

Confederated Tribes of the Warm Springs Indian Reservation of Oregon

Tribal Employment Rights Ordinance

Notice to Contractors

To all contractors, construction employers, and the Oregon Department of Transportation (ODOT). The 26th Tribal Council of the Confederated Tribes of the Warm Springs Oregon adopted the Tribal Employment Rights Ordinance on February 24, 2015.

This code is consistent to existing federal and tribal laws. The TERO code stipulates: Indian employment, preference to hiring, promotion, training, apprenticeships, wages and all other aspects of employment; contracting, subcontracting; business opportunities; violation procedures, appeals, hearings, tribal court enforcement, judicial review, fees and fines.

All contractors and construction employers located on or engaged in work on the reservation shall comply with the TERO code, compliance agreement, and employment hiring goals.

All contract employers are required to meet with TERO manager to negotiate a compliance agreement. The compliance agreement between a contract employer and the TERO office, sets forth how the contractor will meet the Indian preference hiring, subcontracting goals and compliance with this code. The compliance agreement must be executed prior to commencement of any portion of a construction contract or subcontract within the reservation, or in the case of an ODOT contractor within or near the reservation.

All contract employers with a construction, renovation, improvement, or expansion contract in the sum of ten thousand dollars (\$10,000) or more shall pay a fee of 2.5 percent of the total amount of the contract to the TERO Office. Such fee shall be paid by the construction employer prior to commencing work on the reservation.

All contract employers who violates this code or a compliance agreement shall be subject to penalties including, but not limited to: denial of the right to commence or continue business on the reservation; suspension of operations; payment of back pay, and damage to compensate any injured party; an order to remove employee hired in violation of this code or compliance agreement; imposition of monetary civil penalties pursuant to a scheduled penalties promulgated by the commission; an order specifying requirement for employment, promotion, and training.

This code shall apply to all contractors, construction employers and ODOT located on or engaged in work on or near the reservation as permitted by this code and applicable federal and state laws identified in the memorandum of understanding.

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