

# *TERO Orientation*

Presented By:  
Puyallup Tribe of Indians  
Tribal Employment Rights Office

# *Mission Statement*

The Puyallup Tribe of Indians TERO protects Tribal Sovereignty by supporting Tribal Member self sufficiency through enforcing Indian Preference requirements in Employment, Training, and Contracting opportunities.

# *Vision Statement*

The Puyallup Tribe of Indians TERO has 100% commitment for all Native Americans to be free from racism and discrimination, and supports the commitment of the Honorable Puyallup Tribal Council, tribal entities, its people, and all others to comply with TERO Laws; this commitment provides a culturally rich environment which empowers all to pursue their happiness, balance, and traditions through sustainable career opportunities.

# *History of TERO*

- The TERO Movement and Council for Tribal Employment Rights (CTER) was started in 1977 by 12 Natives from different Tribes
- TERO was created as a National Advocacy voice to provide protection to Native Americans working on the Reservation
- TERO was created to remove employment barriers from Native Americans on and off the Reservation
- CTER represents over 300 Tribes
- EEOC started contracting with TEROs in 1980

# *Indian Preference*

- The determination that preference will be granted to someone for being registered in a Federally Recognized Tribe
- Tribal Preference can be given on Tribally Funded Projects

# *TERO Jurisdiction*

- TERO has jurisdiction on all Tribally funded projects both on and off the Reservation
- TERO has jurisdiction on all projects that occur on Trust Land
- TERO has jurisdiction on Federal Highway jobs on the Reservation
- TERO has jurisdiction on Federal Housing Jobs (NHASDA) on the Reservation

# What is TERO?

- There are 2 main elements of TERO
- Conceptual-TERO is a sovereignty based, self-help, and systematic approach to Indian and economic self-reliance or self-determination
  - Programmatic-TERO is also a Tribal Enforcement and Compliance program that monitors employers to ensure optimal benefits are attained from Federal and Tribal employment laws, regulations, policies, and procedures.

# *Purpose of TERO*

It is the Purpose of TERO to remove employment barriers from Native Americans living on and off of the reservations by providing employment referrals, support services, job training, and other situations as the may arise; as well as to assist Native Owned Business with locating projects, legal counsel, outreach, and other support services to provide them the opportunity to better grow their business.

# *What it means*

- Qualified local area Native Americans shall be given the first opportunity for employment, training, promotion, contracting, and sub-contracting
- Qualified Puyallup Tribal preference shall be given on all tribally funded projects.

# *Is TERO legal...?*

- Executive Order 11246
- Civil Rights Act of 1964
- Indian Self Determination Act (PL 93-638)
- Acquisition and Assistance Agreement (1984)
- Buy Indian Act

# *Is TERO & Indian Preference Reverse Discrimination...?*

- No. The Federal Government recognizes a Tribes Sovereign Right to make, enact, and enforce its own laws
- Indian Preference is a Political Decision, not based on Race

# *Compliance Plan Requirements*

- Complete TERO Contractor Orientation
- Provide TERO with Compliance Plan Information
- Schedule Compliance Plan signing
  - Compliance Plan
  - Indian Preference Agreement
  - Drug & Alcohol Testing Policy
  - Utilization Plan
  - Employee Dispatches
  - Work Permits

# Employment

- Natives shall be referred for all non-core crew positions
- Natives shall be the first brought onto a site and the last to be laid off
- Natives shall be given first shot for all training and promotion opportunities
- TERO Clients become employees of your company
- TERO Clients shall follow all Policies and Procedures of your company
- Council requires a 25/75 ratio for Core Crew & Indian Preference hires

# Removing Barriers

- TERO does not allow contractors to place undue hiring criteria on a position that may keep a Tribal member or other area Natives from obtaining gainful employment.
- TERO provides training and support services to clients to help them prepare for being part of the workforce.

# *Dispatch/Hiring Hall*

- 48 Hours notice is required on requesting a TERO client be dispatched
- Provide Employee Request Form to Dispatch Officer and assigned Compliance Officer
- Include Pre-Employment Requirements
- Include Job Description

# *Pre-Employment Screenings*

Pre-Employment Screenings shall be done prior to any individual starting employment. If the contractor has an emergent need to have someone start immediately, a written exception can be requested.

# *Culture & Tradition*

- Births, Weddings, & Funerals
- Cultural Events, Ceremonies, & Rituals
- Historical Dates & Events
- Specific Family Events

# *Cultural Sensitivity*

- Nick Names
- Stereo Types
- “Buck Skins & Feathers”

# Employment Issues

- TERO shall be given an opportunity to counsel clients before any termination procedures can begin
- TERO shall be given notice for all employee issues where a TERO Client is concerned

# *Taxes & Fees*

TERO collects a 2.5% fee on all projects within our jurisdiction. This fee supports the many programs and trainings that we provide to our clients, as well as the ability to dispatch clients without charging a per-client fee to contractors, and to provide in field expertise to contractors in regards to TERO, Tribal Law, Culture, and Traditions.

# *Unions-Tribal Labor Agreement*

- TERO Clients shall not be pushed, coerced, or bullied into joining a Union, even when employed by a Union Signatory Contractor
- TERO Clients have the option for Direct Entry into most Unions
- TERO Clients shall have 2 weeks to decide if they want to join the Union
- Union Wages plus Fringe Benefits shall be paid directly to the Non-Union TERO Client
- TERO Clients shall fill all apprenticeship positions
- TLA requires all contractors to become training agents through a Project Specific Labor Agreement

# Payroll

- TERO Clients are employees of the company they are dispatched to
- TERO must be given a copy of company payroll schedule, Policies and Procedures, and Certified Payroll when requested
- TERO Clients shall be paid within 3 days from layoff/termination
- TERO Pay Scale will be entered on Introduction Slip for clients referred-Unless Union Scale or Prevailing Wage

# *Contracting & Sub-Contracting*

- Indian Approved Contractors shall have the first opportunity to bid contracts
- 10% Rule: If a Native Contractor is within 10% of lowest bid they shall be given opportunity to negotiate to meet lowest bid
- If a Native Contractor is not able to perform the full scope of work then the scope shall be broken into smaller contracts so that the Native Contractors will be capable of bidding

# *Safety-OSHA Requirements*

- Tribes are required to follow Federal OSHA Standards and have the capability of enacting their own TOSHA Standards
- Personal Protective Equipment (PPE) is required on all job sites
  - ❖ Hard hat
  - ❖ High visibility clothing
  - ❖ Safety Toe/Composite Toe Boots
  - ❖ Goggles
  - ❖ Gloves

# *Notice of Violation*

- Unauthorized Workers will cause your company to have a Violation filed against them for up to \$500.00 a day, per person, per violation
- Compliance and Indian Preference Agreement violations will cause your company to have a Violation filed against them for up to \$500.00 a day, per person, per violation
- EEOC Violations will be sanctioned to the fullest extent available to EEOC
- Discrimination or any form of Harassment Violations, that are founded, will be cause for removal from the jobsite and referral to appropriate Agency

# *Employer Protections*

TERO is here to protect the employer from unfair or unjust allegations or charges by anyone dispatched from the TERO Office or any other individual working on a project site. Any allegation against an employer or an employee of said employer will be fully investigated by TERO prior to any determination or recommendation has been made.

# Judicial Authority

- The TERO Commission has full judicial authority over any case filed within TERO Jurisdiction
- The Puyallup Tribal Court has full judicial authority over any appeal filed as a result of a Commission determination
- The Puyallup Tribal Police has judicial enforcement powers to compel an employer to comply with a judicial order

# Appeals

If at any point an employer or contractor feels that a decision made by TERO is unfair or unjust, they have the right to appeal. The procedures for appeal are outlined in the TERO Ordinance and Regulations, but include the following Chain of Command

- Informal Settlement with TERO Director
- Formal Appeal to TERO Commission
- Formal Appeal to Tribal Court

# Federal & State

- The Civil Rights Handbook
- The Job Training and Partnership Act
- The Small Business Administration 8(a) Program
- Public Law 93-638, The Indian Education Assistance and Self Determination Act of 1974
- HUD Regulations
- BIA Acquisition and Assistance Agreement 84-1
- EEOC/TERO Contracts
- Department of Commerce
- Economic Development Administration
- OFCCP Indian Employment Initiative
- FHWA ISTEA "Indians in Highway Construction Initiative"
- US DOL/BAT Notice 84-1
- Public Law 81-815 (Construction) Public Law 81-874 (OPS/ADMIN)