

**UNITED STATES DEPARTMENT OF LABOR
NATIVE AMERICAN EMPLOYMENT AND TRAINING COUNCIL MEETING**

WEDNESDAY, MAY 3, 2023

The Council met at the Foxwoods Resort Casino, located at 350 Trolley Line Boulevard, Mashantucket, Connecticut, at 10:12 a.m. EDT, Joseph Quintana, Chair, presiding.

Present

Joseph Quintana, Region 6, Chair
Kay Seven, Vice Chair, Other Disciplines
Jacob Bernal, Region 6
Kim Carroll, Other Disciplines
Lora Ann Chaisson, Region 4
Robin Counce, Region 4
Lorraine Edmo, Region 4
Patricia Hibbeler, Other Disciplines
Robert Houle, Region 5
Shawn Isaac, Region 6
Candace Lowry, Region 3
Holly Morales, Region 6
Erwin Pahmahmie, Jr., Region 4
Angel Peer, Region 5
Gary Rickard, Region 6
Darrell Waldron, Region 1 & 2
Winona Whitman, Region 6
Jacob Wojnas, Other Disciplines

Also Present

Nathaniel Coley, Incoming Designated Federal Officer
B.C. EchoHawk, Tribal Tech, LLC
Duane Hall, Federal Project Officer
Phillip Roulain, IT Staff
Lorenda Sanchez, California Indian Manpower Consortium
Kim Vitelli, Designated Federal Official; Administrator, Office of Workforce Investment, Employment
and Training Administration
Jennifer Whitmore, Federal Project Officer

Blessing/Call to Order/Roll Call

Joseph Quintana, Council Chair, opened the meeting at 10:12 a.m. and Laughing Morning performed the blessing. Council Secretary Robert Houle conducted a roll call and determined the presence of a quorum.

Approval of Agenda/Approval of Summary of Minutes and Follow-Up of Motions and Resolutions - October 30-31, 2022 Council Meeting

Chair Quintana asked for a motion to approve the meeting agenda, which was duly made by Member Patricia Hibbeler and seconded by Member Darrell Waldron. The motion was unanimously approved. Chair Quintana then reviewed the Council's prior discussion and approval of the Overall Strategic Plan, which Ms. Vitelli informed the Council would be finalized and posted on the NAETC website, as well as sent to the Secretary of the Department of Labor (DOL).

Chair Quintana asked for a motion to approve the minutes of the October 30th and 31st, 2022, Council Meeting. The motion was made by Council Member Lorraine Edmo, seconded by Council Member Gary Rickard, and was passed unanimously.

Letter to the U.S. Secretary of Labor

The Chair brought forward the discussion of the draft letter to the U.S. Secretary of Labor, which the Council Members had previously received. Member Rickard asked whether the letter would be sent to the Acting Secretary or the new Secretary when one was selected. Member Hibbeler explained that the letter was to accompany the Overall Strategic Plan when it was sent out to organizations, as well as to the Secretary. Vice Chair Kay Seven made a motion to accept the letter as an administrative action to fulfill the requirement of the Strategic Plan to have the plan shared with other parties. The motion was seconded by Member Houle. Vice Chair Seven then amended her motion to state that the Council consult with the Effective Management Team to decide the method of distribution for the letter to the listed organizations. Member Houle seconded the amendment and the motion passed unanimously.

Introduction of New DINAP Chief

Chair Quintana welcomed and introduced the new Division of Indian and Native American Programs (DINAP) Division Chief, Nathaniel "Nat" Coley. Mr. Coley thanked everyone for being so welcoming, and expressed his desire to grasp the opportunity they had to create greater unity amongst their community. Member Waldron discussed feedback he had received from grantees about the improvement in workshops, and thanked Mr. Coley for the change he had already seen under his leadership. Vice Chair Seven welcomed Mr. Coley and looked forward to getting to work together. Member Edmo added her welcome and encouraged Mr. Coley to reach out to them and ask any questions as he learned his new role. Member Rickard welcomed Mr. Coley and discussed to necessity of having proper training for directors and staff because of high turnover rates.

Member Houle expressed his desire for greater training, hiring, and development of healthcare workers in Indian Country to deal with the growing drug epidemic. Member Lowry echoed Member Rickard's comments on training, particularly of WIOA staff and healthcare workers for mental health. The Chair said that, under the whole person care model, housing, food security, mental and physical health, and education and training all need to be accounted for. Member Hibbeler concurred about the need for housing security, noting how a rapidly increasing cost of housing is affecting her home state of Montana, as well as the need to rebuild the job markets post-COVID.

Updated on Implementation of Workforce Innovation and Opportunity Act (WIOA) and Discussion

Ms. Vitelli provided the update. Legislation to reauthorize the WIOA was passed by the U.S. House of Representatives in 2022. The bill contained provisions related to variations in performance measures, how competitions would be conducted, and a provision that members of the NAETC Council could remain on the Council past their terms until new members were appointed. However, the Senate had not taken action before the new Congress was instated in January 2023, meaning that the bill was dead and would have to be reintroduced by the new Congress. The House Education and Workforce Committee is now chaired by Rep. Virginia Foxx, who has publicly expressed interest in reauthorizing WIOA, and her staff was working on a draft bill. Ms. Vitelli explained that Rep. Foxx's bill would likely differ from the bill from the last Congress, but the version will likely include language regarding expansion of Pell Grants to occupational training. Once out of the House committee, the bill will have to pass the full House, and then the Senate could either consider that bill or draft their own. Ms. Vitelli noted that members of the Senate Committee on Health, Education, Labor and Pensions (HELP) have expressed some interest reauthorizing WIOA. Given these factors, it will likely be some time until WIOA is reauthorized. The DOL's role in the legislative process is to assist the congressional members and staff in drafting their bills via technical assistance and legal consultation, among other activities. DOL's priorities for WIOA remain the same as when Secretary Walsh testified before Congress in June of 2021.

Member Houle asked if there were any other congressional actions coming up that the Council should be watching. Ms. Vitelli advised the Council to monitor actions involving Pell Grant expansion for occupational training. Members Waldron and Edmo discussed whether the Council should make recommendations to certain House and Senate subcommittees working on WIOA, and if so what types. Ms. Vitelli noted that the Council had made recommendations in the past. The Council could recommend inclusion specific provisions and guidance, for example. The Chair suggested that the Effective Management Workgroup draft a recommendation that the Council could vote on and formalize. Member Waldron recommended that the Council establish a subcommittee to work on this action more efficiently, given that the entire Council roster was in the Effective Management Workgroup. Member Hibbeler, chair of the Effective Management Workgroup, offered to write up a draft and consult with other members before presenting it to the entire Council. The Chair asked if any other Members would join the subcommittee, and Members Edmo and Carroll volunteered.

Report from Workgroups and Discussion:

Effective Management Workgroup

Workgroup Chair Hibbeler thanked the workgroup members for their work and discussions in October, and went through the key strategic initiatives they had worked on. The first initiative was conducting monthly meetings, which had begun three months prior. The second was ensuring that the two national meetings occurred. Member Hibbeler noted that the next Council meeting would be the second week of November, at NCAI in New Orleans. The third had been assisting in the selection of a new DINAP Chief. The fourth initiative was to review the DINAP budget, carryover funds, and to advise on the carryover process for reallocation of funds. The fifth was an initiative to inform the Secretary of Labor that NAETC Council membership was continual, meaning if there were to be a lapse in the selection of a new Council in the spring, the workgroup would recommend that the current Council continue in place.

Member Waldron asked that language regarding NAETC member terms be included in the Council charter. Ms. Vitelli explained that it had been suggested with the reauthorization of WIOA, but was ultimately up to the DOL. Member Carroll pointed out that the Council had requested this change before when they had re-chartered and had Secretaries deny that section. This had led to occasions in the past where Secretaries refused to appoint new members and the Council essentially ceased to exist. Member Waldron mentioned the fact that the NEATC charter required them to have at least two meetings, but they could choose to meet more often. Member Hibbeler asked if the former term requests might be archived somewhere, so they could be referenced in future letters from the Council to the Secretary. Ms. Vitelli explained that the DOL did not have the ability, due to ongoing legislation, to appoint people to extended terms, but they did have the ability under current law to promptly fill vacancies. Member Hibbeler recommended that the Council send a letter to the Secretary to emphasize timeliness in the appointment process for a new Council, rather than merely requesting for term extensions should the appointment not be timely, as was currently written.

Ms. Vitelli suggested staff provide regular updates to the Council on WIOA developments and any movement regarding terms and appointments. Mr. Coley expressed how important communication with the Council was for him in his new role as DINAP Division Chief. Member Hibbeler supported the creation of the timelines and institutionalizing regular communications, and then informed the Council of the workgroup's final initiative which was to document how the Council elected officers and appointed workgroups. This would provide operational guidelines for future Councils. Member Hibbeler then informed the Council of three strategic initiatives that the Workgroup had created related to training. B1 was the implementation of the grantee survey regarding training and technical assistance needs; in the past there had been a poor return rate of surveys. The Workgroup desired to have the survey finalized by May, implemented in June, and its data analyzed beginning in August. The next initiative was C1, which was a communication system for disseminating information from the Council to its grantees in particular regions.

Vice Chair Seven emphasized the necessity of easier and clearer communications to and from their grantees and the importance of understanding their needs so they could be met. Mr. Coley discussed the monthly DINAP Digest which was released as a form of communicating new information with

grantees. DINAP wants to ensure that any new type of communication is done collaboratively so that grantees do not receive conflicting or confusing information. Member Hibbeler asked if there was a specific reason why the Council would want information to be sourced to grantees directly from the Council rather than through DINAP. Ms. Vitelli responded that it depended on the type of information that was to be shared. The Council is charged with reporting to the Secretary, so information regarding possible future recommendations would have to be treated differently than information about potential new or changing guidelines for grantees. Vice Chair Seven referred to the strategic plan as an example of information that was already public and was the type of news that should be shared through a format such as the DINAP Digest. Member Carroll asked whether there was any form of prohibition on Council Members discussing internal issues with the grantees that they represented. Ms. Vitelli answered that there was no such prohibition.

Youth Workgroup

Member Winona Whitman said that the Workgroup met on December 6, 2022 to discuss updates on the USD Oil Framework, the Grantee Performance Management System (GPMS) Youth Database, and to review WIOA allowable activities. At the time of the meeting their Federal Project Officer, Jennifer Whitmore, informed the Workgroup that testing of the GPMS database would be completed by May 2023, which was right on target. The Workgroup had also worked on their mission statement, which was to create broad and diverse opportunities for Alaskan Native and American Indian and Native Hawaiian youth across the nation that will enrich their lives and increase their success in their future career pathways. The Workgroup is working to appoint Co-Chairs for Sections 166 and 477 by their next meeting. The Workgroup is also encouraging more members to join, including youth and young people, and is continuing to look at ways to increase outreach and simplify eligibility. They also want to simplify career pathways and promote apprenticeships, pre-apprenticeships, and the Good Jobs Principle and Initiative.

The Workgroup has been busy with the adult and youth grant applications which were already submitted, and is reviewing the payment management system transition. The GPMS adult program quarterly report and the adult and youth quarterly financial reports are due this month. Member Whitman noted that some of the Workgroup members had worked under Ms. Whitmore's leadership as pilot testing grantees on the GPMS Youth Database; these member organizations included the American Indian Council, the California Indian Manpower Consortium, the Navajo Nation, the Santo Domingo Tribe, the Ysleta del Sur Pueblo, and ALU LIKE, Inc.

Performance Workgroup

Mr. Hall, Federal Project Officer, updated the Council on some of the data that was being gathered from the GPMS system. Mr. Hall explained that the data from GPMS was not aggregate data, but roughly 14,000 individual participant records. The data showed participants were comprised of 40.5% male and 59.4% female; primarily 25-54 in age range, with a large youth contingent. Of participants, 65.7% were from off-reservation and 34.3% were on-reservation. There were some participants who either did not

have their tribal affiliation listed or had 'other' listed, and the Workgroup was trying to figure out why these entries were occurring since tribal affiliation is required to be eligible. Ms. Whitmore explained that it could be that some of them are First Nations, indigenous people being serviced in Canada, or it could be the way they enter their tribal names, as some are listed by new names and they just enter 'other' when they cannot find it. Mr. Hall then discussed the participants served by a grantee, the largest grant being the Navajo Nation, followed by ALU LIKE and the American Indian Council. The largest percentage of participant activity was supportive services, followed by occupational skills training, internship or work experience, adult based education, English as a second language (ESL), on-the-job training (OJT), registered apprenticeships, and entrepreneurial training.

Mr. Hall gave an overview of participant employment by activity. Here the numbers were low, with 28 in registered apprenticeships. Of those 28, 32.1% received employment, 0.5% not employed, and then the rest employment information not available. The Workgroup was going to investigate further as to why the employment information was not available. Ms. Whitmore added that when they crossed these records with their wage records, the employment reporting rate almost doubled, but it was only aggregated data based on supplemental data. The most common occupational skills trainings were registered nurses and tractor-trailer truck drivers. The most common occupations were laborers and freight, stock and material movers, and nursing assistants. Ms. Whitmore explained that this data was about a year and a half old because the individuals had to have completed the program and received employment in the second quarter after exit, and was solely based on supplemental data. The overall training completion rate was approximately 42%. The Workgroup was looking into this figure and would be providing technical assistance and training to try to increase that rate, and see whether they were truly not completing or were they forgetting to go back and checkoff that they had completed successfully. Mr. Coley added that some of the participants may be reenrolled in other programs, so the technical assistance would help show fuller completion rates and reenrollment rates.

Member Pahmahmie asked whether this would be consistent with their thought of stackable credentials to show that they were continuing on their chosen career path. Ms. Whitmore said that it would be and was a great idea. Ms. Whitmore then discussed the decline in GPMS enrollments due to the pandemic, and where the numbers had changed in California. Member Holly Morales asked for clarification as to how to enter Native Hawaiian and mixed race information into the GPMS system, noting that her region of Alaska was mainly focused on capturing Native Alaskan data. Member Whitman said their organization's grant was restricted to Hawaii, but they were working with other organizations outside of the state to help them with servicing Native Hawaiian populations in their own states, and asked for any input or advice other Council members might have. Vice Chair Seven asked how many WIOA and 477 grantees there were. Mr. Hall said that there were 166 total grantees, with 98 being 166 grantees and 68 were 477 grantees.

Census Workgroup

Member Wojnas informed the Council that the Workgroup had met three times since the October Council meeting and were represented in the federal Interagency Indian Country Data Working Group.

Member Wojnas explained to the Council that between 2000 and 2018 the number of American Indian, Alaskan Natives, and Native Hawaiians in poverty had grown by 10%. Through the use of the American Community Survey (ACS) data they would be able to more efficiently distribute funds based on needs and to focus more on effected areas than with old census data. The statutory funding formula allocated the total appropriation across programs according to demonstrated need, which was expressed as the proportion of potential eligible participants within a service area. Three quarters of adult program funding was allocated in proportion to American Indians, Alaskan Natives, and Native Hawaiians in poverty; supplemental youth funding was allocated in the same way. The remaining quarter of adult funding was distributed in the same manner but for adults experiencing unemployment. Member Wojnas discussed the Department's discretion under Part 684 to implement a hold-harmless factor in the years immediately following a data update, in order to ensure continued funding and prevent any service gaps.

The Workgroup discussed the Department's use of alone data rather than in-combination demographic data; this was because many people report on the census as having mixed backgrounds. This creates potential inconsistencies between the constituency served by grantee programs and those counted for the purpose of determining program funding allocations. The Workgroup did not have a consensus on whether to use alone data or in-combination data, as the Department so far had performed all analysis on underlying alone data. Indications showed that a switch to in-combination data could entail a 12-to-18 month implementation delay to allow for data requisition, additional processing, and analysis of the meaningful service disruption risks. The Workgroup also discussed the Department's use of the 2018 rather than the 2021 five-year ACS dataset, which was because the Census Bureau will not release detail tables on American Indians and Alaskan Natives until June as part of the 2021 ACS product. While the Workgroup Members were unanimously in favor of using the most up-to-date data, a recommendation from the Council to do so would likely entail a similar requisition and implementation delay.

Member Wojnas then presented an overview of the timeline and next steps, starting with Department's recent publication of TEG 13-22, which set funding allocations for program year 2023. The decision opens the door for a potential 2024 implementation target, leaving the remainder of the year for data finalization, review, feedback, and clarity on a hold-harmless proposal. The Department would share preliminary data that was sent, aiming to aggregate all comments and recommendations by November or December of that year. Member Wojnas asked that, when this data is released, Council members closely review the figures and geographies pertaining to their service areas, because the implications of any changes would be meaningful to some portion of programs, and ultimately would be felt by program participants. Member Houle asked if there was anything the Council could do to alleviate the implementation delays related to the datasets. Member Wojnas said that things are generally on track for the dataset that was currently being analyzed. The 12-to-18 month delay was mentioned as a risk factor to the Council to the extent that it wanted to recommend that the Department make use of in-combination data or any other change in data, as opposed to alone data.

Mr. Coley explained that, regardless of the dataset they used, DOL currently has a way to process that data and a way to use it effectively. The use of a new dataset did not affect the amount of funding in the

166 program; the effective use of the data simply targeted to money to where it was needed the most. Vice Chair Seven asked if the Workgroup had any discussions about what was coming down the road in the next five to 15 years, and whether they anticipate any improvement to ACS data gathering concerning American Indians, Alaskan Natives, and Native Hawaiians. Member Jacob Bernal asked, in regard to program funding allocations changing and possible hold-harmless provisions, whether Member Wojnas thought the implementation of such provisions would be a gradual process or have transition years. Member Wojnas said that the Department put in place hold-harmless provisions when it transitioned to the year 2000 decennial census data in 2004 for program year 2005. That hold-harmless was in place at the 90% level for three program years, and then decreased by 5% to 85% in 2009. The Workgroup was in favor of hold-harmless provisions for preventing funding and service gaps, but what was ultimately recommended remained up to the Council's decision.

Vice Chair Seven asked if it counted as a fee-for-service to the Department to have the Census Bureau retrieve prior ACS data. Mr. Coley responded in the affirmative. Vice Chair Seven then asked if DOL is prepared to proceed with a procurement process when asked, because ACS data has changed and there would be necessary requisitions in the future that would incur fees for service. Ms. Vitelli responded that the DOL had a memorandum of agreement with the Census Bureau that allows them to procure data, but they would have to pay for it, likely with the funds that Congress appropriated to them to administer the program. The Chair and Vice Chair both discussed the challenges with data reporting for their communities. Member Waldron asked why they did not use the data they have now to set the program year, while continuing to update their dataset as new data was released, to prepare for the next program year ahead of time. Mr. Hall explained that the five-year ACS dropped off an old year and added a new year annually, so you would have a dataset for 2014 to 2018 one year and the next year you would have a 2015 to 2019 dataset; currently, the dataset covered 2017 to 2021. Member Wojnas added that the Census Bureau releases selected population detail tables and American Indian and Alaskan Native data profiles every five years along with the ACS product.

New Initiatives/Long-Term Planning

Ms. Vitelli informed the Council of new initiatives and long-term plans coming down the pipeline, beginning with the Good Jobs Initiative and a set of principles that DOL and Department of Commerce (DOC) has released, which includes topics such as wages, benefits, workers' voices, and career pathways. DOL has been working with other agencies that had received funding through the Bipartisan Infrastructure Law (BIL) in order to insert incentives in those funding streams for the Good Jobs Initiative; these agencies included DOC, Department of Transportation (DOT), and the Department of Energy (DOE). The funding that these agencies put out was through formulas and competitive grants. Many agencies have multiple funding opportunities that they were required to release both in the immediate future and in the years to come. Ms. Vitelli added that Council members might have noticed that some of the funding opportunities and structures that have already been announced by other agencies are requiring new things for those agencies. These include topics such as union neutrality, ensuring companies do not use federal funding to suppress unions, and workforce development opportunities like apprenticeships and pre-apprenticeships. These funding opportunities also have

accountability measures ingrained in them to ensure that the federal funds were being applied to the intended programs, initiatives, and regions.

Ms. Vitelli then discussed the Employment Training Administration's (ETA) recent publishing of a training and employment notice (TEN), TEN 08-22, "Building Pathways to Infrastructure Careers: A Framework for Preparing an Infrastructure Workforce." The TEN includes information sent out to workforce grantees on how they can participate in preparing individuals for good employment opportunities created with the Infrastructure Law's funding. Participation opportunities include assisting businesses in hiring individuals from underserved communities and helping implement apprenticeship programs with businesses. The TEN functions as a blueprint for how the infrastructure investments can open up job opportunities. Ms. Vitelli then described the formal guidance that ETA had released on the workforce system's role, not just in preparing for infrastructure jobs, but also on how to ensure job positions were of the quality that the law intended. The ways in which the number of people who are placed in good jobs could be influenced include incorporating job quality information, such as benefits and possible career pathways, into career guidance, and giving feedback to businesses who reach out to American Job Centers (AJCs) or grantees looking to hire. Sometimes grantees are investing in these businesses by offering to provide, and pay for, OJT, which is a major benefit for these businesses. It is therefore necessary that the businesses that were offered these types of financial assistance are vetted as providing quality positions and benefits to their employees.

Ms. Vitelli informed the Council about the "Yes, WIOA Can!" campaign, which emphasizes that agencies and businesses can and should use all of the flexibilities in the underlying statutes of WIOA. DOL has gathered examples of creative uses of WIOA funds to inspire future innovative uses to help underserved populations, to place individuals in long-term training programs, and to provide long-term supportive services. This information is available on YWC.workforcegaps.org, and Ms. Vitelli invited NAETC members to submit any examples of innovative uses that they have done or encountered. Ms. Vitelli then reviewed Youth Employment Works, a strategic vision for serving youth. The program has three goals: to ensure grantees are offered seamless access to job opportunities, to encourage job partners to invest in workforce training and job services for youth, and to guarantee all youth the opportunity for paid workforce experience. Ms. Vitelli iterated that the government side can be selective in its business partners to ensure the job positions and benefits they offer are of good quality.

Member Rickard asked if there is sufficient demand for the kinds of jobs that are to be funded per the legislation. Ms. Vitelli said that the BIL invests in a large range of jobs at multiple education points and occupations, varying from requiring occupational credentials to 8-year graduate degrees. Member Houle asked whether there was a continuation of funding for the Good Jobs Initiative. Ms. Vitelli responded that some continuous funding would always be available, but the majority was a one-time lump investment. Ms. Vitelli encouraged Council members to identify economic development bodies within their own communities, and to track who was receiving these funds in order to prepare and train a workforce for their future local economies. Member Erwin Pahmahmie asked if the funds for youth services were still restricted to youths that were identified as at risk or extremely disadvantaged. He also asked how the funds and programs are being allocated between the age groups of 14 to 17 and 18 to

24. Ms. Vitelli discussed how different age groups required different programs and services, but nothing in the Youth Employment Works vision changed the underlying guidance or procedures that were already in place for determining what services and programs were appropriate for individuals.

Vice Chair Seven discussed her experience at the November Western Regional Meeting, where representatives of the Pascua Yaqui Tribe had talked about how they felt they were too small to apply for such large amounts of program funding. This led to a discussion small agencies or tribes that could possibly apply for grants together. Vice Chair Seven had the idea of regional training centers where each center could have an area of specialization, so that individuals could receive training and then return to their own communities and put their training into practice. Vice Chair Seven also discussed how the North American Building Trades Union is always requesting apprentices and pre-apprentices and offering job positions in different parts of the country. The Vice Chair asked how the Council to consider how to explain to the youth population that it is not necessary to attend a four-year college or seek postgraduate degrees, with the attendant accumulation of debt, in order to gain high-paying employment. Vice Chair Seven asked the Council to think about which occupational sectors were likely to grow in their communities and how they could then create training programs and guide youth towards those career pathways. Once they gathered that information, the Vice Chair proposed that the Council should propose a national initiative to reemphasize the benefits of and need for vocational training.

Chair Quintana echoed the Vice Chair's words, and commented that he thought DOL could be the body to bring all of the involved agencies and groups together, particularly those that could have economic impacts upon tribal communities. The Chair also reiterated the need for quality jobs and the importance of the job quality surveys to understand current job markets. Vice Chair Seven said that there is a need for a base level of universal training for all Native workforce development professionals, so that everyone has the same base set of skills and can move to different work areas as needed. Such trainings need to be as accessible to frontline workers as it is to executives.

Member Houle then briefed the Council on the details for the second day of the meeting, and the Council recessed for the day at 4:03 p.m.

**UNITED STATES DEPARTMENT OF LABOR
NATIVE AMERICAN EMPLOYMENT AND TRAINING COUNCIL MEETING**

THURSDAY, MAY 4, 2023

The Council met at the Foxwoods Resort Casino, located at 350 Trolley Line Boulevard, Mashantucket, Connecticut, at 1:05 p.m. EDT, Joseph Quintana, Chair, presiding.

Present

Joseph Quintana, Region 6, Chair
Kay Seven, Vice Chair, Other Disciplines
Kim Carroll, Other Disciplines
Robin Counce, Region 4
Lorraine Edmo, Region 4
Patricia Hibbeler, Other Disciplines
Robert Houle, Region 5
Shawn Isaac, Region 6
Candace Lowry, Region 3
Holly Morales, Region 6
Erwin Pahmahmie, Jr., Region 4
Angel Peer, Region 5
Gary Rickard, Region 6
Darrell Waldron, Region 1 & 2
Winona Whitman, Region 6
Jacob Wojnas, Other Disciplines

Also Present

Gloria Cobb, Public Commenter
Nathaniel Coley, Incoming Designated Federal Officer
B.C. EchoHawk, Tribal Tech, LLC
Jonathan Goombi, American Indian Council
Duane Hall, Federal Project Officer
Brent Parton, Acting Assistant Secretary, Employment and Training Administration
Phillip Roulain, IT Staff
Lorenda Sanchez, California Indian Manpower Consortium
Jacob Timmons, Public Commenter
Kim Vitelli, Designated Federal Official; Administrator, Office of Workforce Investment, Employment
and Training Administration
Margaret Zientek, Public Commenter

Call to Order/Roll Call

Joseph Quintana, Council Chair, opened the meeting at 1:05 p.m. Council Secretary Robert Houle conducted a roll call and determined the presence of a quorum.

Department of Labor Updates:

PY 2023 Funding/Grantee Expenditure Rates/Carry-Over

Nat Coley, Division Chief, DINAP, informed the Council that the DINAP team was now appropriately staffed to continue the quality support of their objectives. Duane Hall updated the Council on the program year (PY) 2023 funding. Funding for PY '22 was \$57 million. In PY '23, which began in July, DINAP is funded at \$60 million. The President's budget has proposed \$63.8 million for the next year. Mr. Hall then reviewed expenditures and carryover funding. Carryover funding has grown over recent years due to the pandemic and many grantees being essentially shut down. DINAP has had to catch up with where they should have been in distributing funds to grantees. Mr. Hall explained that DINAP is encouraging grantees to factor in the unexpended money from prior years and look at how they could use it to increase their number of participants. In 2015, DINAP had 178 total grantees, a total that has decreased since, but there has been some recent growth. Some of the decrease was due to grantees merging programs and funding together, some turned down funding or not reapplying, and others were terminated due to mismanagement. Member Waldron asked if some of the expenditures did not happen due to training issues. Mr. Hall said that was a factor, too. There needs to be improved training on how to budget to make sure grantees are meeting their goals. DINAP offers a dashboard tool which can be helpful in helping set and monitor budgets and goals.

Member Waldron commented on the responsibility to train the grantees, and said that some of the carryover funding should be used on participants. Mr. Hall explained that they wanted to make sure that grantees served an adequate number of participants based on the funding they received, so they had created a rule of thumb that they divide their funding by 5,000 and that's how many participants they should serve. Unfortunately, many grantees had taken this to mean that they should only spend \$5,000 per participant, and DINAP was working to spread the message that that was not the case or the intent behind the rule. The Chair asked how they should help get grantees back up and running after the pandemic, since many grantees had job vacancies, or clients who did not return, among other issues. He also asked for comments on how DOL would set the performance standards and guidelines for specific regions of the country or specific economic conditions for specific groups. Member Rickard asked if tribes running programs could use their indirect rate rather than the standard rate for DOL's funding source. Ms. Vitelli explained that there was a difference between an administrative cost limit and program cost limits, and in those two categories you then had direct costs and indirect costs. Indirect costs were costs that you cannot attribute to a single program. So grantees would use their negotiated indirect cost rate for indirect costs. Mr. Hall explained that DOL did allow for grantees to request an admin rate up to 20%, which they encouraged grantees to do because it was quite difficult to stay under the 15% admin limit, so it would give them more room, just in case.

Member Morales said that it is hard for programs to stay under the admin limit rate because most of the costs, in order to stay under the limit, had to be program, which leads to fewer administrative people that could code for that, which means less support where the program was doing any kind of work. Mr. Hall responded that the admin limit rate is one thing that is not in the laws and regulations, but in the terms and conditions, which could be changed. He appreciated her comment and DOL would take it under consideration. Member Edmo asked why some programs chose to merge and if the programs that did so had similar participant bases. Mr. Hall explained that they had volunteered to merge, but he did not know the specifics of why they chose to merge. Member Lowry asked if a grantee services a client outside of their service area, whether that client would be counted in the indicators of performance and report. Mr. Hall replied that DOL counted participants as anyone who became active in the case management system. Mr. Coley added that grantees get credit by number of participants served, not by the change in the census data. Member Rickard asked what was considered as "near" when classifying a participant as on/near reservation, and whether a member of another tribe that lives on another tribe's reservation can be enrolled in that tribe's programs. Mr. Hall explained that on/near reservation, whether they were in your county, or which tribe did not matter. Grantees can serve anyone in any geographic location of any tribe; the grantees decided who they served.

Member Candace Lowry raised the issue of youth that came out of foster care that may not know their family tree; they identified as American Indian but did not qualify for tribal enrollment cards because they cannot prove their grandparents' or parents' lineage. Member Lowry asked if these individuals could self-identify. Mr. Hall said that the DOL regulations stated that the decision of who was considered American Indian, Alaskan Native, or Native Hawaiian was as determined by the Native American grantee or per policy. Member Waldron suggested that DOL should create a WIOA: Yes It Can! guidance to start discussions on what grantees can do for their clients and better service them. Mr. Coley thought Member Waldron's suggestion was a good one, and perhaps they could create a training subcommittee and communication and marketing subcommittee on WIOA: Yes It Can!, to collaborate and define a set of principles for the program. The Chair recommended that these committees be established as subcommittees of the Effective Management Workgroup.

Member Kim Carroll questioned why grantees had to identify their geographic service area and demographics in their two-year plans if they did not affect who the grantees could serve. Mr. Hall responded that those questions were asked because when there was competition grantees had to indicate which geographic areas they were applying for. The Council further discussed the idea of serving clients outside of their geographic areas, or clients that were in their geographic area but of a different tribe, and what that would mean for their other clients in terms of service quality and amount of funding available for their services. Mr. Hall explained that the service priorities were still to serve your own communities first, but that with the carryover funding following the pandemic, many grantees had extra funds to take on more clients.

Upcoming Funding Opportunities ETA Initiatives

Ms. Vitelli noted that DOL uses competitive grants because that was how Congress had structured the money to be disbursed, even though some smaller grantees do not have the bandwidth to compete for many of the grants. DOL is working on ways to make its grant competition application process simpler so that smaller grantees can apply to more competitions without being overwhelmed by the application process. Ms. Vitelli said that there are currently two open grant competitions: Workforce Opportunity in Rural Communities (WORC) and the Building Pathways to Infrastructure Jobs Grant Program. The WORC grants are designed to align workforce development and economic development, particularly in rural communities experiencing economic transition. The program was specifically for three geographic areas: the boundaries for the Appalachian Regional Commission, the Delta Regional Authority, and the Northern Border Regional Commission. Ms. Vitelli informed the Council that \$44 million would be awarded in total through WORC, with awards varying in size from \$158,000 to \$1.5 million.

The Building Pathways to Infrastructure Jobs Grant Program was designed to prepare workers for the jobs emerging from the Bipartisan Infrastructure Law and to fund public-private partnerships for worker-centered sector strategies. The grants will train job-seekers in advanced manufacturing, IT, and certain kinds of occupations in renewable energy, transportation, or broadband infrastructure sectors. The grant competition is funded by H-1B visa fees, so the grants have to specifically be for H-1B occupations, which were generally medium- to high-skill occupations. Applicants can apply for the development track for establishing a local or a regional partnership to build a worker-centered sector strategy, or they can apply for the scaling track to expand an already established local or regional partnership. The program will have two application periods, with the first round of applications being due July 7th, and the second round for applications opening in the spring of 2024. DOL held a webinar for tribal grantees about grant applications in general and how to put together a good grant application for a competitive grant. The Department also has a recorded pre-applicant webinar available online about the Pathways to Infrastructure Jobs Grant Program. The program will award \$80 million for each round of applications.

Ms. Vitelli informed the Council about grant competitions that DOL holds annually, such as the YouthBuild program and grant competitions that focus on serving adult and young adults recently released from incarceration. Ms. Vitelli also explained that federally recognized tribes could apply for dislocated worker grants, either to respond to an economic change, like a mass layoff impacting their tribe, or to respond to a disaster. Member Carroll asked if DOL is still taking suggestions on the grant application process, and whether an applicant could apply to the Pathways grant program for the development track in the first round, and then apply for the scaling track in the second round. Ms. Vitelli said that the Department is always be open to input on the grant application process, and yes it was possible for an organization to apply for the development track and then the scaling track in the spring of 2024.

Training and Technical Assistance Contract

Mr. Hall reviewed the training and technical assistance contract for the Council, explaining that the contract used 1% of the appropriation that DOL received for the Native American 166 program. Mr. Hall had been the Federal Project Officer (FPO) for that grant program for five years. The two most recent

DINAP hires, Nat Coley and Jolene Aguilar, were both contracting officer representatives (CORs) and would be taking over the COR duties for that program. Every year DINAP has to submit to Congress a spend plan and show exactly how all of their appropriation would be used. In PY '22 Congress had appropriated \$57 million for the program, \$42,817,988 of that went to allocations for the 166 grant; \$13,533,802 went to allocations for the 477 grant; \$60,000 was transferred from the technical assistance funds to DOI; \$79,000 was deducted for program integrity activities; \$126,000 went to the technical assistance to program administration (TA to PA); and \$11,000 went to support the cross-funded website www.dol.gov. After these funds were deducted, there was a remainder of \$372,210 that was put into the training and technical assistance contract with Tribal Tech, LLC, who helps develop materials and logistical support for in-person and online training, peer-to-peer technical assistance training for smaller grantees, the training and helpdesk support for the Grant Program Management System, and support for the NAETC conference. The contract with Tribal Tech is a one-year contract with four option years, with the final year ending in June of 2024. The Department encourages the Council to look for 88 contractors to bid the contract on its completion, since Tribal Tech will soon be graduating from the 88 program.

Member Rickard asked for clarification on if the law stated that the money was to be used primarily for peer-to-peer training, because it seems like the program had seen a decline in trainings for case managers and directors. Member Carroll then asked who approved the budget for the technical assistance funds, because they used to come before the Advisory Council and the Council could tell them what they wanted in the TA contract. Member Edmo said that it would be good to get an electronic version of the budget. She suggested that a committee be formed to work with DOL to discuss the provisions of the TA contract that will be negotiated next year and to review applications. Ms. Vitelli said that this was good timing to get the Council's input as they enter the phase of reexamining the contract.

Brent Parton

Brent Parton, Principal Deputy Assistant Secretary and Acting Assistant Secretary of the Department of Labor's Employment and Training Administration (ETA), thanked the Council members for their input and commitment. He encouraged them all to continue to serve on the Council to build a continuous partnership and stressed the importance of the Council's role to DOL leadership. DOL has taken steps to make grants more accessible to tribal communities and integrate tribal communities into training and employment efforts across the ETA. They have also heard the Council's feedback about increased engagement and building awareness. While progress has been made, there is much work to be done around equity and ensuring that communities have information and points of contact. The Department is committed to doing this work and engaging in continuous dialogue with the Council on the structure of funding and grants to best meet their communities' needs. DOL also needs to celebrate and elevate stories of success, and this is another critical area of engagement with the Council. As more employment programs and opportunities are developed with this administration's historic investments, DOL wants to ensure that tribal communities are at the center of workforce conversations.

Member Waldron noted that they had started work under Secretary Walsh on the 166 grants, and Acting Assistant Secretary Parton expressed the Department's commitment to continuing that work. Member Hibbeler added that they had discussed the Good Jobs Summit with Secretary Walsh and expressed her hope that the summit would take place soon. Acting Assistant Secretary Parton said that the Department was still pursuing that initiative and they would keep the Council updated on further developments.

Public Comment

Chair Quintana opened the floor for public comments. Dr. Lorenda Sanchez, Executive Director of the California Indian Manpower Consortium (CIMC), spoke about her organization and future work on employment legislation. CIMC, which is a grantee of DOL, serves a large geographic area across California, Illinois, and Iowa. Upon its formation 45 years ago, CIMC's primary service was employment and training for Native Americans, and since then they have grown significantly in the type of services that they provide. The agreement between CIMC and its members includes the designation of the California Indian Manpower Consortium, Incorporated (CIMC, Inc.) as the administrative unit for CIMC. It also states that the executive director will meet with CIMC's seven geographic service areas on a quarterly basis, which allows Ms. Sanchez to hear and respond to the communities' needs. Ms. Sanchez noted that she has been very open about what works best for Indian employment and training to DINAP and the CIMC leadership, both of which have been receptive to creating positive change. Despite challenges to their funding and existence, Native American programs in ETA have survived. Ms. Sanchez noted that, given recent changes in Congress, it is important to make sure that the programs are doing meaningful work for the communities that they serve, and to improve how the programs present their importance and their needs. They have seen the change and impact that comes with adequate funding, and demonstrating those outcomes will be one of the most important parts of securing funding for Indian country in the new legislation. She also spoke about the challenges and the importance of collecting census data for American Indian populations. In the last 18 months, CIMC has used DOL funding applications and programs to help meet the needs of data collected throughout their service area, but the need is much greater than CIMC's workforce development fund can support.

Jonathan Goombi from the American Indian Council expressed a desire for deeper trainings that lead to certifications, especially in the context of preparing the next generation of leaders. He also expressed concern at the high turnover rate in this line of work due to lack of support.

Margaret Zientek, a citizen of the Potawatomi Nation, said that vacant Council positions should be filled quickly so that everyone's voice can be heard. She added that the 477 grant numbers should be referenced when providing reports to DOL leadership and WIOA tribes should be funded without having to compete with states and public entities. She also pointed out a need for technical assistance, as too many 166 grantees have disappeared.

Jacob Timmons, Division Administrator of the Aleutian Pribilof Islands Association, noted that while it was difficult to collect census data for the communities on the Aleutian and Pribilof Islands, their voices were still important and needed to be heard, and DOL funding is vital to keep them economically viable.

Member Waldron expressed his appreciation for the new DINAP staff and noted that the 166 program has done a lot of work with few resources. Going forward, training and transparency are key, as well as a focus on the condition of Indian communities. Member Rickard said that the money that goes towards training participants is well spent, and the people working in those programs also receive training, which often allows them to go on to successful careers.

Gloria Cobb, Director of Economic Development with the Lac du Flambeau Tribe, echoed the need for more funding and the need to listen to smaller tribes.

Other Business

Member Hibbeler made a motion that the Council ask DOL to approve a Council meeting in June or July 2023, given the amount of work to be done before the November 2023 meeting. The motion was seconded by Member Waldron and passed unanimously.

Member Waldron made a motion to remove the language on competitive status for 166 and 477 grants. The motion was seconded by Member Hibbeler and passed unanimously.

Member Waldron made a motion to get back into alignment with the 1% in partnership with DOL. Member Rickard suggested that the motion include mention of the original law and peer-to-peer training. The motion was seconded by Member Carroll and passed unanimously.

Adjourn

Member Rickard made a motion to adjourn the meeting. The motion was seconded by Member Waldron and passed unanimously. There being no further business, the meeting was adjourned at 5:05 p.m.