

**Native American Employment and Training Council**  
**U.S. Bureau of Labor Statistics**  
**U.S. Department of Labor**  
**Washington, DC**  
**May 28-29, 2014**

Meeting Summary

**Council Members Present:**

Lorenda Sanchez, California Indian Manpower Association, *Chairperson*  
Darrell Waldron, Rhode Island Indian Council, *Chairperson*  
Winona Whitman, ALU LIKE, Inc, *Vice Chair*  
Elkton Richardson, North Carolina Commission on Indian Affairs, *Vice Chair*  
Jacob Bernal, American Indian Association of Tucson  
Carla Bowlan, Seminole Nation of Oklahoma  
Kim Carroll, Cherokee Nation of Oklahoma  
Kristin English, Cook Inlet Tribal Council  
David Gipp, United Tribes Technical College  
James Hardin, Lumbee Regional Development Association, Inc.  
Jessica James-Grant, Indian Center, Inc.  
Ryman LeBeau, Cheyenne River Sioux Tribe  
Christine Molle, American Indian Council  
Rodney Stapp, Urban Inter-Tribal Center of Texas  
David Yarlott, Little Big Horn College

**Others Present:**

Thomas E. Perez, Secretary, U.S. Department Labor  
Portia Wu, Assistant Secretary, U.S. Department of Labor,  
Employment and Training Administration

Craig Lewis, Designated Federal Official

Amanda Ahlstrand, Administrator, Office of Workforce Investment,  
U.S. Department of Labor

Terrence Clark, Florida Governor's Council on Indian Affairs

Duane Hall, Department of Labor, Division of Indian and Native  
American Programs

Michael Delaney, Department of Labor, Division of Indian and Native  
American Programs, Contracting Officer's Representative

Akilah Kinnison, Esq., Hobbs Straus Dean & Walker

Herman Narcho, Office of Federal Contract Compliance Programs

Deanna Oxendine, TAT Contractor

Rachel Rikleen, Esq., U.S. Department of Labor, Office of the Solicitor

Greg Smith, Esq., Hobbs Straus Dean & Walker

Jennifer Whitmore, California Indian Manpower Consortium

## **Call to Order and Roll Call – Lorenda Sanchez, Chairperson**

Craig Lewis opened the meeting by offering a blessing. Chairperson Sanchez conducted the roll call and determined the presence of a quorum. Ms. Kristin English and Mr. James Hardin were welcomed as new members of the Council. Chairperson Sanchez led the Council members, Department of Labor staff and guests in a round of introductions and gave an overview of the days' agenda.

Chairperson Sanchez briefly discussed the status of NAETC's work and her recent conversations with Portia Wu, the new Assistant Secretary of Labor for Employment and Training, and other DOL staff on the matter.

**Motion** was made to approve the agenda with the amendment to expand the election of the Chairperson to include the Vice Chair. The work group tasked with amending the Council charter will discuss added the office of Council Secretary. The motion was approved unanimously.

## **U.S. Department of Labor Update – Amanda Ahlstrand, Administrator, Office of Workforce Investment, Employment and Training Administration**

Ms. Ahlstrand began her update by addressing the delays in the grant designee process, the nomination of Council members and the fact that the Division for Indian and Native American Programs has not been appointed a new chief. Ms. Ahlstrand assured the Council that staff at DOL is as disappointed in these delays as the Council is. Interviews for the DINAP chief position have begun and hopefully an offer can be made in the coming weeks.

As far as the grants, DOL is planning to make 123 designations for PY2013, an increase from 121 the year prior. ETA received 106 Notices of Intent through the solicitation process, 70 of which were submitted on time and are not under competition. These 70 will all be designated and some have already received their designations. Twelve NOIs were non-responsive, six were under the funding threshold and six were ineligible applicants. Thirteen entities submitted late and eleven are still under review.

Ms. Ahlstrand also updated the Council on the status of Youth funds grants. Eighty-two of the 123 designees receive Youth funds; 57 designation letters have been mailed out for the more straight-forward

cases of the 82. Twenty-five are still in process and DOL has not received NOIs from 15 designees.

Ms. Ahlstrand also discussed a Presidential Memorandum released in January that tasked agencies with establish an action plan focused on developing more job-driven workforce and training programs.

Ms. Ahlstrand said DOL and her team is working on better integrating programs and technologies on the technical assistance and IT front. The goal is to increase efficiency and better leverage investments

Member Richardson asked whether, in the case of grantees or areas that are still in limbo or have failed to apply, DOL will offer grants to contiguous or neighboring entities? Mr. Hall said that DOL usually allows the late or incumbent designees as many opportunities to apply as possible, assuming there is no competition, and that it is very rarely the case that the grantee does not desire the funding.

Member Molle asked whether grantees need to submit budget plans before they receive their funds. Mr. Hall said that an approved plan is not required for Youth funds, but he has to check for Adult funds.

Chairperson Sanchez said grantees need to have better coordination with ETA in regard to Technical Assistance and Training. The Council and ETA staff should look at the 1% agreement and ask themselves whether it is enough to fund and support an efficient enough TAT reporting system.

#### **U.S. Department of Labor Office of Federal Contract Compliance Programs' (OFCCP) Indian and Native American Employment Rights Program – Herman Narcho, Jr., OFCCP**

Mr. Narcho briefed the Council on the Indian and Native American Employment Rights Program (INAERP) under the Office of Federal Contract Compliance Programs. The Director of the Program is Theresa Lujan and she is based out of Phoenix, Arizona. The mission of the Program is to provide a vigorous enforcement of employment rights for American Indian and Alaskan Native workers and job seekers on or near their historically underserved communities.

OFCCP primarily works with government contractors and subcontractors to ensure there is no discrimination at the workplace. Non-government contractors are under the jurisdiction of the Equal Employment Opportunity Commission (EEOC). Mr. Narcho passed out

contract information for the INAERP Director and encouraged Council members to contact her office with any issues, questions or concerns related to possible workplace discrimination by government contractors.

The INAERP has held conference calls in the past and has heard complaints about the number of different offices throughout the federal government that handle discrimination complaints under various jurisdictions. As a result, the INAERP has fostered working relationships with a number of these entities, included the EEOC, the Bureau of Indian Affairs, and the Department of Justice. Mr. Narcho said that the INAERP is willing to take complaints and forward the information to the overarching jurisdiction wherever possible.

Members brought problems related to background checks creating an undue burden on job applicants in their communities. Mr. Narcho said that issues related to criminal background checks are under the EEOC's jurisdiction. The OFCCP has a memorandum of understanding with the EEOC, however, and can forward those complaints to the right office. Mr. Narcho referred members to the OFCCP's website at [www.dol.gov/ofccp](http://www.dol.gov/ofccp) where information on complaint documentation can be found. Complaints can also be filed electronically on the website.

**Technical Assistance and Training Contract Update – Craig Lewis, Designated Federal Official and Michael Delaney, Contracting Officer's Representative**

The goal of the TAT contract update is to brief the Council on where the contract stands as far as its deliverables, the funds that were asked for at the last Council meeting, and where the contract is headed for PY2014 and where the Council wants the staff to focus its efforts.

The Council was presented documentation detailing the history of the contract since 2005, put together by DOL staff and its contractor at LED. Mr. Delaney also passed out a draft statement of work for the PY2014 budget and asked members to read it over and provide feedback in the next couple of weeks.

The Council and Mr. Delaney discussed the nature of government contracts and how certain details of contracts are considered proprietary information and not releasable to the public. Member Bernal expressed concern that the line items related to contracting are not explicitly itemized in the budget. Mr. Delaney said that the final

budget can have a specific price set aside for contracting, if that is what the Council wishes.

Member Waldron felt that the report is too vague about where responsibility lies between DOL, grantees and the Advisory Council. Member Waldron also said he could not tell from the report whether the TAT program has been successful or not and that the program has gotten away from its original intent. It is worth considering whether the program should be scrapped and started over.

Member Hardin said that the task of the Council is set priorities and advise the DOL on how the 1% should be spent, and he feels that Council is fulfilling that task.

Mr. Delaney said that if the Council wants more detailed reporting on how and where funding is dispensed on a more regular basis, his team can provide that.

Member Waldron expressed his concern that the 1% has had too much money siphoned away and whittled off for functions that were not part of its original purpose.

Vice Chair Whitman said that the Council recommended two meetings ago that the 1% not be taken out of the grantees' allocations and asked what the status of that is. Mr. Delaney said the Department is taking that recommendation under advisement, but has to consider potential repercussions of any funding move. Any change in the funding procedures will have effects on the PY2014 budget. DINAP does not hire any subcontractor without input from the Council. If the Council wants to end BearTracks it has to make sure that there is another program ready to take its place.

Member Richardson said the Council needs more detailed budget reports and more input from DINAP so it can better advise staff on where the budget priorities should be. Greater detail would also enable Council Members to better explain the budget situation to grantees on the ground.

Member Carroll said that in her experience only a small group of people actually use the BearTracks system, and that she felt DOL should bearing the cost of the programs. Mr. Delaney said that that information is important for his team to know so that they can bring those concerns to their meetings so they can begin to work on finding a solution.

Member English asked if DINAP expects to spend the funds leftover from PY2013. Mr. Delaney says they fully expect on spending all of it.

Member Hardin said it is important the Council start petitioning Congress on expanding DINAP's and the program's budget going forward. Vice Chair Whitman said that the Council should listen to the voice of grantees in regard to getting back the 1% funds.

### **Public Comment Session**

**Council Member Darrell Waldron** spoke about a program called Unbound funded by Bill Gates that he has been implementing in his home state of Rhode Island. The program helps individuals achieve their GED or associate's degrees through work credits and various educational programs. The program is accredited and pays for the training educators. Member Waldron recommended the Council schedule a conference call with the program representative so they can hear about the program in greater detail. Member Stapp recommended that they start a pilot program now and then bring it to the Regional and National Conferences.

**Motion** was made to start a pilot program exploring the Unbound program and to report back on the pilot program at the Regional and National conferences. The motion was approved unanimously.

**Mr. Terrence Clark**, from the Florida Governor's Council on Indian Affairs, discussed a proposal to establish 11 BearTracks training sites around the country that would help train individuals who cannot make it to the training at the National Conference. Mr. Clark presented the budget for the proposal, which totaled approximately \$65,000.

Council Members discussed the need to move to web-based training program. Mr. Hall said that discussion on that is moving forward but such a transition is still a few years away.

Member English asked whether most WIA grantees use BearTracks. Mr. Clark said most Article 166 grantees do, but most Article 477 grantees do not. Member Waldron said he prefers to use a common intake method and that the goal should be for everyone to use the same reporting methodology.

Member Waldron asked whether it would be possible for the proposed training program to also train other trainers, who could then train

other individuals who could not attend the sessions at the 11 sites. Mr. Clark said that is definitely possible.

**Motion** was made to consider the Florida Governor's Council's Regional Training Plan in further detail when the Council looks at its training and technical assistance needs and priorities. The motion was approved unanimously.

**Ms. Jennifer Whitmore**, from the California Indian Manpower Consortium, discussed the process for setting goals and measuring grantee performance. Grantees are given Training and Employment Guidance Letters (TEGLs) that contain outdated or incorrect information that is based on standards are no longer in effect. Ms. Whitmore asked that these inconsistencies in the TEGLs be aligned with the Department of Labor's Common Measures.

Mr. Hall led the Council in a discussion the Department of Labor's regression analysis model that is behind its performance projections. Chairperson Sanchez said that with so much funding and support tied to performance models, it is very important that the numbers accurately reflect the facts. The Council also discussed with staff the Common Information Reporting System and how to use it to access BearTracks reports.

### **Native American Employment and Training Council (NAETC) Election of Chairperson— Craig Lewis, Designated Federal Official**

Mr. Darrell Waldron was the sole nominee for the position of Chair and was duly elected. Mr. Elkton Richardson was elected as the new Vice Chair.

### **Council and Work Group Updates**

**Member James-Grant** updated the Council on the Our Story project. The project's action plan was disseminated to the Council. Action Item One is to identify a production company to produce the DVD of short videos. The Southern California Indian Center was contracted to produce both videos. The first video has been completed and was shown at the National WIA Conference. Member Waldron suggested that the video be more straightforward about the level of poverty in Indian Country, because if it truly is "our story" it has to include the unfortunate aspects as well.

**Vice Chair Whitman** handed out a list of the motions that were made at the December, 2013 Council meeting and updated the Council on their current status. Vice Chair Whitman discussed Member Gipp's motion to advise and recommend that the Department of Labor and DINAP provide technical assistance from FY13 resources to initiate preliminary analysis by the Census Bureau. Progress has been delayed because of the current lack of DINAP division chief. A number of work groups had their work halted due to the fact that a number of members' terms of service had expired. For Member Waldron's motion to approve up to \$50,000 from the technical assistance funds for BearTracks grantee enhancements, the contract is in place and the work is currently underway. Members of the Council also discussed Motion 15 in regard to a white paper addressed to the Secretary of Labor, Thomas Perez. The Council is still awaiting an official response, but hopes to hear from the Department in Day Two of the meeting.

**Motion** was made by Member Gipp and seconded by Member Hardin to commend outgoing Chair Sanchez and Vice Chair Whitman for their hard work in service of their communities and the Department over their years on the Council.

#### **Day Two -- May 29, 2014**

##### **Roll Call – Darrell Waldron, Chairperson**

Mr. Lewis opened Day Two of the Council meeting with a prayer blessing. Roll call was then conducted and the presence of a quorum was determined.

##### **Discussion of Florida Governor's Council's Proposed Regional Training Plan –**

Council members discussed possible funding sources line items for the proposed training plan that was introduced to the Council on Day One. Possible sources discussed included the T&TA or peer-to-peer line items. The Council also discussed whether to attach an option year in case the program needs to be extended past November, 2014, and if the program needs additional funding assigned in case of unforeseen cost overruns

**Motion** was made to obligate \$65,000 in funding not to exceed \$70,000 from the peer-to-peer line item for the Florida Governor's

Council's proposed regional training program. The motion was approved unanimously with one abstention.

The Council discussed the planning around the execution of the contract to ensure that the funds are dispersed by the November deadline.

**Welcome and Introduction by the Assistant Secretary – Portia Wu, Assistant Secretary, Employment and Training Administration (ETA), U.S. Department of Labor**

Assistant Secretary Wu thanked the Council for inviting her to meet with them and gave the Council a short overview of her background. Getting the Council's input and expertise is very important to the work being done at the ETA. In particular, ETA has been working with the White House and the Vice President's cross-governmental job training program review. Among other activities, her staff has been focused on identifying best practices, ensuring dissemination of accurate job market information, and promoting collaboration amongst relevant entities. Assistant Secretary Wu encouraged the tribal colleges to consider applying for the Trade Adjustment Assistance Community College and Career Training (TAACCT) grant.

Member Sanchez thanked Assistant Secretary Wu and her staff for their help and expressed her desire for an increase in funding for the Section 166 program.

Member Molle talked about the importance of Formula Youth funds for off-reservation 166 grantees and hoped the Department would consider that as a priority.

Member Yarlott said that many tribal communities lack proper GED training programs to serve their members. He suggested that the Department of Labor work with the Department of Education and other agencies to perhaps create some programs that could meet this vital need. Assistant Secretary Wu agreed that a number of the major job training programs are not targeted at the lower levels of education and discussed partnership meetings that have taken place between Labor and the Department of Commerce. Member Stapp said that the Department of Health and Human Services is another crucial department to work with, because basic health is needed before education.

The Council presented their Our Story video to the Assistant Secretary. Assistant Secretary Wu thanked the Council again for inviting her to meet with them and said she looked forward to working together going forward.

## **Board Discussion**

The Council discussed their meeting schedule for the coming months, how to appropriate funding, and when and where to meet, among other logistical questions.

**Motion** was made to schedule a Council meeting for the month of August, 2014, the details of which to be planned out later. The motion was approved unanimously.

### **Welcome and Introductions by the Secretary – Thomas E. Perez, Secretary, U.S. Department of Labor**

Secretary Perez began by talking about his experience working with tribal communities in his previous capacity at the Department of Justice. The work the Council and similar entities do to serve their communities is vital and Secretary Perez thanked the council for their service. The Department of Labor is well-positioned to be an important partner in serving the economic and employment needs of tribal communities. Secretary Perez said he was excited to work with the Council on this topics going forward and opened the floor for questions.

Member James-Grant and Member Molle noted the importance of investing in Native American youth both on and off the reservations. Section 166 grants are not available for potential off-reservation grantees and Member James-Grant expressed her hope that that situation might be rectified in future legislation. Member English talked about Alaska where there is only one reservation but many different tribal communities spread across a vast region.

Many Council members talked about the importance about maintaining lines of communication between the Department and the Council and tribal communities.

Member Yarlott discussed the role of tribal colleges in serving tribal communities and the importance of grants like the TAACCT grants. There are a number of economic opportunities opening in tribal country, such as the exploration of natural gas and shale fields. These

programs require large numbers of trained employees and tribal communities need support to educate their members to take advantage of these economic opportunities. In addition to workplace development, support services such as health and housing programs are crucial to serve tribal areas affected by these economic booms.

Funding was another topic that was discussed. Although any increase overall funding would have to go through Congress, members discussed the possibility of redistributing internal funds and maximizing partnerships with nongovernmental agencies and organizations.

**The Statement of Urgency and FACA Compliance – Craig Lewis, Designated Federal Official**

Member Bernal introduced Mr. Greg Smith from the law firm of Hobbs Straus Dean & Walker to discuss the Statement of Urgency and compliance with Federal Advisory Committee Act regulations. The team is currently working on Phase Two of the Statement of Urgency which is to put together a scope of work based on the powers and abilities of the Council.

Members discussed with Mr. Smith the Council's Phase Two strategy and which tactics would be most effective. One area to target is implementing and increasing the Department's tribal consultation policy. Mr. Smith discussed about the complexities surrounding the Council and the Department's relationship to Congress. Federal funds cannot be used on lobbying Congress so other means have to be used to reach members of Congress.

Mr. Smith and his team will conduct a redraft of the scope of work to be disseminated to the Council and presented at the Council meeting in August, or on an earlier conference call, if necessary.

**Program Year 2014 Strategic Plan – Darrell Waldron, Chairperson**

The Council discussed with Mr. Delaney the disbursement of remaining Council funds to its contractor in preparation of upcoming meetings and related travel and logistics.

**Motion** was made to release \$22,000 from the PY2014 conference support line item for the purchase of computers for training programs at the upcoming Multi-Regional and National Conferences. The motion was approved unanimously.

Mr. Delaney passed out documentation on SPRA statistics to the Council. Funding for COP ends in June and Mr. Delaney asked for a motion to address that issue and extend until the end of the contract in November.

**Motion** was made to approve up to \$10,000 to continue that service. The motion was approved unanimously.

The Council again discussed the issues surrounding the 1% of appropriations set aside for TAT and how best to utilize and assign those monies. Chairman Waldron expressed the concern that the Council did not have great enough control over the details of the 1% in the contract.

**Motion** was made to recommend that .5% of the TAT appropriations be set aside for PY2014 and that an Executive Management Work Group meeting be scheduled to establish a more concrete definition of the time frame on the balance of the funding for PY2013. The Council will look at the draft statement of work and be prepared to discuss it on an Executive Management conference call. The motion was approved unanimously with one abstention.

Chairman Waldron raised the topic of small grantee travel funding. There is \$101,000 remaining in the budget in conference support funds. The Council discussed how to define small grantee and planned to meet on a conference call later to discuss the funding issue.

**Motion** was made to define small grantee as grants of \$100,000 or less. The motion was approved unanimously.

### **Work Group Updates**

**Ms. Jennifer Whitmore** updated the Council on the recent activities of the Information Technology Performance Reporting Work Group. A motion was referred to the work group from the Executive Management Work Group regarding changes made to be made to the BearTracks system so that it would reflect educational achievements. The IT Work Group met with the Council's contractors to implement these changes. Other changes were made, including the ability to capture multiple credentials and the improvement and correction of training tracking reports. After a few more rounds of testing, the improved version of BearTracks will be released to the grantees, hopefully in the next 30 days.

Going forward, the IT Work Group plans to get started on the development of a Youth BearTracks to reflect the changes in OMB's youth reporting forms.

Vice Chair Richardson asked if there was a limit on the number of credentials that can be entered while an individual is still in training. Ms. Whitmore said she did not believe there was a limit. Currently only one credential can be entered per day.

Chairman Waldron raised an issue regarding a motion that had been made on a previous Council conference call. The motion allowed for the establishment of a pilot program and set a time limit for implementation. Chairman Waldron felt that this motion has not been adequately been addressed by staff and asked that they give a response to the Council in the near future.

**Adjourn** – The meeting of the Native American Employment and Training Council was adjourned at 2:40 p.m.