnty. (M), Westmoreland Cnty. (M), Lackawanna Cnty. (M), Scranton (M), York Cnty. (M), Fayette Cnty. (M), Mercer Cnty. Csr. (M), Northumberland Cnty. (M).

R. I. -- Providence (M), BOS (M). S. C. -- S. C. Csr. (M). Tenn. -- Chattanooga (M), Hamilton Cnty. (M), Nashville/Davidson (M), Memphis Csr. (M). Va. -- Henrico Cnty. Csr. (M), Roanoke Csr. (M), Alexandria (M), BOS (U).

W. Va. -- W. Va. Statewide (M), Guam (M), P. R. -- Bayamon Municipio (U), Carolina Municipio (M), San Juan Csr. (M), Mayaguez Municipio (U), Caguas Municipio (M). V. I. (M). American Samoa (M). Trust Territory of the Pacific Islands (M).

The assessment of the special governors grants resulted in 30 states receiving satisfactory ratings. Two states, Massachusetts and Rhode Island, and the Virgin Islands were rated as unsatisfactory.

The 23 states with marginal performance ratings were: Arizona, California, Connecticut, Florida, Georgia, Guam, Indiana, Kentucky, Maine, Maryland, Michigan, Mississippi, Nevada, New Hampshire, New York, North Carolina, Pennsylvania, Samoa, South Carolina, Tennessee, Trust Territory, Vermont, and West Virginia.

.... NEWSBEAT

The National Alliance of Businessmen (NAB) and the AFL-CIO's Human Resources Development Institute (HRDI) are jointly sponsoring a \$225,000 pilot summer program to help 300 disadvantaged youth learn how private industry actually works. Called the Vocational Exploration Program, the concept is an off-shoot of the summer jobs program and has the same eligibility standards. The nine-week program is operating in 18 cities. It and the other six national projects described below are funded with CETA Title III dollars.

Two hundred underemployed workers in six states will be trained by the Textile Workers Union of America in such occupations as dyer operator, weaver, loom fixer, and knitter, among others. The \$276,000 contract, the first with the union, stresses the upgrading of presently employed minority persons, women, and people with limited English.

The Associated Independent Electrical Contractors of America (AIECA) will promote and develop new apprenticeship programs and expand 10 existing ones under a \$93,800 contract. The agreement calls for the development of six regional consortiums of AIECA members who will establish the new programs in areas where current or future demands for journeymen in the electrical field are not being met.

Under a 15-month, \$610,271 contract renewal, the Electrical, Radio, and Machine Workers (IUE) will arrange on-the-job training for 600 jobless and underemployed persons in 19 states. The IUE will develop sub-contracts among employers with whom the union has collective bargaining agreements, and the companies will train people for both entry-level and advance jobs in electronics, electrical, and allied manufacturing industries. Participants will be selected from economically disadvantaged, minority group, and female candidates. Under six previous contracts, the IUE has trained 6,000 persons.

Under a \$1.4 million contract renewal, the AFL-CIO's carpenters union will train 1,665 jobless or underemployed workers on the job. Since 1967, the United Brotherhood of Carpenters and Joiners of America has recruited nearly 32,000 people for training under DOL contracts. It has upgraded the skills of 22,209 journeymen and trained 5,023 in pre-apprenticeship and 4,679 in apprenticeship.

Representatives of the AFL-CIO's carpenters union serve on the National Joint Carpentry Apprenticeship and Training Committee, which is conducting a year-long study under a \$128,000 grant to see if the four years required for carpentry apprenticeships can be shortened. The Associated General Contractors of America and the National Association of Homebuilders are also represented on the labor-management group responsible for the study.



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Room 110
Old Executive Office Building
Washington, DC 20501



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 14 1976

MEMORANDUM FOR TED MARRS

SUBJECT: SPECIAL PROVISIONS FOR EMPLOYMENT OF AMERICAN
INDIANS

This is in response to your memorandum concerning special provisions for the employment of American Indians on Federal and federally-assisted construction projects on the Pine Ridge Reservation.

We do not feel it would be appropriate to involve OFCC on a single-reservation basis, nor as suggested, can we see a role for the Department of Transportation beyond its own direct program responsibility. Outlined below are several laws and activities that bear on the issue.

- Section 7(b) of the Indian Self-Determination Act (P.L. 93-638) provides authority for Indian preference in hiring and training in connection with certain Federal contracts and grants.
- On June 25 the Department of Labor's Office of Federal Contract Compliance Programs put in the Federal Register proposed regulations (attached) that permit preferential employment of Indians on or near Indian reservations. Under the proposed regulations construction or nonconstruction contractors will be exempt from the Civil Rights Act's equal opportunity clause for preferentially hiring Indians on or near Indian reservations. Also, under the proposed regulations, a contractor performing contracts on or near an Indian reservation may reflect in its affirmative action program, goals and timetables for the preferential hiring of Indians on or near Indian reservations.



-- Finally, there are several Federal programs providing substantial resources for the employment and training of Indians. The major programs are with BIA, HEW, and in the Department of Labor under various parts of the Comprehensive Employment and Training Act.

Dan McGurk

Dan L. McGurk
Associate Director for
Human and Community Affairs

Attachment



be used as long as it remains reasonably stable and responsive to histamine. * * * (e) * * * If repeat tests are required, the product is satisfactory if the average decrease in blood pressure obtained with four doses of the test solution is not greater than the average decrease obtained with 0.1 microgram of histamine base per kilogram of body weight.

Interested persons may, on or before August 24, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 18, 1976,

ROBERT L. SPENCER,
Acting Assistant Director
for Regulatory Affairs.

[FR Doc.76-18448 Filed 6-24-76; 8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

[41 CFR Parts 60-1 and 60-2]

EMPLOYMENT OF AMERICAN INDIANS ON OR NEAR INDIAN RESERVATIONS

Proposed Rulemaking

Notice is hereby given that pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), it is proposed to amend 41 CFR Part 60-1.5 and Part 60-2.12 in order to clarify the policy of the U.S. Department of Labor under Executive Order 11246, as amended, with regard to expanding the employment opportunities of American Indians living on or near an Indian reservation in both construction and nonconstruction employment. The proposal would parallel Section 703(i) of the Civil Rights Act of 1964, as amended, and would allow construction and nonconstruction contractors and subcontractors to engage in certain preferential hiring of such Indians. Section 703(i) of the Civil Rights Act of 1964, as amended states:

Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a 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 work day. This definition is consistent with that offered by the Equal Employment Opportunity Commission to the U.S. Commission on Civil Rights in an opinion letter dated July 18, 1973.

In accordance with the Federal equal employment policy contained in Section

715 of the Civil Rights Act of 1964, as amended, for consistent standards among the Federal equal employment opportunity enforcement agencies, the Department of Labor proposes to adopt the policy enunciated in Section 703(i) of the Civil Rights Act of 1964, as amended, as the applicable standard under Executive Order 11246, as amended, for contractors performing contracts on or near an Indian reservation. The obligations of a Federal contractor under the Indian Self Determination and Education Assistance Act, PL 93-638, and the regulations issued pursuant thereto, 25 CFR Parts 271-277 would not be altered by the promulgation of this regulation.

Interested persons are invited to file written data, views or arguments concerning this proposal by July 26, 1976. Written comments should be addressed to the Acting Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

1. It is proposed to amend § 60-1.5 of Chapter 60, Title 41, Code of Federal Regulations by adding a new paragraph (a) (6) to read as follows.

§ 60-1.5 Exemptions.

(a) * * *
(6) *Work on or near Indian reservations.* It shall not be a violation of the equal opportunity clause for a construction or nonconstruction contractor to extend a publicly announced preference in 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 work day. 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.

PART 60-2—AFFIRMATIVE ACTION PROGRAMS

2. It is proposed to amend § 60-2.12 by redesignating paragraphs (j), (k), (l), and (m) as (k), (l), (m), and (n) and by adding a new (j) as follows.

§ 60-2.12 Establishment of goals and timetables.

(j) A contractor or subcontractor extending a publicly announced preference for Indians as authorized in 41 CFR 60-1.5(a) (6) may reflect in its goals and timetables the permissive employment preference for Indians living on or near an Indian reservation.

Signed at Washington, D.C., this 22nd day of June, 1976.

W. J. USERY, Jr.,
Secretary of Labor.

JOHN C. READ,
Assistant Secretary for
Employment Standards.

LAWRENCE Z. LORBER,
Director, Office of Federal Contract Compliance Programs.

[FR Doc.76-18528 Filed 6-24-76; 8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-37]

PROPOSED STANDARD FOR EXPOSURE TO INORGANIC ARSENIC

Informal Public Hearing; Certification of Inflation Impact and Receipt of New Evidence

• *Purpose.* The purposes of this notice are to certify that the potential inflationary impact of the proposed standard for occupational exposure to inorganic arsenic has been examined, to announce the availability of the technological feasibility and inflation impact statement for public inspection and copying, and to schedule an informal public hearing date for receipt of oral testimony on the inflation impact statement and the new evidence cited below. The procedures relating to the potential inflationary impact of the proposal have been concurred in by the Council on Wage and Price Stability in accordance with Office of Management and Budget Circular No. A-107 (January 28, 1975), issued pursuant to Executive Order 11821. •

• *Background.*—On January 21, 1975, notice was published in the FEDERAL REGISTER (40 FR 3392), of a proposed standard for inorganic arsenic pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911.

In accordance with that notice, an informal public hearing was held under section 6(b) of the Act and 29 CFR Part 1911, on April 8, 9, 10, 11, 14, 15 and 16, 1976. At the conclusion of the hearing, the presiding Administrative Law Judge set May 15, 1975, as the final date for submitting written post-hearing comments containing additional evidence, and June 13, 1975, as the final date for the submission of post-hearing statements of position and analysis.

At the request of one of the hearing participants, OSHA extended the period for filing post-hearing evidence until June 13, 1975, and the period for filing statements of position and analysis until July 8, 1975, by notice published in the FEDERAL REGISTER on May 19, 1975 (40 FR 21736).

• *New Evidence.*—Since the end of the hearing, important new evidence has been received and we have placed the fol-

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 14 1976

MEMORANDUM FOR TED MARRS

SUBJECT: SPECIAL PROVISIONS FOR EMPLOYMENT OF AMERICAN
INDIANS

This is in response to your memorandum concerning special provisions for the employment of American Indians on Federal and federally-assisted construction projects on the Pine Ridge Reservation.

We do not feel it would be appropriate to involve DFCC on a single-reservation basis, nor as suggested, can we see a role for the Department of Transportation beyond its own direct program responsibility. Outlined below are several laws and activities that bear on the issue.

- Section 7(b) of the Indian Self-Determination Act (P.L. 93-638) provides authority for Indian preference in hiring and training in connection with certain Federal contracts and grants.
- On June 25 the Department of Labor's Office of Federal Contract Compliance Programs put in the Federal Register proposed regulations (attached) that permit preferential employment of Indians on or near Indian reservations. Under the proposed regulations construction or nonconstruction contractors will be exempt from the Civil Rights Act's equal opportunity clause for preferentially hiring Indians on or near Indian reservations. Also, under the proposed regulations, a contractor performing contracts on or near an Indian reservation may reflect in its affirmative action program, goals and timetables for the preferential hiring of Indians on or near Indian reservations.

- Finally, there are several Federal programs providing substantial resources for the employment and training of Indians. The major programs are with BIA, HEW, and in the Department of Labor under various parts of the Comprehensive Employment and Training Act.

(signed) Dan L. McGurk

Dan L. McGurk
Associate Director for
Human and Community Affairs

U. S. DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

WASHINGTON

JUL 14 1976

MEMORANDUM FOR: THE PRESIDENT

FROM: Secretary of Labor

SUBJECT: Briefing Paper on Department of Labor
Indian Programs



I have attached a paper which summarizes the Department of Labor's efforts for Indian and Native American people under the Comprehensive Employment and Training Act (CETA) of 1973. The paper is designed to assist you in preparing for the forthcoming meeting with representatives of federally recognized Indian tribes.

Attention is especially called to section (8) of the paper, which deals specifically with the federally recognized tribes participation under CETA.

If you have further questions, one of my senior officials is prepared to brief you on this program.

Attachment



Briefing Paper on Indian and Native American
Employment and Training Programs Under the
Comprehensive Employment and Training Act (CETA)

1. Purpose
2. Legislative Authority
3. Administrative Structure
4. Description of Programs and Activities
5. Funding Levels
6. Program Statistics
7. Major Issues
8. Federally Recognized Tribes Under CETA



1. PURPOSE

The purpose of Indian and Native American employment and training programs is to provide job training and employment opportunities for economically disadvantaged, unemployed and underemployed Indians and other Native Americans and to assure that such training and other services lead to maximum employment opportunities and enhanced self-sufficiency.

2. LEGISLATIVE AUTHORITY

Under the Comprehensive Employment and Training Act (CETA) Indian tribes on Federal and State reservations are eligible for direct funding under titles II and VI and section 304 of title III, and section 302 of title III.

Section 302 of title III requires that special comprehensive employment and training programs be established for Indians and other Native Americans regardless of where they reside.

Titles II and VI provide for public service employment programs.

Section 304 of title III provides for summer youth programs, generally work experience.

Section 302 of title III, provides for comprehensive employment and training services. This includes such programs as on-the-job training, work experience, skill and classroom training, and public service employment; and such services as child care, transportation and counseling.

3. ADMINISTRATIVE STRUCTURE

All CETA Indian employment and training programs are administered at the national level by the Division of Indian and Native American Programs, Office of National Programs, Employment and Training Administration, U.S. Department of Labor.

Staff from the Division are located in Federal regional cities in order to be able to better assist tribes, bands, groups, and organizations selected to administer CETA Indian programs.

The national administration of these programs is provided for by the act and was included in the legislation at the request of the majority of the Indians who supported the legislation.

4. DESCRIPTION OF PROGRAMS AND ACTIVITIES

Grants are let to Indian tribes on Federal and State reservations under titles II and VI and section 304 of title III. Under title III, section 302 public and private nonprofit agencies are also authorized to be designated as prime sponsors.

Prime sponsors make the final decision as to the types of activities for which funds will be expended. The act allows funds appropriated under one title to be used for activities authorized by another title, so that there is complete flexibility. There is a 10 percent limitation for administration when funds are used for public service employment purposes under titles II and VI. When funds are used for comprehensive programs and services authorized under title III, administrative costs are limited to 20 percent of all costs.

Most Indian tribes and organizations are using CETA funds to create public service employment and work experience positions. Many of these positions are being used by the tribes to develop the expertise to take over local functions previously performed by the Bureau of Indian Affairs. In this respect CETA is supporting the goal of the Indian Self-Determination and Education Assistance Act.

Also, in many programs, emphasis is being placed on involving Indians in apprenticeable occupations. Special efforts are being made to involve Indians in the construction trades.

5. FUNDING LEVELS

Indian prime sponsors have received the following amounts under CETA. The first funding year was Fiscal Year 1975.



<u>FISCAL YEAR</u>	<u>TITLE II</u>	<u>TITLE III SECTION 302</u>	<u>TITLE III SECTION 304</u>	<u>TITLE VI</u>
1975	\$ 7,066,094 ^{1/}	\$ 50,560,000	\$ 7,400,000	\$ 5,988,223
1976	1,800,235	50,560,000	8,884,940	8,136,597
1976/77 Transition Quarter	450,064	12,640,000	N/A	N/A
1976 (TEA)	6,019,372 ^{2/}	N/A	N/A	N/A
1977	<u>2,000,000^{3/}</u>	<u>50,560,000</u>	<u>4/</u>	<u>5/</u>
TOTALS	\$17,335,765	\$164,320,000	\$16,284,000	\$14,124,820

1/ Includes \$4,054,238 in Fiscal Year 1974 funds not made available until Fiscal Year 1975.

2/ These are temporary employment assistance funds which are good through January 31, 1977.

3/ These are tentative Fiscal Year 1977 funding levels issued for planning purposes since final Fiscal Year 1977 allocations are not yet available.

4/ Summer funds for 1977 are not available yet.

5/ The authorization for the title VI programs ended June 30, 1976.

NOTE: Funds under titles II and VI are allocated on the basis of relative unemployment, i.e., unemployment on eligible reservations compared to all unemployment in all areas of the United States which qualify for funds under titles II and VI.

Funds under section 302 are allocated according to a formula which distributes 25 percent of the funds on the basis of only Indian and other Native American unemployment within a specified geographic area, and 75 percent on the basis of Indian and other Native American low-income families within the area, except that no area receives less than 90 percent of the amount it received during the previous fiscal year assuming sufficient funds are available.

Summer funds are allocated according to the relative number of youth ages 14 to 21 on each reservation, except that each reservation is funded at least at its last summer's level assuming sufficient funds are available.

6. PROGRAM STATISTICS - Fiscal Year 1976

Title II	- number of prime sponsors	77
	- individuals served	356
	- reservations served	216
Title III		
Section 302	- number of prime sponsors	146
	- individuals served	30,000
	- reservations served	N/A
Title III		
Summer ^{1/}	- number of prime sponsors	77
	- individuals served	11,500
	- reservations served	216

^{1/} 1975 summer data. Data for 1976 is not yet available.

Title VI	- number of prime sponsors	77
	- individuals served	1,271
	- reservations served	216

7. MAJOR ISSUES

A. Data used for allocation purposes is not adequate.

Titles II and VI allocations are based on Bureau of Indian Affairs (BIA) unemployment data. While these data are updated annually, data collection methods are not appropriate. Most data is developed by the tribe and/or the BIA area office.

Allocations for title III, section 302 and 304 programs are based on 1970 census data. While these data are clearly not adequate they represent the only universal data available on Indians.



We are working with the Census Bureau, the Office of Management and Budget and other Federal agencies to develop better and more complete data during the 1980 census.

We also work closely with BIA in attempting to improve data used under titles II and VI for Federal reservations. Likewise, we are attempting to work with the States to improve data for State reservations.

B. Nonreservation federally recognized tribes are not eligible for titles II, VI and summer funds.

Federally recognized tribes not residing on reservations have been pushing for an amendment to CETA which would make them eligible for funding for titles II, VI and summer funds. Legislation has been introduced by representatives of the Oklahoma delegation to make such tribes eligible. This would include federally recognized Alaskan natives.

C. Inclusion of Native Hawaiians in title III, section 302 programs.

Native Hawaiian groups have requested that they be made eligible for direct funding under section 302. Amendments to CETA have been proposed to accomplish this. If this does occur it could create two other problems. One would be what data to use to determine allocations for Native Hawaiians. The other would be that unless the allocation for section 302 programs is increased, the inclusion of Native Hawaiians could result in anywhere from a 10 to 20 percent decrease in the funding levels for all other prime sponsors at the current allocation level.

8. FEDERALLY RECOGNIZED TRIBES UNDER CETA

A. Funding for Fiscal Year 1976.

More than \$69 million was provided for Indian and Alaska native employment and training programs during



Fiscal Year 1976 under titles II, III and VI of CETA.

Of this total more than \$57 million or more than 81 percent went to federally recognized tribes. The remaining \$12 million went to fund programs for State reservations, rural non-Federal tribes and for urban areas. The greater portion of Native Americans residing in urban areas are members of federally recognized tribes.

B. Number of Federal Tribes Served.

All 217 Federal tribes, bands and groups are served through CETA grants administered by the Division of Indian and Native American Programs.

C. Output.

More than 40,000 federally recognized Indian and Alaska native people were active participants in CETA programs during Fiscal Year 1976. Of this total 4,000 were in institutional training; 1,500 in on-the-job training; 5,000 in public service employment; 21,000 in work experience; and 8,500 in other types of training.

D. Issues.

Federally recognized tribes object to the participation of the Lumbee Indians of North Carolina being funded under CETA. They do not consider these people to be Indians.

Section 302 of CETA, under which the Lumbees are funded requires that the Secretary establish special employment and training programs for Indians and other Native Americans regardless of where they reside. The Lumbee people have been recognized as Indians by the State of North Carolina for many years. The people known as Lumbees have lived in and around Robeson County since the earliest settlers arrived. An act of Congress gave them the name Lumbee. All of these reasons clearly make them eligible for funding under CETA.

Federally recognized tribes feel that the funds made available to the tribes under CETA is no where near the amount needed and is determined in a manner which has no relationship to them.

Funds for Indian programs under section 302 are based on 4 percent of the amount allocated by formula to State and local governments under title I of the act. Indians point out that on reservations unemployment averages at least 40 percent of the available work force versus 7 1/2 percent nationally. This significant difference, they feel, should be recognized in determining funding levels.

FEDERAL MEDIATION AND CONCILIATION SERVICE
UNITED STATES GOVERNMENT
WASHINGTON, D.C. 20427

July 14, 1976

OFFICE OF THE DIRECTOR

Memorandum

To: W. J. Usery, Jr.
Secretary of Labor

From: James F. Searce *JFS*
National Director

Subject: FMCS Involvement in Indian Disputes

During fiscal year 1974/75 the Federal Mediation and Conciliation Service applied its neutral dispute resolution capability in labor relations to two complex legal, sociological, and economic Indian problems in a successful manner: the Navajo-Hopi land dispute and the Oglala Sioux tribal government election.

1. Public Law 93-531 provided authority to the United States District Court in Arizona to partition over two million acres of land between the Navajo and Hopi Indian Tribes which had been in serious dispute for more than a century. The Act also provided for a final negotiation period between the two tribes who, along with the Bureau of Indian Affairs, were unable to settle their differences after many bitter efforts. The National Director of the Service was authorized and did appoint a mediator who assisted the tribes in negotiations over a nine-month period. The parties nearly reached complete agreement as a result of the mediation efforts. The dispute is still continuing and is now before the U. S. District Court for judicial resolution. The fact that the negotiations resulted in near accord (about 85%) when all prior efforts for more than 100 years had failed is a tribute to the process of collective bargaining. Of course, as in labor negotiations, no agreement exists unless total agreement does. The mediator was obliged to act as a special master where total agreement was not feasible and issued a report to the court. The agreements by the parties largely became the basis for the mediators' report.

2. The Service was also successful in assisting the Oglala Sioux election of Tribal Officers in January-February 1976 notwithstanding

a demonstrated history of election irregularity and violence. In October 1974 the U. S. Commission on Civil Rights issued an investigative report finding serious abuses and irregularities in the conduct of the previous election. In the fall of 1975 FMCS was sought out by a representative of the tribe for assistance in conducting the tribal government election.

Thereafter, the Bureau of Indian Affairs requested Service assistance by reason of its reputation for impartiality and experience in labor disputes and thereafter funded the entire project. The Service utilized some of its own personnel but primarily relied on retired government employees experienced in election procedures. The Service assisted the tribe in establishing viable procedures for conducting the election, trained its election judges, and was on hand for monitoring the primary and general elections in early 1976 as observers/monitors. FMCS issued a report on the entire process, a copy of which is attached. The election was conducted without serious problem and hopefully will contribute substantially to the maintenance of peaceful government by the Oglala Sioux Tribe.

These activities were not within the traditional responsibility of the Service. Even though these initiatives were indicative of the successful application of the agency efforts and acceptability to the parties in Indian affairs, no further such activities have been scheduled.

Attachment



INDIAN LIGNITE MANPOWER PROJECT

Preliminary Report of Reservation Manpower Survey

by

Donald F. Schwartz, Ph.D.
Research Consultant
North Dakota State University
Fargo

September 14, 1976

100% = 6682

1146 of 6,682 = 135

An 11% random sample of the labor force between the ages of 18 and 46 was drawn from two Montana and five North Dakota reservations or rural settlement sites. The male labor force was deliberately oversampled (85%) and the female labor force was undersampled (15%). Local interviewers were trained to conduct one-hour personal interviews with persons in the sample. Interviewing began in late February at Fort Totten and the last interviews were completed in early July. Statistical analysis of the data is now in progress (September 14, 1976) at North Dakota State University. Figures presented in this report are based on initial computer printouts. More detailed analyses will be available in a report to be ready for distribution in late October.

According to BIA 1975 figures, the potential labor force for the study sites included in this survey is 8500. Following are the B.I.A. figures for each study site:

	<u>1975 Reservation Population</u>	<u>Labor force (16 and older)</u>
<u>Montana</u>		
Crow	4144	1506 (905m, 603f)
Fort Peck	4543	1730 (951m, 779f)
<u>North Dakota</u>		
Fort Berthold	2780	983
Turtle Mountain	7550	2204
Standing Rock	4883	1229
Fort Totten (pre-test site)	2336	590
Trenton-Williston Trust Lands	<u>1200*</u>	<u>324</u>
	27,436	8,566



Caution is advised in multiplying percentages given in this preliminary report times either the labor force total or individual reservation numbers. The sample in this study included only 18-46 year olds and proportionately fewer women than included in the total labor force. Weighed projections will be included in the final report. Second, percentages on individual items reported here may vary from individual reservation to overall percentage.

*estimate

Section I: Sample Characteristics

1. Reservation sample sizes	<u>N</u>	<u>% of total</u>
<u>Montana</u>		
Crow	117	16%
Ft. Peck	184	25%
<u>North Dakota</u>		
Ft. Berthold	91	12%
Standing Rock	105	14%
Turtle Mt.	190	26%
Williston- Trenton	32	4%
Ft. Totten	16	2%
	<u>735</u>	

√ 2. Employment status

Full time, year around job	314	43%
Part time job	89	12%
Seasonal job	43	6%
Unemployed	271	37% ✓
NR	<u>18</u>	
	<u>735</u>	

of 100%

2,873
802
401
2,472

Of unemployed, 82% report seeking employment.

3. Age

18 - 26	313	43%
27 - 36	244	33%
37 - 46	171	23%
NR	<u>7</u>	1%
	<u>735</u>	

4. Marital status

Married	391	53%
Previously married	89	12%
Single	251	34%
NR	<u>8</u>	
	<u>735</u>	

5. Number of Dependents

None (single, supports no one)	237	32%
One	64	9%
two-three	212	29%
four-six	149	20%
seven-nine	39	5%
ten or more	4	1%
	NR	4%
	<u>30</u>	
	735	

6. Sex

Male	585	80%
Female	<u>149</u>	20%
	734	

7. Number of years of education completed

Eight or less	88	12%
Nine-eleven (some H.S.)	230	31%
Twelve (H.S. graduate)	194	26%
Thirteen (one year college or vocational)	100	14%
Fourteen or more	103	14%
	NR	
	<u>20</u>	
	735	

802
2,071
1,737
925
935

8. Personal income of respondent for 1975

0-1,999	217	30%
2,000-3,999	123	17%
4,000-5,999	109	15%
6,000-9,999	146	20%
10,000 or more	65	9%
	NR	10%
	<u>75</u>	
	735	

2,005
1,136
1,002
1,336
601
668



Section II: Job Training and Experience

A. Jobs Related to Mining or Power Plant Operation
(Job categories identified in Renner Report)

<u>Job Title</u>	<u>Percent of labor force who have completed a classroom course in it</u>	<u>Percent of labor force who have completed an OJT program</u>	<u>Percent of labor force who have worked at this job in the past four years</u>
Civil Engineer	0.14%	---	---
Electrician	1.0%	0.7%	1.2%
Heavy Equipment Operator	5.2%	3.6%	10%
Carpenter	4.6%	0.8%	12.5%
Heavy Truck Driver	1.1%	0.7%	3.5%
Surveyor	0.4%	0.4%	1.1%
Accountant	1.0%	---	0.4%
Secretary	1.6%	---	2.6%
Key punch Operator	0.3%	---	0.3%
Janitor	0.4%	1.0	7.8%
Auto Mechanic	6.4%	1.1%	4.0%
Clerical	5.6%	1.9%	8.3%

B. Selected Other Job Categories

(Not all reported job titles are recorded here.)

Bookkeeper	0.7%	---	1.2%
Administrator	1.0%	0.7%	3.0%
Personnel Manager	0.6%	---	1.1%
Social/Welfare Worker	1.4%	1.0%	5.3%
Elementary/Secondary Teacher	0.8%	---	2.0%
Teacher Aid/Tutor	0.4%	1.1%	6.4%
Waitress	---	---	1.6%
School Cook	0.4%	0.3%	0.8%
Baker	0.14%	0.14%	0.4%
Cooks Helper	0.3%	0.14%	1.5%
Emergency Treatment or Nurse's Aid	1.6%	0.41%	2.2%
Policeman	1.9%	0.6%	1.9%
Groundskeeper	---	0.3%	1.5%
Rancher	---	---	3.3%
Farm Labor	---	---	11.3%
Steel Mill Worker	---	0.3%	0.4%
Diesel Mechanic	0.4%	0.3%	0.4%
Painter	0.4%	0.4%	1.8%
Sheet Metal Shear Operator	0.6%	0.6%	0.6%
Welder	7.2%	1.5%	3.8%
Cement finisher	0.6%	0.7%	2.3%
Construction Laborer	0.41%	0.68%	7.9%
Maintenance Man	---	---	2.9%
Bus Driver	---	---	2.9%
Laborer	---	---	6.8%
Oil Rigger and Roughneck....	---	0.3%	1.9%
Dispatcher	0.8%	0.4%	1.2%

Section III: Interest in Lignite Industry Jobs/Commuting/Relocating

- 1. ^{4,410} 66% of the labor force report they would take a lignite industry job paying a minimum of \$1000/month if they could live on the reservation and be home every night; 17% would refuse; 17% were undecided.
- 2. ^{4,210} If they had to commute an hour or more to work everyday, 63% would take it, 17% would refuse and 18% were undecided. (2% didn't respond)
 - a. If the commuting could be done in a car pool or by bus, about 20% of those who were undecided or refused would now take the job.
- 3. If they had to live off the reservation to take the job - 100 to 300 miles from their present home ^{3,207} 48% report they would take the job, 31% would refuse, 20% were undecided.
 - a. Of those who would relocate who have families, 64% would definitely take their family with them, 22% would not.

Note: Relocation and commuting intentions reported above are being cross-verified with a battery of attitudinal items on those two topics.

- b. 74% of the respondents have lived off the reservation at one time in their life; over 50% have lived off 4 or more years.
- c. 66% agreed with the statement "Indian people who move off the reservation are not given fair treatment compared to non-Indians when it comes to getting good jobs" and 57% agreed with the statement "Indian people who move off the reservation are treated with little respect by non-Indians."
- 4. In response to the statement "I would like to get a job in the coal industry in this area", 17% disagreed, ^{3,207} 48% agreed, and 35% were undecided.

Section IV: Union Experience/ Attitudes

- 1. 20% of the respondents have belonged to a union at one time: 1/3 of these belonged for only one year, half of them for 2 or less years.
- 2. ³³⁴ 5% of the respondents currently hold union membership.
- 3. Of the 20% who had been union members, 76% report they liked belonging to the union, 7% disliked it and 17% were unsure of their feelings.
- 4. ^{4,945} 74% of the respondents reported they would be willing to join a union to get a good paying job; 10% would not.
- 5. 66% of the respondents agreed with the statement "labor unions are usually helpful to their members" and 53% agreed that "labor unions make sure everyone has an equal chance at jobs."



Section V: Interest in Job Training

- 5,279
1. 79% report they would take training for a \$1000/month job if they didn't have the background for it; an additional 11% would under certain conditions.
 - a. Of those who specified conditions, 54% (6% of the total) would want a job guarantee at the end of training; 46% (5% of the total) would want a partial salary; 41% (5% of the total) would want to be able to live at home while training and 36% (4% of the total) want to be able to at least go home weekends.

Section VI: Job Search Information Sources

1. Source of information about present or most recent job

Newspaper want ads	3%
State employment office	9%
Private employment office	2%
BIA employment assistance office	14%
Word from a relative	17%
Word from a friend	31%
Word from a caseworker	4%
From a newsletter	4%
Misc.	16%

a. Summary

Employment services	25%
Word-of-mouth	52%
Media	7%

84%

of 100%

1,671
3,475
468
<u>5,614</u>

BIA - Conf. Agreement
VA - Clear Ed. Federal
Appreciation

CETA -

Title IV - OE

Title III - OE

ERDA

DOJ / Bureau Prisons

EDA

WEEA - HEW - Women's Rights

NIH - Alcoholism

NEA

ARBA

IHS

GSA - Surplus Property

DOL

THE WHITE HOUSE
WASHINGTON

Other agencies
wanted to

TA meetings

Legal Issues

They have advance knowledge of
funding. unrelated

Some agency will not
be a sponsor

⊗ → by formula.
no discretion

These meetings are in the field

People in a government
agency - report to SWS

(She is by law)



THE WHITE HOUSE
WASHINGTON

Multi-year planning
e.g. Pine Ridge

and the
Woods by
OST

Indian Highway Area
Trees to fund state
to use (ETA) money for.
We are producing Timber to
and other health state.
"Stemmy usage" timber - used
much does
best x best

INDIAN LIGNITE MANPOWER PROGRAM
UNITED TRIBES EDUCATIONAL TECHNICAL CENTER
3315 SOUTH AIRPORT ROAD
BISMARCK, NORTH DAKOTA PHONE 701-255-3285 EXT. 287



October 7, 1976

Mr. Brad Patterson
Special Assistant to the President
White House
Washington, D.C. 20510

Dear Mr. Patterson:

I would like to express my thanks in appreciation for the opportunity to meet with you in Washington on October 1, 1976. I hope any future meetings of this nature prove to be as beneficial.

If you have any questions concerning our program, please feel free to contact me at 701-255-3285, extension 287.

Thank you.

Sincerely,

Douglas J. Myers
Director

DJM:ak

