

CONTRACTOR'S & SUB CONTRACTOR'S TERO RESPONSIBILITIES

This document outlines the TERO expectations and responsibilities placed on all contractors and subs doing work on or near the Tulalip Indian Reservation. This document should be read carefully, along with TERO Ordinances #60 & #89. If you have any questions or concerns contact a TERO Compliance Officer.

TERO ACKNOWLEDGMENT:

Requirement: The contractor/employer must comply with all rules and regulations as set forth in the TERO Ordinance. This agreement will be affirmed in writing and will be signed and dated by the TERO Manager. Furthermore, if a project is expected to be of one month duration or more, the Contractor must arrange a pre construction meeting with the TERO Manager or TERO Compliance Officers prior to submitting a Compliance Plan to the TERO department.

TERO LIAISON:

Requirement: All contractors and employers must designate a responsible company official to coordinate all employment, training and contracting related activities with the TERO department to insure that the company is in compliance with the TERO Ordinance during all phases of the project.

NATIVE AMERICAN OWNED BUSINESS REGISTRY:

Requirement: The TERO Office maintains a certified Native American Owned Business Registry. All the businesses on the registry need to be **given the opportunity to bid** on any projects that they are qualified for. If they are within 10% of the lowest bid, you need to negotiate to see if they can reduce their price. But the fact remains that the bid will be awarded on: price, quality and capability.

TERO COMPLIANCE PLAN:

Requirement: All contractors, subcontractors and employers must have an approved written compliance agreement filed, negotiated and approved by the TERO Office **prior** to commencement of any construction activities on the Tulalip Reservation. There is a 1.75% TERO fee on any projects over \$10,000 to be paid in full or negotiated with the TERO Compliance Officers.

COMPLIANCE PLAN WORKFORCE/KEY EMPLOYEE:

Requirement: Contractors/employers shall be required to **hire and maintain as many TERO/Native American preference employees** as apply for and are **qualified** for each craft or skill.

Exception: Prior to commencing work on the Tulalip Indian Reservation the prospective employer, contractor and subcontractors shall identify key, regular and permanent employees.

Key employee: One who is in a top supervisory position or performs a critical function such that an employer would risk likely financial damage or loss if that task were assigned to a person unknown to the employer. A **maximum of 25%** of the work force may be considered key. A Key employee has been on the employers' or contractors' annual payroll for a period of one year continuously in a supervisory capacity, or is an owner of the firm. An employee who is hired on a project-by-project basis shall not be considered a key employee.

TERO HIRING HALL & RECRUITMENT EFFORTS:

Requirements: The contractor or employer is required to contact the TERO Office for recruiting and placement services on all non-key positions. The TERO Office shall be given a minimum of (78) seventy-eight hours to furnish a qualified referral. Furthermore contractors and employers are required to provide the TERO with a written list of their projected workforce needs, job classifications, openings, hiring policies, rate of pay, experience/skill requirements, employment screening procedures and anticipated duration of employment.

NATIVE PREFERENCE:

Requirements: While working on, or near the Tulalip Tribes the contractors and employers must give preference to qualified, native applicants for all employment positions. The order of preference shall be given to the following persons in the following enumerated order:

- (a) Tulalip Tribal Veterans
- (b) Tulalip Tribal Members
- (c) Spouses of Tulalip Tribal Members
- (d) Other Natives
- (e) Spouses of other Natives

Exception: Where prohibited by applicable Federal Law, the above order of preference set out in subsection 4.2, shall not apply. In such cases preference shall be given in the following enumerated order:

- (a) Natives who are local residents
- (b) Other Natives

Requirement: If the TERO Office is unable to refer an adequate number of qualified, preferred employees for a Contractor, TERO will notify the Contractor who may fill the remaining positions with non-TERO workers. When this occurs, **TERO work permits** may be valid for one month from the date of issuances and may be renewed. Work permits are non – transferable.

Requirement: When work permits are issued, the contractor is still required to notify the TERO Office of all **future job openings** on the project so that qualified, preferred employees have an opportunity to be dispatched.

JOB QUALIFICATIONS, PERSONNEL REQUIREMENTS & RELIGIOUS ACCOMODATIONS:

Requirements: An Employer may not use any job qualification criteria or personnel requirements which serve as barriers to the employment of Natives which are not required by business necessity. If the employer fails to meet his burden, it will be required to eliminate the personnel requirements at issue. Employers shall also make reasonable accommodation to the religious beliefs and cultural traditions of Native workers.

TRAINING:

Requirements: Contractors/Employers may be required to develop on the job training opportunities and/or participate in Tribal or local training programs, including upgrading programs, and apprenticeship or other trainee programs relevant to the employer's needs.

LAY-OFFS:

Requirements: In all lay-offs and reductions in force, no preferred employee shall be terminated if a non-preferred employee worker in the same job qualifications is still employed. If an employer lays-off workers by crews, all qualified Native workers shall be transferred to crew to be retained.

DISCIPLINARY ACTIONS & TERMINATIONS:

Requirements: Prior to the discipline or termination of any TERO Employee the contractor or employer shall notify a TERO Compliance Officer. The Compliance Officer will then request verification:

- I. That the TERO Employee has received one or more warnings
- II. That the TERO Employee has been counseled regarding the areas in which they deficient
- III. That the TERO Employee has been given an opportunity to improve their performance

NOTE: The TERO Office is here to help any way we can and communication with the TERO Compliance Officers is very important it will help insure the job to run smoothly.