

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

MONDAY, NOVEMBER 9, 2020

The Federal Advisory Council met via Teleconference, at 12:02 p.m. EST, Darrell Waldron, Chair, presiding.

Present

DARRELL WALDRON, Region 1 & 2, Chair
JACOB BERNAL, Region 6, Vice Chair
CHRISTINE CAMPBELL, Region 5
LORA ANN CHAISSON, Region 4
TINA FARRENKOPF, Region 4
PATRICIA HIBBELER, Region 6
JOE HOBOT, Region 5
MATTHEW LAMONT, Other Disciplines
CANDACE LOWRY, Region 3
ERWIN PAHMAHMIE, JR., Region 4
JOSEPH QUINTANA, Region 6
GARY RICKARD, Region 6
KAY SEVEN, Other Disciplines
WINONA WHITMAN, Region 6-Hawaii

Absent

KIM CARROLL, Other Disciplines, Secretary
ANNE RICHARDSON, Region 2
MICHAEL TUCKER, Region 6-Alaska

Also Present

ATHENA BROWN, Designated Federal Officer (DFO) and Chief, Division of Indian and Native American Programs (DINAP)
BC ECHOHAWK, Tribal Tech, LLC
ROBIN FERNKAS, Deputy Administrator, Office of Workforce Investment
MINETTE GALINDO, U.S. Department of Health and Human Services, Indian Health Service (IHS)
DUANE HALL, DINAP
KIM VITELLI, Administrator, Office of Workforce Investment

Call to Order/Blessing/Roll Call

The DFO read a blessing. The Chair called the meeting to order. The DFO conducted a roll call, and determined there was a quorum.

Approve Minutes and Follow-up of motions and resolutions-February 11-12, 2020 Council Meeting

Councilmember Seven moved to approve the minutes. Councilmember Hibbeler seconded the motion. The motion passed unanimously.

The Chair brought up the response letter to the Council from John Pallasch, Assistant Secretary, Employment and Training Administration on August 12. A report said the program was expensive, antiquated, and unmeasured, but Congress was still funding it. No action was taken by the Council since there were no further recommendations.

Councilmember Hibbeler moved to approve the agenda. Councilmember Pahmahmie seconded the motion. The motion passed unanimously.

Review and Discussion/Update of Native American Employment and Training Council (NAETC) Strategic Plan

Councilmember Hibbeler thanked everyone for participating in the strategic planning sessions which looked at the Council's current condition, strengths, weaknesses, opportunities, and threats. The Council is excited at the possibility of working with a new administration. Concerns were raised about training and technical assistance to grantees, especially during the pandemic. The Council previously had discussions about BearTracks and data collection. DINAP has instituted a pilot program for its new Grants Performance Management System (GPMS).

The Chair proposed the Council condense discussions into bullets to more quickly mobilize resources to help develop Indian Country. The DFO stated the strategic plan could be a work in progress. The Council could find key areas of focus to be brought up to the Effective Management Workgroup and not have to wait until its next meeting. The strategic plan will become a public document once the Council approves it.

Councilmember Quintana suggested a summary for short- and long-term goals and asked if it could be shared outside the Council. The DFO said it was currently a minimal draft without any feedback. She recommended, 1: the Council provide some comments, 2: the document be shared with the Effective Management Workgroup, and 3: shared with the public in a final format. Councilmember Seven suggested listening to all the presentations and addressing this topic in the new business section of the agenda.

The DFO informed the Council that they were the current members of the Effective Management Workgroup, which will meet in the next 30 to 40 days to discuss the new recommendations on the short- and long-term goals. The DFO said she will reach out to the community to see who else would want to participate on the Workgroup.

Councilmember Hibbeler made a motion that the DFO organize the Effective Management Workgroup to have goals and objectives by the end of 2020 and be ready to move forward with those goals and objectives in 2021. Councilmember Seven seconded the motion. The motion passed unanimously.

TAT priorities and Contract Activities

The DFO said Tribal Tech has been very supportive of the training and technical assistance priorities and contract activities from DINAP and the Council. Duane Hall serves as the Contracting Officer's Representative.

Mr. Hall talked about the team's accomplishments under the Tribal Tech contract. The Department of Labor has been very pleased. Tribal Tech has helped put together two days of training sessions that were shared with grantees, and handled reimbursements for Council and small grantee travel, and provided administrative support at the Council meeting in Washington, D.C.

Tribal Tech has helped DINAP staff create an intake form for the new GPMS system. DINAP has used TAT funds for reimbursements. The DFO said some of the funds have been used to meet with the Census Bureau to see whether they could get data for the funding formula. Mr. Hall said they should have preliminary data that could be shared with the Council at its next meeting. GPMS will replace the current BearTracks system. Training for the new system will be offered to grantees nationwide and regionally with 10 to 11 sessions throughout the day.

DINAP had Tribal Tech conduct a survey to find out the operating status of grantees nationwide. The response rate was 60%. Results showed, 1: A small number are still closed, 2: About 26% are completely open, and 3: Close to 73% are partially open. Some tribes have had challenges with internet connection. Others have been very progressive by communicating with their work sites through virtual means.

Best practices by grantees included, 1: Online enrollment, 2: Developing COVID plans 3: Virtual/Recorded trainings, and 4: Videos on Organized Testing/Safety. The DFO noted the national conference was canceled this year. The Council had previously made a recommendation to change language for the performance indicators. The DFO suggested revisiting that language to see if the Council was still interested in that. Department of Labor (DOL) is still operating under the Workforce Investment Act measures but will move to the Workforce Innovation and Opportunity Act (WIOA) measures once the GPMS system is in place.

Councilmember Quintana asked DINAP whether the Council could review a summary of responses and data from the surveys. The DFO said DINAP will share the results of the survey with the members of the Council. Councilmember Seven wanted to know whether they could gain virtual access to continue their work through a learning management system, which would help build the capacity of Indian Country to provide training opportunities.

Councilmember Rickard suggested virtual training or training tapes. He added that classroom style training would attendees to provide feedback, and allow students to ask questions and receive answers; a tape could be made of the full session.

DINAP Report Out

DINAP currently has the same number of staff but they are in the process of bringing someone new onboard. The new employee will be stationed in Dallas, Texas. The Council charter is up for review on July 10, 2021. Councilmember terms are up on October 23, 2021. DINAP is actively seeking nominations and will draft a training employment notice informing grantees of the opportunity to apply. DINAP's work on strategic four-year plans, training and employment guidance, and funding opportunities starts early on even though they don't anticipate going to the competition until 2022.

DINAP periodically updates the questions and answers posted on WorkforceGPS and the Department of Labor's main website. The first time DINAP recaptured excess carryover money was in 2019. They redistributed those funds to grantees spending their money appropriately.

Mr. Hall gave a report on the excess carryover money. The regulations say that anything in excess of 20% can be pulled back from the grantee. DINAP focused on grantees with 40% or more of their funds unused. They pulled back \$3.9 million from 21 grantees, and using the funding formula redistributed the funding to 54 grantees under the 20% mark. Half of the money pulled back came from one of the grantees.

There were a handful of grantees between the 20 and 40% marks that DINAP did not take money back from but also did not grant additional funding. DINAP has no plans to continue looking at excess carryover in the near future.

Councilmember Seven asked DINAP why the excess carryover money was only distributed to 166 grantees and did not include the 477 grantee community. Mr. Hall said 477 grantees report to the Department of Interior instead of DOL, and would need to provide expenditure information to join the process.

The Council recessed at 2:03 PM and reconvened at 2:20 PM.

Update on Community Health Aide Program

Ms. Galindo said the Community Health Aide Program (CHAP) was started in 1968 in Alaska during a tuberculosis outbreak. Alaska created chemotherapy aides, which later evolved into community health aides, extenders of providers working under the supervision of a licensed clinician. Alaska has expanded the program to include dental and behavioral health aides.

Behavioral health aides have four practicing levels, of which Behavioral Health Aide Practitioner is the highest. Community health aides have five, the highest being Community Health Aide Practitioner (CHAP). Dental health aides have six, the highest being Dental Health Aide

Therapist. In some parts of Alaska CHAPs can insert certain tubes or do sutures. A Dental Health Aide Therapist can do basic tube extractions. Some of these health aides can do basic procedures, which is helpful in communities where there may be no local clinic or hospital.

The National CHAP strives to create a workforce that looks like the people it serves. Recruitment and retention are a huge issue in the realm of healthcare. CHAP is a great opportunity for community members to work in their field of interest, and give back to the communities that raised them. The program has partnered with over 30 tribal colleges and universities over the country to invest in training for health aides.

The health aides are federally certified, so they are exempt from state licensing requirements. If tribes choose to add CHAP to their funding agreements, they have the benefit of reciprocity. When they are part of a federal or tribal facility, the health aides gain Federal Claims Act coverage, which is essentially malpractice insurance.

The administrative oversight is modeled after the Alaska CHAP. IHS is applying it to the national program for the lower 48 states. ON July 2, IHS announced a policy which permits the use of community health aide programs at IHS and tribally operated facilities.

Virtual learning sessions discuss what is in the policy, how it connects back to statute, and what came from tribal consultation. IHS made a session on CHAP in the Community Health Representative workforce. There are Area Certification Boards, and a National Certification Board. The certification is a federal function, cannot be contracted to tribes, and must always have the signature of a federal representative.

In 2017 HIS conducted consultations with the tribes and analyzed over 400 comments. Four key categories were, 1: workforce barriers, 2: certification and training, 3: cultural inclusion, and 4: reimbursement. This helped IHS formulate implementation priorities, which were in the virtual learning sessions recorded.

Councilmember Seven asked whether CHAP has solicited DOL for funds. Ms. Galindo said they had collaborated to figure out what existing models could be leveraged. The Alaska Behavioral Health Aide Program is in the apprenticeship program which could allow DOL and IHS to bring it online nationwide. IHS has not explicitly looked at what funding coffers might exist in DOL to support CHAP.

Councilmember Seven wanted to know how different federal agencies were coordinating funding efforts. The DFO said they could add that to the agenda and incorporate it into the strategic plan.

Potential Impact of COVID on Performances and Carryover

Ms. Vitelli said a majority of grantees have been able to remain partially or fully open, and those completely closed are talking about reopening. Many services will continue to be

delivered online and probably will not completely go away. DOL has worked hard to provide grantees with technical assistance and resources when tackling new logistical challenges with online training and virtual work experiences.

Ms. Vitelli stated that in the WIOA formula program the statute gives DOL the ability to recapture funds if states have not spent at least 80% of their funds. DOL decides every year whether to exercise the right to recapture. DOL looks at prior performance when reviewing grant applications in a competition. They keep in mind all aspects when deciding who to award grants to in Funding Opportunity Announcements (FOAs).

The Chair asked how performances can be judged when different areas are differently affected. Ms. Vitelli said they have not drafted the FOA yet, but they will always consider prior performance alongside other data. WIOA has a higher statistical adjustment model that takes economic conditions into consideration.

Councilmember Quintana asked whether there are additional resources available to Indian Country or additional guidance for 2021 and beyond. Ms. Vitelli recommended a webinar on November 18 at 2:30 PM Eastern called Learning and Leading: Effectively Leveraging Experiences in the Pandemic to Promote Recovery. One of the first speakers will be from the Federal Reserve.

Ms. Fernkas discussed a rural healthcare funding announcement due on November 12 for which tribal organizations are eligible to apply that can be found on grants.gov. She asked for feedback from any organizations or grantees that did or did not apply for the FOA. DOL will start to roll out technical assistance on recovery efforts in November. There was an additional FOA for the H-1B1 workforce grant for the One Workforce Initiative.

National Indian and Native American Employment and Training Conference Update

The Chair provided an update to the committee on the NAETC Conference. The planning committee has had a couple of meetings, and has moved the April conference date forward to a date to be determined. They have canceled the contracts with the hotel due to COVID. There were several options for operating a conference, 1: hold a completely virtual conference, 2: between four to six total events to cover the six regions, 3: virtual presentations with all participants present at the hotel, and 4: a combination of onsite and virtual. The Council is looking to late summer or fall for the national conference.

Councilmember Chaisson mentioned the American Indian Alaska Native Tourism Association (AIANTA) Conference that recently finished. It was a completely virtual conference with 828 participants and minimal technical difficulties. Vice Chair Bernal suggested an informal gathering where they can interface with the grantees. Councilmember Hibbeler said she does not think a face-to-face meeting is feasible right now.

Councilmember Quintana suggested that they could use some pre-recorded segments in a virtual conference. The Chair said they would explore programs and that Tribal Tech could provide support. He emphasized that workshops would be fewer but more pinpointed, even if they meet in person. Councilmember Farrenkopf said American Indian Science and Engineering Society (AISES) drew over 2,500 attendees at their virtual event held over three to four days. Councilmember Seven suggested starting to plan for a virtual conference in 2021 right now and possibly a face-to-face meeting in 2022.

Councilmembers Seven and Whitman added two new agenda items into new business.

The Chair asked for a motion to recess until the following day at noon. Councilmember Hibbeler made the motion. Vice Chair Bernal seconded. The NAETC voted unanimously to approve.

The Council recessed for the day at 3:54 PM.

TUESDAY, NOVEMBER 10, 2020

The Federal Advisory Council met via Teleconference, at 12:05 p.m. EST, Darrell Waldron, Chair, presiding.

Present

DARRELL WALDRON, Region 1 & 2, Chair
JACOB BERNAL, Region 6, Vice Chair
LORA ANN CHAISSON, Region 4
TINA FARRENKOPF, Region 4
PATRICIA HIBBELER, Region 6
MATTHEW LAMONT, Other Disciplines
CANDACE LOWRY, Region 3
ERWIN PAHMAHMIE, JR., Region 4
JOSEPH QUINTANA, Region 6
GARY RICKARD, Region 6
KAY SEVEN, Other Disciplines
WINONA WHITMAN, Region 6-Hawaii

Absent

CHRISTINE CAMPBELL, Region 5
KIM CARROLL, Other Disciplines, Secretary
JOE HOBOT, Region 5
ANNE RICHARDSON, Region 2
MICHAEL TUCKER, Region 6-Alaska

Also Present

ATHENA BROWN, Designated Federal Officer (DFO) and Chief, Division of Indian and Native American Programs (DINAP)
BC ECHOHAWK, Tribal Tech, LLC
ROBIN FERNKAS, Deputy Administrator, Office of Workforce Investment
WAYNE S. GORDON, Director, Department of Labor (DOL), Division of Research and Evaluation, Office of Policy, Evaluation and Research
DUANE HALL, DINAP
JEANETTE HANNA, Deputy Bureau Director, Indian Services, Bureau of Indian Affairs, U.S. Department of the Interior (DOI)
JOHN PALLASCH, Assistant Secretary, Employment and Training Administration (ETA)
ANTHONY RILEY, Acting Chief, Office of Indian Services, Division of Workforce Development
KIM VITELLI, Administrator, Office of Workforce Investment
JENNIFER WHITMORE, DINAP
MARGARET ZIENTEK, Co-Chair, P.L. 102-477 Tribal Workgroup

Call to Order/Blessing/Roll Call

The Chair called the meeting to order, and the DFO conducted a roll call and determined there was a quorum. The Chair added a section to the agenda that discussed the performance standards for the program.

John Pallasch, Assistant Secretary, ETA

Mr. Pallasch said the country was celebrating historic low unemployment across any number of different groups when he last addressed the Council. The entire landscape has changed due to the pandemic. He commended Congress and the President for the CARES Act, which provided significant funding to the National Dislocated Worker Grant.

ETA is focused on the One Workforce Initiative, which is modeled after the 477 program. DOL is working with federal partners to facilitate what groups need at the state and local level.

Mr. Pallasch said the country is showing some strong economic indicators. Unemployment is now below 7%, which the Congressional Budget Office previously thought would not happen until well into 2021. However, there are still over 20 million Americans claiming some form of unemployment insurance. DOL will be releasing a TEGP that addresses priority of service. They additionally will release a guidance letter that at least 50% of everyone served with WIOA dollars must fall into the priority of service categories. DOL will be encouraging states to make that 75%.

Councilmember Seven asked if Department of Energy would join the group, as the Nez Perce Tribe has an interest in green energy. Mr. Pallasch said DOL is starting to work with additional federal partners and to effectively use their workforce training dollars with the broader vision DOL has undertaken. He promised to get Councilmember Seven in touch with someone at the Department of Energy.

Councilmember Quintana asked how they can uplift their clients to achieve the same dream of access to middle class market and career development themselves. Mr. Pallasch said DOL's biggest job is to figure out how to successfully ensure that all services are available for individuals. DOL is coordinating with the Department of Education because elementary and secondary schools are not performing at the same level.

Councilmember Lowry said the current system fails workers who can't retain their employment due to employer's stipulations. Mr. Pallasch said state agencies providing employer services have seen their array of services fundamentally change over the last nine months.

Update on Public Law 102-477, As Amended

Ms. Zientek gave the update. The national federal partners meeting for Public Law 102-477 was held in September. There were some deliverables on both the federal and tribal sides. The workgroup usually has quarterly meetings at the regional DOL meeting. The next 477 quarterly meeting, on December 3, will be held virtually. The workgroup will first convene with the tribal

groups for an hour, and will then be joined by the federal partners for reporting and discussion on where the group stands.

Mr. Riley reported that 12 to 17 tribes have had severe impacts to service areas and locations where tribal offices and programs have been shut down completely. On several tribal lands and reservations there have been sharp spikes in COVID positivity. There has been a Federal Register notice extending the expiration date to February 2021 to give new federal partners and the tribal workgroup the opportunity to meet and obtain comments for the reporting document internally.

The program has established monthly and annual federal partner meetings. Those meetings are recorded and posted on the DOI website. In total there are 71 477 tribes, about 60 of which have DOL programs. There have been some recent new programs, including an opioid prevention program through the Karuk Tribe. DOI is open to working with tribes to find other programs that meet the deployment and training scopes of work. Ms. Zientek asked whether DOI had additional information about the grant assist program. Mr. Riley said there are currently five groups receiving the grant assist, and there will be a full report at the December workgroup meeting.

Update on Labor Force Report

Mr. Gordon thanked the Bureau of Indian Affairs for meeting with his division and helping with discussions on questions. The report covers a wide range of topics from total service population, service population under age 16 and over age 64, population available for work, employed population, and number employed in private and public sector positions. Former Deputy Assistant Secretary Thomas Dowd had asked Mr. Gordon's office to develop this report.

The Office of Policy, Evaluation and Research will consult with tribes in one or two large virtual meetings. Additionally, the office will create a summary of the comments and transcripts of the virtual meetings. The goal is to meet in January 2021. Agencies the office is collaborating with include the Bureau of Indian Affairs, the Census Bureau, and the Bureau of Labor Statistics.

The report seeks to provide information on the service population and the employment situation among Native American people on tribal lands in a consistent, reliable manner.

Program Year 2019 Section 166 Performance Results

The DFO updated the Council on the Section 166 performance results for program year 2019. There was a 15% decrease in total adults served from program year 2018, as well as a decrease in the self-service participant numbers. The entered employment rate national goal was 66.5%; DINAP's program had a rate of 67.2%. The national employment retention rate goal was 78.3%; DINAP was very close to achieving that goal. The six-month average earnings goal was \$10,638; DINAP exceeded that with \$13,258.

Approximately 56% of participants were enrolled in career services while 44% were enrolled and received training services. The supplemental youth services program served 3,289 participants, with 2,029 exiting the program, and 90% successfully completing their goals. When the program decided to recapture funds, they went with a 40% model.

The Council recessed at 1:58 PM and reconvened at 2:20 PM.

Demonstration of GPMS, Status of GPMS Rollout and Training

Ms. Whitmore gave the presentation. GPMS is a web-based system which will replace the old BearTracks Microsoft Access system. In 2014 the WIOA was signed into law and in 2016 states started reporting under the new requirements. The new system will allow Section 166 of WIOA to comply with the new reporting requirements. Six grantees have been piloting the program and providing feedback to DINAP since August. They will eventually release it to all 111 grantees by the end of November. DOL will provide introductory launch training in December with more advanced training available starting in January 2021. They are looking to record all the training and post it on WorkforceGPS. The GPMS rollout is currently in the second of four phases.

DOL's Response to NAETC's Recommendations

The Council did not have any questions and did not suggest a response to the letter to NAETC.

New Business

Councilmember Whitman requested clarification on a portion on page 27 of the February 11 Council meeting minutes stating that "Councilmember Tucker added an amendment to include the words 'Alaskan Natives and Native Hawaiians.' Councilmember Whitman stated that the amendment was accepted by Councilmember Hobot. Additionally, Councilmember Whitman amended the motion to remove the words 'Native Hawaiian' because the Hawaiian Census includes Native Hawaiian and other." She did not remember asking to remove "Native Hawaiian." Councilmember Hibbeler moved to reopen the minutes. Councilmember Seven seconded the motion. The motion passed unanimously. Councilmember Hibbeler moved to make the correction to include "Native Hawaiians" in the language. Councilmember Seven seconded. The motion passed unanimously.

The Council recognized Dr. David Gipp for the contributions he made to Indian Country. Dr. Gipp, a Hunkpapa Lakota, was President of United Tribes Technical College in Bismarck, North Dakota and one of the country's longest serving college presidents.

They next recognized Lorenda Sanchez from the California Indian Manpower Consortium (CIMC). Dr. Sanchez is the recipient of an honorary Doctor of Humane Letters from the California State University, Sacramento. She was honored for her 45-plus years of service to Indian Country.

They finally recognized Norm DeWeaver for his lifelong service and contributions to Indian Country. Mr. DeWeaver has served as a subject matter expert to the NAETC since its initial establishment, and has been one of the strongest advocates for employment and training in Indian Country.

Public Comment

Ms. Zientek thanked DOL for addressing the carryover and recognizing that due to COVID disruptions the potential carryover needs to be looked at differently for fiscal year 2020. She said DOL has kept the NAETC membership robust and the nomination process moving forward.

Councilmember Rickard asked whether the Council will be preparing a white paper for the new administration. He noted the CIMC annual meeting allowed people to attend in person or go online.

Councilmember Seven said she is looking forward to work with the administration and to build the One Workforce concept to change the culture and the mindset. She hopes that there can be a focus on industry sectors as part of the training DOL provides.

Wayne Miller from Warm Springs, Oregon asked whether there are any other states asked to waive away sovereignty rights.

Adjourn

Councilmember Hibbeler moved to adjourn the meeting. Councilmember Chaisson seconded. The motion passed unanimously, and the Chair adjourned the meeting at 4:00 PM.