KIOWA TRIBE
RESOLUTION NO. ___

TRIBAL EMPLOYMENT RIGHTS OFFICE ACT OF 2018

At a duly called Session of the Legislature of the Kiowa Tribe held this 14th day of April 2018, the following Resolution and Law were adopted.

WHEREAS; the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

WHEREAS; the Tribe passed a Tribal Employment Rights Ordinance ("TERO") in 1997, and the Tribe currently operates a TERO office; and,

WHEREAS; the Legislature has determined that it is in the best interests of the Tribe to pass the TERO Act to reaffirm TERO and to bring it into compliance with the Constitution of the Tribe.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "Tribal Employment Rights Office Act of 2018".

CERTIFICATION

The foregoing resolution was duly voted upon by the Legislature on _____________, 2018, at a Session with a vote of _____ in favor and _____ opposed, _____ abstaining, and _____ absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

____________________________________
Secretary of the Legislature

---

Posted by: Kiowa Legislature on March 14, 2018, for the Legislative Session XII, on April 14, 2018
LEGISLATURE - RESOLUTION NO. ____:

SPONSOR: __________________________________________
CO-SPONSOR(S): ______________________________________

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DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. ____ was presented to the Chairman of the Kiowa Tribe on the ____ day of _____ 2018, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.

__________________________________________
Secretary of the Legislature

Posted by: Kiowa Legislature on March 14, 2018, for the Legislative Session XII, on April 14, 2018
CHAIRMAN'S ACTION:

[ ] APPROVED

[ ] VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

________________________________________
________________________________________
________________________________________
________________________________________

On this ___ day of ________, 201__.

________________________________________
Chairman

Presented by the Chairman to the Legislature on the ___ day of ________, 201__.

LEGISLATURE'S ACTION:

Override of Chairman’s veto:

[ ] YES

[ ] NO

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CERTIFICATION

Posted by: Kiowa Legislature on March 14, 2018, for the Legislative Session XII, on April 14, 2018
The foregoing resolution was duly voted upon by the Legislature on ______, 201__, at a meeting with a vote of _____ in favor and _____ opposed, and _____ abstaining pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

________________________
Secretary of the Legislature

Posted by: Kiowa Legislature on March 14, 2018, for the Legislative Session XII, on April 14, 2018
Section 1.1 Short Title

This enactment shall be known as the “Tribal Employment Rights Office Act of 2018” (“TERO Act”).

Section 1.2 Purpose

The purpose of the TERO Act is to re-establish a TERO office to implement the TERO Act to ensure Indian Preference in employment and contracting, and to establish fees for doing business within the jurisdiction of the Tribe.

Section 1.3 Findings

(a). The Tribe passed a Tribal Employment Rights Ordinance (“TERO”) in 1997, and the Tribe currently operates a TERO office; and,

(b). The Legislature has determined that it is in the best interests of the Tribe to pass the TERO Act to reaffirm TERO and to bring it into compliance with the Constitution of the Tribe.

Section 1.4 TERO Law

(a). The Legislature hereby reaffirms the TERO law attached hereto.

(b). The outdated references to the prior “Business Committee” that appear in TERO shall be modified to say, “Chairman and Legislature”.

(c). The TERO fee schedules that appear in Section 11 of the TERO Act may be modified by the Commission upon notice and comment rule-making.
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TRIBAL EMPLOYMENT RIGHTS OFFICE ORDINANCE

Of

THE KIOWA INDIAN TRIBE OF OKLAHOMA

(Amended May 1, 1997 by TERG Commission)

SECTION 1: GENERAL PROVISION AND PURPOSE

Title. This Ordinance shall be known as the Kiowa Tribal Employment Rights Office Ordinance.

Authority. The Kiowa Tribal Employment Rights Office Commission is the authorizing Body to promulgate and enforce this ordinance as delegated by the Business Committee in accordance with the Kiowa Tribe of Oklahoma’s Constitution and Bylaws.

Statement of Purpose. The Kiowa Tribe believes that it is important to create employment and training opportunities for Kiowa Tribal Members and other Indians and to eradicate discrimination against Indian people. An integral part of attaining this goal is by structuring employment and training opportunities within the Kiowa, Comanche and Apache (KCA) jurisdictional area to provide for the hiring of Indians where there are not sufficient qualified Indians to meet the employment opportunities.
Indian Preference Purpose-Federal Law Opportunities. Nothing contained in this ordinance shall violate or undermine federal requirements on Equal Employment Opportunities, namely, Title VII of the 1964 Civil Rights Act, the office of Federal Contract Compliance Program (OFCCP) or Executive Order 11246 Title VII Prohibits preferential employment on the basis of Race, Color, Sex or National Origin. The 1964 Civil Rights Act, however, contains a special exception which makes Indian Preference permissible. Title VII Section 703 (l) states:

"Nothing contained in this title shall apply to any business or enterprise on or near an Indian Reservation with regard to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian."

The bureau of Indian Affairs in its regulations implements the Indian self-determination Act provides for Indian Preference in employment and all contracts negotiated pursuant to the Act (see 25 CFR Section 271.44)

In January 1977, the OFCCP issued regulations, which provide the federal contractors must comply with tribal preference requirements. 41 C.F.R. 60-1.5 (a) (6) state:

"Work on or near Indian Reservations. It shall not be a violation of equal opportunity clause for a construction or non-construction contractor to extend a publicly announced preference in employment in Indians living on or near an Indian Reservation. The use of the word "Near" would include all that area where a person seeking employment could reasonable be expected
to commute to and from in the course of a workday. Contractors or Subcontractors extending such a preference shall not, however, discriminate among Indians on the basis of Religion, Sex, Tribal Affiliation and the use of such a preference shall not excuse a contractor from complying with other requirements contained in this chapter."

SECTION 2: DEFINITIONS

A. "Employee" Means any person employed for remuneration.

B. "Employer" Means any person, partnership, corporation, or other entity that employs, for wages, two or more employees.

C. "Covered Employer" Means any employer employing two or more employees who during any 30-day period, spend cumulatively, 40 or more hours performing work on land subject to the jurisdiction of the Kiowa Indian Tribe of Oklahoma.

D. "Entity" Means any person, partnership, corporation joint venture, government, governmental enterprise, or any other natural or artificial person or organization. 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 Commission and the courts.

E. "Commission" Means the Kiowa Tribal Employment Rights Office Commission established by Section 6, b, to perform the duties of Section 7, a. of this ordinance.

F. "Commercial Enterprise" means any activity by the Kiowa Tribe or of the federal or state governments that is not a traditional government function as defined by the Internal Revenue Service.
G. "Indian" Means any member of a federally recognized tribe. To authenticate verification for proof of enrollment only pictured tribal enrollment cards with roll number will be accepted. The TERO Director will complete follow-up verification to ensure that documentation submitted is accurate.

H. Kiowa Business Committee means the elected governing officials of the Kiowa Indian Tribe of Oklahoma.

I. "Kiowa Indian Country" Means any Kiowa member owned land whether it is allotted or in trust located within the boundaries of the former Kiowa, Comanche, Apache (KCA) Reservation and all Aboriginal lands throughout the United States is subject to the jurisdiction of the Kiowa Tribe.

J. "Indian Preference" Means that Kiowa Tribal members are given first preference over other members of other federal recognized tribes in employment and training and that Indians are given preference over non-Indians in employment and Training.

K. "Aboriginal Lands" In accordance to the Fort Gibson Treaty of 1937 that established jurisdiction. See Attachment (1).

SECTION 3: INDIAN PREFERENCE IN EMPLOYMENT

All covered employers, for all employment occurring within Kiowa Indian Country, shall give preference to qualified Indians, in all hiring, promotion, training, layoffs and all other aspects of employment. Such employers shall comply with the rules, regulations, guidelines and orders of the Kiowa Tribal Employment Rights Office Commission which set forth the specific obligations of employers in regard to Indian preference. These requirements shall not apply to any direct employment by the Kiowa Tribe or the federal, state or other governments or their subdivisions.
It shall apply to all contractors or grantees of such governments and to all commercial enterprises operated by such governments.

SECTION 4: INDIAN PREFERENCE IN CONTRACTING

All entities awarding contracts or subcontracts for supplies, services labor and materials in an amount of $5,000 or more where the majority of the work on the contract or subcontract will occur within Kiowa Indian Country, shall give preference in contracting and subcontracting to entities that are certified by the Commission as 51% or more Indian owned and controlled, with a first preference to certified entities that are 51% or more owned and controlled by Indians. Indian Preference shall apply to any contracts awarded by any commercial enterprises of the Kiowa Tribe, even if said contracts must be submitted to the Kiowa Business Committee for approval. Tribal programs or divisions other than commercial enterprises shall not be required, when submitting a contract to the Kiowa Business Committee for approval, to indicate, as part of the submission to the Committee the steps taken to award the contract to an Indian contractor. These requirements shall apply to all subcontracts awarded by a tribal, federal, or state direct contractor or grantee, whether or not the prime contract was subject to these requirements. All covered entities shall comply with the rules, regulations, guidelines and orders of the Commission which set forth the specific obligation of such entities in regard to Indian preference in contracting and subcontracting. The Commission shall establish a system for certifying firms as eligible for Indian Preference. Indian Preference Certification forms and cards will be issued and updated annually.
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SECTION 4: INDIAN PREFERENCE IN CONTRACTING

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SECTION 5: UNIONS

Any covered employer who has a collective bargaining agreement with one or more union shall obtain written agreement from such union(s) stating that the union shall comply with Indian preference laws, and with the rules, regulations and guidelines of the Kiowa Employment Rights Office. Such agreement shall be subject to the approval of the chairman of the Kiowa TERO commission pursuant to delegated authority as provided in Section 7. G., 8 and 9 herein.

SECTION 6: COMMISSION; MEMBERS; COMPENSATION QUORUM

A. The KBC creates a Kiowa Tribal Employment Rights office Commission pursuant to Article V., Section 2.b., of the Kiowa Constitution and Bylaws.

B. The Commission shall be composed of five commissioners four of which shall be appointed by the KBC, the fifth member will be the TERO Director. The TERO Commission, shall designated one as the Commission Chairman. The KBC Chairman shall serve as an ex officio member of the Commission.

C. Provides funds are available, members of the Commission shall be entitled to receive, upon presentation of proper vouchers, such mileage and per diem payments for travel and lodging expenses incurred in the necessary execution of their duties as provided by the ordinance.

D. A majority of the Commission shall constitute a quorum to transact business. When a vacancy occurs in the Commission, the remaining members may exercise all the powers of the Commission until the vacancy is filled.
SECTION 7: POWERS OF THE COMMISSION

The Commission has the full power, jurisdiction and authority as delegated by the KBC pursuant to the constitution and Bylaws of the Kiowa Tribe of Oklahoma ARTICLE V., SECTION 2.b to:

A. Formulate, adopt, amend and rescind rules, regulation and guidelines necessary to carry out the provisions of this Ordinance. Except when an emergency exists, the Commission shall provide the public with a reasonable time for comment before promulgating any final regulations.

B. Require each covered employer or entity to submit to the Commission an acceptable compliance plan indicating how it will comply with this Ordinance, before a covered employer or entity may commence work in Kiowa Indian Country.

C. Impose numerical hiring goals and timetables that specify minimum number of Indians a covered employer must hire, by craft or skill level.

D. Require covered employers to establish or participate in such training programs as the Commission determines necessary in order to increase the pool of qualified Indians in Kiowa Indian Country as quickly as possible.

E. Establish in conjunction with Tribal employment and training programs a tribal hiring hall or skills bank and impose a requirement that no covered employer may hire a non-Indian until the tribal hiring hall or bank has certified that no qualified Indian is available to fill the vacancy.

F. Prohibit covered employers 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 Commission shall implement the EEOC Guidelines on these matters to the extent that they are appropriate. The Commission shall have the right to impose its own requirements in additional to or in lieu of EEOC guidelines when necessary to address unique qualification problems confronting Indians.

G. To enter into agreement with unions to insure union compliance with this Ordinance. Such agreements shall in no way constitute recognition or endorsement of any union.

H. Impose contract and subcontract preference requirements, with a first preference to Indian Firms, and establish and operate a system for certifying firms as eligible for Indian preference.

SECTION 8: DIRECTOR: QUALIFICATIONS: STAFF: DUTIES

A. The KBC delegates' exclusive Authority to the Commission to appoint direct, Suspend or remove the TERO Director.

B. The TERO Director shall have such administrative ability, education and training as the Commission determines.

C. The TERO Director shall have authority to hire staff and to obtain and expend funding from federal, state or other sources to carry out the purposes of the Commission.

D. The TERO Director shall administer the policies, authorities, and duties prescribe for in this Ordinance and delegated by the Commission pursuant to Section 9.
SECTION 9: DELEGATION OF AUTHORITY

The Commission shall delegate to the TERO Director the authority to carry out the day-to-day operation for 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 conducting hearing or to impose sanctions pursuant to Section 15.

SECTION 10: INTERGOVERNMENTAL RELATIONSHIPS

The Commission acting through the TERO Director is authorized to enter into cooperative relationships with federal employment rights agencies, such as Equal Employment Opportunities Commission (EEOC) and office of Federal Contract Compliance Program (OFCCP), in order to eliminate discrimination against Indians within or outside Kiowa Indian Country.

SECTION 11: EMPLOYMENT RIGHTS FEE

An employee rights fee, to raise revenue for the operation of the Commission, is imposed as follows:

A. Every Prime Contractor with a construction contract in the sum of $5,000 or more to be performed within Kiowa Indian Country shall pay a one-time fee of 3% of the total amount of the contract. Such fee shall be paid by the employer prior to commencing work within Kiowa
Indian Country. However where good cause is shown, the Director may authorize a construction contractor to pay said fee in installments over the course of the contract.

B. Every covered employer, other than construction contractors, with twenty (20) or more employees working within Kiowa Indian country, or with gross sales within Kiowa Indian Country of $25,000 or more shall pay a quarterly fee of 3% of his employee’s salaries. This quarterly fee shall be paid within 30 days after the end of each quarter.

C. The TERO Director shall be responsible for collecting said fees pursuant to any rules and regulations adopted by the Commission. Said fees shall be paid to the Financial Department and shall be credited to the special TERO account of the Kiowa Tribe, to carry out the purpose of this Ordinance, including training programs to orientate workers on TERO guidelines and to provide funding for vocational training in fields requested by employers that is not currently listed in the Job Skills Bank.

SECTION 12: COMPLAINTS

Any individual, group, or individuals, organization that believes any covered employer or entity, or the Commission has violated any requirements imposed by this Ordinance or Regulations issued pursuant to it, may file a complaint with the TERO Director. The complaint shall be in writing and shall provide such information as is necessary to enable the TERO Director to carry out an investigation. The TERO Director shall investigate every complaint filed with the TERO Office. If upon investigation it is found that a violation may have occurred, the TERO Director
shall proceed pursuant to the provisions of Section 15. Within 20 days after receipt of the complaint, and on a regular basis thereafter, the TERO Director, shall provide the complaining party with a written report on the status of the complaint. On tribal complaints the TERO Director will offer assistance to the Personnel Office in order to remedy the situation in a timely manner and will refer to Section 12 should the procedures listed above not be adhered to.

SECTION 13: INVESTIGATION

Pursuant to a complaint, the TERO Director or any Field Compliance Officer designated by the TERO Director shall make such public or private investigations within Kiowa Indian Country, as deemed necessary to determine whether any covered employer or other covered entity has violated any provision of this Ordinance or any rule or order hereunder, to aid in prescribing rules, regulations guidelines hereunder. The TERO Director or a delegate may enter the place of business or employment with Kiowa Indian Country during business hours of any employer for the purpose of such investigation, and may require the covered employer or entity to submit such reports as he deems necessary to monitor compliance with the requirements of this Ordinance or any rules or orders hereunder.

SECTION 14: POWER TO REQUIRE TESTIMONY & PROCEDURE OF RECORDS

During the conduct of an investigation which, in the opinion of the TERO Director or the Commission, are necessary and proper for the enforcement of this Ordinance, The TERO Director, or any Field Compliance officer designated by the TERO Director may administer oaths or affirmation subpoena witness, take evidence, and require, by citation, the production of books, paper, contracts, agreements or other documents, record or information which the TERO
Director or the Commission deems relevant or material to the investigation. All evidence relevant to the case must be submitted prior to the hearing including a listing of witnesses that will be appearing at the hearing, and name of who will serve as legal council to the covered employer or entity. All documents must be submitted to the TERO Director five (5) days prior to the scheduled hearing date. Any documentation submitted after the date as indicated above will not be admissible.

SECTION 15: ENFORCEMENT

A. When, after conducting and investigation, initiated by a complaint pursuant to Section 12, or a self-initiated investigation pursuant to Section 13, the TERO Director has reason to believe a violation of the Ordinance or regulations issued pursuant to it has occurred, the TERO Director shall notify the covered employer or entity in writing specifying the alleged violations. However, may withhold the name (s) of the complaining party if there is reason to believe such party shall be subject to retaliation. The TERO Director shall seek to achieve an informal settlement of the alleged violation. If a informal settlement has not been reach a formal notice of non-compliance shall be issued, which will also advise the covered employer or entity of his right to request a hearing.

B. The formal notice shall set out the nature of the alleged violation and the steps that must be taken to come into compliance. It shall provide the employer or entity with a reasonable time, which in no event shall be less than five days from the date of receipt of such notice, to comply. If the party fails or refuses to comply, he may request a hearing before the Commission which shall be held no
sooner than five working days and no later than 30 calendar days after the date for compliance set forth in the TERO Director's notification to the party charged of a violation unless and expedited hearing is deem necessary by the Commission to avoid irreparable harm. If a party fails or refuses to comply and does not request a hearing, the Commission may proceed pursuant to subsection E of this Section.

C. If the party requests a hearing pursuant to subsection B, and the TERO Director has good cause to believe that there is a danger that the party requesting the hearing will remove itself or its property from the jurisdiction of the Tribe prior to the hearing. Require the party to post a bond with the Commission in an amount sufficient to cover possible monetary damages that may be assessed against the party at the hearing. If the party fails or refuses to post said bond, the Commission may proceed pursuant to subsection E of this Section.

D. Any hearing held pursuant to subsection B shall be conducted by the Commission. Conduct of the hearing shall be governed by the rules of practice and procedure which maybe adopted by the Commission. The Commission shall not be bound by technical rules of evidence in the conduct of hearing under this Ordinance, and no informality in any proceeding, as in the manner or taking testimony, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission. No stenographic record of the proceeding and testimony shall be required except upon arrangement by, and at the cost of the party requesting such a record.

E. If, After the hearing, the Commission determines that the violation alleged in subsection A occurred and that the party charged has no adequate defense in law
or fact, or if no hearing is requested consistent with the requirements of 25 U.S.C. 1302, et seq. The Commission may:

1. Deny such party the right to commence business in Kiowa Indian Country (48 CFR 52.209-5 pg. #36 & 37)

2. Impose a civil fine or such party in an amount not to exceed $5,000 for each violation. Each day in which a violation occurs shall constitute a separate offense.

3. Suspend such party’s operation in Kiowa Indian Country (48 CFR 212-12 & 13 #46 & 47).

4. Terminate such party’s operation in Kiowa Indian Country (52.249.1 and 52.249.1 and).

5. Deny the right of such party to conduct any further business in Kiowa Indian Country.

6. Order such party to make payment of back pay to any aggrieved Indians (s) as restitution to such aggrieved Indian (s).

7. Order such party to dismiss any employee hired in violation of the Kiowa Tribe’s employment right requirements.

8. Order the party to take other action as is necessary to ensure compliance with ordinance or to remedy any harm caused by a violation of this Ordinance.
The commission's decision shall be in writing, shall be served on the charged party by registered mail or in person and shall be submitted no later than thirty days after the close of the hearing provided in subsection E. of this section!

F. The decision of the Commission shall be final. A petition may be filed requesting the courts of Indian offenses for the Kiowa Tribe to enforce the Commission's decision pursuant to 25 CFR sub-Chapter B, Part 11, 11.1 (e).

SECTION 16: AMENDMENT

The TERO Commission of Oklahoma hereby reserves the right to amend the aforementioned TERO Ordinance as deemed necessary pursuant to Section 7 sub-part A!
CERTIFICATION

The foregoing was duly enacted by the Kiowa Business Committee on the 23rd day of
August, 1995 by a vote of 7 for and 0 against, a quorum being present.

Billy Evans Horse  11/15/95
Chairman
Kiowa Business Committee

Irene Spottedhorse  11/29/95
Secretary
Kiowa Business Committee
RESOLUTION

RESOLUTION OF THE KIOWA TERÖ COMMISSION
REVISING THE CURRENT KIOWA TRIBAL EMPLOYMENT
RIGHTS OFFICE ORDINANCE.

WHEREAS, the Kiowa Business Committee is authorized pursuant to the Kiowa Tribal
Constitution and By-Laws, to engage in business matters and to promulgate and enforce
codes and ordinances on behalf of the Tribe, and

WHEREAS, the Kiowa Tribe has an established Tribal Employment Rights Office
(TERO) Ordinance adopted June 6, 1984 and revised on August 23, 1996 which sets forth
employment rights for Kiowa Tribal members of Indian Tribes; and

WHEREAS, the TERO Commission in accordance with Kiowa Tribe's Tribal
Employment Rights Ordinance Section 7, Sub-part A states that the TERO Commission
has the full power, jurisdiction and authority to formulate, adopt, amend and rescind rules,
regulations and guidelines necessary to carry out the provisions of the Ordinance.

WHEREAS, the Kiowa TERO Commission recognizes the need to amend the TERO
Ordinance as stated in Section 16 of the Kiowa Tribe's Tribal Employment Rights
Ordinance. The Kiowa Tribe of Oklahoma hereby reserves the right to amend the
aforementioned TERO Ordinances as deemed necessary by the TERO Officer and/or the
TERO Commission, and

WHEREAS, the TERO Commission will amend Section 11, Sub-parts A and B,
"Employment Rights Fee", which reads as follows:

A. Every covered employer with a construction contract in the sum of $100,000 or
more to be performed within Kiowa Indian Country shall pay a one-time fee of 3% of the
total amount of the contract. Such fee shall be paid by the employer prior to commencing
work within Kiowa Indian Country. However, where good cause is shown, the Director
may authorize a construction contractor to pay said fee in installments over a course of the
contract.

B. Every employer, other than construction contractors, with twenty (20) or more
employees working within Kiowa Indian Country, or with gross sales within Kiowa Indian
Country of $100,000 or more shall pay quarterly fee of 3% of his employees which are
employed within Kiowa Indian Country quarterly payroll which shall be paid within 30
days after the end of each quarter.
The amendment to Section 11, Subparts A and B shall read as follows:

A. Every covered employer with a contract in the sum of $5,000.00 or more to be performed within Kiowa Indian Country shall pay a one-time fee of 3% of the total amount of the contract. Such fee shall be paid by the employer prior to commencing work within Kiowa Indian Country. However, where good cause is shown, the director may authorize a construction contractor to pay said fee in installments over the course of the contract.

B. Every covered employer, other than contractors, with twenty (20) or more employees working within Kiowa Indian Country, or gross sales within Kiowa Indian Country, or with gross sales within Kiowa Indian Country of $25,000 or more shall pay a quarterly fee of 3% of his employees which are employed within Kiowa Indian Country quarterly payroll which shall be paid within 30 days after the end of each quarter.

NOW THEREFORE BE IT RESOLVED, that the Kiowa Tribal Employment Rights Office (TERO) Commission authorizes and adopts the amendment to Kiowa Tribal Employment Rights Office Ordinance on October 29, 1996.

CERTIFICATION

The foregoing resolution was duly adopted by the Kiowa TERO Commission at monthly meeting session held on October 29, 1996 at the Kiowa Tribal Complex in Carnegie, Oklahoma by a majority vote of 3 for, 0 against, and 0 abstentions a quorum being present and voting.

ATTEST: WITNESS:

Angela Lamebull/TERO Officer

Alva Dee Tsoodle, Chairman
TERO Commission
RESOLUTION

RESOLUTION OF THE KIOWA BUSINESS COMMITTEE
REVISING THE CURRENT KIOWA TRIBAL EMPLOYMENT RIGHTS
OFFICE ORDINANCE.

WHEREAS, the Kiowa Business Committee is authorized pursuant to the Kiowa Tribal
Constitution and By-Laws, to engage in business matters and to promulgate and enforce
codes and ordinances on behalf of the Tribe, and

WHEREAS, the Kiowa Tribe has an established Tribal Employment Rights Office
(TERO) Ordinance adopted on June 6, 1984, which sets forth employment rights
for Kiowa Tribal members and members of other Indian Tribes; and

WHEREAS, the Kiowa Business Committee recognizes the need to amend the TERO
Ordinance to meet current federal employment laws, and

WHEREAS, the TERO shall be financed with funds from the Equal Employment
Opportunity Commission (EEOC), revenue from the TERO Fees, and other potential
sources of funding, and

WHEREAS, in implementing the requirements of this resolution, the TERO program is
authorized to:

A. Impose the numerical hiring goals and timetables that specify the
minimum number of Indians an Employer/Contractor must hire, by
    craft or skill level.

B. Require covered employers/contractors to establish or participate in
such training programs as the TERO determines necessary in order
to increase the pool of qualified Indians on Kiowa Tribal Land(s)
as quickly as possible.

C. Establish in conjunction with the tribal Jobs Training Partnership
Act (JTPA), a Tribal hiring hall and impose a requirement that no
covered employer/contractor 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/contractor from using qualification
criteria or other personnel requirements that serve as barriers to
Indian employment unless the employer/contractor can demonstrate
that such criteria or requirements are required by business necessity.
In developing regulations to implement this requirement, the TERO shall adopt the EEOC guidelines on these matters to the extent they are appropriate. However, the TERO 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 with this resolution.

G. Take such other actions necessary to achieve the purposes and objectives of this resolution. However, the implementation of any activities or requirements that constitute a significant new component to this program, beyond those listed sub-paragraphs "A through D" shall be subject to the prior approval of KBC. In implementing these components, the TERO shall have the discretion to begin by implementing certain portions of components or applying all of the components so limited kinds of employers. 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.

NOW THEREFORE BE IT RESOLVED, that the Kiowa Tribal Employment Rights Office Commission authorizes and adopts the Kiowa Tribal Employment Rights Office Ordinance as amended on July 10, 1997.

CERTIFICATION

The foregoing resolution was duly adopted by the Kiowa TERO Commission at a monthly meeting held on July 10, 1997 at the Kiowa Tribal Complex, Carnegie, Oklahoma by a majority vote of _3_ for, ___ against, and ___ abstentions, a quorum being present and voting.

ATTEST:  WITNESS:

[Signature]
Angefa Lamebull, TERO Director

[Signature]
Alva Dee Tsodde, Chairman of the Kiowa TERO Commission
RESOLUTION

RESOLUTION OF THE KIOWA TERO COMMISSION
REVISING THE CURRENT KIOWA TRIBAL EMPLOYMENT
RIGHTS OFFICE ORDINANCE.

WHEREAS, the Kiowa Business Committee is authorized pursuant to the Kiowa Tribal Constitution and by-laws, to engage in business matters and to promulgate and enforce codes and ordinances on behalf of the Tribe, and

WHEREAS, the Kiowa Tribe has an established Tribal Employment Rights Office (TERO) Ordinance adopted June 6, 1984, and revised on August 23, 1995 which sets forth employment rights for Kiowa Tribal members of Indian Tribes; and

WHEREAS, the TERO Commission in accordance with Kiowa Tribe’s Tribal Employment Rights Ordinance Section 7, sub-part A states the TERO Commission has the full power, jurisdiction, and authority to formulate, adopt, amend and rescind rules; regulations and guidelines necessary to carry out the provisions of the Ordinance.

WHEREAS, the Kiowa TERO Commission recognizes the need to amend the TERO Ordinance as stated in Section 16 of the Kiowa Tribe’s Tribal Employment Rights Ordinance the Kiowa Tribe of Oklahoma hereby reserves the right to amend the aforementioned TERO Ordinances as deemed necessary by the TERO Officer and/or the TERO Commission, and

WHEREAS, The TERO Commission will amend the following Sections: Section 1 Page 1, Section 2 Pages 3 and 4 subparts B. H. K. L., Section 3 Page 4, Section 4 Pages 5 and 6, Section 5 Page 6, Section 6 Pages 6 and 7 subpart B., Section 7 Pages 7 and 8 subparts F. and H., Section 8 Page 9 subparts A. B. C. D., Section 9 Page 10, Section 10 Page 10, Section 11 Pages 10 and 11 subparts A. B. C., Section 12 pages 11 and 12, Section 13 Page 12, Section 14 Page 13, Section 15 pages 13 through 15 subparts A. B. C. E. 1.2.3.4., Section 16 page 16.

The amendments will be as follows: Attached is a reference sheet which identifies the changes as indicated above. All the amendments are highlighted for better clarification.

CERTIFICATION

The foregoing resolution was duly adopted by the Kiowa TERO Commission at a monthly meeting session held on July 10, 1997 at the Kiowa Tribal Complex in Carnegie, Oklahoma by a majority vote of 3 for, 0 against, and 0 abstentions a quorum being present and voting.

ATTEST:  

Angela Eamebull, TERO Director

WITNESS:

Alva Dee Toodle, Chairman
TERO Commission
REFERENCE SHEET OF ORDINANCE

New Changes Reference Section 1 Page 1 of Draft Ordinance.


New Changes Reference Section 3 Page 5 of Draft Ordinance.

New Changes Reference Section 4 page 5, 6 of Draft Ordinance.

New Changes Reference Section 5 Page 6 of Draft Ordinance.

New Changes Reference Section 6 Page 6, 7 of Draft Ordinance.

New Changes Reference Section 7 Page 7, 8 of Draft Ordinance.

New Changes Reference Section 8 Page 9 of Draft Ordinance.

New Changes Reference Section 9 Page 10 of Draft Ordinance.

New Changes Reference Section 10 Page 10 of Draft Ordinance.


New Changes Reference Section 12 Page 11, 12 of Draft Ordinance.

New Changes Reference Section 13 Page 12, 13 of Draft Ordinance.

New Changes Reference Section 14 Page 13 of Draft Ordinance.

New Changes Reference Section 15 Page 13, 14, 15 A. B. C. E. & Page 15, 16 E. 1. 2. 3. 4. of Draft Ordinance.

New Changes Reference Section 16 Page 17 of Draft Ordinance.
RESOLUTION

RESOLUTION OF THE KIOWA TERO COMMISSION REVISION SECTION 6: COMMISSION, MEMBERS, COMPENSATION, QUORUM, PARTIE. OF THE TRIBAL EMPLOYMENT RIGHTS OFFICE ORDINANCE

WHEREAS, the Kiowa Business Committee is authorized pursuant to the Kiowa Tribal Constitution and by-laws, to engage in business matters and promulgate and enforce codes and ordinances on behalf of the Tribe, and

WHEREAS, the Kiowa Tribe has an established Tribal Employment Rights Office (TERO) Ordinance Adopted June 6, 1984 and revised on August 23, 1995 which set forth employment rights for Kiowa Tribal member of Indian Tribes, and

WHEREAS, the TERO Commission in accordance with Kiowa Tribe’s Tribal Employment Rights Ordinance Section 7, sub-part A states the TERO Commission has full power, jurisdiction, and authority to formulate, adopt, amend and rescind rules, regulations and guidelines necessary to carry out the provision of the Ordinance.

WHEREAS, the Kiowa TERO Commission recognizes the need to amend the TERO Ordinance as stated in Section 16 of the Kiowa Tribe’s Tribal Employment Rights Ordinance, Commission reserves the right to amend the aforementioned TERO Ordinance as deemed necessary by the TERO Officer and/or the TERO Commission, and

WHEREAS, the TERO Commission will amend Section 6: Commission, Members: Compensation, Quorum: Part B, which reads: “The Commission shall be composed of five commissioners four of which shall be appointed by the KBC, the fifth member will be the TERO Director. The TERO Commission shall designate one as the Commission Chairman. The KBC Chairman shall serve as an ex officio member of the Commission.” Amend to read: “The Commission shall be composed of five commissioners, two (2) KBC members appointed by the KBC to serve a two year term from date of appointment; two (2) private sector individuals appointed by the KBC to serve a four (4) year term from date of appointment; and the fifth member will be the TERO Director. The TERO Commission shall designate one as the Commission Chairman. The KBC Chairman shall serve as an ex officio member of the Commission.”

NOW, THEREFORE, BE IT RESOLVED, that the Kiowa Tribal Employment Rights Office Commission Authorize and adopt the Kiowa Tribal Employment Rights Office Ordinance as amended on July 2, 1999.

CERTIFICATION

The foregoing resolution was duly adopted by the Kiowa TERO Commission at a monthly meeting held on July 2, 1999 at the Kiowa Tribal Complex, Carnegie, Oklahoma by a majority vote of 4-0-0-0 against and 0-0-0-0 abstentions, a quorum being present and voting.

Angela Lamadrid, TERO Director

Awe Dee Toodle, Chairman of the Kiowa TERO Commission