

**U.S. Department of Labor
Native American Employment and Training Council
Durant, Oklahoma**

Meeting Summary

Day One – Tuesday, August 18, 2015

Council Members Present:

Darrell Waldron, Rhode Island Indian Council, Region 1, Chairman
Chief Anne Richardson, Mattaponi-Pamunkey-Monacan, Inc., Region 2
Elkton Richardson, North Carolina Commission on Indian Affairs, Region 3
Kim Carroll, Cherokee Nation, Region 4
Dr. Rodney Stapp, Urban Inter-Tribal Center of Texas, Region 4
Christine Molle, American Indian Council, Region 5
Lorenda T. Sanchez, California Indian Manpower Consortium, Region 6
Kristen English, Cook Inlet Tribal Council, Region 6 (via teleconference)
Carla Bowlan, Seminole Nation of Oklahoma, Oklahoma
Winona Whitman, Alu Like, Inc., Hawaii
Dr. David Yarlott, Little Big Horn College, Other Discipline
Michael Hunter, Coyote Valley Band of Pomo Indians, Other Discipline
Roselyn Shirley, Navajo Nation, Region 6 (via teleconference)
Dr. David Gipp, United Tribal Technical College, Other Discipline
James Hardin, Lumbee Regional Development Association, Region 3

Others Present:

Portia Wu, Assistant Secretary, Employment & Training Administration (ETA)
Duane Hall, Acting Chief, Division of Indian and Native American Programs (DINAP)
Craig Lewis, Department of Labor, Alternate Designated Federal Officer (DFO)
Ben Jacobs, Lumbee Economic Development (LED), Contractor

Call to Order and Roll Call – Darrell Waldron, Chairperson

Roll call was conducted by Vice-Chairperson Elkton Richardson. Chairperson Waldron called the meeting to order and introduced Portia Wu, Assistant Secretary, U.S. Department of Labor.

Remarks by Portia Wu, Assistant Secretary, Employment & Training Administration

Assistant Secretary Wu addressed the conference participants at the General Session prior to the Council meeting and expressed to the Council that she would like to get feedback from the Council members about the challenges and concerns that they might have in implementing WIOA, in order to have Native representation in the state and local planning. She also sought the Council's wisdom on the issue of youth, and to think about what we could do differently. Assistant Secretary Wu spoke of Chairman Cole's remarks at the conference and stated that there

might be some new opportunities for partnerships with Congress and the Indian and Native American programs and youth in particular. We would like see if there are successful models or directions that the Council would like to suggest.

The Department has put out a couple of youth demonstration pilots earlier this year focusing on urban areas, but recognizes that urban areas are not the only area where there's a problem; and recognizes the limitations in funding. Assistant Secretary Wu also spoke about the apprenticeship program and the emphasis on disconnected youth, not only in the INAP program but the broader system as well. There's also specific authorization in WIOA for Alaskan and Native Hawaiian programs. And, finally, she spoke of the dislocated worker groups and stated that under the new law effective July 1, there is a broader definition of disaster that no longer is required to be a FEMA-declared disaster—and can be a disaster declared by another federal agency. The program provides for longer term supported employment and it's a more expanded program, especially, if you are working with tribes and populations that may be in the western states affected by fire, drought, flooding. The Department is still working on the final regulations and has information on state and local planning that have gone out for additional comment. We know performance measures are a source of concern and I would be happy to talk about that too.

Chairperson Waldron asked Council for feedback or questions for Assistant Secretary Wu.

Ms. Christine Molle, Council Member, Region 5, operates an urban Indian employment and training program in Wichita, Kansas, and has witnessed the removal of a local WIB member since it is no longer mandatory to have a Native representative and is concerned about the effects this will have. She also has concerns about Bear Tracks and believes technical assistance (TA) should be provided to the section 166 grantees and that Beartracks be updated to a web-based system. Ms. Wu responded that the Department would need to update Bear Tracks and are looking for resources to update systems, in order to move to a more integrated system.

Ms. Wu asked if other Council members are also hearing of members removed from WIBs.

Chief Anne Richardson, Council member, Region 2, stated that in Virginia there has been no Native representation on state WIBs since the Clinton administration.

Ms. Winona Whitman, Council member (Region VI, Hawaii) acknowledged the WIOA partnership in Hawaii, and Elaine Young. Ms. Whitman is on the state of Hawaii Board and employees with Alu Like also participate on local boards. Ms. Whitman gives credit to their partnership and shared resources. She also acknowledged and thanked Secretary Perez for his visit to Hawaii in July, 2015 and his subsequent meeting with veterans.

Ms. Wu expects Boards to collaborate, whether or not there is required representation on the boards, because it is a requirement of the law.

Mr. Darrell Waldron, Council Chair (Region I/II) stated that during conversations with grantees at this Durant conference, over 90% indicated that they do not work or have a relationship with

their local Workforce Investment Boards (WIBs). They may be there in name, but there is a lack of true collaboration.

Ms. Kim Carroll, Council member (Region 6 and a “477” grantee), has not had luck working with the states but she reported that she does work closely with the local boards. Regarding the dislocated workers grant to the Cherokee Nation, they have been fortunate to receive funding and have been able to accomplish goals and objectives of the funding but feel that tribes will have problems attaining the goals because the goals and objectives are geared more towards the states. Ms. Wu responded that usually the larger states and larger programs are the ones that come after this funding and would like to hear of the issues that smaller states and tribes face. The Department needs to be able to hear the stories.

Dr. David Gipp (Other Discipline) thanked Assistant Secretary Wu for the award presented to him, although was unable to attend the opening session. He has been working with tribal colleges since 1972 and they exist because there is a need. The Department of Labor has not properly addressed the high unemployment in urban areas and how to take advantage of resources of the general population. Dr. Gipp commends the President for “Champions for Change” program and commends DOL and President Obama for the partnership between tribal and native communities and private sector relationships. He also agreed with Ms. Carroll that there is a necessary relationship with a partnership, and he has seen when Federal officials come in and do not understand the need. The tribal private sector is small so there is a need to be creative and it is important to institutionalize best practices as government leadership and administration changes.

Ms. Wu congratulated Dr. Gipp for his years of service in the tribal colleges. She would like to hear about successful programs, including Canadian examples.

Dr. Rodney Stapp shared that the Urban Inter-Tribal Council of Texas does not have a relationship with the WIBs in the local area and he agrees with Dr. Gipp that there is a need to start working with youth at younger ages. There is also a need to identify the types of trainings or businesses that are coming up in their areas and the need for basic training to obtain jobs in these areas. Blue collar jobs will sustain families and he would like to see an emphasis on families getting trained for blue collar jobs that provide good insurance which would enable a family to grow in a stable manner and allow their children to grow up and focus on education so families can achieve a certain level of success and foster a desire to gain better success.

Assistant Secretary Wu is hopeful that states will bring in programs to be a part of their unified plan for youth, especially younger youth; also working with partners in the private sector – she wants to help get programs linked in.

Dr. Rodney Stapp shared the serious disconnect with good programs and service providers by the decision makers in Washington, DC because just as administrations get to know and understand the INA communities/section 166 program, they move on. There needs to be on-going training at the national level. DINAP staff does a great job but he would like to see a department wide training on how to work with INA communities/section 166 grantees.

Chief Anne Richardson stated that poverty is not identified as “Republican or Democrat”—youth don’t have a mindset to complete school and need to aspire to do so.

Assistant Secretary Wu stated that she is also concerned with the upcoming budget climate – in that there may be huge cuts across the board and she welcomes thoughts on how to work together.

Mr. Elkton Richardson (Region 3) shared the disconnect experienced in North Carolina, with so many communities that are rurally isolated and excluded from participating in good program opportunities. There is a need to emphasize the importance of state partnerships because the rural areas are the hardest to serve. Assistant Secretary Wu responded that states and local governments are responsible for deciding how to use the money.

Ms. Christine Molle (Region 5) suggested that a Training and Employment Guidance Letter (TEGL) be sent to the states as a quick remedy, regarding their need to serve INA communities.

Ms. Lorenda Sanchez (Region 6) thanked Assistant Secretary Wu for making the time to come to the conference and was moved by the comments she made this morning during the General Assembly. California Indian Manpower Consortium (CIMC) participates on 26 local boards in California, Iowa, and Illinois. Ms. Sanchez proceeded to share a story of a WIB meeting where a presentation by the Northern California Career Pathways Alliance was made. This is a \$500 million project in which Native American programs were completely left out even though offices or programs are in 5 of the 6 counties in the project service area. This effort involved preparing youth/students for college and for life and work-based learning continuum—those that are targeted include very specific career pathways in a six-county area—a regional effort. Five of the six counties identified are in areas where CIMC provides services. This particular project is a partnership of education and the workforce investment system and the community colleges in each area. A notice was sent out from the regional office to the workforce system and the Indian and Native American grantees were not listed; however, there are three Indian grantees in just that particular region.

How could a population that has a significant need for education and for opportunities for career pathways be overlooked? The response was that the WIBs depend on the workforce list provided by the regional offices. The Migrant Seasonal Farmworker programs, vocational rehabilitation programs and the disability groups were included in the list. Although these groups are all a part of the region, CIMC also works with all these communities and we have an office or staff co-located or we have some partnership but we were not on that list—yet we should also have an opportunity to use those funds.

The second issue is that the data showing the population in those rural communities shows up as zero for American Indians. Although we have a significant population in those rural areas, for whatever reason, is not counted. I believe it had something to do with using the American Community Survey data and the fact that some of our populations are really small in scale to everybody else, so how can the Indian and Native American communities get involved? We

have Indian education programs, tribes, and a large number of community-based organizations that should be a part of this operation. There are 212 partners that were included and not one Indian education program, and there are at least 18 in that service area. We are a part of those areas served and we need to make sure that those opportunities don't get missed. We have not yet received a response from the WIB.

Assistant Secretary Wu stated that she would be happy to follow up with the California regional office to see if they can be of any assistance or have any information about this particular program. Even if it is a state program, they're pretty familiar with many of the things going on. One of the challenges we face is that it's a continual education process. We need to make sure that our regions have all the information for the national grantees and always include them.

Chairperson Waldron asked if there is a process to request separate funds for Council meetings so that the costs do not come out of the 1% TAT funds designated for use with grantees. Assistant Secretary Wu will look into this.

Dr. David Gipp brought up the issue of partnerships (apprenticeships, unions) and stressed that it is important but the relationships are historically nonexistent, therefore, these Department programs do not know how to work with Native programs. He recommended teaching and/or re-teaching non-natives how to work with native communities, so when we recruit or bring in somebody for training through those programs that there's a relevance to how they deal with Indian communities. We also need to be a part of that process, but they also need to know and understand tribal governments and tribal laws. Oftentimes, private sector and businesses are not fully acquainted with INA programs. It is important for our tribal communities and the private sector to begin to cull a better relationship on how these things are going to take place.

Dr. Gipp recommended that one of the things that could be done is that the Department of Labor should also forge associations with agencies such as Commerce, SBA, and groups like the Minority Business Development Administration, which has had a long historical relationship with some of the private communities across the nation. Their objective is to help create new businesses where there are none, assist existing businesses and give them greater capabilities in the business sector itself. So it really means that the federal agencies in this case need to look at how they logistically can work together. Those agencies can work together to help create a new dimension for business development. Creating stronger partnerships is very important in addition to working with tribal governments for more effective relationships.

Chairperson Waldron acknowledged Secretary Perez who put in a lot of Indian language in the regulations but there is still a disconnect at the state levels.

Assistant Secretary Wu thanked the Council for the invitation and explained she will not be able to attend the meeting this afternoon.

Approval of Agenda – Chairperson Waldron

Ms. Whitman asked if the handouts previously provided to Council members and the documents in the binder are similar in content.

Ms. Sanchez asked if the agenda, summary, and follow-up items require approval. Chairperson Waldron responded that only the agenda needs approval.

Dr. Gipp made a motion to approve the agenda; motion seconded by Dr. Yarlott; motion unanimously passed.

Summary and Follow-up Items from February 25-26, 2015 Council Meeting
Chairperson Waldron provided a booklet from his office with the February meeting and Department of Labor DINAP office passed out binders with essentially the same materials.

Mr. Lewis clarified that the follow-up items will be best addressed by Duane Hall and Mike Delaney later in the meeting and suggested moving on to another topic until Mr. Hall is able to return to the meeting. The Council members reviewed the summary.

Assistant Secretary Wu returned to the Council meeting for 5 minutes to provide answers to some of the follow-up items from the February 2015 Council meeting.

Dr. Gipp asked Assistant Secretary Wu about the follow-up issues and if she had been briefed or informed of the recommendations from the previous meeting held in February, 2015. The Council followed up with a letter and a resolution to Secretary Perez. One of the clarifications was in reference to the 75% requirement for out-of-school youth. There were also recommendations on the supplemental youth services program and questions regarding training and technical assistance contract for the section 166 program.

Assistant Secretary Wu responded that she will follow up on these questions and shared that perhaps some items should be addressed in guidance. She also stated that she would check on the status of the Council's correspondence/response from the Department.

Chairperson Waldron asked about the request to meet with Secretary Perez with a smaller group of individuals prior to this meeting, and stated that he had not received a response.

Assistant Secretary Wu responded that her understanding is that the Department must go through a much more formal process that does not allow discussion and/or meetings on regulations with individuals or groups in regard to those issues that are a part of the proposed regulations and rulemaking. Any comments must go through a public comment process because otherwise, there's appearance that some groups or individuals have access in a way that others do not. She acknowledged the role of the Advisory Council in providing response and feedback governing the regulations, but while the regulations are still going through the rulemaking process, the Department does not have separate closed meetings with the Secretary or with leadership.

Chairman Waldron stated that the Council did not identify the issues in the letter that the Council expected to address in the meeting. Chairperson Waldron asked about the status of a resolution sent to the Department with the Council's recommendations. Assistant Secretary Wu responded

by explaining the formal process for recommendations sent to the Secretary. Mr. Hall is currently drafting responses to the comments submitted through the Notice of Proposed Rulemaking (NPRM) and explained if there are other items that are not regulatory, then those may be answered sooner. Chairperson Waldron added that there is a request for Secretary Perez to meet with Council representatives.

Assistant Secretary Wu indicated that if there are concerns that the Council has in general related to the native communities, we can see if the Department can arrange a meeting with the Secretary. However, the Department was concerned at the time because the request appeared to be related to the timing of the regulations. Assistant Secretary Wu stated that the Department cannot have a meeting regarding regulations; responses can only be provided through public comment.

Chairperson Waldron asked about the years of public comment that come from the community—through public comment. None of those have ever been answered either, i.e., those questions that the people put into the record during public comment. Does the Department generate a response to the individuals?

Assistant Secretary Wu responded as it relates to her understanding of the Federal Advisory Committee Act and rules; when the Department receives public comment or testimony, we don't respond. We might address it again, but only in public dialogue. The comments and questions are directions to us or suggestion of where we could put out subsequent guidance or clarification. She also clarified that public comments are not responded to individually and are only addressed when the final publication of the regulation is released, in which case it will be noted where there are changes "based on public comments."

Mr. Craig Lewis, DFO added that the public comment period is for individuals from the community to testify to help the Council shape their decision-making. You can also use to incorporate language in a motion.

Ms. Sanchez stated that the binder was received this morning and hasn't been reviewed completely; however, she noted that all the comments for the section 166 program are included in this document, including the Chairperson's letter and the motions from the Council. So I understand that because it's included as part of Docket ETA 2015-001 to the NPRM, that it is at least in the record that the Department responds to with formal comments.

Ms. Sanchez brought up the Supplemental Youth Services Program (SYSP), being interpreted as one of the six core programs, and asked if the INA SYSP is required to follow the same performance outcomes as the state youth programs. Assistant Secretary Wu responded that they are still working it out with the regulations and recognizes it is in transition.

Chief A. Richardson asked if there will be additional tribal consultation, after the public comment period. Will there be another consultation that is allowed prior to the finalizing of the regulations.

Assistant Secretary Wu explained that the Council is used as a forum to make recommendations to the Secretary, as this is the Council's purpose. The comments that the Council has submitted will be incorporated directly to the public federal register and considered within the regulations. The Statute specifically acknowledges the Council's advisory role and provides that advice to the Secretary. The Department will continue to adhere to the President's directive in the executive order. She also stated there may be many issues that are not regulatory, but are implementation issues.

Mr. Hall stated that public comments will be addressed, in the preamble of the final regulations.

Training and Technical Assistance Contract

The Council requested a full copy of the TAT contract and Mr. Duane Hall, Acting DINAP Chief, responded that the copy of contract is kept with DOL for confidentiality issues (i.e., competing proposals and other proprietary information) and shared that Ms. Brown, DINAP Chief agrees that the Council needs to be informed.

Dr. Stapp indicated that he is aware of a couple of 8A companies he can refer as potential contractors. He stated that the response to the Council in reference to the information requested in the TAT contract for years has been "we'll check on that and get back to you, but never a reason provided, and that's just not good enough. It is money that is supposed to serve the section 166 grantees. Without knowing what is in the contract is like flying blind; we don't even know how to formulate an argument of why we do or don't want the contract. We know there are provisions in the contract that are not being met based on our original expectations, but we never received the reconciliation. We know we have option years, but how much notice do we have to provide. How long do we have to wait? Dr. Stapp stated that without a contract, the Council cannot check to see if the work is being performed satisfactorily.

Mr. Hall, Acting DINAP Chief stated that those are all valid questions. However, the contract between DOL and the contractor is proprietary information, even though the funds come out of 1% of the appropriated funds for the INA program. DINAP would need to be able to sit with the contracting department to determine how a new contract is set up and how to terminate an existing contract. He also indicated that it is the Department's intent to provide full disclosure of how the funds are being spent.

Dr. Gipp asked if DOL enters into contracts/grants that are administered under P.L. 93-638 through the Department of the Interior. Mr. Hall and Mr. Lewis stated that they are trained to manage grants, not contracts and could not answer the questions.

Chief A. Richardson stressed that this contract has been a real concern of the Council and she does not understand how the process went from a grant to a contract and the Council never understood or was provided the information that specified the need for this change in process. The Council is trying to address the issues and in the meantime the program is suffering due to working with a contractor that does not know what to do. Is it possible to go back to a grant format for a new contractor in the transition?

Ms. Sanchez added that DOL can take up to one percent of the grantee's funding; therefore, we are looking at \$220,124.20; \$5,000 was spent on peer-to-peer training and our grantee community believes this funding is all dedicated for TAT. However, CIMC staff spends at least 8-10 hours a week helping various grantees who call them for assistance with their training needs. Technology and reporting systems for the section 166 grantees are handled by Heitech (contractor) but grantees state that they are oftentimes treated rudely. This conference and others are designed to provide training and the Department's responsibility is to provide training to grantees but there is a need to contract with people that the grantees trust to get their training.

Chairperson Waldron states that a decision needs to be made for this issue since the contract ends on November 18, 2015 and there is a September deadline for going to the next step. Dr. Stapp asked if there is a dollar amount for the amount available (current available funds and carryover). Chairperson Waldron replied that the amounts are not available, but a decision must be made by mid-September.

Ms. Richardson asked if a motion can be made to terminate the contract and to look at options for moving the funds into a grant. Chairperson Waldron replied that DOL wants to keep the funds in a contract so the Department will need to look at the language to make it more user-friendly.

Dr. Gipp asked for clarification on the option for using one percent of the appropriated funds. Chair Waldron confirmed that the one percent set-aside is an issue and the second issue is the current contractor term that ends on November 18th – he would like to propose new language.

Public Comment Session officially started at 3:00 pm; however, there were no members of the public to provide comment so the meeting continued until public comment presenters arrive.

Mr. Hall, Acting DINAP Chief acknowledged the comments and stated that the Department does not have a preference for the contractors used but is concerned with the deliverables. Contract requirements may specify that 51% of the work required under this contract must be done by contractor, itself, and not by subcontractors.

Ms. Molle asked about Assistant Secretary Wu's response to the Council's travel. Why is the Advisory Council's travel and other costs to support the Council taken out of the one percent dedicated to TAT. Mr. Hall, DINAP Acting Chief recalled that back in 2006-2007, funding was taken out of Department's budget. Mr. Lewis, DFO added that the Federal Advisory Committee Act (FACA) rules state that the Department must pay for Council member's travel.

Chairperson Waldron talked about financing peer-to-peer training and asked if we can get away from using the term "conference" to avoid this cumbersome conference approval process. Why is approval needed if there are no fees for a location? Ms. Sanchez added that approval for peer-to-peer training is required if there are more than five grantees to be trained because it is considered a conference and is no longer defined as peer-to-peer training.

Mr. Hall responded that structured training sessions at a DOL Regional Office should work and referred to a document in the materials binder showing the conference definition –“conference costs under \$20,000” is approved at the Assistant Secretary level– in other words it is easier to get approval for conferences held in federal spaces. As to the question regarding why the Department placed the TAT funds in a contract from a grant. This was not just targeted to the INA program, it was across the board. At one time, the state of Texas had one large grant to provide training throughout the Dallas Region.

Ms. Molle suggested that DOL consider using best practices and there is not a need for a third party to arrange the INA TAT conferences. Our deliverables are “our best practices”—we have volunteers from our communities who provide their expertise, train our grantees, and provide logistical support for the conferences.

Mr. Hall explained that if travel is to a conference, it has to go to a conference approval process which is long and goes through several offices including the Office of Chief Financial Officer, the Solicitors, Office of Administration and Management, etc., with a report back to OIG.

Public Comment Session (see attached comments)

Chairperson Waldron explained that public comments are noted and are taken into consideration for actions and /or resolutions but the Council cannot respond directly to comments.

Public Comment Session ended and the meeting resumed

Chairperson Waldron asked for a copy of the charter. Mr. Hall responded that a copy of the draft charter cannot be provided to the Council until it is complete. The Department is close to finalizing, possibly in the next week or so, and we will provide a copy to the Council. Mr. Lewis shared that all comments that came from the Council in February have been incorporated into the Charter and it is currently in departmental clearance. Chairperson Waldron asked to be informed as to which comments from the Council were included. Ms. Brown tried to incorporate most of what the Council recommended; however, we don't have a copy of the approved version. The nomination process for new Advisory Council members will start with outreach to begin earlier with more choices.

Dr. Gipp asked whether the Charter is the final version. Chairperson Waldron replied there are two versions, the existing (active) one and the previous draft. The latest version, per Mr. Hall, will not be available for review and Chairperson Waldron explained that key term to change was “partnership.” Dr. Gipp stated that it needs an analysis by an independent body, as a way to get an external view of what the Council does.

Ms. Carroll motioned to have an independent entity be performed and analysis of the role of the Advisory Council, such as Native American Rights Fund or a similar entity; seconded by Dr. Gipp; passed unanimously.

A motion to recess the meeting was made by Dr. Stapp and seconded by Mr. Richardson; passed unanimously.

Day Two – August 19, 2015

Chairperson Waldron called the meeting to order.

Roll Call was conducted by Vice-Chair Richardson:

Darrell Waldron, Rhode Island Indian Council, Region 1, Chairman

Chief Anne Richardson, Mattaponi-Pamunkey-Monacan, Inc., Region 2

Elkton Richardson, North Carolina Commission on Indian Affairs, Region 3

Kim Carroll, Cherokee Nation, Region 4

Dr. Rodney Stapp, Urban Inter-Tribal Center of Texas, Region 4

Christine Molle, American Indian Council, Region 5

Lorenda T. Sanchez, California Indian Manpower Consortium, Region 6

Winona Whitman, ALU LIKE, Inc., Hawaii

Dr. David Yarlott, Little Big Horn College, Other Discipline

Michael Hunter, Coyote Valley Band of Pomo Indians, Other Discipline

Dr. David Gipp, United Tribal Technical College, Other Discipline

Carla Bowlan, Seminole Nation of Oklahoma, Oklahoma Carla Bowman

Kristen English, Cook Inlet Tribal Council, Region 6

James Hardin, Lumbee Regional Development Association, Region 3

Others Present:

Craig Lewis, Department of Labor, Alternate Designated Federal Officer

Duane Hall, Acting DINAP Chief, Department of Labor

Chairman Waldron determined a quorum was established and resumed the meeting.

The meeting left off with a discussion about the Training and Technical Assistance contract and the one percent allocation and the remaining balance. Mr. Hall included in the binder charts showing the remaining contract amount (first page after yellow page labeled: TAT Contract, Chart1 lists \$9,231.37).

Dr. Stapp asked what the amount of \$229,355.57 was for and Mr. Hall explained it is the funds in the LED contract from PY 2014, per the Council's approval of .05 percent of total funds appropriated. Dr. Stapp asked to see a copy of PY13 line item budget to see how the budget was re-distributed or cut. Chairperson Waldron believes that the budget was provided during the February, 2015 meeting. Dr. Stapp would like clarification because the charts don't correspond to the tasks listed. Mr. Hall will revise the document and provide it to the Council with corresponding data.

Mike Delaney, Contracting Officer's Representative participated via teleconference. Dr. Stapp asked for him to clarify the chart budget totals, in order to break down line item costs by tasks; in particular, the Contractor Cost of \$83,700. Mr. Delaney will provide the contractor budget breakdown. Some information cannot be discussed but the Department can provide portions that are public information.

Mr. Elkton Richardson expressed his disappointment that the Council has previously asked for a detailed budget in order to make decisions and recommendations but are still unable to do so without the detail. Mr. Delaney shared that LED provides detailed information and that it can be provided. He also expressed that he can provide other reports but he has provided what has been asked of him. Chairperson Waldron asked the Alternate DFO and Acting Chief if Mr. Delaney can send the information directly to the Council. Mr. Hall will recommend to Ms. Brown and Amanda Ahlstrand to get full disclosure of the contract. If this is not possible, the Department will provide the citation which states where it is prohibited. Also, Dr. Stapp suggested that the Council develop a resolution that will state the Council member's organization not apply for a competing contract.

Mr. Delaney, COR suggested that the Council have a work group meeting with DOL providing budget information (allowable within the law). Chairperson Waldron re-confirmed with Mr. Delaney that the Council can work with him directly to get information which the Council may need. Mr. Hall stated that the requests should go through the DINAP Chief, Athena Brown.

Ms. Whitman reviewed the contractor's cost set at \$83,700 and noted that this is 37% of the total budget. Is this prudent? She also noted that the contract is a fixed cost contract.

Ms. Richardson doesn't think this is a complicated matter and based on the percentages – it is prudent. What has the performance been? This information is something that the Council does not know, because the Council does not get the information. We have to work together to make decisions. We know what is reported to DOL although we do see what is not happening based on feedback from grantees.

Chairperson Waldron would like to know what can be done to terminate the existing contract and design a new contract that works for the Council. Per Mr. Hall, it ends November 18th and the Department requires 75 days' notice (Sept 3rd) to terminate a contract. Terminating the contract is not as much an issue as it is to identify a new 8A contractor. The Council has provided feedback of what tasks are necessary for any new contractor. Mr. Delaney suggested a work group be developed quickly to meet the September 3rd deadline.

Ms. Sanchez expressed that the Council has been very clear for the last three meetings about terminating the contract. CIMC and FL Governors Council have not received notice for regional trainings. In regards to the contract itself: 8A requirements are very clear, must be a for-profit business but the contractor must do 51% of the work and after review of the materials (today and previous meetings), we do not see the contractor doing the work, and it is all being subcontracted out. There are a number of grantees that provide peer-to-peer training without any type of support but do it because they want the communities to do a good job. The Council would like to accomplish the grantee needs, and is aware of the timeline. There is an obligation to the grantees and the money should go to transitional training, not to contractors.

Chief A. Richardson stated that she agrees with Ms. Sanchez 100%. Grantees still need to get trained and do not want the money to be bogged down in DOL. Why can't the TAT be with a nonprofit so they can be in control of their own training?

Ms. English asked how long will it take to get a new contract executed if the existing contract is terminated. She is concerned with the time in between? Mr. Delaney stated it can take 3-5 months and during that time, the funds cannot be used.

Chairperson Waldron suggested the Council put forth a resolution for the committee to work on new language for a contract by Sept 3rd, 2015.

Dr. Stapp requested that the options for a contractor be clarified? Who has the option to terminate a contract– DOL or contractor? Mr. Hall responded that the Council provides advice to DINAP/DOL but DOL makes the final decision.

Chief A. Richardson repeated that this situation is not working for the grantees and is making the program suffer and we look bad and would like to terminate the contract.

Dr. Gipp asked if there has been any assessment form/evaluation for the contract services provided under this contract. Chairperson Waldron and Mr. Hall both said "no." Dr. Gipp asked if an evaluation is a requirement. If there are no evaluations, there is no basis for termination other than the feedback from grantees. Mr. Hall added that the contract does have option years. Chairperson Waldron asked what the termination options are: 1) terminate based on convenience of the department (not exercising the option year), or 2) terminating with a cause after the option year that must show reason for terminating.

Chair Waldron asked Mr. Delaney if the Council withdraws 1%, is it returned to the community? Mr. Delaney explained the process which starts with Ms. Brown informing the accounting department and the Department and Council would determine how to spend the remaining funds taking the Division Chief and Administrator as well as the Council's recommendation into consideration. If new language is developed by September 3, 2015, Amanda Ahlstrand would make final decision. Chairperson Waldron offered another option which is to initiate a modification to the contract if the option to renew the contract is made.

Chief A. Richardson asked Mr. Hall what is recommended by DINAP. Mr. Hall spoke with Ms. Brown and agreed to provide the information to the Council (the section of the contract without proprietary information); 1% is more difficult to get the funds back to grantees. Looks like options to use another contractor or to modify current contract for one year is not feasible and cannot be exercised this option year. Mr. Lewis reminded the Council in regards to training and technical assistance that the multi-regional trainings are coming up and funds can obligated for the conferences. This would allow continued use of funds to help with grantee trainings at the multi-regionals.

Mr. Delaney reminded the Council that the \$9,000 underspending needs to be spent by November 18th, 2016.

Ms. Sanchez expressed the need to develop a workgroup committee to make a recommendation. It is too easy to give the money back and there is a need for training and technical assistance. A letter needs to be drafted and addressed to Amanda Ahlstrand, Administrator. Funding is needed for the Community of Practice website since this is the only continuous connection for WIOA tools and the information needs to be kept up-to-date.

Chief A. Richardson is wondering about other potential options since Mr. Delaney mentioned that the new contract can take up to 5 months, and new regulations that will be released probably be in January, with the likelihood that new training will not be available until final regulations are issued. Mr. Hall also brought up the issue of continued Bear Tracks support.

Dr. Gipp suggests a possible motion in which DOL to give strong consideration to Native American contractors, private or non-profit, and those that qualify for P.L. 93-638 contracts (federally-recognized tribes).

Mr. Hall will see if 8A contractors are the only option, but must pursue the Buy Indian Act. Mr. Lewis added that P.L. 93-638 contractors has never been pursued and may work better. Dr. Gipp added that P.L. 93-638 is the Buy Indian Act and the contractors can be for profit or non-profit.

Dr. Stapp added that the Council is having the same conversations and going over the same deadlines as last year when the Bear Tracks training was an issue, and the training has still not happened. Is this funding already obligated or is it considered carryover?

Chairperson Waldron recalls many dates made and same conversations as in all recent meetings and would like to see a motion made.

Chairman Hunter motioned to recommend to the Secretary of Labor to rescind the existing contract and the remaining funds or that the remaining funds/percentage be returned to the grantees based on a formula process to grantees.

Discussion:

Ms. Kim Carroll asked about the expenses, including Council expenses.

Ms. Whitman asked to add a timeline.

Ms. Sanchez would like to make sure that funds go back to complete grantee community (166 and 477)

Dr. Stapp asked about a time frame for a response from DOL. Mr. Hall responded that unofficially Ms. Ahlstrand or Ms. Brown can provide a response. Dr. Gipp reminded the Council that the letter should be addressed to Secretary.

Dr. Gipp made a motion that if in the event that the current TAT contract ceases to exist or is closed down between now and whatever date Labor may decide; that any future contracts administered by DINAP for services to section 166 grantees, that a process be developed in the next RFP that will allow for P.L. 93-638 contractors (Buy Indian contractors) be used to identify and possibly award contracts to provides services for TAT in Native American/tribal communities. Discussion/clarification was made that the Secretary of Labor/Department put out this provision within the next 60-90 days.

An amended motion was made by Mr. Michael Hunter that the remainder of the one percent funds set aside for TAT be returned to all eligible grantees (section 166 and 477) to include the language above; motion seconded by Chief Anne Richardson. The motion was passed, with one abstention.

DINAP Chief's Report – presented by Duane Hall, Acting DINAP Chief

- WIOA final regulations goal to be completed in January 2016.
- Ms. Brown, DINAP Chief has been in hospital;
- Open for questions

Chief A. Richardson asked if the regulation comes out in January, 2016, will training be needed in February, 2016. Can we use another contractor that will not charge \$40,000? Mr. Hall added that in Dallas they have the same issues, and that there are DOL regional offices available with free office space; also SPRA has a contract with the DOL performance office and can possibly develop training for the section 166 grantees through this contract. CIMC also provides trainings but it is the Department's responsibility. The Council has to figure out how to get grantees trained.

Update on Carryover Policy Recommendations (handout in binder)

Mr. Hall shared that a TEGL has already been drafted that provides operating guidance and provides an explanation of the carryover of money and participants, but the formal guidance has not been released since WIOA started July 1, 2015. The recommendation for issuing a TEGL related to the Carryover Policy was forwarded to the Department along with a memo to Ms. Christine Ollis, OWI in 2006 putting forth the Council recommendation; however, was later denied by Ms. Ollis. The 3rd document is the spreadsheet showing the PY 2013 adult program carry-in; the 4th sheet is for the youth program carry-in and the last document is the draft TEGL.

Ms. Sanchez reminds the Council that the proposed WIOA regulations have expanded language regarding carry-in, and we need to be familiar with the language because there is more responsibility for grantees; we need to make sure we have a process in place for carry-in.

Ms. Molle didn't realize that the carryover issue is still happening (referring to 2013). What is DINAP doing to control this? Mr. Hall explained they do 3 or 4 site reviews per year but have over 120 grantees. Some grantees need help and others need help with compliance issues.

Chairperson Waldron also added that the high staff turnover in section 166 programs contribute to the issue as well.

Ms. Sanchez recommends having a work group that is focused strictly on the new performance indicators/measures. The workgroup can have experts outside of the Council, but they must be responsible for their expenses if travel is required. WIOA states that “the Secretary, in consultation with the Native American Employment and Training Council, shall develop a set of performance indicators and standards that is in addition to the primary indicators of performance described in section 116(b)(2)(A) and that shall be applicable to section 166 programs.” Currently there is an IT/Reporting Work group. We have worked on measures the past, and if we need to revisit those measures, this is an opportunity to do so.

Ms. Sanchez made a motion to establish a committee to work on the development of set performance indicators and standards for the INA programs; motion seconded by Dr. Gipp. The motion passed unanimously. The DFO was in agreement with establishing this committee.

Chief A. Richardson stated that the language in WIOA appears that it is adding more work for the INA grantees by adding additional measures so it seems that the language in the regulation is stated incorrectly and should say “or” rather than “and.” Dr. Gipp recalled that the Council was working on creating its own performance measures and perhaps this language was an oversight. Mr. Hall agreed that it also is probably a cut and paste error.

Ms. Lorenda Sanchez raised the issue of tribal consultation. She presented the same documents as presented at the general session at this conference at the National Congress of American Indians (NCAI). There is a NCAI work group preparing for the October Annual Session for tribal consultation.

Mr. Hall reminded the Council of Executive Order 13175 regarding tribal consultation and reviewed the definition of “collaboration” which is having town halls and listening sessions and whether or not this meets the definition of consultation. Dr. Gipp reminded the members that the type of meeting needs to be clearly understood. Mr. Lewis shared that the meeting in February, 2015 held in Rincon, CA was a town hall meeting. Dr. Gipp recalls another consultation in December by DOL with the Secretary and tribal leaders.

Ms. Sanchez as a representative for tribal communities stated that the Council really needs to watch the regulations and policy decisions put in place for our communities. Consultation has to be well understood and implemented better to ensure we have true consultation. DINAP outreach and consultation to all our communities is important.

Chairperson Waldron clarified that consultation with WIOA was not complete and is an on-going process. Ms. Carroll shared that the February 26, 2016 NCAI Winter session has DOL consultation listed on the agenda.

Dr. Stapp pulled up the definition of the consultation process (reading two paragraphs) which describes the types of consultations. Section 1b, describes the type of Indian entity.

Public Law 102-477 Update

Ms. Kim Carroll presented two PL 102-477 updates:

- 1) The 477 initiative has been officially transferred to the Bureau of Indian Affairs, Office of Indian Services, Terry Parks, Acting Chief; and
- 2) There are two bills (House and Senate) with identical language in support of the 477 demonstration project to be permanent.

Work Group Reports

There are minimal workgroup reports since it has been difficult to have work group meetings and reports were sent out the Chairperson's packets.

The Regulations workgroup met and the effective management workgroup met and put forth recommendations for the Charter.

On the Horizon

A regional training session is tentatively scheduled for the end of January, or beginning of February, 2016.

Ms. Kim Carroll shared the Department of Labor put out millions of dollars to the states for the workforce data quality initiative. Why couldn't the Department also support the INA programs in order to address the issue of data for INA programs and populations? The Council indicated that they would address this issue in a letter to the Department. She also stated that Region 4 met and Jeff Foster may be planning a multi- regional conference, possibly in October, 2015.

Nominations for the expiring Council members were discussed; there are 12 member terms that are expiring in February, 2016 and 5 that are expiring in November, 2016. Ms. Carroll asked if there is a seat available for the P.L. 102-477. Mr. Lewis, the ADFO responded "no". Ms. Molle asked if there are two seats available for Region 5 since Jessica James Grant is no longer on board. Mr. Richardson asked if there will be two representatives for each region. Mr. Lewis is not sure and will confirm with Ms. Brown.

Ms. Sanchez received an email today from DOL who is seeking 14 members for a Workforce Information Advisory Council (WIAC). This is an example of where a Council that advises the Secretary should have Native representation however, the criterion listed does not request it specifically.

Ms. Sanchez added that Secretary Perez could not meet with this Council because we have regulatory issues cited in the last letter that was sent to the Department requesting a meeting. The Council would like to request a meeting with Perez to address these two issues and request that a Native representative serve on the WIAC.

Mr. Lewis reviewed the current draft charter with the recommendations that were made at the Advisory Council meeting held at Rincon, CA in February, 2015; and noted that the Charter contains two changes not including the changes from WIA to WIOA. The Charter now allows the ability for proxies with language that has been added.

Chairperson Waldron asked if the Council will be reimbursed for this meeting. Per Mr. Lewis, Mike Delaney stated that Giuffrida's contract does have funds for travel.

Per Mr. Richardson, October 6 is the deadline for official nominations on the WIAC.

A motion to adjourn the meeting was made by Dr. Stapp; motion seconded by Chief A. Richardson. The motion passed unanimously.

Meeting Adjourned.

PUBLIC COMMENTS:

Margaret Zientek, Citizen Potawami Tribe

Would like to share four points with the Council:

1 - WIOA is new to all of us. The intent of Congress could not have been additional oversight. Why would INA programs be held at a higher standard? Regulations should say “or” not “and.”

2 - Electronic reporting for section 166 programs will require technical assistance.

3 – The basis to determine poverty has been through the census. In 2010, it was changed to use American Community Survey and this does not capture people we serve. Many treat the survey as junk mail and it is a poor way to determine poverty.

4 – Regarding youth, suggests solution Census track, as defined by service area plan.

Regarding contractors, these conferences are peer-to-peer trainings. There are currently 9 workshops offered and not all grantees can come because they are financially strapped but it is necessary to get small grantees to trainings.

Also, consider the process that states “use”, consider paying a membership fee to an organization.

Finally, Ms. Zientek asked if there are Advisory Council positions due to be filled. There is a need for a 477 representative. There needs to be an action plan to fill the position timely.

Tara Bourdukofsky, Tribal Government of St. Paul Is. Alaska

Ms. Bourdukofsky echoes and supports the comments of Ms. Zientek and has concerns of the Council representatives, and who is representing Alaska. She is looking forward to efforts of integrating 166 and 477.

Melissa Wassana, National Indian Youth Council, Albuquerque, New Mexico

Ms. Wassana is part of UNITY and had conference in DC with over 1800 youth participants and is wondering when youth funding will be available, with high suicide rates.

Yvonne Tobey, Mashpee Wampanoag tribe

She participated in CETA program and it helped. UNITY conference has co-chairs from tribes. How to manipulate data to have youth sit around this table.

Paula Starr, ED, Southern California Indian Center

Thank you for always being there for us. Bear Tracks is old and need to make a better change. Echo about youth dollars, need to have legislation include youth dollars. There is a need for separate funding source for youth – 75% live off reservations. Also, in regard to Our Story, she requests to update it to reflect WIOA. She has 200 copies to disseminate here.

The American Community Survey is not working, everyone is so under counted (LA City, LA County, and Orange County WIBs) and members on those boards don't know what this survey is. Recommend that a member of the Council be on the Census for 2020. Stateline WIOA programs, FL and NC, afraid that DINAP will be dissolved and States will take over funding. UNITY participants represented 1500 youth – key note speaker was not an Indian person and very upset about this and requests the Council to provide guidance to bring Indian speakers to these conferences.

Jessica James-Grant, Ponca Economic Development Corporation

Ms. James-Grant would like to bring up a concern that came up during the General Assembly. Performance measures are all exceeding expectation for average earnings. How can we get better jobs for our Native people? Today she attended Career Pathways workshop, created by Gila River. How can the Council grant set aside funding, funding opportunities for a way to get people to earn more, living wages?

John Murray, American Indian Council

This is Mr. Murray's second year working at this organization, after 25 years of working with the state of Missouri. Bear tracks is primitive and there are continuing issues with Bear Tracks. There needs to be a change.

Sally Gallegos, United Indian Nations

40 years ago, didn't need public comment. CETA was a good program; we can see the success of the program, where participants got good services. It is sad to see things come to this. Urban areas don't have a youth program. One-stops can't understand the needs of the community. We are focusing on our performance standards (regs) not on serving our people.

Jolene Bowman, S/M Community

Ms. Bowman comes from a rural area and could use funding. An old converted house is our one-stop and needs funding for construction or infrastructure for our existing building for a separate training center.

Mary Jane Miles, Nez Perce Tribe

Regarding language of performance measures, believes the intent was to use the word "or" rather than "and." Also, recommends using one census track. Give back technical assistance dollars to tribes or give back to 166 or 477 for use of the funds.

Jeff Foster, Four Tribes Consortium of Oklahoma

Mr. Foster was a Council member for years, and seen the program go from CETA, JTPA, WIA and now it is in a transition period again. As a grantee we don't want to be held back. In each transition, it has been smooth but not sure it's the same now and wants to make sure the transition is fluid. Consider our position, our funding, and our areas. We may be small but we can make anything happen for our people.

Kevin Billiot, Inter Tribal Council of Louisiana

Mr. Billiot's organization serves all of Louisiana and received \$3,000 for summer youth, for 15 participants. He is not sure of methodology for funding but needs to be re-visited.

Erwin Pahmahnie, Cheyenne Arapaho Tribes

Mr. Pahmahnie stated that technology is not current. When visiting with youth, need increasing knowledge for youth so focus on technology and looking at different ways to work with other apps (i.e. Facebook) to get data that will meet the need of our people.

Ray Belle Whitcomb, Alaska

Don't exclude 477 for training, technical assistance. Money is needed for technology. The language should be "or" not "and."

Youth, Poverty, Census tracks, hard to capture the data. The Secretary needs to use this Advisory Council with all their knowledge.