

PUBLIC MEETING
NATIVE AMERICAN EMPLOYMENT AND TRAINING COUNCIL MEETING
U.S. DEPARTMENT OF LABOR

DAY ONE – Thursday, August 25, 2016

Call to Order & Opening Remarks: Darrell Waldron, Council Chairman, called the meeting to order of the Native American Employment and Training Council (Council) at 9:05 a.m. PST. Elkton Richardson, Council Vice Chairman said a blessing and conducted roll call.

PRESENT- ROLL CALL

Darrell Waldron, Representing Region 1, Current Chairman
Elkton Richardson, Representing Region 3, Vice Chairman
Carla Bowlan, Representing Oklahoma Region, Member
Kim Carroll, Representing Region 4, Member
David Gipp, Representing Other Discipline, Member
Michael Hunter, Representing Other Discipline, Member
Cynthia Lindquist, Representing Other Discipline, Member
Christine Molle, Representing Region 5, Member
Traci Morris, Representing Other Discipline, Member
Curtis Osceola, Representing Region 3, Member
Chief G. Anne Richardson, Representing Region 2, Member
Gary Rickard, Representing Region 6, Member
Roselyn Shirley, Representing Region 6, Member
Michael Tucker, Representing Region 6, Member
Winona Whitman, Representing Hawaii Region, Member

ALSO PRESENT

Amanda Ahlstrand, Administrator, Office of Workforce Investment (OWI) via teleconference
Athena Brown, Designated Federal Officer (DFO)
Gerri Fiala, Deputy Assistant Secretary, Employment and Training Administration (ETA) via teleconference
Duane Hall, Lead Federal Project Officer, Division of Indian and Native American Programs (DINAP)
Craig Lewis, Alternate Designated Federal Officer

A quorum was present. Athena Brown, DFO, presented information on the rules and conduct of the Council meeting.

Approval of Agenda

Minutes and Follow up from February 23-24, 2016 Council Meeting: Chairman Waldron called for discussion of the agenda and a time frame for the election of Chairman and Vice Chairman. Councilman Curtis Osceola made a motion to change the agenda to have elections for Chairman and Vice Chairman to follow the lunch break. The motion was seconded by Councilwoman Christine Molle. Councilwoman Roselyn Shirley made a motion to approve the

agenda. The motion was seconded by Councilwoman Carla Bowlan. The motions passed unanimously. This approval included the February 23-24 meeting minutes and follow-up items.

FACA Presentation/Overview of the Council Role and Responsibilities: Athena Brown, DFO, welcomed the new members of Native American Employment and Training Council (NAETC). She explained that NAETC is an advisory council to the Secretary of Labor and is governed by the Federal Advisory Committee Act's (FACA) policies and procedures. Through FACA, Congress recognizes that federal agencies can benefit from the expertise and input provided by advisory councils. In this way, NAETC members have the ability to use their experience in the Indian and Native American (INA) INA community to provide relevant and objective advice to the Department of Labor (DOL).

Ms. Brown explained that the Council has five (5) current active workgroups; as listed below and encouraged the members to select a workgroup to participate on.

1. Performance Measures Workgroup
2. Census Workgroup
3. Youth Workgroup
4. Information Technology and Reporting Workgroup; and
5. Effective Management Workgroup.

Ms. Brown explained that although most advisory council meetings are held in Washington D.C., NAETC also meets in other locations in order to be more accessible to INA stakeholders. NAETC is a non-discretionary committee and is statutorily mandated under Section 166(i)(4) of the Workforce Innovation and Opportunity Act (WIOA).

NAETC'S duties include advising the Secretary on the operation and administration of Section 166-assisted programs and on the leadership of the Division of INA Programs (DINAP). The Council also assists in the development of performance indicators and standards for Section 166 employment and training programs. The meetings are open to the public and welcomes feedback from the community. The DFO works closely with the Chairman to approve and post agendas and create a Federal Register Notice for all official meetings. The DFO maintains financial and membership records for NAETC and makes these records publicly available online. NAETC meetings are recorded and meeting transcripts are sent to the Library of Congress, where they are publicly available through a Freedom of Information Act request. A representative from the Department, such as the DFO, must be present at all subcommittee meetings.

NAETC membership terms last two (2) years, as stated in the Charter. Members can be nominated by anyone but are appointed by the Secretary of Labor, and a membership term doesn't start until this official appointment. NAETC must have a balanced membership from a diverse range of disciplines that represents all of the entities and regions served under Section 166. The types of entities served include Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, and Native Hawaiian organizations. If needed, members who cannot attend a meeting can send a proxy to ensure that all regions will be represented. However, the Department prefers that members attend meetings if possible. Members serve without compensation but are reimbursed for all travel expenses. The Secretary provides administrative support for all meetings, which must occur at least two (2) times a year.

Ms. Brown explained that FACA requires that membership be fairly balanced and that all regions of DOL that the DINAP deals with be represented. Members of NAETC include representatives of Regions 1 to 6 and from other disciplines, which can include Indian and Native Professional that work with Education, with Health and Human Services, with the Department of Interior, with Public Law 102-477, and with Hawaiian Natives.

Ms. Brown noted that an important provision of Section 166 and the Council is the development of performance indicators and standards. She noted the work of the performance management workgroup is very important to the Council this year because there are six (6) required performance indicators that are now required to be met by DOL grantees.

Chairman Waldron asked how NAETC maintains a balanced membership when there are differences in the number of representatives from each region. Ms. Brown responded that the number of representatives is based on the number of grantees in a region. Chairman Waldron asked how DINAP makes the executive summary of the minutes of the meeting available to the public. Ms. Brown responded that the executive summary is sent to all of the Council members, is available to the public, and can be posted to the DINAP community of practice website.

Introduction of Council members

Chairman Waldron noted there are new members to the Council and gave welcome remarks. All members of the Council introduced themselves.

Report on State DOL Plans and involvement of Indians and Native Americans

Ms. Brown presented information on the ongoing work of DINAP to make sure that in those states where there are large concentrations of INAs that they are included in the state DOL plans. The DOL has invested a lot into state formula-funded programs. States are required to ensure that they are working with all of their local partners in their state plans and that they are negotiating Memorandum of Agreements (MOAs) with One-Stop Centers.

During the last meeting it was suggested that DOL arrange a meeting between NAETC and the National Association of State Workforce Boards (NASWB); DOL has not yet done so because it is still reviewing state plans. Ms. Brown and DINAP are working to determine those state plans that include or don't include INA entities, but were unable to finish this task.

Council Members Whitman, Tucker, and Shirley stated that they have all been involved in their state plan process. Councilwoman Shirley said the Navajo Nation is very involved in state DOL programs in New Mexico and Arizona. Councilwoman Molle had been a member of her region's workforce boards. However, after new regulations were released that no longer required INA representatives to be on workforce boards, Councilwoman Molle and two staff members were removed from these workforce boards.

Vice Chair Richardson, from the North Carolina Commission of Indian Affairs, has now been deemed a state government agency that administers workforce development programs and has a seat on the state workforce development board. They are now pushing to have more involvement with local workforce development boards. Councilman Rickard, Vice Chairman of the California Indian Manpower Consortium (CIMC), stated that due to how funding is structured, CIMC has to work with 50 counties rather than one state. However, he added that California and Illinois

have been open and receptive. Chairman Waldron, Executive Director of the Rhode Island Indian Council (RIIIC), stated that some states are very open to working with RIIIC while others are not. The Chairman also reminded members that at the last meeting Deputy Assistant Fiala said she would work to bring state workforce boards and tribal entities together.

Overview of Workforce Innovation and Opportunity Act (WIOA) and the Section 166 Program – What it Means for INA Programs

Ms. Brown, in her role as DINAP Chief and Duane Hall, in his role as Team Leader on the DOL Regulations Workgroup presented information in an overview and discussion on the rollout for INA Programs. (This overview information was presented for the education of new Council members.)

Section 166 is unique in that it specifies that programs are to be administered in a culturally relevant manner and gives grantees broad flexibility to determine what fits best for their communities. The DOL clarifies and implements WIOA through regulations. DOL administers 177 Section 166 grants nationwide, 57 of which are transferred to the Department of the Interior because the grantees participate in the Public Law 102-477 program. DINAP has a total staff of seven (7) people, including two (2) staff members located in regional offices to be closer to INA communities.

Duane Hall discussed the differences between the Workforce Investment Act (WIA) and Workforce Innovation and Opportunity Act (WIOA). WIOA, unlike WIA, defines the term “individual with a barrier to employment” in Section 3. Part of this term includes members of Indian, Alaska Native, and Native Hawaiian populations. The purpose of Section 166 programs has changed from WIA to WIOA to include equipping participants with entrepreneurial skills. Section 117 of WIA stated that local workforce investment boards must have representatives from each local One-Stop partner. Although INA representatives are still a required One-Stop partner under WIOA, Section 107 of WIOA no longer requires local workforce investment boards to have representatives from each local One-Stop partner. In funding of the One-Stop infrastructure, WIA stated that the memorandum of understanding (MOU) between the local workforce investment board and the One-Stop partners would describe the cost of providing services through the One-Stop system. However, WIOA states that Section 166 programs shall not be subject to the funding of the One-Stop infrastructure. This being said, the regulations clarify that Section 166 programs must make a good faith effort in negotiating an MOU in areas where Section 166 programs have significant services, and that part of this MOU must address funding and what contributions, if any, will be made to the One-Stop center.

Under WIOA, Section 166 programs are allowed to compete for grants every four years rather than every two years and must submit a four-year strategic plan. WIA law did not define any performance measures. Rather, Section 166 grantees had to consult with the Secretary on which performance measures would be used. Although Section 166 grantees are still to conduct this consultation under WIOA, they must also adhere to six performance measures as described in Section 116(b)(2)(A) of WIOA. The Secretary, in consultation with NAETC, shall develop an additional set of performance measures that are applicable to the Section 166 program. Public Law 102-477 programs are not subject to these six WIOA performance measures.

Mr. Hall stated that many programs, including Section 166 programs, are consulting with the DOL on the definitions of these performance measures. The DOL would like to keep things uniform by sticking to the definitions provided in WIOA and the regulations. Guidance on the collection of the six performance measures, the waiver process, and any additional measures is ongoing. The Secretary and Section 166 grantees are to reach an agreement on the levels of performance for each of the six performance measures. Levels of performance will be adjusted according to economic conditions and other characteristics of the clients served. Statistical adjustment models are to be used.

For the benefit of the new Council members, Ms. Brown provided an overview of the new six (6) WIOA performance measures. She said that INA programs are challenged to meet the same performance indicators as all of the programs including the state formula-funded programs. The indicators are:

- 1) median earnings of the participants who are in unsubsidized employment during the second quarter after exit;
- 2) percentage of program participants who are in unsubsidized employment during the fourth quarter after exit;
- 3) median earnings of program participants who are in unsubsidized employment during the second quarter after exit;
- 4) percentage of program participants who obtain a recognized post-secondary credential, or a secondary school diploma, or its recognized equivalent;
- 5) percentage of program participants who during a program year are in education or training programs that lead to a recognized post-secondary credential or employment, and who are achieving measurable skills toward a credential or employment; and
- 6) effectiveness in serving employers.

WIOA includes a new special rule on the definition of low-income youth. “Low-income”, as it pertains to the youth program, also includes youth living in a high poverty area. Regulations further clarify the term “high poverty area”. This is only for the youth program, not the adult program. The regulations required that data from the 5-year American Community Survey (ACS) be used to determine high poverty areas, and this information can be found on Section 166’s community of practice website. Section 166 of WIOA authorizes the Secretary to award competitive grants to entities with demonstrated experience in developing and implementing programs for unique populations in Alaska and Hawaii. Funding for these grants is not additional funding but rather comes out of the appropriations already taken for Section 166 programs. DINAP expects to have a competition in 2017 but did not run competitions in 2015 and 2016. Appropriations are authorized through 2019.

Under WIA, appropriations for Section 166 programs could be no less than \$55 million. However, they were less than this amount for about 10 years. Under WIOA, there are authorized amounts that increase incrementally, but the final appropriations are still below \$55 million. DINAP works to put both what is authorized and what they know should be funded in the Section 166 budget. The appropriation for the Section 166 programs for 2017 is \$50,000,671.

The vast majority of regulations are contained in the DOL-only final rule. Grantees' comments are very important. The DOL is required to respond to every comment, and as a result has made some changes to the regulations, especially in regards to the waiver process and Section 166 youth programs.

(The presentation on this subject was interrupted in the morning for the Council to address other business matters and continued in the afternoon after the election of new Council officers.)

**WIOA Stakeholders Webinar, Gerri Fiala, Deputy Assistant Secretary
Rollout of WIOA Final Regulations for State and Other Programs, Amanda Ahlstrand,
Administrator, Office of Workforce Investment (via teleconference)**

Ms. Fiala thanked NAETC members for all of their work and reflected on how much the Employment and Training Administration (ETA) has progressed in the last few years. In accordance with an order from President Obama, ETA has increased the amount of apprenticeships in the U.S. Congress provided to the DOL \$90 million in apprenticeship funding to support the expansion of apprenticeship into new industries and occupations. The ETA is also working to increase the diversity of apprenticeships, both in applicants and industries. One way the ETA is doing this is by making it easier for companies to start apprenticeship programs and for applicants to find these programs. The Registered Apprenticeship-College Consortium initiative brings together colleges where a student can earn college credits for apprenticeships, allowing students to earn a degree without incurring debt. In this program, the colleges will award college credit for the apprenticeship experience and allow the individual to continue on with their education, should they choose.

Ms. Fiala presented brief information on the impact and importance of unemployment insurance (UI) for millions of unemployed workers and their families. In all of the UI benefit programs from Fiscal Year 2009 to Fiscal Year 2016 over \$165 billion has been paid out in benefits to 67 million people. A number of states are facing issues with UI trust fund solvency. The ETA will continue to have conversations about modernizing unemployment insurance so that the U.S. can be prepared for the next recession.

The Trade Adjustment Assistance Community College Career Training Grant Program has helped many community colleges across the U.S. improve their training infrastructure and develop new programs of study. A number of organizations serving INA communities are part of some of these grants. The educational and training materials developed, including the curriculum, instructor's guides, simulations, and case studies, are now freely available for reuse by other educational institutions. Ms. Fiala would encourage using these materials when developing a new program. The Trade Adjustment Assistance (TAA) program was reauthorized in 2015 for six years. As a result of this reauthorization, the TAA program has expanded its eligibility requirements. The ETA estimates that up to 30,000 additional workers will be included each year because of this expansion. The TAA is a mandatory partner in the WIOA system. The ETA has now issued the final rules for WIOA. The adult education and vocational rehabilitation rules will be effective in September and the joint and DOL-only rules will be effective in October. Ms. Fiala recognized the challenges that Section 166 programs have had in adjusting to these final rules, and assured members that the ETA will continue to work with and promote NAETC and INA communities, especially to state workforce boards. The ETA

continues to partner with other agencies in order to best address the intertwining issues involved with workforce development.

The ETA will provide assistance tailored to Section 166 programs and wants NAETC's advice in implementing the performance requirements and measures of WIOA. Ms. Fiala urged members to take advantage of ETA's webinars and online resources regarding WIOA, even if these resources aren't tailored exactly to Section 166 programs, in order to better understand how local workforce investment boards and American Job Centers operate.

Council Questions and Comments:

Councilwoman Molle asked that Secretary Perez issue a document to state and local WIOA entities to remind them that Section 166 programs are supplemental and that state and local programs have been funded to serve their entire service area, including Indians and Native Americans. Council Member Gipp commented that there can be challenges in the relationships between tribal governments and union and non-union employers, such as in regards to apprenticeships, and asked if the DOL has a strategy to help with these relationships. He noted the issue of developing stronger apprenticeship programs in "right to work" states, in tribes that have had issues with trade unions, and non-union employers. Councilwoman Whitman commented that BearTracks cannot collect PIRL data and asked what the DOL will do to assist Section 166 programs in collecting and reporting on PIRL data. Ms. Ahlstrand responded that the ETA has plans to replace BearTracks with something that will allow reporting against WIOA measures. The ETA released a training and employment notice (TEN) to many programs explaining what to expect when reporting. The ETA is committed to making training available to Section 166 grantees and will update this system.

Councilwoman Whitman asked where the additional funding will come from to create this database. Chairman Waldron added that Section 166 programs are having to adjust to mirror state program reporting standards and asked if funding will reflect this change. Councilwoman Carroll expressed concern about using technical assistance funds because Section 166 programs will need a lot of technical assistance as a result of the changes to reporting standards in WIOA, and her opinion is that this is a responsibility of the DOL. Councilwoman Carroll also asked why Section 166 programs not been allowed to access the data innovation funding made available to states. Ms. Ahlstrand said she didn't know the answer but said she would find out. Ms. Ahlstrand commented that ETA will need to look at using part of Section 166's technical assistance funding. However, this is being done for other programs as well.

The ETA is also looking for funding sources that can be applied across several different programs and is working to identify and leverage the resources available to create a database system that could apply to several different programs while still being tailored to the programs' needs. DOL believes that it is important to help Section 166 grantees develop this system directly. Funding is not widely available for a lot of these investments. Ms. Ahlstrand said that for ETA investing in IT is a difficult thing to do generally. ETA learned a lot of hard lessons through the implementation and use of BearTracks. For some time, ETA has been exploring how to get something better and more workable for grantees at the lowest cost possible.

Councilwoman Richardson commented that in a transition year, the DOL needs to provide grantees with additional technical assistance so that they can properly manage the grants that

they will be receiving. She opined that it is not fair to take funding for this out of Section 166's overall funds and that Section 166's current budget is not large enough to cover technical assistance with the addition of new reporting responsibilities. Councilman Rickard recommended that NAETC issue a resolution asking DOL to issue an additional transition period to allow ETA and Section 166 to obtain the funds needed to update its data reporting system. Councilwoman Molle stated that even with less funding, Section 166 programs have doubled the number of individuals served. She also asked DOL to consider INA tribes' unique relationship with the U.S. government, and stated that they should have the same rights as states. Councilman Gipp suggested that the DOL seek cooperative resources and funding from other agencies and entities such as the Bureau of Census to better document population trends and needs. Ms. Fiala responded that that the DOL has to be careful to not conflict with rules preventing them from using funds that are not allocated to them.

NAETC Nomination(s) and Election of Chairman and Vice-Chairman

Chairman Waldron presented information related to the nomination and election of officers for the Council. He noted that some members may not be reappointed to the Council in November. He asked for information on members whose term expires November 14, 2016. Ms. Brown referenced the information in the Council packets, but provided the following summary. The Council members with terms expiring are Councilwoman Anne Richardson, Councilwoman Carla Bowlan, Councilwoman Winona Whitman, Councilman Michael Hunter, and Councilman David Gipp.

Councilwoman Richardson nominated David Gipp for the position of Chairman, which was seconded by Councilwoman Morris. However, Councilman Gipp declined the nomination because his term will expire in November 2016. Although he has been nominated for a new term, he does not know yet if he will be appointed. He thanked members for the consideration and declined the nomination. Councilman Hunter suggested nominating Councilman Gary Rickard for Chairman and Councilman David Gipp for Vice Chairman and stated that although NAETC couldn't function without a Chair, it could probably function without a Vice Chair, in the event that Councilman David Gipp doesn't get reappointed. However, Councilwoman Carroll pointed out that the Vice Chair would need to be present in the event that the Chair couldn't be at the meeting. Councilman Hunter then nominated Councilman Gary Rickard for Chairman, which was seconded by Councilwoman Shirley. Councilman Rickard accepted the nomination; and the motion passed by a unanimous vote. Chairman Waldron nominated Councilwoman Roselyn Shirley for Vice Chairman, which was seconded by Councilwoman Carroll. Councilwoman Shirley accepted the nomination. The motion passed by a unanimous vote. Council Member Gary Rickard and Councilwoman Roselyn Shirley took over the rest of the meeting at Chair and Vice Chair, respectively.

Public Comment Period:

Margaret Zientek, Co-Chair of the 37th National INA Employment/Public Law 102-477 Training Conference (NINAETC/477) strongly encouraged NAETC to ensure that the language in the funding opportunity announcement (FOA) for unique populations in Hawaii and Alaska only allows INA grantees serving the Section 166 population to be eligible for the competitive grant. She also requested that the Secretary support the correction of a typo in Section 166 of WIOA regarding performance measures. Ms. Zientek asked that the Secretary elevate NAETC and fully

utilize the knowledge and experience of NAETC members. She remarked that it would be inappropriate to put a measure in place requiring the use of unemployment insurance (UI) records for different community measurements, because many INA grantees and communities do not have access to UI records. She asked the Secretary consider providing funds for technical assistance that are not taken out of the Section 166 grantees' funding and to support an increase in funding for Section 166 programs to meet their level of need. She expressed her appreciation for the work with Public Law 102-477 but does not want any unknowns to affect 477's current reporting structure.

Connie Fraijo, Workforce Services Manager for the State of Arizona, echoed Councilwoman Shirley's positive comments on the tribal and state workforce board relationships in Arizona. Ms. Fraijo will be working with the tribes in Arizona to strategically plan and work together to ensure that grants to the state and the tribes are successful.

Paula Starr, Executive Director of the Southern California Indian Center (SCIC), commented that the data collection system BearTracks is outdated and expressed her concern in hearing that the DOL does not have sufficient funds to update this system. She stated that the DOL ETA does not recognize the INA community's uniqueness and asked why it can't find the funding to update BearTracks if it can find funding for other programs. In her experience, the local and state workforce boards constantly forget about the INA community, despite reminders from her and from management information system (MIS) specialists. She stated that this is unacceptable and that she doesn't know what else she and the rest of the community can do to make their voices heard. She supported the elevation of NAETC as a possible solution. Ms. Starr also expressed her concern about the American Community Survey for Census because she knows that many people in the INA community have not received this survey. She asked how the community will receive adequate funds if they are underrepresented in this survey. Ms. Starr supported the recommendation to give INA grantees another year for transition before data collection.

Finally, Ms. Starr read four resolutions made by NINAETC/477, all dated August 25, 2016. Resolution 2016-01 asked that the Department of Labor strengthen Indian Country's voice in DOL decision-making by elevating the authority of NAETC to have direct consultation with the Office of the Secretary and to elevate DINAP within the structure so that it has a direct relationship to the Office of the Assistant Secretary and the Secretary. Resolution 2016-02 recommends that Congress change the current language regarding performance indications in Section 166 of WIOA and that the President and Secretary champion this change. This resolution further recommends that NAETC immediately form a workgroup to develop primary indicators of performance as described in Section 116(b)(2)(A). Resolution 2016-03 resolves that a tribal workforce development summit consisting of leadership from NAETC, Section 166 and Public Law 102-477 grantees, and other interested organizations be convened in order to plot a path forward that will be in the best interest of INA communities and the Nation as a whole. Resolution 2016-04 states NINAETC/477's support of the peaceful protest by First Americans and friends and the Standing Rock Sioux Tribal Nation's law suit to stop construction of the Dakota Access Pipeline, an oil line under construction in North Dakota.

David Gipp, speaking as a citizen of the Standing Rock Sioux Tribal Nation and not as a member of NAETC, provided more information on the Dakota Access Pipeline (DAPL). The DAPL is a roughly \$3.75 billion project that is being financed by private entities. Current plans call for the

DAPL to run underneath the Missouri River at the Oahe Reservoir. The Oahe Reservoir was land that belonged to the Standing Rock Sioux, Cheyenne River Sioux, and Yankton Sioux tribes before it was turned into a reservoir in the 1940s. The DAPL would carry about 570,000 barrels of crude oil under the Oahe Reservoir daily that would then be refined and distributed around the U.S. The entry point would be a mile above the border of the Standing Rock Sioux Tribe and so would not be crossing reservation property. However, if the DAPL had any leakage it would contaminate the Missouri River and harm the people, animals, and plants living downstream of this point. The Standing Rock Sioux Tribe did not make comments during the period of negotiation that involved the private parties as well as state and federal entities. Over 2,700 native and non-native people from around the U.S. are peacefully protesting the DAPL, which has halted construction. The Standing Rock Sioux Tribe has filed a federal lawsuit against the U.S. Army Corps of Engineers, stating that the Corps did not do its due diligence in reviewing all of the possible consequences of the DAPL. The D.C. District Court will hear this case on September 8th, 2016. Mr. Gipp expressed his concern that members in the region who do want the pipeline will use violence to stop the protestors. He asked that NAETC pass as a motion or replicate NINAETC/477's Resolution 2016-04 and raise awareness about the issue in their own communities.

Julie Taylor of the Confederated Tribes of the Umatilla Indian Reservation expressed her support of the previous speakers and of NINAETC/477's four resolutions. She stated that she continues to educate people on historical trauma and trauma-informed practices in the workforce.

Lorenda Sanchez, Director of the California Indian Manpower Consortium (CIMC), commented that she supports NINAETC/477's resolution to elevate NAETC and DINAP. She hopes that people will comment on Ian Record's paper about empowering tribal workforce development and believes that NAETC and the employment and training community can use this paper to support critical areas that they think the DOL needs to address. She thanked Duane Hall and Athena Brown for their work in processing the comments made on the final regulations for WIOA, but was disappointed by the limited comments received on the proposed rules and regulations. It is important for NAETC to begin developing any additional performance measures because the DOL has already started creating a performance data collection system, and this system won't be able to apply to Section 166 programs because their performance measures are going to change. If the DOL does not include Section 166-specific data outcomes in the system designs, Section 166 grantees will have to rely on Duane Hall to collect this data and report it on their behalf.

Ms. Sanchez hopes that those attending the NINAETC/477 conference and their community leaders will ask Congress to amend WIOA language regarding Section 166 performance measures to state that the performance indicators and standards used by grantees would be the ones proposed in individual grantee plans and approved by the DOL. She feels that Section 166 grantees are being treated unfairly because other programs authorized under WIOA don't have the six performance measures currently required for Section 166 grantees. Changing the Section 166 performance measures can also be supported by the fact that levels of performance are required for WIOA's six core programs but not Section 166 programs. The WIOA regulations no longer state that the DOL will use staff who have particular competence in the field to administer Section 166 programs. Staff without this knowledge and understanding of INA communities and their relationship with the U.S. government may not understand why grantees

make the requests that they do, and so Ms. Sanchez recommended that NAETC make a motion that the Secretary ensure this competency in the regulations. She suggested that the DINAP team prepare something that shows the active training and employment guidance letters (TEGLs) that apply to Section 166 programs and called for the INA community to be more vocal at webinars and stakeholder meetings. The Building Prosperous and Resilient Tribal Nations paper published by the Executive Office of the President included every federal agency except the DOL. Ms. Sanchez asked that the Secretary of Labor, NAETC, and DINAP staff work together to ensure that INA employment and training programs don't get overlooked in documents like this again.

John Murray, an employment specialist with the American Indian Council in Kansas City, read a letter from Suzanne Woodruff, an employment specialist with the American Indian Council in Sioux City. In this letter, Ms. Woodruff stated the need for an updated BearTracks system with web-based software. Only one of the three Indian Council satellite offices and locations has the ability to remotely access BearTracks. Navigating the current BearTracks system is time-consuming and having to send paper applications to the grantee home office creates work duplication. An updated system that could upload required documents and include electronic signatures would be more efficient and effective. Ms. Woodruff requested that the DOL pay for developing this new system and not use grantee funds to do so. Mr. Murray agreed with this letter. He encouraged NAETC members to continue to advocate for and educate the INA community.

Stacey Nongueskwa-Lopez, WIOA Outreach Worker of the Little Traverse Bay Bands of Odawa Indians, commented the BearTracks system. In her experience, BearTracks often crashes or stops working. She hopes that the DOL can find the funds to fix BearTracks so that all of the grantees can be connected and client information can be tracked.

Kay Seven, Director of Adult Education with the Nez Perce Tribe's Education Department, made several comments. She first discussed Secretary Perez's comment that federal agencies need to address workforce problems together, and expressed her curiosity about how this would work for states when she's seen how it works for tribes. To do this, agencies would need policies that would give them the flexibility to transfer funds between themselves to best address workforce issues. She then stated that an NCAI draft publication regarding a tribal workforce development initiative has been released for comment. NCAI held several focus groups and discussions with members of the INA community to draft roughly 20 policy decisions needed for tribal nations to build and address workforce development. She expressed her appreciation of the technical training and assistance provided by CIMC, and stated that technical training and assistance should be provided by contractors with experience in the communities that they are serving. She ended by discussing NCAI's project to address the lack of data on INAs and ultimately obtain data sovereignty.

Ray Belle Whitcomb, Director of the Bristol Bay Native Association Workforce Development Center, commented that DINAP should be elevated to reflect the government-to-government relationships that tribal governments have to the federal government. Although she is the director of a Public Law 102-477 program, she is concerned about Section 166 performance measures. Alaska has Section 166 tribes who cross the state frequently, and so the Development Center is held to different standards as these tribes cross the region. She stated that the performance measures should be tailored to the needs of the region in which they operate. NINAETC/477 advocacy should be maintained because often those in the INA community only

have access to the training opportunities provided by Section 166 and Public Law 102-477 programs. Tribal consultations should be done in person and be made public. She echoed others' comments about the necessity of finding additional funding to help develop an adequate reporting system for Section 166 grantees and of ensuring that INA representatives are included on state workforce investment boards.

Recess

Councilman Elk Richardson moved that NAETC endorse NINAETC/477's resolution regarding the Standing Rock Sioux Tribe and its legal opposition to the construction of the DAPL and also stand in solidarity with peaceful citizen protest against DAPL and its environmental risks to local tribal communities. The tribes and communities involved would be sent a notification of NAETC's position if the motion were to pass. Councilman Waldron seconded the motion. Councilwoman Molle added that construction of the DAPL could lead to water contamination and illness, which in turn would create another barrier to employment for the affected communities. She argued that it was important to add this point to show that the DAPL issue is also a DOL concern. NAETC members decided to add this point in their notification correspondence to involved communities. The motion passed unanimously. There being no other comments, Councilman Waldron made a motion that the Council recess. The motion was seconded by Councilwoman Carrol and passed unanimously.

The meeting adjourned at 5:02pm.

Key Highlights from the Meeting

1. The overview of WIOA and key changes in the Act prompted extensive discussion on major areas of change including the six performance indicators, how DOL defines poverty for Indian youth, and how DINAP handles section 166 budget appropriations.
2. Two top administrators of DOL presented information on new developments in DOL programs and services that can assist 166 programs and responded to questions from Council members. Gerri Fiala, Deputy Assistant Secretary, discussed the expansion of DOL funded apprenticeship programs, the impact of unemployment insurance benefits, and grants made to educational institutions. The group discussed issues with local workforce boards, right to work states, trade unions, and non-union employers. The group discussed issues with use of BearTracks, the need for assistance in transition of 166 programs to WIOA operations, and the need for additional technical assistance to 166 program grantees.
3. The Council elected Gary Rickard, Chairman, and Roselyn Shirley, Vice Chair.
4. Ten people gave extensive public comments. The presenters included key leaders of the NINAETC/477 conference who presented reports and resolutions supported by the conference attendees. The Council and conference leaders presented information and resolutions seeking to raise awareness of and block the development of a crude oil pipeline under construction adjacent to the Standing Rock Sioux Reservation and with plans to run underneath the Missouri River. Presenters spoke in opposition to new rules to be imposed on 166 programs by the WIOA regulations.

5. The Council approved a motion to endorse a conference resolution that supports the Standing Rock Sioux Tribe in its efforts to protect the Missouri River and natural environment of their community and opposes the construction of the Dakota Access Pipeline.

Summary of Minutes Prepared by **Neal R. Gross, Court Recorder**
Document Reviewed for Corrections, and Modified by **Lumbee Enterprise Development**