

TITLE 07 - LABOR

Chapter 01. Tribal Employment Right's Office.....	2
Sec. 07.01.001 Create a Tribal Employment Right's Office	2

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Sec. 07.01.001 Create a Tribal Employment Right's Office

- A.** The Central Council does hereby establish the CCTHITA Tribal Employment Rights Office (TERO) as a section of the tribes Employment and Training Division, reporting directly to the Manager.
- B.** The TERO Officer shall be appointed by the Manager, Employment and Training Division, subject to approval of the President.
- C.** At the direction of the Manager, Employment and Training Division, the TERO Officer shall have authority to expend funds appropriated by CCTHITA, obtain and expend funding from Federal, State or other sources to carry out the purposes of the TERO Program.
- D.** The TERO Office shall have the authority to issue rules, regulations and guidelines as approved by Central Council, to implement the employment rights requirements imposed by this ordinance, to hold hearings, to subpoena witnesses and documents, to require employers to submit reports and to take such other actions as are necessary for the fair and vigorous implementation of this Ordinance.
- E.** Native organizations with five (5) or more employees, operating within the exterior boundaries of the Central Council communities, are hereby required to give preference to Indians in hiring, promotion, training, all other aspects of employment and in contracting.
- F.** Said employees shall comply with the rules, regulations and guidelines of the TERO office that set out the specific obligations of the employer in regard to Indian preference.
- G.** Any covered employer who has a collective bargaining agreement with one or more unions shall obtain written agreement from said union(s) stating that union shall comply with the Indian preference law, rules, regulations and guidelines of the Central Council.
- H.** Such agreement shall be subject to the approval of the TERO office, nor does any such agreement constitute official tribal recognition or sanction of any union.
- I.** Any employer, subject to this code, who fails to comply with the laws, rules, regulations or guidelines on employment rights of the Central Council or who fails to obtain the necessary agreements from its signatory unions shall be subject to sanctions which shall include but are not limited to denial of the right to commence business in Tlingit and Haida communities, fines, suspension of the employer's operation, denial of the right to conduct any further business in Central Council communities, payment of back pay or other relief to correct any harm done to aggrieved

tribal members, and the summary removal of employees hired in violation of Central Council's TERO Ordinance.

- J.** Sanctions that have been approved by Central Council shall be imposed by the TERO Officer after allowing the employer an opportunity to present evidence showing why it did not violate the requirements of why it should not be sanctioned. Any employer shall have the right to appeal to the Central Council any decision by the TERO Officer that imposes sanctions on him.
- K.** In implementing the requirements of this Ordinance, the TERO Officer is authorized to:
 - 1.** Impose numerical hiring goals and timetables that specify the minimum number of Natives an employer must hire, by craft or skill level.
 - 2.** Require covered employers to establish or participate in such training programs as the TERO Office determines necessary in order to increase the pool of qualified Natives in Central Council communities as quickly as possible.
 - 3.** Establish in conjunction with the TERO Program, a Tribal Jobs Pool and impose a requirement that no covered employer may hire a non-Native until the Jobs Pool has certified that no qualified Native is available to fill the vacancy.
 - 4.** Prohibit any covered employer from using qualification criteria or other personnel requirements that serve as barriers to Native employment unless the employer can demonstrate that such criteria is a business necessity. In developing regulations to implement this requirement, the TERO Program shall adopt the EEOC guidelines on these matters to the extent they are appropriate. However, the TERO Office shall have the right to impose additional requirements as approved by Central Council, beyond those established by EEOC, in order to address employment barriers that are unique to Natives.
 - 5.** To enter into agreements with unions to insure union compliance with this Ordinance.
 - 6.** To require employers to give preference in the award of subcontracts to tribal and other Native-owned firms and entities.
 - 7.** To establish programs in conjunction with other tribal and Federal offices, to provide counseling and support to Native workers to help them retain employment. Employers shall be required to participate in and/or cooperate with such support and counseling programs.
 - 8.** Take such other actions as are necessary to achieve the purposes and objectives of this Ordinance. However, the implementation of

any activities or requirements that constitute a significant new component to this program, beyond those listed in Section 11a-d. shall be subject to the prior approval of the Central Council.

- L.** The TERO Office is authorized to enter into cooperative relationships with Federal Employment Rights agencies such as EEOC and OFCCP, in order to eliminate discrimination against Natives in Tlingit and Haida Communities. The TERO Office shall investigate the feasibility of establishing a Tribal FEPC and of entering into a formal relationship with EEOC as provided for in Section 706 of Title VII of the 1964 Civil Rights Act, and shall report back to the Central Council on its findings within three (3) months. However, no tribal FEPC shall be entered into with EEOC unless prior approval has been obtained from the Central Council.
- M.** An employment rights fee, to raise revenue for the operation of the TERO Office, is hereby imposed as follows:

 - 1. Every covered construction contractor with the contract of \$100,000.00 or more shall pay a one-time fee of ½ of 1% of the total amount of the contract. The fee may be paid in installments over the length of the contract.
 - 2. Every covered employer, other than construction contractors, with twenty (2) or more employees or gross sales of \$100,000.00 or more, shall pay an annual fee of ½ or 1% of the annual payroll of that employer. This fee shall not apply to educational, health, governmental or non-profit employers.
 - 3. Such fees shall be paid to the tribal government and shall be placed in a special account to be used to meet the operating costs of the TERO Office. The Office shall be responsible for collecting said fees and is authorized to establish such rules and regulations as are necessary to insure a fair and timely fee collection process. An employer or contractor who fails to pay the required fee shall be subject to the sanctions provided for in Section 9 and 10 of this Ordinance. The TERO Office is authorized to develop a program to rebate some or all of the fees paid by an employer who is found to be in compliance with the requirements imposed by this Ordinance and making substantial effort to employ, train and promote Natives.
- N.** The TERO Program shall devote such amount of its resources as is necessary for the job opportunities to be opened up by the TERO Program.
- O.** There is hereby appropriated from the Tribal Trust Fund the amount of \$0 and from the _____ Program, the amount of \$0 for the first year of operation. In addition, the Central Council shall seek additional monies to expand the dimensions of the program.

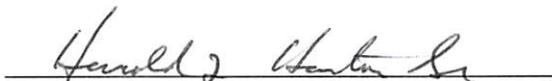
ADOPTED by the General Assembly of the Central Council of Tlingit and Haida Indian Tribes of Alaska, on this 20th day of April, 1991.

CERTIFY

A handwritten signature in blue ink that reads "Edward K. Thomas". The signature is written in a cursive style and is positioned above a horizontal line.

President Edward K. Thomas

ATTEST

A handwritten signature in black ink that reads "Harold Houston Sr.". The signature is written in a cursive style and is positioned above a horizontal line.

Tribal Secretary Harold Houston Sr.