

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Tribal Consultation Report



U.S. Office of Personnel Management Tribal Consultation

Due to the pandemic, the consultation was held virtually over Zoom.

Background:

The U.S. Office of Personnel Management (OPM) is the agency that serves as the Federal government's Human Resources advisor and is charged with developing and implementing governmentwide policies and practices around the full range of Human Resources issues including diversity, equity, inclusion, and accessibility; recruiting, hiring, retention, pay, benefits, and retirement.

OPM welcomes President Biden's directive to strengthen our nation-to-nation relationships with Tribal governments and, as part of that effort, to consider steps the agency might take toward enhancing its consultation efforts. OPM is committed to partnering with Tribes on a government-to-government basis to meet our treaty and trust obligations, and to promote Tribal sovereignty.

Summary:

OPM conducted an official nation to nation Tribal Consultation on April 16, 2021 and is committed to honoring Tribal sovereignty and strengthening nation to nation relationships with Tribal Nations. Major themes of the discussions included: (1) the need for continued dialogue and consultation around OPM's recruitment strategies and the hiring process for federal positions with American Indian and Alaskan Native candidates; (2) the ongoing outreach to Tribal Nations and Tribal schools around new eligibility for participation in the Federal Employee Health Benefits program; and (3) recommendations for scheduling and structuring Tribal Consultations moving forward. Jim Cho, the Deputy Director of the Office of Congressional Legislative and Intergovernmental Affairs will serve as the primary point of contact for Tribal Leaders and elected officials. OPM looks forward to building relationships with Tribal governments through ongoing consultation.

Action Items:

- OPM to make available a summary of the Tribal Consultation and any OPM related responses to all Consultation participants (*this report*)
- OPM to share a transcript of the meeting with all Tribal Leaders, proxies, and other Tribal administrators or citizens who attended.
- OPM to share a list of key staff members who served as proxies for Acting Director Kathy McGettigan, along with key staff members who work directly on topics discussed in the Consultation.
- OPM to share eligibility and enrollment information on the Federal Employee Health Benefits (FEHB) Program with Tribal governments and Tribally Controlled Schools.

- OPM committed to accepting written submissions and feedback on any topic from Tribal governments through April 19, 2021.

Enclosed:

- Minutes, pages 3 - 4
- Next Steps, page 5
- Attendance List, page 6
- OPM Staff Contact Information, page 7

Enclosure: Minutes

U.S. Office of Personnel Management Tribal Consultation Minutes

April 16, 2021

Topics of Consultation

- Federal Recruiting, Hiring, Employment and Human Resources Solutions
- Benefits (Federal Employees Health Benefits Program and Retirement Services)
- OPM's Consultation Practices; Diversity, Equity, Inclusion, and Accessibility; Federal Voting Rights Observer Program; Open Feedback

1. Introductions

- a. Opening Prayer – Governor Mark Mitchell, Tesuque Pueblo
- b. Opening Remarks, Acting Director Kathy McGettigan, Office of Personnel Management (OPM)
 - i. OPM serves as the chief human resources agency and personnel policy manager for the federal government. OPM directs human resources and employee management services, administers retirement benefits, manages healthcare and insurance programs, oversee merit-based and inclusive hiring into the civil service, and provides a secure employment process. OPM has worked with Tribal governments recently in a couple of programs, including enrolling Tribal employees in the Federal Employees Health Benefits (FEHB) program, and recruiting native language speakers to serve as Federal observers in the Voting Rights Program. While this is one of the first official nation-to-nation Tribal Consultation in recent history, OPM is committed to engaging in Tribal Consultations, as well as finding opportunities to work with Tribes beyond formal consultations.
- c. Introduction of Tribal Leadership and OPM Leadership

2. Discussion of Topic 1: Federal Recruiting, Hiring, Employment and Human Resources Solutions

- a. Tribal Leaders requested to engage in ongoing dialogue with OPM around Indian Preference, the need to recruit and train more American Indian candidates for positions in the federal government – including from Tribal Colleges and Universities, filling vacancies for key positions that work on Tribal Affairs, and data around the number of American Indians in the federal government.
- b. Tribal Leaders asked about the processes for political appointees and the difference between OPM and the Office of Presidential Personnel (PPO). PPO is the office that directly manages the determination and selection of political appointments. OPM does not manage the process - but does have an administrative function to approve the hiring action of political appointees and can help answer questions Tribal Leaders may have on the process.
- c. Tribal Leaders requested OPM to conduct meaningful consultation with the Secretary of Interior, National Park Service, federally recognized Tribes, and professional societies in establishing appropriate contemporary standards for

employees and contractors who conduct work pursuant to sections 106 and 110 of the National Historic Preservation Act.

3. Discussion of Topic 2: Benefits (Federal Employees Health Benefits Program and Retirement Services)
 - a. Recently, the Consolidated Appropriations Act, or the CAA, added an entitlement for Tribal schools to purchase health benefits under the Federal Employees Health Benefits Program for their eligible Tribal employees, by amending Section 409 of the Indian Healthcare Improvement Act. OPM and Tribal Leaders would like to collaborate on how to best share information about this new policy with Tribal Leaders and Tribal schools.
4. Discussion of Topic 3: OPM's Consultation Practices; Diversity, Equity, Inclusion, and Accessibility; Federal Voting Rights Observer Program; Open Feedback
 - a. Tribal Leaders asked OPM to research and consider including additional programs that benefit Indian Country in the Combined Federal Campaign listing of charities.
 - b. Tribal Leaders offered recommendations on scheduling and structuring Tribal Consultations moving forward to limit consultation fatigue, including working with a government-wide interagency group to calendar consultations, engaging Tribal Leaders in small group consultations, and getting to know each Tribe OPM is in relationship with.
5. Closing Comments
 - a. Jim Cho serves as the Deputy Director of the Office of Congressional Legislative and Intergovernmental Affairs, which is the office that has primary responsibility for managing communications and relationships – and will serve as the primary point of contact for Tribal Leaders and elected officials.
6. Adjourn

Enclosure: Next Steps

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Requested Follow-Ups

1. Tribal Leaders
 - a. Superintendent Patricia Sandoval, Pueblo of Laguna: Requested follow up around information on Federal Employees Health Benefits (FEHB) enrollment and process
 - b. Chairman Allen: Requested continued dialogue with Employee Services (ES) around Indian Preference, recruiting more Tribal candidates for positions in general, or filling vacancies for key positions in the federal government that work on Tribal Affairs. Requested data or report on federal hiring and requested information on FEHB enrollment.
 - c. President Malcolm Pedro: Requested information on FEHB enrollment.
 - d. Vice Chairwoman Rosa Long: Requested information on FEHB enrollment.

2. Tribal Organizations and Designated Proxies
 - a. Sorhna Li, Scotts Valley Band of Pomo Indians: Requested follow up around information on Federal Employees Health Benefits (FEHB) enrollment and process
 - b. Melinda Danforth, Oneida Nation: Requested OPM to follow up with the Environmental Protection Agency around personnel policies that determine candidates for EPA's regional liaison positions.
 - c. James Munkres, Pawhuska Osage Reservation: Request that OPM conduct meaningful consultation with the Secretary of Interior, National Park Service, federally recognized Tribes, and professional societies in establishing appropriate contemporary standards for individuals who conduct work pursuant to 106 and 110 of the National Historic Preservation Act.

Proposed Topics for Next Meeting

1. Federal Hiring: Indian Preference, key positions, personnel policies
2. Federal Employee Health Benefits: ongoing outreach, training, enrollment
3. Open Feedback/Consultation Practices

Enclosure: Attendance List

U.S. Office of Personnel Management Tribal Consultation April 16, 2021

- Chairperson Aaron Payment
- Governor Brian Vallo
- Cassie Harper
- Cindy Cultee
- Derek Red Arrow
- George Gover
- James Munkres
- Janey Bryan
- Jeffrey James
- Jennifer Fry
- Kathryn Burke
- Kimberly Teehee
- Lee Michael
- Chairman Leonard Forsman
- Governor Mark Mitchell
- Martina Beaulieu
- Melinda Danforth
- Michael Lewis
- Modesty Sand
- Superintendent Patricia Sandoval
- Perphelia Fowler
- Reycita Toddy
- Vice Chairwoman Rosa Long
- Rosalinda Cordova
- Samuel Elizondo
- Shane Parashonts
- Shirley Allman
- Sorhna Li
- Steven Nelson
- Timothy Nelson
- Tony Hillaire
- Traci Shortey
- Travis Brockie

- Travis Noland
- Chairman W. Ron Allen
- Wendy Helgemo

Enclosure: OPM Staff Contact Information

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OPM Leadership at Tribal Consultation:

- Kathleen (“Kathy”) McGettigan, Acting Director, Kathleen.McGettigan@opm.gov
- Chris Canning, Chief of Staff to the Director, chris.canning@opm.gov
- Jim Cho, Deputy Director, Congressional, Legislative, and Intergovernmental Affairs, jim.cho@opm.gov
- Rob Shriver, Associate Director, Employee Services, robert.shriver@opm.gov
- Kimberly Holden, Deputy Associate Director, Employee Services, kimberly.holden@opm.gov
- Reginald Brown, Principle Deputy Associate Director, Human Resources Solutions, reginald.brown@opm.gov
- Laurie Bodenheimer, Associate Director, Healthcare and Insurance, laurie.bodenheimer@opm.gov
- Kenneth Zawodny, Associate Director, Retirement Services, kenneth.zawodnyjr@opm.gov
- Lori Amos, Deputy Associate Director, Retirement Services, lori.amos@opm.gov
- Allison Wise, Acting Deputy Associate Director, Outreach, Diversity & Inclusion, allison.wise@opm.gov
- Mark Lambert, Associate Director, Merit System Accountability & Compliance, mark.lambert@opm.gov
- Ana Mazzi, Principal Deputy Acting Director, Merit System Accountability & Compliance, ana.mazzi@opm.gov

Other Key Staff Members and Points of Contacts for OPM Programs:

- Peter Bonner, Associate Director, Human Resources Solutions, peter.bonner@opm.gov
- Alethea Predeoux, Director, Congressional, Legislative, and Intergovernmental Affairs, alethea.predeoux@opm.gov
- Mini Timmaraju, Senior Advisor to the Director, mini.timmaraju@opm.gov
- Victoria Taiwo, Combined Federal Campaign (CFC) Operations Specialist, victoria.taiwo@opm.gov
- Renee DeHerrera, Lead Voting Rights Coordinator, Voting Rights Program, renee.deherrera@opm.gov



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