

TERO

Tribal Employment Rights Ordinance



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EASTERN DISTRICT AGENCY
ELKO, NEVADA

ORDINANCE OF THE GOVERNING BODY
OF THE
DUCK VALLEY SHOSHONE-PAIUTE TRIBES

ORDINANCE NO. 96-SPO-05



ENACTED BY THE GOVERNING BODY OF THE SHOSHONE-PAIUTE TRIBES OF
THE DUCK VALLEY INDIAN RESERVATION, THAT

TRIBAL EMPLOYMENT RIGHTS ORDINANCE
OF THE
SHOSHONE-PAIUTE TRIBE

SECTION 1.0 NAME

This ordinance shall be known as the "Shoshone-Paiute Tribal Employment Rights Ordinance". The short name shall be the "Tribal Employment Rights Ordinance", or "TERO".

SECTION 2.0 PURPOSE

The purpose of this Ordinance is to assist in and require the fair employment of Indians on or near the Duck Valley Indian Reservation, prevent discrimination against Indian in the employment practices of Reservation employers, and set forth Indian preference requirements of Reservation employers, contractors and subcontractors.

SECTION 3.0 DEFINITIONS

- 3.1 "Chairman" means the Chairman of the Tribal Employment Rights Commission.
- 3.2 "Commission" means the Tribal Employment Rights Commission.
- 3.3 "Contractor" means any independent contractor, prime contractor or subcontractor located or engaging in one or more construction trades or employment activities on the Duck Valley Indian Reservation.
- 3.4 "EEOC" means the Equal Employment Opportunity Commission of the United States.
- 3.5 "Employee" means any person employed for remuneration.

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OF THE
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- 3.4 "EEOC" means the Equal Employment Opportunity Commission of the United States.
- 3.5 "Employee" means any person employed for remuneration.

3.6 "Employer" means any person, company, business, contractor or entity located or engaging in commercial or employment activity on the Duck Valley Indian Reservation and employs for wages two (2) or more employees who, during any 30-day period, spend, cumulatively, forty (40) or more hours performing work within the exterior boundaries of the reservation.

3.7 "Entity" means any person, partnership, corporation, joint venture, government, governmental enterprise, or any other natural or artificial organization, agency or department. The term "entity" is intended to be as broad and encompassing as possible to ensure the Ordinance's coverage over all employment and contract activities within the Tribe's jurisdiction, and the term shall be so interpreted by the Tribal Employment Rights Commission and the Shoshone-Paiute Tribal Council.

3.8 "General Council" means all tribal members of the Shoshone-Paiute Tribe who are eligible to vote acting together in a regular or special called meeting or election.

3.9 "Indian" means any member of a federally recognized Tribe.

3.10 "Indian-owned Business" means a business entity of which at least 51% is owned, operated, and managed by Indians.

3.11 "Key Personnel" means any regular, permanent employee of an employer who provides a specialized service to that employer. A regular, permanent employee who is and has been on the employer's or subcontractor's annual payroll for a period of one year continuously, or is an owner of the firm (as against one who is hired on a project by project basis). Key personnel shall include, but shall not be limited to superintendents, managers, foremen, and licensed professional employees.

3.12 "Local Indian" means any Indian as defined in subsection 3.9 of this Section who either resides within the exterior boundaries of the Duck Valley Indian Reservation or who resides within a reasonable days commute to work on the Reservation.

3.12 (a) TERO Priority listing:

- 1) Local enrolled Indians;
- 2) Local Unenrolled Indians;
- 3) Non-Local unenrolled Indians;
- 4) Spouses or providers for Indians;
- 5) Other

3.13 "Minimum Threshold" means a minimum level above which Indian preference will be required as established by:

1. Job Description;
2. Interview Committees;
3. Skill Test;
4. License Requirements and Request for Proposals.

3.14 "Near the Reservation" means within a reasonable days' commute of the Duck Valley Indian Reservation.

3.15 "OFCCP" means the Office of Federal Contract Compliance Programs of the United States.

3.16 "Reservation" means the Duck Valley Indian Reservation.

3.17 "Tribal Council" means the elected governing body of the Shoshone-Paiute Tribe elected by the General Council.

3.18 "Tribe" means the Shoshone-Paiute Tribe.

SECTION 4.0 SHOSHONE-PAIUTE TRIBAL EMPLOYMENT RIGHTS COMMISSION

4.1 Establishment and Purpose of the Tribal Employment Rights Commission.

There is hereby established the Shoshone-Paiute Tribal Employment Rights Commission for the purpose of:

- (A) implementing and enforcing the provisions of the Tribal Employment Rights Ordinance;
- (B) providing independent investigations and administrative review of all employment related policies, procedures, activities of all employers, contractors, subcontractors and other entities covered by this Ordinance.
- (C) adjudicating complaints, or grievances of all employment related matters under its authority.

SECTION 5.0 GENERAL AND SPECIFIC POWERS OF THE COMMISSION

5.1 GENERAL POWERS OF THE COMMISSION.

5.2 ORGANIZATIONAL AUTHORITY.

The Commission is further authorized and directed to adopt such organizational By-Laws as are necessary to enable it to carry out its duties and functions: The Commission shall report directly to the Tribal Council.

5.3 REGULATORY AUTHORITY.

(A) The Commission is authorized to issue rules, regulations, guidelines, and interpretations of law for Indian preference necessary to implement this Ordinance. Such rules shall become effective upon written approval of the Tribal Council. The Commission shall take reasonable steps to insure that the general Reservation Community is on notice of all Indian preference and employment related laws.

(B) The Commission is authorized to certify Indian-owned business for purposes of Indian preference in contracting and subcontracting.

(C) The Commission is authorized to approve Indian Preference Plans as required by this Ordinance.

5.4 ADJUDICATIVE AUTHORITY

The Commission may hold hearings and rule on any matter under its authority, including but not limited to adjudicative hearings regarding violations of the provisions of this Ordinance.

5.5 COOPERATIVE AGREEMENTS WITH OTHER GOVERNMENTS AND ENTITIES

(A) The Commission may negotiate and with Tribal Council approval enter into cooperative agreements with agencies of the State and Federal Governments in order to implement the intent of this Ordinance and eliminate unlawful discrimination against Indians.

(B) The Commission may, with Tribal Council approval, authorize qualified Indian entities to perform specific duties or functions of the Commission for and on behalf of the Commission which the Commission deems necessary and appropriate. However, the Commission may not delegate its power or duty to:

(a) Adopt, amend, or rescind rules, regulations, orders, decisions or awards of the Commission.

(b) Conduct formal hearings or impose penalties.

5.6 SPECIFIC POWERS OF THE COMMISSION

(A) To establish numerical hiring goals and timetables specifying the minimum number of Indians an employer must hire by craft or skill level.

(B) To prohibit contractors from using job qualification criteria or personal requirements that may bar Indians from employment unless such criteria requirements are consistent with Bona-fide Occupational Qualification (BFOQ) criteria as defined by the EEOC. Commission regulations may adopt EEOC guidelines or similar guidelines or may adopt additional requirements to eliminate employment barriers unique to Indians and the Reservation.

(C) Impose contract and subcontract preference requirements, with a first preference to local Indian firms, and establish and operate a system for certifying firms as eligible for Indian preference and local Indian preference.

(D) To require contractors to establish or participate in job training program as the Commission deems necessary to increase the pool of Indians eligible for employment on the Reservation.

(E) To establish counseling programs to assist Indians in obtaining and retaining employment.

(F) To establish and administer a Tribal Skills Bank and require contractors use the Skills Bank.

- (G) To require contractors to submit reports and take all action deemed necessary by the Commission for fair and consistent implementation application, and compliance with this Ordinance.
- (H) To enter into agreements with the Unions to insure Union compliance with this Ordinance.
- (I) To enter into cooperative agreements with Federal employment rights agencies such as the EEOC and OFCCP to eliminate discrimination against Indians both on and off the Reservation.
- (J) To issue notices of non-compliance, administer oaths or affirmations subpoena witnesses, take evidence and require by subpoena the production of books, papers, contracts, agreements, or other documents, records, or information which it deems relevant or material to properly carry out the duties and functions of the Commission.
- (K) To make such inspections or investigations within the exterior boundaries of the Reservation necessary to carry out the duties and functions of the Commission.
- (L) To grant any remedy or relief which the Commission deems just and equitable and within the scope of any agreement of the parties to a hearing including but not limited to specific performance of a contract(s).
- (M) To assess and collect Employment Administrative Fees as required by this Ordinance.
- (N) To impose penalties against employers as the Commission deems necessary, proper, and in accordance with this Ordinance.
- (O) To take other such action as is necessary to achieve the purpose and objectives of this Ordinance and to carry out the duties and functions of the Commission.

5.7 COMPOSITION OF THE COMMISSION

- (A) The Commission shall be composed of three (3) tribal members or Tribal Council members appointed by the Tribal Council. Commission members shall hold office for a term of two (2) years. Such members may be removed by the Tribal Council at any time for breach of duty, misconduct, or other act of malfeasance as determined by the Tribal Council.
- (B) Decisions of the Commission shall be made by majority vote. A quorum shall consist of a simple majority of the Commission members.

5.8 DELEGATION OF AUTHORITY

The Commission shall delegate to the Director/Compliance Officer the authority to carry out the day-to-day operations of the Commission and such other authority as is convenient or necessary to the efficient administration of this Ordinance, except that the Commission may not delegate its power or duty to:

- A. Adopt, amend and rescind rules, regulations or guidelines.
- B. To conduct hearings or to impose sanctions pursuant to Section 9.0.

SECTION 6.0 INDIAN EMPLOYMENT PREFERENCE POLICY AND PROCEDURES

6.1 COVERAGE

All employers are required to give preference to bona-fide Indian contractors and sub-contractors for all construction contracts on and near the Duck Valley Indian Reservation. All construction contractors are required to give preference to qualified Indians, with first preference to qualified local Indians, as provided herein, in all aspects of employment, including, but not limited to recruitment, hiring, promotion, lateral transfers, retention, training, and contracting. No contractor may recruit, hire, or otherwise employ any non-Indian for any employment position covered by this Ordinance, unless and until the Commission has furnished written notice to said contractor that no qualified Indians are available for such positions.

6.2 APPLICABILITY

- (A) Unless clearly and expressly prohibited by federal law, this Ordinance shall apply to all employers including but not limited to private employers, independent contractors, prime contractors and subcontractors, including those performing work for the Tribe and tribal entities (including entities chartered by the tribe), Public Utility Companies, the State of Idaho, Nevada, and the United States.
- (B) The Indian preference requirements contained in this Ordinance shall apply to each and every job classification, skill area, or craft recognized or utilized by contractors including administrative supervisory, and professional classifications. However, the Commission may grant exceptions to this requirements on a case-by-case basis for key personnel of a contractor.

6.3 CONTRACTOR(S) AND SUB-CONTRACTOR(S)

The Indian preference requirements contained in this Ordinance shall be binding on all construction contractors and subcontractors regardless of tier and shall be deemed part of all contract and subcontract specifications. The contractor shall be subject to penalties provided herein for violation(s) of this Ordinance.

6.4 JOB QUALIFICATION AND JOB PERSONNEL

An Indian shall be qualified for employment in a position if he or she meets the minimum threshold requirements for such position, and such Indian shall be accorded the preferences to which he or she is entitled under the Ordinance. No contractor or subcontractor may utilize any employment criteria that is not a Bona-Fide Occupational Qualification (BFOQ) reasonably necessary for the normal operation of the business enterprise.

6.5 MINIMUM NUMERICAL GOALS AND TIMETABLES FOR INDIAN EMPLOYMENT

- (A) The Commission may, upon consultation with the contractor establish the minimum number of Indians each contractor may employ on his workforce during any year that he or any of his employees are engaged in work on the Reservation. Numerical goals may be set for each craft, skill, job classification, etc.,

used by the contractor and shall include, but not be limited to administrative, supervisory and professional categories. The goal may be expressed in terms of man hours of Indian employment as a percentage of the total man hours worked by the contractor's workforce in the job classification involved.

(B) The goals shall be reviewed by the Commission at least monthly and shall be revised as necessary to reflect changes in employer hiring plans. Each contractor shall submit a monthly report to the Commission, indicating the number of Indians in his workforce, how close they are to meeting their goals, all persons hired or fired during the month, the job positions involved, and any other information required by the Commission. A contractor who fails to submit monthly reports shall be subject to penalties provided under this Ordinance.

6.6 TRIBAL SKILLS BANK

The Commission shall establish and administer a Tribal Skills Bank to assist the Commission and contractors in placing Indians in job positions.

6.7 JOB REFERRALS

When seeking to fill any position, every contractor shall give notice to the Commission or its representative and allow the Commission or its representative a reasonable time to locate and refer a qualified Indian to said contractor. For the purpose of this Section, "reasonable time" shall be defined as follows: For construction jobs, the Commission or its representative shall have 48 hours to locate and an additional 12 hours to refer, a qualified Indian. However, the Commission or its representative shall consider waivers of these time periods upon a showing by the contractor that an emergency exists or that such time periods impose an undue burden on the contractor.

6.8 TRAINING

The Commission may, upon consultation with the contractor require a contractor to participate in training programs to assist Indians to become qualified in the various job classifications used by the contractor. The ratio of Indian trainees to fully qualified workers shall be set by the Commission after consultation with the contractor.

6.9 COUNSELING AND SUPPORT PROGRAMS

The Commission may establish counseling and other support programs to assist Indians to obtain and retain employment. Every contractor shall be required to cooperate with the Commission regarding such counseling and support programs.

6.10 PREFERENCE IN CONTRACTING AND SUBCONTRACTING

Employers shall give preference in the award of construction contracts to tribally-owned and Indian-owned businesses. In granting such preference the following order to preference shall be adhered to:

- (A) Local Indians living on or near the Reservation
- (B) Other Indians

The Commission shall maintain a list of tribally-owned and Indian-owned businesses which shall be supplied to the employers for their use.

6.11 LAYOFFS

No Indian worker shall be laid off as long as a non-Indian worker in the same craft is still employed, nor as long as the Indian meets threshold qualifications for the job. If the contractor lays off by crews, qualified Indians shall be transferred to any crew that will be retained, as long as there are non-Indians in the same craft employed elsewhere on the Reservation under the same contract. However, the Commission or its representative may grant exemptions to this requirement on a case-by-case basis for key personnel of a contractor.

6.12 BURDEN OF PROOF

In any hearing before the Commission where the issue is compliance by an employer of any of the requirements and provisions of the foregoing subsections of Section 6, the burden of proof shall be on the employer rather than on the employee or other complainant to show said compliance.

SECTION 7.0 COMPLIANCE BY UNIONS

Every union with a collective bargaining agreement with a contractor must file a written agreement stating the union will comply with this Ordinance and the Rules, Regulations and Orders of the Commission. Until such agreement is filed with the Commission, union contractors may not commence work on the Reservation.

7.1 CONTENTS OF UNION AGREEMENTS.

Every union agreement with a contractor or filed with the Commission must provide:

- (A) **Indian Preference:** The union must give preference to Indians in job referrals regardless of which union referral list they are on. Specifically, so long as there is an Indian on any of the referral lists maintained by the union, the Indian shall be referred before any non-Indian is referred to the reservation project, even if the non-Indian is on a preferred referral list.
- (B) **Cooperation with the Commission:** The union will cooperate with the Commission in all aspects and assist in the compliance with, and enforcement of this Ordinance and related regulations and agreements.
- (C) **Registration:** The union will establish a mechanism allowing Indians to register for job referral lists by telephone or mail.
- (D) **Training Programs:** The union will establish a journeyman upgrade and an advance apprenticeship program.
- (E) **Temporary Work Permits:** The union will grant temporary work permits to Indians who do not wish to join the union.

7.2 MODEL UNION AGREEMENT

The Commission will provide a model union agreement for use by all unions who have collective bargaining agreements with any contractor.

7.3 RECOGNITION OF UNIONS

Nothing herein or any activity by the Commission authorized hereby shall constitute official Tribal recognition of any union or Tribal endorsement of any union activities on the Reservation.

7.4 BURDEN OF PROOF

In any hearing before the Commission where the issue is compliance by a contractor of any of the requirements and provisions of the foregoing subsections of Section 7.0, the burden of proof shall be on the contractor rather than on the employee or other complainant to show said compliance.

SECTION 8.0 COMPLAINTS

8.1 COMPLAINT PROCEDURE

If the Director or its representative has cause to believe that a employer, contractor, or union has failed to comply with this Ordinance regulating employment practices on the Reservation, it may file a complaint with the Director or its representative and notify such party of the alleged violation(s). The Director will attempt to achieve an informal settlement of the matter but if an informal settlement cannot be achieved, the Director may request a hearing on the matter.

8.2 INDIVIDUAL COMPLAINT PROCEDURE

If an Indian believes an employer or contractor failed to comply with this Ordinance regulating employment practices on the Reservation or believe (s)he has been discriminated against by an employer, because (s)he is an Indian, (s)he may file a complaint with the Director or its representative specifying the alleged violation(s). Upon receipt of the complaint, the Director shall investigate and attempt to achieve an informal settlement of the matter. If the informal settlement cannot be achieved, the complainant or Director may request a hearing on the matter.

8.3 EMPLOYER, CONTRACTOR AND UNION COMPLAINT PROCEDURE

If any employer, contractor or union believes that any provision of this Ordinance is illegal or erroneous, he may file a complaint with the Director specifying the alleged illegality or error.

Upon receipt of the complaint, the Director shall investigate and attempt to achieve a informal settlement of the matter. If an informal settlement cannot be achieved, the complainant or Commission may request a hearing on the matter.

8.4 TIME PERIOD FOR FILING A COMPLAINT

Any complaint shall be filed with the Commission within one hundred and eighty (180) days after the alleged violation(s) occurred. The complaint shall include the date, place, and circumstances of the alleged violation and shall be served upon the person against whom the charge is made within ten (10) days thereafter.

SECTION 9.0 HEARINGS

9.1 If a hearing is requested by the Director, an individual, employer or union pursuant to Section 8.0, the Commission or its representative shall provide all concerned parties with a written notice of hearing stating the nature of the hearing and the evidence to be presented.

9.2 Hearings shall be governed by the following rules of procedure:

- (A) All parties may present testimony of witnesses and other evidence and may be represented by counsel at their own expense.
- (B) The Commission may at the hearing have the advise and assistance of counsel provided by the Tribe.
- (C) The Chairman of the Commission or the Vice-Chairman shall preside and the Commission shall proceed to ascertain the facts in a reasonable and orderly fashion.
- (D) The hearing may be adjourned, postponed, and continued at the discretion of the Commission.
- (E) At the close of the hearing, the Commission may take immediate action or take the matter under advisement.
- (F) The Commission shall notify all parties of its decision in the matter thirty (30) days after the final hearing.

9.3 The Commission shall not be bound by technical rules of evidence in the conduct of hearings and no informality in any proceedings, as in the matter of taking testimony, shall invalidate any decision, rule, regulation or order made, approved or confirmed by the Commission.

SECTION 10.0 PENALTIES FOR VIOLATION(S)

10.1 Any employer, contractor or subcontractor who violates this Ordinance shall be subject to penalties for such violation(s) including but not limited to the following:

- (A) Imposition of monetary civil penalties.
- (B) Payment of back pay and damages to compensate any party harmed as a result of non-compliance with or violation of this Ordinance.
- (C) An order to summarily remove employees hired in violation of this Ordinance.
- (D) An order requiring changes in employer's policies and procedures necessary to eliminate the violation(s).
- (E) An order requiring employment, promotion, and/or training of Indians injured by the violation.
- (F) Denial of right to commence or continue business on the Reservation.
- (G) Suspension of operations on the Reservation.
- (H) Prohibition from engaging in future operations on the Reservation.
- (I) An order making any other provision deemed by the Commission necessary to alleviate, eliminate, and/or compensate for any violation(s).

10.2 The maximum monetary penalty which may be imposed is \$1,000.00 for each violation. Each day during which a violation exists shall constitute a separate violation.

SECTION 11.0 APPEALS

- 11.1 Any individual, group of individuals, employer or entity, may file an appeal with the Commission.
- 11.2 Any party to a hearing shall have the right to appeal any decision of the Commission to the Tribal Court for appellate review.

SECTION 12.0 PUBLICATION OF ORDINANCE

- 12.1 The Commission shall notify all employers and prospective contractors of this Ordinance and their obligations to comply. All bid announcements issued by any Tribal, Federal, or other private or public entity shall contain a statement that the successful bidder will be obligated to comply with this Ordinance and all Rules, Regulations, and Orders of the Commission.
- 12.2 All Tribal agencies responsible for issuing business permits for Reservation activities or otherwise engaged in activities involving contact with prospective employers and contractors on the Reservation shall be responsible for advising such prospective employers and contractors of their obligations under this Ordinance and all Rules, Regulations, and Orders of the Commission.
- 12.3 The Commission shall send a copy of this Ordinance to every employer operating on the Reservation.

SECTION 13.0 COMPLIANCE PLAN

Every employer and construction contractor shall be required to submit to the Commission for its approval a Compliance Plan setting forth how the employer and/or contractor is intending to meet obligations under this Ordinance. No employer and/or contractor shall commence work on the Reservation until said Compliance Plan is approved by the Commission.

SECTION 14.0 REPORTING AND ON-SITE INSPECTIONS

Contractors shall submit reports and other information requested by the Commission. The Commission and/or its representative shall have the right to make on-site inspections during regular working hours in order to monitor any contractor's compliance

with this Ordinance and Rules, Regulations, and Orders of the Commission. The Commission shall have the right to inspect and copy all relevant records of any contractor of any signatory union or subcontractor, and shall have the rights to speak to workers and conduct investigations on job sites.

SECTION 15.0 RULES AND REGULATIONS

This Ordinance shall establish the Commission and general requirements, policies and procedures to govern it and its work. When the Commission is appointed and organized, it shall with all reasonable speed adopt as necessary, and with the final approval of the Tribal Council, more detailed rules, regulations policies, and procedures to fully implement this Ordinance and the purpose and responsibilities of the Commission.

SECTION 16.0 COMMISSION FUNDS

All funds from contractor fees and other sources, collected by the Commission, although under the management and control of the Commission, shall be Tribal funds to the final control and disposition by the Tribal Council.

SECTION 17.0 EMPLOYMENT ADMINISTRATIVE FEE

The Commission shall assess contractors an Employment Administrative Fee to provide revenue for the operation of the Tribal Employment Rights Office as follows:

17.1 CONTRACTORS

Every contractor conducting business on the Reservation and with a contract of \$50,000.00 or more shall pay a one-time Employment Administrative Fee of 1.5 percent (1.5%) of the total amount of the contract, per each contract. Said fee shall be paid prior to commencing work on the Reservation. However, where good cause is shown, the fee may be paid in installments over the length of the contract, if approved by the Commission.

17.2 ACCOUNTING

Employment Administrative Fee shall be paid to the Fiscal Department of the Shoshone-Paiute Tribe and placed in a special account for use by the Commission. The Commission is authorized to establish such rules regulations as are necessary to assure a fair and timely fee collection process.

Any contractor or subcontractor who fails to pay the required Employment Administrative Fee shall be subject to penalties provided for in Section 10 of this Ordinance.

SECTION 18.0 HEALTH & WELFARE & PENSION FUND BENEFITS

When Fringe Benefits are available for Indian employees through a Trust Plan, all contractors shall be required to offer the Indian employee the option of:

- (a) Issue all funds to the Company and/or Employer Pension Plan and Trust; or
- (b) Issue all funds directly to the Indian Employee of said employer.

In the case of option (b) above, all funds shall be issued to the employee in such a manner as to coincide with the employee's regular pay period.

SECTION 19.0 RETALIATION AND/OR REPRISAL

Any harassment, adverse action, discrimination or threat against anyone because he/she, or company, filed a complaint with the Commission opposed any unlawful employment practice, or testified, assisted, participated in any manner in an investigation, proceeding or hearing involving any unlawful employment practice is in itself a violation of this Ordinance. Any person or entity causing such retaliation and/or reprisal shall be subject to the penalties outlined in Section 10.0 of this Ordinance.

SECTION 20.0 PRINCIPLES OF CONSTRUCTION

This Ordinance is remedial legislation intended to rectify the long-standing problem of severe under employment of the Duck Valley Indian Reservation and other Indians living on and near the Reservation. Accordingly, it is to construed liberally to achieve its purpose. Doubtful issues are to be resolved in favor of a right to file a grievance and to obtain judicial review.

SECTION 21.0 SEVERABILITY

If any provision of this Ordinance, or its application to any person circumstances is held invalid, the remainder of the Ordinance, or the application of the provision to other persons or circumstances, is not affected.

SECTION 22.0 SOVEREIGN IMMUNITY PRESERVED

Except as expressly provided herein, nothing in this Ordinance is to be construed as a waiver of the Tribe's sovereign immunity from unconsented lawsuit, nor as consent by the Tribe to bring an action against the Tribe, its officers, its representatives, or any of its departments or entities.

SECTION 23.0 AMENDMENTS

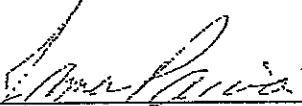
This Tribal Employment Rights Ordinance and the procedures promulgated hereunder may be amended or rescinded by the Tribal Council at a duly called regular or special called meeting.

SECTION 24.0 EFFECTIVE DATE

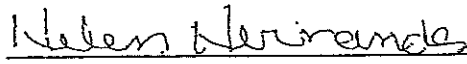
This Ordinance rescinds all previous TERO Ordinances and shall be effective from the date of its approval by the Tribal Council and the Secretary of the Interior.

CERTIFICATION

It is hereby certified that the Shoshone-Paiute Business Council is composed of a Chairman and 6 members of who 5 constituting a quorum, were present at a meeting duly held on the 11th day of June, 1996, and that the foregoing ordinance was adopted by the affirmative vote of 5 for and 0 against with 0 absententions: pursuant to the authority contained in Article VI, Section 1 (f) of the Shoshone-Paiute Tribes Constitution and By-Laws.

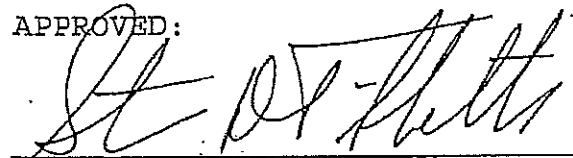


JAMES PAIVA, Tribal Chairman
Shoshone-Paiute Tribes



HELEN HERNANDEZ, Tribal Secretary
Shoshone-Paiute Tribes

APPROVED:



Superintendent, Eastern Nevada Agency
Bureau of Indian Affairs

7/1/96

Date



ORDINANCE OF THE BUSINESS COUNCIL
OF THE
DUCK VALLEY SHOSHONE-PAIUTE TRIBES

ORDINANCE NO. 97-SPO-02

AN ORDINANCE TO AMEND ORDINANCE NUMBER 96-SPO-05

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-PAIUTE TRIBES
THAT,

WHEREAS, Add To: Section 3.6

NOTE: This excludes the Shoshone-Paiute Tribal Government Organization.

Add To: Section 3.7

NOTE: This excludes the Shoshone-Paiute Tribal Government Organization.

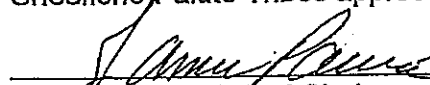
WHEREAS, Section 3.12 (a) TERO Priority Listing:

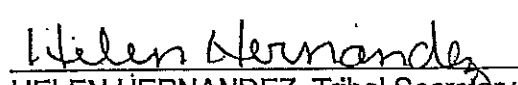
- 1) Duck Valley Shoshone-Paiute Enrolled Indians
- 2) Other Enrolled Indians

NOW THEREFORE BE IT ENACTED, That all other provisions of this Ordinance Number 96-
SPR-05 remains the same.

CERTIFICATION

It is hereby certified that the Shoshone-Paiute Business Council is composed of six (6) Council Members of whom six (6) constituting a quorum and a Chairman were present at a meeting held on the 11th day of March, 1997, and that the foregoing ordinance was adopted by an affirmative vote of 5 FOR, 0 AGAINST and 1 ABSTENTION pursuant to the authority contained in Article VI, Section 1 (f) of the Constitution and Bylaws of the Shoshone-Paiute Tribes approved April 20, 1936.

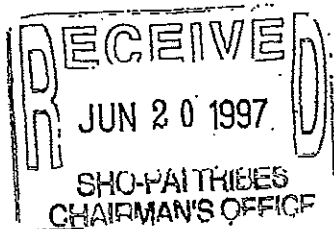

JAMES PAIVA, Tribal Chairman
Shoshone-Paiute Tribes


HELEN HERNANDEZ, Tribal Secretary
Shoshone-Paiute Tribes

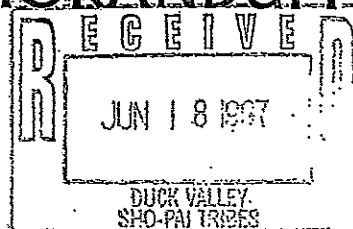
APPROVED: 

SUPERINTENDENT, Eastern Nevada Agency
Bureau of Indian Affairs

7/10/97
Date



UNITED STATES GOVERNMENT
MEMORANDUM



MAIL STOP: 350

Date: June 13, 1997

Reply to
Attn of: Acting Superintendent, Eastern Nevada Agency

Subject: Shoshone Paiute Tribal Ordinance #97-SPO-02

To: Phoenix Area Director
Attn: Donna Peterson, Tribal Operations

Transmitted for your review, is Ordinance #97-SPO-02, TERO Ordinance amendment to add Section 3.6 and Section 3.12 (a) TERO Priority Listing.

The ordinance was originally received on March 18, 1997 and received by the Branch of Tribal Operations on April 25, 1997. Corrections were made by the Tribe and the ordinance was resubmitted and received on May 5, 1997. Since the ordinance had been erroneously filed and no action taken within the required time frame of ten (10) days, the ordinance becomes effective by default.

The only recommendation we have is to correct the spelling of ordinance and number.

If you should have any questions, please contact our office at (702) 738-5165.

Attachments:

/s/ Donna S. Bradley

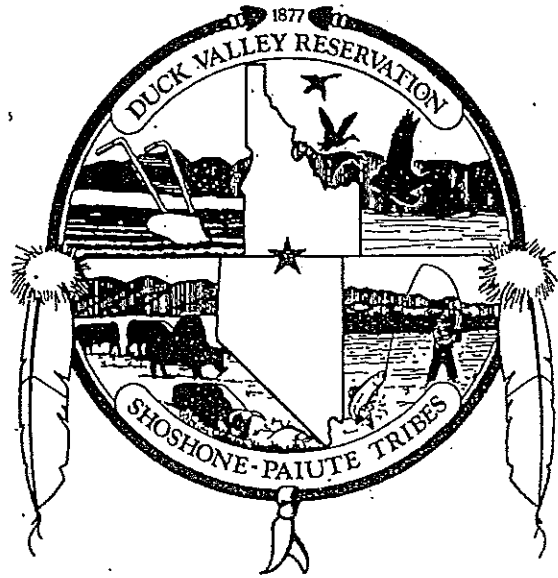
lc: Chairman, DV Sho-Pai Tribes
96-SPO-04 File w/copies
ENA Chrono file
Tribal Ops Chrono file

RECEIVED
MAIL ROOM

2003 DEC -8 P 3:43

Bureau of Indian Affairs
Eastern Nevada Field Office

ORDINANCE
of the
GOVERNING BODY
of the
SHOSHONE-PAIUTE TRIBES
of the
DUCK VALLEY INDIAN RESERVATION



ORDINANCE NUMBER 2004-SPO-02

An Ordinance to Amend Ordinance 96-SPO-05

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION, That Section 3.12(a) of Ordinance 96-SPO-05 ("Tribal Employment Rights Ordinance" or "TERO") is amended as follows:

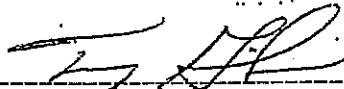
3.12 (a) TERO Priority Listing:


- 1) Local enrolled Indians;
- 2) Local unenrolled Indians
- 3) Non-local enrolled and unenrolled Indians;
- 4) Indian guardians and spouses of Indians;
- 5) Others

BE IT FURTHER ENACTED, That all other provision of Ordinance 96-SPO-05 shall remain the same.

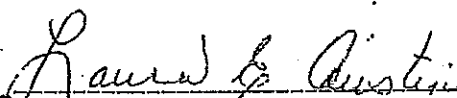
CERTIFICATION

It is hereby certified that the Shoshone-Paiute Business Council is composed of 6 Council Members of whom 6 constituting a quorum and a Chairman were present at a meeting held on the 25th day of November, 2003, and that the foregoing ordinance was adopted by an affirmative vote of 6 FOR, 0 AGAINST and 0 ABSTENTIONS pursuant to the authority contained in Article VI, Section (k) of the Constitution of the Shoshone-Paiute Tribes, approved April 20, 1936.


TERRY GIBSON
Tribal Chairman


HELEN HERNANDEZ
Tribal Secretary/Office Administrator

APPROVED:


ACTING SUPERINTENDENT, Eastern Nevada Field Office
Bureau of Indian Affairs

12/18/03
Date

UNITED STATES GOVERNMENT
MEMORANDUM
Eastern Nevada Agency

Date: June 7, 2004

Reply to: Virgil Townsend, Superintendent
Eastern Nevada Agency

MAIL STOP: 350

Subject: Shoshone-Paiute Tribal Ordinance
2004-SPO-05 & 2004-SPO-06

To: Western Regional Director
Attn: Sharlot Johnson, Tribal Government Services

Transmitted are a copies of the Shoshone-Paiute Tribal Ordinance Nos. 2004-SPO-05 and 2004-SPO-06, enacted on May 18, 2004. Ordinance 2004-SPO-05 and 2004-SPO-06 are amendments to the Tribe's Employee Handbook Section (TERO) and does not require Secretarial approval and therefore they became effective the date of enactment.

If you should have any questions, please feel free to contract Susan Zazueta, Tribal Operations Specialist, at (775) 738-0586.

Attachment:

By Virgil Townsend.

*J*cc. Chairman Sho-Pai Tribes
ENFO Subject file w/copy
ENFO Tribal Ops Chrono file
ENFO Chrono file
Szazueta: 06/07/03(2004-SPO-05 & 06)sz

COPY FOR YOUR INFORMATION

ORDINANCE
of the
GOVERNING BODY
of the
SHOSHONE-PAIUTE TRIBES
of the
DUCK VALLEY INDIAN RESERVATION



ORDINANCE NUMBER 2004-SPO-06

An Ordinance to Amend Ordinance 98-SPO-05

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE SHOSHONE-PAIUTE TRBES OF THE DUCK VALLEY RESERVATION, That Section 5.7(A) of Ordinance 96-SPO-05 ("Tribal Employment Rights Ordinance" or "TERO") is amended as follows:

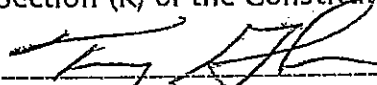
5.7 Composition of the Commission


The Commission shall be composed of five (5) Tribal Members or Tribal Council Members appointed by the Tribal Business Council.

BE IT FURTHER ENACTED, That all other provisions of Ordinance 96-SPO-05 shall remain the same.

CERTIFICATION

It is hereby certified that the Shoshone-Paiute Business Council is composed of 6 Council Members of whom 6 constituting a quorum and a Chairman were present at a meeting held on the 18th day of May, 2004, and that the foregoing ordinance was adopted by an affirmative vote of 6 FOR, 0 AGAINST and 0 ABSTENTIONS pursuant to the authority contained in Article VI, Section (k) of the Constitution of the Shoshone-Paiute Tribes, approved April 20, 1936.


TERRY GIBSON
Tribal Chairman


HELEN HERNANDEZ
Tribal Secretary/Office Administrator

APPROVED:

SUPERITENDENT, Eastern Nevada Field Office
Bureau of Indian Affairs

Date