

**THE BLACKFEET TRIBE
OF THE BLACKFEET INDIAN RESERVATION
BROWNING, MONTANA 59417**

24 NOVEMBER 1981

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NUMBER: #126-82

RESOLUTION

**Blackfeet Tribal Resolution for the Establishing of a
Tribal Employment Rights Office**

- WHEREAS:
1. Like land, water, and minerals, jobs in private employment on or near the Blackfeet Reservation are an important resource for Indian people and Indians must use their rights to obtain their rightful share of such jobs as they become available.
 2. Indians have unique and special employment rights and the Blackfeet Tribal Government has the inherent sovereign power to pass laws to implement and enforce those special rights on behalf of Indians.
 3. Indians are also entitled to the protection of the laws that the Federal Government discrimination, and Tribal governments can and should play a role in the enforcement of those laws.
 4. The Blackfeet Tribe believes it is important to establish an employment rights program and office in order to use the aforementioned laws and powers to increase employment of Indians and to eradicate discrimination against Indians.

THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The Blackfeet Tribe does hereby establish the Blackfeet Tribal Employment Rights Office, (hereinafter called "Office") as an independent office of the tribe, reporting directly to the Tribal Chairman. The Director of the Office shall be appointed by the Tribal Council. The Director shall have the authority to hire staff, expend funds appropriated by the Tribal Council, and to obtain and expend funding from Federal, State or other sources to carry out the purposes of the Office. The Office shall have the authority to issue rules, regulations, and guidelines to implement the employment rights requirements imposed by this resolution, to hold hearings, to subpoena witnesses and documents, to require employers to submit reports and to take such other

actions as are necessary for the fair and vigorous implementation of this resolution.

2. All employers operating within the exterior boundaries of the Blackfeet Reservation are hereby required to give preference to Indians in hiring, promotion, training all other aspects of employment, and in subcontracting. Said employers shall comply with the Indian Preference laws, rules, regulations, and guidelines of the Employment Rights Office that set out the specific obligations of the employer in regards to Indian Preference.

3. Any covered employer who has a collective bargaining agreement with one or more unions shall obtain written agreement from said union(s) stating that the union shall be subject to the approval of the Employment Rights Office. Such agreement does not constitute official tribal recognition or sanction of any union.

4. Any employer who fails to comply with the laws, rules, regulations, or guidelines on employment rights of the Blackfeet Tribe or who fails to obtain the necessary agreements from its signatory unions shall be subject to sanctions which shall include but are not limited to: denial of the right to commence business on the Blackfeet Reservation, fines, suspension operation denial of the right to conduct any further business on the Blackfeet Reservation, payment of back pay or other relief to correct any harm done to aggrieved Indians, and the summary removal of employees hired in violation of the Blackfeet Tribe's employment rights requirements.

Sanctions shall be imposed by the Director, after following the employer an opportunity to present evidence showing why it did not violate the requirements or why it should not be sanctioned. An employer shall have the right to appeal to the Tribal Court any decision by the Director that imposes sanctions on him.

5. In implementing the requirements of this resolution, the Employment Rights Office is authorized to:

- A. Impose numerical hiring goals and timetables that specify the minimum number of Indians an employer must hire, by craft or skill level.
- B. Require covered employers to establish or participate in such training programs as the Office determines necessary in order to increase the pool of qualified Indians on the Blackfeet Reservation as quickly as possible.
- C. Establish in conjunction with the Tribal Employment and Training Program, a tribal hiring hall and impose a requirement that no covered employer may hire a non-Indian until the tribal hiring hall has certified That no qualified Indian is available to fill the vacancy.
- D. Prohibit any covered employer from using qualification criteria or other personnel requirements that serve as barriers to Indian employment unless the employer can demonstrate that such criteria or requirements are required by business necessity. In developing regulations to

implement this requirement, the Office shall adopt the EEOC guidelines on these matters to the extent they are appropriate. However, the Office shall have the right to impose additional requirements, beyond those established by EEOC, in order to address employment barriers that are unique to Indians.

- E. To enter into agreements with unions to insure union compliance to this resolution.
- F. To require employers to give preference in the award of subcontracts to tribal and other Indian-owned firms and entities.
- G. To establish programs, in conjunction with other tribal and federal offices, to provide counseling and support to the Indian workers to assist them retain employment. Employers shall be required to participate in and/or cooperate with such support and counseling programs.
- H. Take such other actions as are necessary to achieve the purposes and objectives of this resolution. However, the implementation of any activities or requirements that constitute a significant new "a" through "d" shall be subject to the prior approval of the Tribal Chairman. In implementing these components, the Office shall have the discretion to begin by applying all of the components to a limited kind of employers, (e.g., construction, mining). Whichever approach to phasing - in the program the TERO decides to use. It shall develop at a gradual pace in order to insure a stable and effective program.

6. The Office is authorized to enter into cooperative relationships with Federal Employment Rights agencies, such as EEOC and OFCCP, in order to eliminate discrimination against Indians on and off the Blackfeet Reservation. The Office shall investigate the feasibility of establishing a tribal FEPC and of entering into a formal relationship with EEOC as provided for in section 706 of Title VII of the Civil Rights Act, and shall report back to the Council on its findings within 24 months. However, no tribal FEPC shall be entered into with EEOC unless prior approval has been obtained from the Tribal Council.

7. An employment rights fee, to raise revenue for the operation of the Office, is hereby imposed as follows:

- A. Every covered rights construction contractor with a contract of 100,000. Or more shall pay a one-time fee of $\frac{1}{2}$ of 1% of the of the total amount of the contract. The fee may be paid in installments over the length of the contract.
- B. Every covered employer, other than construction contractors with five or more employees or gross sales of \$50,000. or more

shall pay an annual fee of ½ of 1% of the annual payroll of that employer. This fee shall not apply to educational, health, governmental, or non-profit employers. Such fees shall be paid to the Tribal Government and shall be placed in a special account to use to meet the operating costs of the Office. The Office shall be responsible for collecting said fees and is authorized such rules and regulations as are necessary to insure a fair and timely fee shall be subject to the sanctions provided for in paragraph four of this resolution. The Office is authorized to develop a program to rebate some or all of the fees paid by an employer if that employer is found to be in compliance with the requirements imposed by this resolution and is making a substantial effort to employ, train, and promote Indians.

8. The Tribal Employment and Training Program (CETA) and the BIA Employment Assistance Program shall devote such amount of their resources as is necessary to prepare Indians for the job opportunities to be opened up by the employment rights program. Also the Tribal Employment and Training Program is hereby mandated to establish a construction worker trainee program and to obtain certification for that program from the Department of Labor. The Directors of the Tribal Employment and Training Programs, the BIA Employment Assistance program and the Tribal Education program shall coordinate with the Director of the Employment Rights Office in the development of their training plans.

9. Funds for the operation of TERO shall be budgeted by the Tribal Council. In addition, the Tribal CETA Program shall make available to the Office up to five (5) public employment slots to pay the salaries of Office Director he or she shall present to the Tribal Council a plan for the financing of the Office out of the expected amount of revenue from the employment rights fees, and other potential sources of funding for the Office, including but not limited to new funds or reallocation of existing funds from such sources as CETA, ONAP, EEOC, BIA Employment Assistance, HUD, and EDA.