



**Organized Village of Kake**

**P.O. Box 316**

**Kake, Alaska 99830-0316**

Telephone 907-785-6471

Fax 907-785-4902 / email KeexKwaan@starband.net

**(Federally Recognized Tribal Government serving the Kake, Alaska area)**



RESOLUTION 09-09

Title: **TRIBAL EMPLOYMENT RIGHTS OFFICE**

WHEREAS, the Organized Village of Kake (hereinafter OVK), is a federally recognized Indian Tribe under Federal law and is organized pursuant to the authority of the Federal Indian Reorganization Acts (hereinafter IRA) of 1934 & 1936 with the IRA Council as the duly Elected governing body formed under its Constitution & By-Laws; and

WHEREAS, the Organized Village of Kake was established in the exercise of sovereignty pursuant to; and

WHEREAS, the Organized Village of Kake is eligible under Internal Revenue Service and Bureau of Indian Affairs authorities for contracting of Federal programs; and

WHEREAS, employment continues to be a tribal priority; and

WHEREAS, the Organized Village of Kake believes it is important to establish an employment rights program and office in order to apply the aforementioned laws and powers to increase employment of Indian and eradicate discrimination against Indians;

NOW, THEREFORE, BE IT RESOLVED the Kake I.R.A. hereby adopts Ordinance 01.

ADOPTED THIS 5<sup>th</sup> day of June 2009, by the Kake I.R.A. in regular session at Kake, Alaska.

CERTIFICATION

This resolution was duly adopted at an IRA Council meeting held this 5<sup>th</sup> day of JUNE, 2009 by a quorum of 5 (includes president as non-voting chairperson except in case of tie vote) with 4 yes votes, 0 no votes, and 0 abstaining.

  
Casimero A. Aceveda, President

  
Attested by



## **Organized Village of Kake**

**P.O. Box 316**

**Kake, Alaska 99830-0316**

Telephone 907-785-6471

Fax 907-785-4902 / email KeexKwaan@starband.net

**(Federally Recognized Tribal Government serving the Kake, Alaska area)**



### EMPLOYMENT AND LABOR ORDINANCE OF THE ORGANIZED VILLAGE OF KAKE

#### **CHAPTER TABLE OF CONTENTS**

##### Tribal Employment Right's Office

##### Create a Tribal Employment Right's Office

1. The Organized Village of Kake (OVK) does hereby establish the OVK Tribal Employment Rights Office (TERO) as a section of the tribes Employment and Training Division, reporting directly to the Executive Director.
2. The TERO Officer shall be appointed by the OVK Executive Director, subject to approval of the I.R.A. Council.
3. At the direction of the Executive Director, the TERO Officer shall have authority to expend funds appropriated by OVK, obtain and expend funding from Federal, State, or other sources to carry out the purposes of the TERO Program.
4. The TERO Office shall have the authority to issue rules, regulations, and guidelines as approved by OVK, to implement the employment rights requirements imposed by this ordinance, 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 Ordinance.
5. Native organizations with five (5) or more employees, operating within the exterior boundaries of the OVK community, are hereby required to give preference to Indians in hiring, promotion, training, all other aspects of employment and in subcontracting.
6. Said employers shall comply with the rules, regulations, and guidelines of the TERO office that set out the specific obligations of the employer in regard to Indian preference.
7. Any covered employer who has a collective bargaining agreement with one or more unions shall obtain written agreement from said union(s) stating that union shall comply with the Indian preference law, rules, regulations, and guidelines of OVK.
8. Such agreement shall be subject to the approval of the TERO office, nor does any such agreement constitute official tribal recognition or sanction of any union.
9. Any employer, subject to this code, who fails to comply with the laws, rules, regulations or guidelines on employment rights of OVK 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 in Kake, fines, suspension of the employer's

operation, denial of the right to conduct any further business in Kake, payment of back pay or other relief to correct any harm done to aggrieved tribal members, and the summary removal of employees hired in violation of OVK's TERO Ordinance.

10. Sanctions that have been approved by OVK shall be imposed by the TERO Officer after allowing the employer an opportunity to present evidence showing why it did not violate the requirements of why it should not be sanctioned. Any employer shall have the right to appeal to OVK any decision by the TERO Officer that imposes sanctions on him.
11. In implementing the requirements of this Ordinance, the TERO Officer is authorized to:
  - a. Impose numerical hiring goals and timetables that specify the minimum number of Natives an employer must hire, by craft or skill level.
  - b. Require covered employers to establish or participate in such training programs as the TERO Office determines necessary in order to increase the pool of qualified Natives in Kake as quickly as possible.
  - c. Establish in conjunction with the TERO Program, a Tribal Job Pool and impose a requirement that no covered employer may hire a non-Native until the Jobs Pool has certified that no qualified Native is available to fill the vacancy.
  - d. Prohibit any covered employer from using qualification criteria or other personnel requirements that serve as barriers to Native employment unless the employer can demonstrate that such criteria is a business necessity. In developing regulations to implement this requirement, the TERO Program shall adopt the EEOC guidelines on these matters to the extent they are appropriate. However, the TERO Office shall have the right to impose additional requirements as approved by the I.R.A. Council, beyond those established by EEOC, in order to address employment barriers that are unique to Natives.
  - e. To enter into agreements with unions to insure union compliance with this Ordinance.
  - f. To require employers to give preference in the award of subcontracts to tribal and other Native-owned firms and entities.
  - g. To establish programs in conjunction with other tribal and Federal offices, to provide counseling and support to Native workers to help 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 Ordinance. However, the implementation of any actions or requirements that constitute a significant new component to this program shall be subject to the prior approval of OVK.
12. The TERO Office is authorized to enter into cooperative relationships with Federal Employment Rights agencies such as EEOC and OFCCP, in order to eliminate discrimi-

mination against Natives in Kake. The TERO Office shall investigate the feasibility of establishing a Tribal FEPC and entering into a formal relationship with EEOC as provided for and shall report back to the I.R.A. Council on its findings within three (3) months. However, no tribal FEPC shall be entered into with EEOC unless prior approval has been obtained from OVK.

13. An employment rights fee, to raise revenue for the operation of the TERO Office, is hereby imposed as follows:
  - a. Every covered construction contractor with the contract of \$100,000.00 or more shall pay a one-time fee of 2% 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 twenty (20) or more employees or gross sales of \$100,000.00 or more, shall pay an annual fee of 2% 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 be used to meet the operating costs of the TERO Office. The Office shall be responsible for collecting said fees and is authorized to establish such rules and regulations as are necessary to insure a fair and timely fee collection process. An employer or contractor who fails to pay the required fee shall be subject to the sanctions provided for in Section 9 and 10 of this Ordinance. The TERO Office is authorized to develop a program to rebate some or all of the fees paid by an employer who is found to be in compliance with the requirements imposed by this Ordinance and making substantial effort to employ, train, and promote Natives.

14. The TERO Program shall devote such amount of its resources as is necessary for the job opportunities to be opened up by the TERO Program.
15. There is hereby appropriated from the Employment and Training the amount of \$-0- and from the 0 Program, the amount of \$ 0 for the first year of operation. In addition, the Kake I.R.A. Council shall seek additional monies to expand the dimensions of the Program.

CERTIFIED

  
TRIBAL PRESIDENT

ATTEST

  
TRIBAL SECRETARY