



Mn/DOT POLICY POSITION STATEMENT

Date: April 22, 2005

Reference: Highways 6.3
Indian Employment

Position Statement:

The State of Minnesota and the Department of Transportation, consistent with Section 140(d) of Title 23 United States Code (USC), encourage employment of American Indians on state and federally funded construction projects on or near Indian reservations.

Moreover, the State of Minnesota and the 11 federally recognized Indian tribal governments within Minnesota promote and support Indian employment on state projects on or near reservations. Besides providing an economic benefit, Indian employment means that Indians are involved in projects that affect their communities. Indian employment on state projects provides employment opportunities and meaningful work for all Minnesota Indians.

All Indians are eligible for employment. However, recruiting efforts may be targeted toward those living on or near a reservation or Indian lands. Indian employment will be applied without regard to tribal affiliation or place of enrollment.

The Minnesota Department of Transportation intends to work with recognized tribal governments on transportation-related projects. The intent of the Government to Government Transportation Accord, signed in April 2002, by Mn/DOT, the Federal Highway Administration and the 11 federally recognized Indian tribal governments governing lands within the boundaries of the State of Minnesota is to:

- A. Advance the mutual goals of their governments through improved intergovernmental relations.
- B. Provide a practical framework for productive partnerships between and among their various parties.
- C. Establish realistic and achievable implementation procedures that will help facilitate these partnerships.

Each party to the accord acknowledges and respects the values and culture represented by every other party to this agreement.

Mn/DOT Practices:

For construction projects on or near reservations, contractors will be encouraged to work with tribal governments to utilize Indian labor in performing contract work. Mn/DOT will encourage cities and counties to adopt a similar policy for road projects on or near reservations.

The Federal Highway Administration requires states to have an on-the-job (OJT) training program. Mn/DOT has an FHWA-approved OJT program for large federally funded construction projects that span the construction season. Mn/DOT encourages the contractor to consider American Indians for employment on projects on or near reservations for designated OJT positions. These OJT positions can be in skilled and non-skilled areas of employment.

Background:

Mn/DOT is responsible for the construction, reconstruction, repair and maintenance of all state trunk highways including roads on or near Indian reservations.

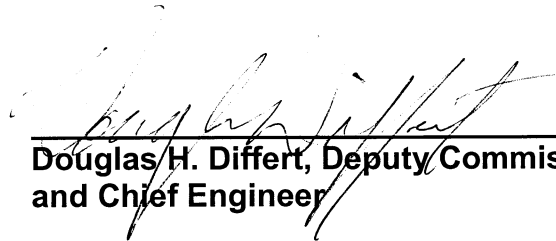
US DOT's Federal Highway Administration encourages state DOT's to work cooperatively with tribes to employ Indians.

Responsibilities for Implementing:

- A. MnDOT's Tribal Liaison shall meet with Indian tribes and Tribal Employment Rights Ordinance (TERO) Offices to promote employment opportunities for Indians on federal-aid projects on or near reservations.
- B. Mn/DOT District Offices shall consult at least annually with each tribe in their district to share information on short and long range programs and the status of projects on or near its reservation.
- C. Mn/DOT District Offices shall consult with Indian tribal governments and, upon agreement, include special provisions encouraging Indian employment on individual projects on or near its reservation.
- D. Mn/DOT project engineers shall remind contractors of these provisions at pre-construction conferences.

Definitions:

- A. *“Indians”* or *“Indian”* means an individual who is a member of a federally recognized tribe.
- B. Roads that are *“near”* an Indian reservation are defined as those within a reasonable commuting distance from the reservation.



**Douglas H. Differt, Deputy Commissioner
and Chief Engineer**

Any questions regarding this policy should be directed to:

Mn/DOT’s Tribal Liaison, Minnesota Department of Transportation, MS 140, 395 John Ireland Blvd., St. Paul, MN 55155-1899