



TOHONO O'ODHAM NATION
TRIBAL EMPLOYMENT RIGHTS OFFICE
P.O. Box 40 Sells, Arizona 85634
Direct Line (520) 383-3304 Tucson Line (520) 547-8160
Fax (520) 383-2781 Email: tero@toua.net



TERO COMPLIANCE AGREEMENT PLAN FOR

(Project Title/Entity)

A minimum of twenty (20) business days before any covered employer, contractor or sub-contractor begins business activity, each entity, on the reservation, shall submit a Compliance Plan to the TERO Office for approval. All Compliance Plans must include, among other items required by this Ordinance, the name, position and a copy of the Employee's Tribal identification or if non-Indian, a copy of the employee's state issued identification for every employee position in the organization. No employer, contractor or sub-contractor may commence work on the reservation until it has met with the TERO Office and developed an acceptable Compliance Plan for meeting its obligations under these regulations.

ALL QUESTIONS MUST BE ANSWERED ON CURRENT FORM PROVIDED AND THE REQUESTED DOCUMENTS SUBMITTED. FAILURE TO DO THIS WILL DELAY THE PROCESSING OF THE COMPLIANCE PLAN AND PROGRESS OF THE PROJECT. QUESTIONS THAT DO NOT APPLY SHOULD BE MARKED "N/A" IN THE SPACE PROVIDED. CROSS-REFERENCE WHERE NECESSARY, SUCH AS "SEE ATTACHMENT A., PAGE 3".

FAILURE TO COMPLY WITH THE TERO ORDINANCE 01-85 MAY RESULT IN CIVIL PENALTIES.

1. ☐ PRIMARY CONTRACTOR/EMPLOYER ☐ SUB-CONTRACTOR/EMPLOYER
2. NAME OF PRIMARY CONTRACTOR/EMPLOYER _____
3. ☐ UNION ☐ NON-UNION
4. LOCATION OF PROJECT/BUSINESS _____
5. WORK TO BE PERFORMED _____
6. COMPANY NAME _____
7. ADDRESS _____
8. OFFICE TELEPHONE _____ FAX _____
9. JOBSITE TELEPHONE _____ EMAIL _____
10. PROJECT MANAGER/SUPERINTENDENT _____
11. APPOINTED COMPANY LIAISON _____
12. LIAISON PHONE NUMBER _____ TITLE _____
13. PROJECT NUMBER _____
14. CONTRACT NUMBER _____
15. TOTAL CONTRACT AMOUNT _____
16. NAME OF FUNDING AGENCY _____
17. NAME OF CONTRACTING OFFICER _____

Pursuant to Section 11(a) of the TERO Ordinance, a covered employer with a construction contract in the amount of \$100,000 or more shall pay ½ of 1% of the total amount of the contract, such fee shall be paid by the employer prior to commencing work. Other than construction, covered employers with 20 or more employees or with gross sales of \$100,000 or more shall pay a quarterly fee of 1/2 of 1% of employees' quarterly payroll. The contractor is required to inform TERO of any changes in the contract. Payment will be made by money order to the "Tohono O'odham Nation", P.O. Box 837, Sells, Arizona 85634 and processed through the TERO Office. Please include project title. *NOTE: Installments of the TERO Fee require written approval from the TERO Director/Administrator which includes an interest rate. TERO Fees are paid by Primary Contractor of construction project. (Example: Total Contract amount x .5% = TERO FEE)*

19. TERO FEE (1/2 OF 1%) DUE BEFORE PROJECT STARTS _____
20. APPROXIMATE START DATE _____
21. APPROXIMATE DATE OF COMPLETION OR APPROXIMATE DURATION _____

ATTACH THE FOLLOWING:

22. **COPY OF P.O./CONTRACT/RESOLUTION/CHARTER/LEASE, ETC.** _____
23. **ORGANIZATIONAL CHART FOR THIS PROJECT/ORGANIZATION** _____
24. CHECK APPLICABLE WAGE SCALE (Note: The T.O.N. Wage Scale applies to all projects where the total cost of construction is \$5,000 or more with the exception of direct contracts with the tribal districts, federal and state projects. Exemptions also apply to personal projects performed by a natural person, wages established by a collective bargaining agreement, projects performed with existing employees of covered entity for entity's own construction projects.):

- ☐ T.O.N. Prevailing Wage Scale
- ☐ Davis Bacon Wage Scale (Federal; State Funded Projects)
- ☐ Heavy
- ☐ Commercial
- ☐ Residential
- ☐ Highway
- ☐ Building
- ☐ Other _____
- ☐ Exempt _____

25. **CONSTRUCTION SCHEDULE/BUSINESS PLAN** _____
26. **UNION AGREEMENT** _____

(Tribal law requires that all covered employer who have collective bargaining agreements with any union must negotiate and file a written agreement with the union that provides that the union will comply with the provisions, rules, regulations and order of the TERO Ordinance. Failure by an employer to file a union compliance agreement with the TERO Office will constitute non-compliance.)

27. **ATTACH A COPY OF IDENTIFICATION/DRIVER'S LICENSE FOR EACH KEY EMPLOYEE** _____
28. **LIST KEY EMPLOYEES. (Use separate sheet if needed.)**

Upon approval of each key employee requested by the employer, TERO shall issue Hiring Hall Routing Slip. No employee will commence work until he/she has obtained a Hiring Hall Routing Slip.

(TERO Use)

	<u>KEY EMPLOYEE</u>	<u>POSITION</u>	<u>INDIAN/ NON-INDIAN</u>	<u>KEY/ NON-KEY</u>
A.				
	REASON			
	For Office Use Only: Recommendation:	<input type="checkbox"/>	KEY EMPLOYEE, ISSUE HHRS	
		<input type="checkbox"/>	NO INDIAN OR LOCAL INDIAN AVAILABLE, ISSUE WAIVER	
		<input type="checkbox"/>	NON-REFERRAL (INDIAN)	
		<input type="checkbox"/>	INDIAN REFERRED:	
		<input type="checkbox"/>	OTHER:	
B.				
	REASON			
	For Office Use Only: Recommendation:	<input type="checkbox"/>	KEY EMPLOYEE, ISSUE HHRS	
		<input type="checkbox"/>	NO INDIAN OR LOCAL INDIAN AVAILABLE, ISSUE WAIVER	
		<input type="checkbox"/>	NON-REFERRAL (INDIAN)	
		<input type="checkbox"/>	INDIAN REFERRED:	

C.	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> OTHER: </div>
<div style="border: 1px solid black; padding: 2px;"> REASON For Office Use Only: Recommendation: </div>	
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> KEY EMPLOYEE, ISSUE HHRS </div>
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> NO INDIAN OR LOCAL INDIAN AVAILABLE, ISSUE WAIVER </div>
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> NON-REFERRAL (INDIAN) </div>
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> INDIAN REFERRED: </div>
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> OTHER: </div>

D.	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> KEY EMPLOYEE, ISSUE HHRS </div>
<div style="border: 1px solid black; padding: 2px;"> REASON For Office Use Only: Recommendation: </div>	
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> NO INDIAN OR LOCAL INDIAN AVAILABLE, ISSUE WAIVER </div>
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> NON-REFERRAL (INDIAN) </div>
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> INDIAN REFERRED: </div>
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> OTHER: </div>

29. ATTACH A COPY OF PERSONNEL MANUAL & COMPANY APPLICATION.

30. Is a Background check required?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
31. Is a Fingerprint clearance required?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
32. Is a drug test required?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
33. If yes, what will the applicant be tested for?		
34. If yes, state laboratory, address and phone number.		
<i>NOTE: The Contractor may be required to provide a copy of the drug test results to the TERO Office.</i>		
35. Who will pay for drug test?		
36. What is the cost of the drug test?		
37. What is the pay schedule (i.e., M-Sun) and when are timesheets due (day & time)?		
38. When are employees expected to be paid (day & time)?		
39. What are the arrangements for payday?		
40. Will employees be paid for show-up time?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
41. Will any employees be receiving subsistence pay?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If yes, please identify by name and position.		

42. AS CONTRACTOR/EMPLOYER, LIST CLASSIFICATIONS THAT WILL BE NEEDED (i.e., CARPENTER, LABORER, OPERATOR, PAINTER, MASONS, ETC). The Employment and training portion of the Compliance Plan shall show the number of man hours by craft and skill category, needed on the project. The employer shall also identify those persons it wishes to have approved as permanent and key employees (see subsection 2.1(b) of the TERO Regulations) and shall provide all data needed by the TERO Office to verify the status of those employees. As provided in Section 2.1, all non-permanent key positions shall be filled with local Indians unless the TERO Office has determined that there is no qualified Indian available for that position. Provided, however, excluding apprentice(s), if the TERO Office identified a local Indian who, with on-the-job training provided by the Employer can fill a position, the employer is required to provide such training to the local Indian. The plan shall also describe how the employer will participate in the Tribe's training programs.

Please attach job description.

	<u>NUMBER NEEDED</u>	<u>PAY RATE/HR (dollar amt req'd)</u>	<u>DURATION NEEDED</u>	<u>SCHEDULE (i.e., M-F, 8-5 p.m.)</u>
A.				
Job Description				
For Office Use Only: Recommendation:				
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> KEY EMPLOYEE, ISSUE HHRS </div>			
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> NO INDIAN OR LOCAL INDIAN AVAILABLE, ISSUE WAIVER </div>			
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> NON-REFERRAL (INDIAN) </div>			
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> INDIAN(S) REFERRED: </div>			
	<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> OTHER: </div>			
B.				

Job Description _____

For Office Use Only: Recommendation: _____

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KEY EMPLOYEE, ISSUE HHRS
NO INDIAN OR LOCAL INDIAN AVAILABLE, ISSUE WAIVER
NON-REFERRAL (INDIAN)
INDIAN(S) REFERRED:
OTHER:

C. _____

Job Description _____

For Office Use Only: Recommendation: _____

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KEY EMPLOYEE, ISSUE HHRS
NO INDIAN OR LOCAL INDIAN AVAILABLE, ISSUE WAIVER
NON-REFERRAL (INDIAN)
INDIAN(S) REFERRED:
OTHER:

D. _____

Job Description _____

For Office Use Only: Recommendation: _____

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KEY EMPLOYEE, ISSUE HHRS
NO INDIAN OR LOCAL INDIAN AVAILABLE, ISSUE WAIVER
NON-REFERRAL (INDIAN)
INDIAN(S) REFERRED:
OTHER:

E. _____

Job Description _____

For Office Use Only: Recommendation: _____

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KEY EMPLOYEE, ISSUE HHRS
NO INDIAN OR LOCAL INDIAN AVAILABLE, ISSUE WAIVER
NON-REFERRAL (INDIAN)
INDIAN(S) REFERRED:
OTHER:

43. LIST OCCUPATIONAL TRAINING OPPORTUNITIES AVAILABLE:

*The contractor will develop on-the-job training opportunities and/or participate in tribal or local training programs. The employer shall employ 1 apprentice in each of the listed craft if the contractor is employing 1 journeyman in that craft and when employing 2 or more journeymen, that craft shall employ no fewer than 1 apprentice for each 2 journeymen employed. **Please Attach Job Description.***

A. POSITION _____ PAY RATE _____ SCHEDULE _____

JOB DESCRIPTION _____

REQUIREMENTS _____

For Office Use Only: Recommendation: _____

B. POSITION _____ PAY RATE _____ SCHEDULE _____

JOB DESCRIPTION _____

REQUIREMENTS _____

For Office Use Only: Recommendation: _____

C. POSITION _____ PAY RATE _____ SCHEDULE _____

JOB DESCRIPTION _____

REQUIREMENTS _____

For Office Use Only: Recommendation: _____

44. LIST SUB-CONTRACTOR(S) AND SUPPLIERS: *(Use separate sheet if needed.)*

If the entity uses competitive bidding or proposals, competition shall be limited to certified firms. All contractor or subcontractor work shall be performed by a certified Indian Preference firm, if qualified and available. If the primary contractor has already selected a firm to perform any contract or subcontract work, it shall list the name of that firm and indicate whether or not it is a firm certified as Indian Preference eligible by the TERO. If it is not a certified firm, the primary contractor shall further indicate why each certified firm, if any, registered with the TERO that was technically qualified to perform the work was not selected.

	<u>NAME, ADDRESS & PHONE</u>	<u>TYPE OF WORK TO BE PERFORMED</u>	<u>CONTRACT DOLLAR AMOUNT</u>	<u>INDIAN OWNED FIRM?</u>	<u>WHY WAS AN INDIAN OWNED FIRM NOT CONTRACTED?</u>
A.					
B.					
C.					
D.					
E.					

45. DID YOU CONTACT THE TOHONO O’ODHAM NATION OFFICE OF THE TREASURER FOR A TRANSACTION PRIVILEGE TAX (TPT) LICENSE?
☐ YES ☐ NO If yes, please submit a copy. If no, please contact them at 520-383-1800 x 2456

THE CONTRACTOR(S)/SUB-CONTRACTOR(S)/EMPLOYERS SHALL SUBMIT THE FOLLOWING REPORTS TO TERO ON A WEEKLY BASIS:

- A. **CERTIFIED PAYROLL RECORDS**
- B. **NEW HIRES** (The contractor/employer is required to contact the TERO Office for recruiting and hiring. The TERO Office shall be given a minimum of seventy-two (72) hours to furnish a qualified referral.)
- C. **CHANGES OR PROMOTIONS.** The employer shall give local Indians preferential consideration for all promotion opportunities and shall encourage local Indians to seek such opportunities.
- D. **DISCIPLINARY ACTIONS.**
- E. **TERMINATIONS/LAYOFFS** (No local Indian employee, who can perform the work required shall be terminated through layoff or reduction in force while a non-Indian or non-local Indian employee in the same craft is still employed.)

The TERO Director/Administrator or field Compliance Officer has the right to make on-site inspections and conduct compliance investigations at all sites where employment is taking place under the provisions of this compliance agreement plan.

Employers will ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites in all facilities at which the employees are assigned to work. The employers shall specifically ensure that all supervisors are aware of and carry out the employers obligations under the TERO Ordinance. The employer must ensure for providing separate or single-user toilet and necessary changing facilities to assure privacy between the genders.

The employer agrees to respect the right of TERO referral to decide for themselves whether to accept cash in lieu of benefits or to accept fringe benefits for construction projects.

The employer agrees to comply with all rules and regulations set forth in the TERO Ordinance 01-85. This agreement is affirmed in writing by the appropriate company officer.

COMPANY REPRESENTATIVE

Print Name	Title
Signature	Date