

**Native American Employment and Training Council  
Rincon Valley Center, CA  
February 25 - 26, 2015**

Meeting Summary

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

PRESENT

Darrell Waldron, Rhode Island Indian Council, Inc., Region 1, Chairperson  
Carla Bowlan, Seminole Nation of Oklahoma, Oklahoma, Region 4  
Kristen English, Cook Inlet Tribal Council, Alaska, P.L. 102-477 Program  
James Hardin, Lumbee Regional Development Association, Inc., Region 3  
Christine Molle, American Indian Council, Region 5  
Lorenda Sanchez, California Indian Manpower Consortium, Inc., Region 6  
Rodney Stapp, Md, Urban Inter-Tribal Center of Texas, Region 4  
Winona Whitman, Alu Like, Inc., Hawaii, Region 6  
Jacob Bernal, American Indian Association of Tucson, Region 6  
David Gipp, United Tribes Technical College, Other Discipline  
Julia Davis-Wheeler, Other Discipline  
Chief Anne Richardson, Mattaponi-Pamunkey-Monacan, Inc., Region 2  
Roselyn Shirley, Navajo Nation, Region 6

**Others Present:**

Athena Brown, Division of Indian and Native American Programs, Designated Federal  
Official

**Call to Order and Roll Call** – Darrell Waldron, Chairperson

Chairperson Waldron conducted the roll call and determined the presence of a quorum. Chairperson Waldron reviewed the agenda for changes, deletions, additions and corrections. Ms. Davis-Wheeler asked if an executive session was needed. Chairperson Waldron led the Council members, Department of Labor staff and guests in a round of introductions and gave an overview of the days' agenda.

**Motion** was made to approve the agenda with some minor corrections and the meeting summary. The motion was approved unanimously.

**Motion** was made to table the last meeting changes and summary and to set dates for the next meeting in early August in Durant, Oklahoma. All items are to be cleared up before the next meeting. The motion was approved unanimously.

**Update on Workforce Innovation and Opportunity Act/Timelines for Planning Guidance/Designation** – Athena Brown, Division Chief for the Indian and Native Program and also the DFO.

Ms. Brown provided a one page handout which was a summary of the timeline for DINAP and the Office of Grants Management in terms of getting the Training and Employment Guidance Letter issued, discussion on changes in the designation and period of performance, what will be issued in terms of the supplemental youth services program and close-out process. The federal project officers, Sarah Williams, Donna Kelly and the close-out staff met with DINAP to discuss the guidance, and to determine how soon the allotments would be issued.

The implementation of WIOA starts July 1, 2015, they would like to get the announcement out by April 1 for the program year funding for the supplemental youth services. An SF424 and SF424A are still required and a budget narrative. July 1, 2015 begins the implementation of WIOA for DINAP as well as the discretionary programs and state funded programs. Both will be putting out a TEGL. No decision has been made for other discretionary program such as the Indian and Native American Programs, the migrant seasonal farmer programs, youth build and others. They are not bound by the 75% out of school youth requirement like the state administered programs.

The designation was a two year period and now moving into a four-year designation period under the current WIOA. Grantees will be designated through 6/30/18. They're proposing an extension of the period of performance from 7/1/14 through 6/30/18 based on conversations with the Office of Grants Management. The grant award will only include those PY14 and PY 15.

No funding formula has been developed but it needs to be made at this meeting. She will provide a timeline chart and that the OGM summarizes the work for them because whatever DINAP does has to be done in concert with that office.

Once the TEGL is drafted and leaves DINAP, it will still go through the OWI administrator, to the deputies, and solicitors' office for review.

Ms. Molle asked when the funding would be available. Ms. Brown advised that they were shooting for the end of June 2015. There are several grantees ready to conduct early close out which the office of grant management advised they can close out early. Because of the lack of staff, much of the work has been sent over to DINAP to assist OGM to complete the process.

Ms. Sanchez echoed the comments from Ms. Brown in terms of the terms and conditions. There is a need to continue to advocate for the DINAP staff positions as last year with the OGM there were extreme difficulties that lead to extremely late warrants, new processes, new language and methodology that a lot of grantees were unfamiliar with. Some grants were not funded until late August, and even September.

Ms. Shirley thanked Ms. Brown for her information but is concerned with all the new developments to implement WIOA and concern that there will not be another meeting or conference before July 1 for the grantees to get oriented. Ms. Brown has met with her entire staff to provide a list of all major deliverables that the unit needs to move into WIOA including planning guidance, procedures, training, technical assistance, assistance with Indian and Native American communities. There was the change from 424 to 424 A line item budge supplemental

forms and grantees made errors and things put in wrong COS categories. Ms. Brown advised there is a lot of additional training put out by the Department to assist everyone but we need to be able to tap into these resources.

Mr. Richardson asked if resources are no longer available through the Department of Labor. It took Ms. Brown three weeks of defending why the training and technical assistance conference was needed. If the federal staff does not attend the training offered, the section 166 grantees are left behind and this cannot happen. These problems are not a product of this advisory board or the community. Without cooperation from the Department of Labor will cause the INA communities to be worse off that it is now.

The federal government needs to be involved in the TAT provision provided through the conferences.

The states are planning to start working on the statistical adjustment model and give providence at the end of this year. This is being conducted through the Office of Policy Development and Research who presented the performance standards. Current report forms are looking at being revised as well as the reporting systems. Clearance forms will come out through OMB, and a comment period will be provided so make sure your comments come in. Guy and Craig Lewis are working with the Office of Policy Research and Evaluation to go over the report forms and the reporting system (Bear Tracks) must also be updated.

Ms. Brown has been contacted by the Office of Congressional and Legislative Affairs through Jeremy Bishop who is trying to set up some meetings with the Native American Congressional Caucus because of their interest in DINAP.

Ms. Brown advised that DINAP is working on a two-year plan to develop policies and procedures to streamline the work in their unit. They are still under the Office of Work Investment in the organizational structure so the new John Beverly is now Amanda Ahlstrand. The program has gone through two administrators in the past few years and it is challenging to keep everyone updated.

Ms. Sanchez commended Ms. Brown on her work.

**Report from Regulations Workgroup** – Dr. David Gipp, Council Member and appointed chair for the Regulations Workgroup.

A packet of materials in the folder with a side-by-side prepared by the Department of Labor staff and another comparison side-by-side that shows the changes between Workforce Investment Act and the Workforce Innovations and Opportunity Act was provided. There is also a summary of the new law and reform system, comments for Section 166 performance of accountability measures and three current measures and 6 WIOA measures and comments as well as the current SYS performance measures and goals. Three meetings were held and a draft letter discussed that would be sent over to the Department of Labor indicating five major concerns.

The point of the workgroup was to examine what could be possibly the regulations for WIOA, old or current WIOA law and comparisons. He commended council members Winona Whitman, Lorenda Sanchez, Darrell Waldron, Dr. Stapp, RM. Hardin, Anne Richardson and Elkton Richardson as well as Duane Hall (staff member for the Department of Labor) for their work. Ms. Whitman discussed the draft of the WIOA regulations and turned it over to Ms. Sanchez who discussed the comparisons between the common measures and new performance indicators.

Of major concern are the WIOA performance accountability measures and the language in the Act that states the Indian Native American programs can develop additional measures. The INA program is the only employment and training program in DOL asked to not only meet the performance accountability indicators in Section 116 of WIOA, but to also consider developing additional measures. Also of concern is the law itself regarding migrant seasonal farm workers, who are allowed to negotiate individually as a grantee the measures they will follow in WIOA which should be extended to the INA community. Another concern is the employment and training administration is not able to develop an accurate statistical regression model to establish fair and reasonable levels of performance for each indicator. The performance indicators expand the use of wage requirements to share participant records with identifying information. Confidentiality Assurances have not been provided by ETA in accordance with the Privacy Act and the level of sampling error indicates data is unreliable.

Of additional concern is supplemental youth services program; there are major changes in the current SYS performance indicators and goals as compared to WIA performance indicators because the same six indicators for adults are now being applied to the youth. There is a recommendation for the youth programs to seek a waiver or allow the Secretary to exercise at his discretion, which is in the law, a waiver for the youth program and to work with the council on deciding what would work the SYS program.

A motion was at the December Advisory Council meeting with a request for Secretary Perez to consider applying the three existing performances in the program, but that did not go forward. It was pleasing to hear today that the 75 percent requirement for serving out-of-school youth will not be held for the INA supplemental youth program.

The Advisory Council makes recommendations directly to the Secretary of Labor on the two issues of regulations and performance measures. This would be good to combine the work of the two committees. Chairman Waldron would like to at least summarize the draft letter that would be sent to the Secretary of Labor – this was read into the record by Dr. Gipp. A formal motion at some point in these deliberations will need to be made.

Ms. Molle added that under the program authorization Section 166, the proposed WIOA regulations eliminate waivers from competition based on satisfactory performance. Ms. Molle would like to see this added to the draft letter.

Mr. Jacob Bernal recommended changing the order of the letter to lead with funding, then primary indicators, reporting mechanism, youth services, and finally participating in the state investment boards. A copy of the letter should also be sent to the Chairman of the Senate Indian Affairs Committee and Native American Caucus.

Ms. Davis –Wheeler is concerned the letter will get lost in the stack of papers received by Secretary Perez. The letter has to stand not only for the council members for the tribes and program people. Public Law 93-638 also alludes to the issue of tribal consultation and consultation with tribal communities. Previous administrations tried to get rid of this Advisory Council but could not get rid of it because it is prescribed by law that we are there. The Department of Labor advises on how to be an Advisory Council. The Secretary is free to accept or reject recommendations.

Resolutions and letters have gone forward in the past from this Advisory Council. There is a formal process through FACA that this body of the Advisory Council operates and any formal recommendations that go forward to the Secretary of Labor have to be put forward through official actions through this Council. The letter that was previously sent in by Chairman, Darrell Waldron, was not accepted as formal recommendations via the letter to the Department. The letter was scrutinized by the Department's Office of the Executive Secretary upon receipt. The response then indicated that they could not accept the recommendations on behalf of the Council. Chairman Waldron said it was not up to the Council to keep re-educating the Department and that the Advisory Council's work is continually caught up in the process on technicalities—this has been ongoing for a long time.

The next face-to-face meeting with Secretary Perez is unknown and Chairman Waldron was surprised that they were able to meet here. Dr. Stapp advised they meet once a year with Secretary Perez and hopefully he listens to their concerns. Perhaps it is a good time to send him a letter.

Anne Richardson agreed with what everyone said. She indicated that President Obama is very supportive of tribal issues but is not sure that his initiatives and theology is trickling down to his cabinet members and employees. Tribes cannot be forced to operate the same as states and their identity and status is clearly defined in the law. She is not sure that the Native American Caucus or the Senate Committee on Indian Affairs understand that. The letter should be done and an introduction in the letter as to who we are and that we include the concept of Indian Self-Determination and Education Assistance Act and how it applies to the section 166 program.

**Division of Indian and Native American Programs – Athena R. Brown, Chief's Report and Update on DINAP Activities and National Performance Summaries (Adult/Youth)**

Ms. Brown intends to re-assign and re-distribute the workload of the project officers. This will occur early next week. Additional staff more recently assigned to DINAP will take on additional responsibility so that their workload will increase and be more evenly distributed among the current federal project officer assignments. There is a tremendous workload for DINAP in the upcoming year. DINAP will be going into the rule making process and by the end of March the draft regulations will be put out for public comment. This includes input into the special initiatives for veterans serving on Indian lands as well as an effort between Section 166 programs and the Veteran's office. Ms. Brown provided an update of the most current performance data for the INA program: the entered employment rate is up 63.23 percent from 62 percent and the employment retention rate is 79 percent up from 77.9; the six months average earnings had a

slight decrease to \$9,476 from \$9,671. Salaries decreased after the housing market crashed. There is a struggle to get people over \$10 per hour. This data does not include the 477 data. Reports for the 477 program are available to DINAP but the data is not consolidated; rather they are individual copies of each report. Ms. English indicated there is a statistical report that tracks variables of employment statistics. It is not meant to not include the 477 grantees.

Ms. Brown advised that the challenge is that once the funds are sent over to the Department of the Interior, the funds loses its identity because the funds are combined in a single plan. The section 166 report shows that of 36,000 participants, only 161 were veterans, less than 1 percent—it will be interesting to hear about the new veterans initiatives tied to the Department of Labor's state formula funded programs. This upcoming initiative will be announced sometime soon.

Ms. Brown indicated that since DINAP is required to go through the Department's conference planning process, advanced notice and dates are required. She understands that DINAP employees and the Division Chief does not necessarily have to attend all the sessions or national conference but would like to be able to give a report out to the grantees because it is important to share the initiatives going on in DINAP.

Chairman Waldron advised that the date for Durant, Oklahoma is not confirmed. The National Conference is going to take place August 17<sup>th</sup> at the Choctaw Resort and Convention Center. Dr. Stapp advised that Senator from Oklahoma has shown some interest and want to meet with this Council. A request for an invitation to be sent to him was made. There are no multi-regional national conferences planned for next year, just a national conference.

Ms. Brown advised that because of increased scrutiny by Congress and the Office of Management and Budget, that the meetings cannot be held in Indian casinos due to ethics policies within the Department for federal officials; therefore the meetings are discouraged from being held in casinos, including Las Vegas or Atlantic City. This issue was recently raised within the Department in planning this Advisory Council meeting.

Comments from Council members included that it is hopeful that the Department of Labor will always take into consideration that by allowing Department of Labor resources to hold the various meetings, consultations, technical assistance programs, that this is a form of supporting economic business development and cultural heritage at these places in Indian Country. This is very important for the well-being of the tribes. Things need to be worked out between this conference and the Department of Labor so meetings can be held to advise section 166 grantees and others as to what is going on in the Indian country.

Dr. Stapp advised that the nation has been designated as a Promise Zone by President Obama. President Obama indicated that "Every American including every Native American deserves a chance to work hard and get ahead." If there is a lack of understanding of Indian programs, this can be resolved.

Ms. Richardson indicated that the Presidents establish a standard for the cabinet but there is now question about the Choctaw Nation holding the conference.

If the council takes away the 1% of grants for technical training and puts the burden on the Department of Labor it will become an issue. No other Native American programs in other departments are having issues.

Chairman Waldron indicated that Native American people are very different in that Native American people created these programs and that is why Indians are supposed to be in position of recommendation and/or advisement to have the best circumstances possible for the turnout of these programs and to hopefully give that community the fighting opportunity to achieve whatever their desires are. It's a team effort.

It was further indicated that an information letter would be provided to the Department stating the date and time and location of this conference.

Ms. Sanchez advised that she does not want them to forget that the Department of Labor has a responsibility to provide training and technical support to all of their programs, including the Indian Native American Programs.

A break was taken to discuss recommendations that would be added to the letter.

**Public Comment (summaries and paraphrasing):**

Mr. Kerry Jesavar, Director, Council of Three Rivers American Indian Center viewed the comparison between WIA and WIOA and the view of the Council of American Indian Center and stated that where the focus should be is on the training aspect of their mission and education. To handle Native American Programs into the same processes used by other workforce programs is a disservice to these programs and the goals that grantees strive to achieve in their communities. As for the actual mechanics of reporting these new measures to the Department of Labor, the Bear Tracks system will need a significant redesign, if not totally replaced, resulting in additional time and expense.

The Chairman of the Rincon Tribe wanted to know why the meeting could not be at the Tribe's convention center. He mentioned that there was a big party in 2012 in Las Vegas held by the Federal agency—the Department of General Services Administration. If that was the problem, pick on those people and hold it again them, but do not punish the tribes. Don't prohibit these kinds of meetings on tribal land at their conference facilities in casinos and on tribal land. He wanted an explanation from someone at the Department.

Virginia Hill, tribal administrator, Nation of Santa Ysabel. They had to close the casino last year and ended up with 70% plus unemployment rate and/poverty rate. There is no public transportation and only seasonal workers so we are always looking of ways to educate and train tribal members and youth. An increase in funds from \$900 to \$30,000 for youth training is being advocated. Tribes had to use their own program money to buy new computers whereas state programs were given millions for computers and training. She indicated whole reservations are excluded in the census data, therefore creating less funding.

Walter Celestine, WIA Director, Alabama-Coushatta Tribe, TX, stated that he expects the elected tribal officials to govern the tribal government; and if the Department of Labor tells us what to do and we disagree, and say no, we should discuss it on a government to government basis. The U.S. government and Alabama Nations tribal government expect a government to government relationship just like any diplomat that comes to the U.S., or when we go over there to their country. The bureaucracy should not be so prohibitive to Indians and he expects his questions and concerns to be considered by somebody in the Department of Labor.

Stacy Lopez is the only Michigan representative and is speaking on behalf of the 477 and 166. There should be more funding for children and more available for the new grantees.

Walter, representative of Southern California Indian Center. There should be better communication between the Department of Labor, federal officials and the grantees. Grantees do not have enough funds to do background checks or proper training. We need to become more visible on the national level, especially the smaller tribes. Youth programs need to focus on kids. Can state vocational rehabilitation funds, which are required to be spent for schools to work transition and planning for youth with disabilities – can this funding be funneled to tribal employment programs? In a nutshell, the Department of Labor needs to fulfill their obligations and fund us at a level to enable us to fully perform.

Harley Coriz, San Domingo, New Mexico and a new grantee: He feels apprehensive about the policies and procedures in place. His biggest concern is consultation and that once the 166 programs are in place, there would be internet services but since some of them are in rural areas the federal government needs to step up and get them current in today's society. His final concern is the changing in age requirements for youth.

Deon Aragon, San Domingo, New Mexico: They are located 45 miles from any large urban metropolis and are very rural. Reducing age qualifications for youth will impact the opportunities and negatively impact them.

Raybel Whitcomb, Native Association in Alaska serving 45,000 square miles: Changing the age group for the youth is a major concern. Reporting requirements cost them \$15,000 per month. Federal partners have been slow to come to the table for the Indian Nation. We should not be so judgmental in the location of these meetings and the tribes should be not singled out for having meetings at casinos.

Greg Madril, Director, Pascua Yaqui Tribe in Tucson, Arizona. He is a WIA director and a native person working in the native community. They are judged and measured on 13 different measures applicable to state programs. The only way their program has been able to survive is by training and the state provides as many as eight times per year and countless training sessions in comparison to the section 166 program. There are workforce investment boards, tribal academies, and informational meetings to discuss what can be done to meet or exceed their performance.

Kim Torn, Native Workforce Director from Indian Center. The Department of Labor represents a diverse group of people and we're all unique to the communities and the people we serve. The

flexibility under WIA to put together their program to serve our respective communities based on the conditions of state communities. She has been with Indian employment for 36 years and her concerns are a lot of communication from higher up and ETA. She has a lot respect for DINAP. The dialogue needs to be opened between ETA, between the grantee communities, between DINAP and maybe together we can work with some of these issues and contribute some of our concerns and move forward in a positive direction.

Kay Seven, Nez Perce Tribe located in North Central Idaho. She is the program director for the Adult Education Program in the Tribal Education Department. With regard to the 477 program and the WIOA dollars, tribes need to pay close attention to what is going to come out of the draft regulations. She is aware that DOL is changing the designation process from two years to four years and is interested in what the Department of the Interior will consider in their planning process in looking at three versus four year plans. Tribes using the authority of 477 to address our tribal nation's workforce – the ideal solution for the federal government is working with the state governors, and hopefully the governors will catch on and the light bulb will come on as they look at what the tribes are doing with their administrative flexibility under 477. Meliah Vallegas with the NCAI Policy Research Center advised that the Bureau of Indian Affairs labor force report is not doing a very good job. The DOL is opening grant opportunities to Indian tribes and organizations which is a good idea--\$2.5 to 5 million dollars were going to be awarded for programs. The grant application criteria cannot be met by the tribes who can't meet all the criteria. Another key issue is the wireless services and training centers.

Lois Bethards, is the Executive Director of the American Indian Center of Arkansas. With the signing of WIOA, the Indian grantee community is stressing. It is important for us to come together as one.

Rose Toehe, is the WIA Director for the Native Americans for Community Action in Flagstaff, Arizona. She is a grantee and is concerned about the youth funding as the youth in her area are in need as they are living off native lands in urban areas. Youth are in unsafe areas and cannot afford clothing. She does everything from writing the plans to implementing the program activities, to recruiting and following up. She also disagrees with the 6 performance indicators required under section 116 for Native American programs. She is thankful for the advisory council and that the DOL needs to include them.

Let the record reflect that Dr. David Yarlott has joined the meeting.

Jennifer Whitmore is the MIS specialist from the California Indian Manpower Consortium. The consortium runs the workforce program in California, Illinois, and Ohio and 50 tribes through 37 counties in California receiving \$90,000 to cover those individuals. She is asking for guidance on implementing the Supplemental Youth Services program that comes in effect on April 1, 2015. As she understands, eligibility requirements for the state funded programs and the requirement for 75% out-of-school youth would not be required for the INA programs. She is seeking DINAP assistance. The Department of Labor needs to adhere to their responsibilities. Additional funding is needed for software. She spoke with grantees over the past two weeks because she thinks if one fails, we all fail. There needs to be more consultations out to the

grantee community. The new common measures cannot be supported by Bear Tracks and the DOL should be responsible for the system updates/upgrades.

Paula Starr is the Operations Officer Manager for Southern California Indian Center as well as a board executive. Paula Starr has been with the organization since 1977 and assisted with the first national conference and employment training services under WIA. Ms. Starr is afraid that with all the changes under WIOA, to see the program die; transportation is a major issue in rural areas as well as in urban areas. The lack of funding to support the program is terrifying and she hopes that no one in the Department forgets the needs of the urban Indians.

**Public Comment Session Closed.**

Chairman Waldron advised that the advisory board cannot answer and/or respond to the questions as this is just a listening session.

**The meeting for day 1 was adjourned at 5:05 p.m.**

## **Day Two – February 26, 2015**

### **Call to Order and Roll Call – Darrell Waldron, Chairperson**

Darrell Waldron, Rhode Island Indian Council, Inc., Region 1, Chairperson  
Carla Bowlan, Seminole Nation of Oklahoma, Oklahoma, Region 4  
Kristen English, Cook Inlet Tribal Council, Alaska, P.L. 102-477 Program  
Christine Molle, American Indian Council, Region 5  
Lorenda Sanchez, California Indian Manpower Consortium, Inc., Region 6  
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Chief Anne Richardson, Mattaponi-Pamunkey-Monacan, Inc., Region 2  
Roselyn Shirley, Navajo Nation, Region 6  
David Yarlott, Other Discipline

### **Others Present:**

Athena Brown, Division of Indian and Native American Programs, Designated Federal  
Official

Chairperson Waldron determined the presence of a quorum.

### **NAETC Charter**

Athena Brown with the Department of Labor and DFO apologized for the small print of the draft charter as changes were initiated by the Department through her respective hierarchy, the Office of Workforce Investment; once OWI concurs, the changes are sent through the Department's clearance process, i.e., to the deputies on the second floor and ultimately to the Office of the Secretary and Executive Secretary, the Committee Management Office and ethics attorneys. The charter expires in September, 2015 and therefore, we should get into clearance at least five months in advance. Joe Plick, who interprets the FACA law, advised of the need for a balanced membership of the council during the time that that we were getting five additional members approved, including Hawaii who was not officially a member at the time because of the expiration of the term.

There was discussion about having alternate members and the DFO advised that alternate members would have to go through the entire nomination and vetting process. Chairman Waldron indicated all the alternates would have to be updated constantly and the issue about alternates arose because of Hawaii being included in a nomination. The Department is revisiting all of the committees and scrutinizing membership and talking in terms of a fully-balanced committee. There are over 560 federally recognized tribes and that includes all the Alaskan Native villages. He believes the alternates might turn out to be complicated.

Ms. Whitman and Ms. Sanchez indicated that previously a workgroup was formed by the Advisory Council to look at the charter but the meeting was cancelled. Ms. English indicated that membership should be practical with all geographic areas fairly balanced. Average time to clear the appointments of new members and/or re-appointment is five months.

Ms. Brown advised that another thing that will under the WIOA is the verbiage regarding the Council's duties "on all aspects" has been removed so the language will reflect what is cited in WIOA. Everyone is in agreement as it was eliminated in the law.

Other areas in the charter will change to reference WIOA including the proper citations rather than WIA. A discussion ensued and it was stated that we cannot change any language directly taken from WIOA. A discussion ensued regarding the changes in WIOA as stated specifically the references to performance measures. The problem with some of the changes in WIOA as written is that the Department is not taking Indian programs into consideration when they're drafting the bill. The main reason for requiring council consultation is to confer with the INA program and the Council to ensure that any changes to policy or procedures that might affect the Indian communities served by the program are taken into consideration. It appears that the language in the performance indicators is an oversight issue.

As stated, the language reads: "Develop a set of performance indicators and standards that is in addition to the primary indicators." Cannot change "and" to "or" because the language in the Act reads as such—this appears to be a congressional oversight.

Athena is the DFO and items are still not making it to the Secretary. There really needs to be someone in the Secretary's office that can be cc'd on issues. Jeremy Bishop is the person but he is not an expert in Indian affairs. The communication has stopped. Jeremy is with the Office of Congressional and Inter-governmental Affairs to help with this gap but they are not moving his paperwork along. Because of the changes, the relationship with the council and the Secretary's office has gotten worse over the last six months.

Item 7 on the form is the Estimated Annual Operating Costs and FTE dedicated to support the Council-- \$100,000 estimated annual operating costs plus estimate staff years to support the council are 1.5 FTE. Questions were raised as to how other Councils are financed through the system such as the Registered Apprenticeship Program. Side note to increase the \$100,000 but to leave it alone until the Charter is signed. The council will forward comments to Ms. Brown regarding the charter over the next few months.

Chairman Waldron indicated that there are some structural things with the board that need to be put in place so we're all better informed but the problem is that the Council is always at the will of the Department and everything must go through a long and cumbersome process. It was decided that an effective workgroup meeting would take place to make recommendations.

Chairman Waldron – everyone in favor of an executive session now signify by saying aye, opposed (none), abstentions (none). The executive session was closed. The meeting reconvened at 1:00 PM.

## TAT Contract

Ms. Brown provided a report on the Training and Technical Assistance contract. The contract is in place until November 2015. During the last advisory council meeting and discussion, it was reported that there are four option years on this contract and that there is a window of opportunity at a specific time not to include the other four option years.

Mike Delaney, the contracting officer's representative (COR) for the TAT contract provides a report each time there is an advisory council meeting. In 2013, it was reported that there was \$450,823 with \$47,175 remaining. A discussion must be held today regarding the percentage of funds that is anticipated or not anticipated going into the TAT contract from the grantees' allocated amounts because a decision needs to be made during the council meeting in order to move forward with working with the Department to put out our allocation for this program next year.

The funds remaining from 2013 were put into the Giuffrida contract because of the time constraints and this contractor being one of the existing task order contractors. The deliverables in maintaining the community's practice website is maintained by HeiTech/SPRA with \$21,921 to HeiTech and \$10,000 obligated to webinars for the training upgrades to Bear Tracks. Jennifer Whitmore with CIMC and Terry Clark with Florida Governor's Council were going to provide training sessions on Bear Tracks equally in time/resources at 50/50. There will be 11 training sessions between Terry and Jennifer. There were some issues with negotiating the subcontracts for Terry and Jennifer. Ms. Brown advised that she made it clear that DINAP is not to assign anyone outside of the Department any work under this contract unless we ensure that they are properly compensated for their time; (i.e., Jennifer Whitmore and Terry Clark).

Ms. Brown reported that DINAP and the council were not involved in any of the negotiation of the contracts and that the bids were submitted directly to the Department's contracting office—this is because of the discretion of the bidding/negotiation and awarding process of contracts. Chairman Waldron indicated that the Council must make a decision with the percent of funds to be dedicated to TAT; and then in future they should examine the process for negotiating the contract.

Ms. Brown indicated that they are trying to stay within the budget but there is a gray area in the authority for making the decision in DINAP for some of these line items and activities. Ms. Whitman believes that everything happening with the funds in the TAT contract should be passed along to the Chairperson as the immediate supervisor. TAT funds are being used for various agreements which are not known. Grantee awards for national conferences should come from DOL and not the TAT.

The Council needs to make a decision on the percentage of funds to be dedicated to TAT because the contract expires on November 18, 2015. If the council decides no money goes into the LED contract, there would no longer be a contractual relationship with the Department.

**A motion was made** to take one percent to be set aside and reserved from the PY 2015 allocation for the comprehensive service program; seconded by Dr. Gipp. An amendment was

added to not exceed one year. A motion to amend the motion to read one percent for no more than one year pending further clarification with a report back to council. The motion was passed unanimously.

**Council resolution was revised with amendments as follows:**

NAETC Resolution regarding the Workforce Innovation and Opportunity Act was discussed. All six items were incorporated: 1) a recommendation to increase the funding levels; 2) waiving the competition for select grantees; 3) Section 166 grantees are provided with the ability to negotiate with the Secretary of Labor as to the primary common measures for American Indians and Alaskan native grantees; 4) challenges with the proposed reporting following the state reporting mechanisms and that is it incumbent upon the Labor Department to assist our grantees to develop a culturally amendable system of reporting; 5) the major concern with youth services section of WIOA specifically as it relates to accountability measures and eligibility requisites, and recommend that youth program performance measures are continued from the original Workforce Investment Act and applied under WIOA and 6) including a representative of an Indian tribe or tribal organization on state workforce investment boards as a significant source for positive change for equity and service to tribal populations. The Council agreed that the chairman of this Council is authorized to deliver the resolution to the Secretary and to engage the Council with the Secretary and his staff as to implementation of these six recommendations.

A motion was made to accept the amendments to the document were made by Dr. Stapp; seconded by Ms. Whitman. Motion passed unanimously.

A copy of the corrected document along with the letter will be given to all members of the Council. The recommendations were based in part by the public comment heard yesterday.

During the break, Ms. Brown clarified with Mike Delaney, COR (via telephone) about the type of TAT contract that is currently in place, and it was affirmed that it is a fixed-price contract, i.e., not based on performance. In order to terminate the contract, DINAP would have to ensure that the adequate justification for terminating the contract is documented; and the contractor is allowed the opportunity to appeal the decision. The LED contract was initially approved based on a statement of work; the former DINAP Chief provided the previous statement of work (SOW) which was then resubmitted to the contracting office. Three bids were received in response to the SOW from ACKO, LED and Cherokee Nation of Oklahoma. Cherokee withdrew their bid and ACKO was not a certified 8a contractor, which left LED as the contract winner. Also, should the Council/DINAP decide to terminate the current contract, 3 to 6 months' notice is required to end contract.

**Excess Carry-In**

Ms. Brown reviewed the status of current year funds and the amount of carry-in experienced by the section 166 program. A discussion was held with the Council regarding guidance put forward in a draft TEGL and previously voted on; a suggestion was made to resubmit the TEGL. Ms. Brown advised that 14 grantees nationwide have not spent 100 percent of their 2014 funds. She advised that this is a very serious situation as the Department of Labor is scrutinizing all of

the programs who have excess carry-in funds. Ms. Molle posed the question that instead of losing the money, can it be redistributed in other regions or to other grantees that are willing to pick up that service area so that those communities don't lose services. Ms. Brown advised that once the funds are appropriated and put out in grants, it is difficult without obtaining concurrence of the grantee(s). She will review and reinstate the TEGP for clearance through the departmental clearance processes.

Chairman Waldron advised there was confusion between what the money could be spent on – college versus credential and job training. Chairman Waldron advised that everything we've done for the past 20 years has been great; the one-on-ones were wonderful and our work with the Department felt like a partnership. The new people looking at the programs have no clue and everything falls on the division chief. He further advises that peer to peer is the way to go.

Ms. Sanchez advised about the unofficial meeting that took place – sub-workgroup of the Information Technology and the workgroup concentrated primarily on the reporting software Bear Tracks; the new DOL ETA reports and updates to the system to collect the information; modifying the youth Bear Tracks to accommodate the September 2013 OMB approved ETA forms; and the new template for performance reports.

Chairman Waldron would like a council meeting between now and Durant, Oklahoma in Washington, D.C. in the DOL building in early May. Agenda items should include the census issue, performance contract, TAT contract and carryover. One priority to address is the training for the WIOA. Invitations to the Council meeting should include the White House Council on Indian Affairs and the Secretary of Labor, to be sent as soon as possible.

At the August meetings there is to be an accurate financial update and status report of the TAT contract. Ms. Brown also provided a quick update that the financial ETA has been working with our DINAP staff on the ETA's financial report from to get emergency clearance with some changes and that the Department is making these changes for all the programs. July 1 will be the new financial reporting. Once the new reporting forms are posted through the Federal Register, be mindful of the public comment period.

Chairman Waldron asked if there were any other pressing issues.

Ms. Brown advised that she has been meeting with Mr. Dowd in the Office of Federal Contract Compliance regarding potential initiatives and she's also working with Theresa Lujan, with the Indian Employment Rights Programs and sharing of resources, particularly with the Tribal Employment Rights Programs. There is also an initial draft regarding the veteran's initiative through the Department's VET's office; guidance is forthcoming.

**Chairman Waldron to entertain a motion to adjourn and unanimously carried.** Julia Davis-Wheeler made the motion and Roselyn Shirley seconded it. Motion carried.

**The meeting was adjourned at 4:43 p.m.**