

SOUTHERN UTE INDIAN TRIBE
TERO Division, P.O. Box 737, Ignacio, CO 81137
Phone: 970-563-0117 Fax: 970-563-4824

COMPLIANCE PLAN

On February 2, 1993, the Southern Ute Indian Tribal Council approved the Tribal Employment Rights Code (Code), which was subsequently approved by the Department of Interior on June 4, 1993, and amended on February 13, 2019. This Code establishes an Indian preference policy related to employers conducting business within the exterior boundaries of the reservation on land subject to the jurisdiction of the Southern Ute Indian Tribe (Tribe). The Code requires all employers to extend to members of the Tribe and other American Indians a preference in hiring, training, promotions and lay-offs. The Tribal Council created a Tribal Employments Rights Office (TERO) to administer these policies.

This Compliance Plan form serves as notice of the Tribe's employment preference law; provides the Tribe with information about employers and their business operations within the reservation; and secures each employer's acknowledgement of steps he must take to comply with the Code.

Failure to complete this form and to return it to TERO shall create a presumption that an employer is not complying with the Tribe's employment preference policy. Failure to comply with the Tribal Employment Rights Code will subject a Covered Employer to any and all tribal enforcement remedies authorized, including equitable remedies.

GENERAL INFORMATION (To be completed by Employer)

This is an official form of TERO, do not alter, change or retype this form.

1. **Company Name:** _____

2. **Mailing Address:** _____

City: _____ **State:** _____ **Zip code:** _____

3. **Telephone No.** () _____ **Fax number:**() _____

4. **Total # of employees:** _____ **Annual gross revenue:** _____

5. **Name of authorized contact representative and job title:**

_____ **E-mail address:** _____

6. **Description of business activity or project to be conducted on the Southern Ute Indian Reservation:** *Please check applicable space:*

___ *Construction Project* ___ *Oil and Gas* ___ *Services* ___ *Other* _____

7. Anticipated date of when the activity or project will START. _____

A. Anticipated date of when the activity or project will END. _____

Employers are required to notify TERO at the completion of the project.

8. Employer status (please check applicable space and provide related information):

A. _____(Contractor) Please provide a list of subcontractors currently conducting business on your behalf or a list of contracts you have determined to be eligible to perform work on your behalf.

B._____(Sub-contractor) Please provide the name of company for whom you are performing subcontract work:

C. _____(Supplier) List supplier or provider of goods, services or equipment.

D. Other (please explain)

9. Please provide a list of suppliers or providers of services to your business:

10. Specify the number of employees to be used on the proposed project, their job classifications and wage levels by occupation and type of benefits. Thereafter, employers shall be required to furnish a list of newly hired employees and terminated employees on a **MONTHLY** basis.

11. Please provide, in writing, the necessary qualifications for each position or job classification listed above. (Attach additional sheet if need to)

12. Specify the number of **additional employees needed** for this project. List job classifications and wage rates for each position. (Attached additional sheet if need to)

13. Describe any training or apprenticeship programs which your company does offer _____

14. Give project cost or contract amount for the purpose of calculating the Employment Rights Fee. _____
See page 5 for Employment Rights fee; Establishment of fee

15. Does this project involve federal or state funding? _____
If so, please include a certified payroll.
Are there any funding restrictions required by the funding source? _____

16. Employers are required to submit employment information reports to TERO. Reports shall be filed on a *Quarterly* basis no later than 10 business days after the end of each calendar quarter.

CERTIFICATION AND ACKNOWLEDGMENT

The undersigned, an authorized representative of _____, has reviewed the foregoing Compliance Plan. Under penalty of perjury, the undersigned states that the information provided on this form and any attachments is accurate and complete. Further, the undersigned agrees to comply with the Southern Ute Indian Tribe Employment Rights Code by taking the actions indicated in the foregoing Compliance Plan.

Signed this _____ day of _____, _____.
(month) (year)

Signed: _____
Employer Representative

INDIAN PREFERENCE IN EMPLOYMENT

Every covered employer is required to give preference in accordance with the TERO Code in hiring, promotion, training and layoffs for work performed within exterior boundaries of the reservation on land subject to the jurisdiction of the Southern Ute Indian Tribe. The employment preference shall follow the following priorities:

Section 17-4-106. Priority of Employment Preference

- (1). First preference shall be given to enrolled members of the Southern Ute Indian Tribe**
- (2). Second Preference shall be given to Indians who are legally married to enrolled members of the Southern Ute Indian Tribe.**
- (3). Third Preference shall be given to enrolled members of the Ute Mountain Ute and Northern Ute tribes.**
- (4) Fourth Preference shall be given to local Indians..**
- (5) Fifth Preference shall be given to non-Local Indians**

Proof of enrollment in a federally recognized Indian Tribe are required to obtain preference.

To assist Covered Employers in complying with Tribe's preference policy, TERO has assembled a job skills data bank, which identifies tribal members and other qualified Indians, together with a list of their skills and work experience.

Prior to commencing business on the Southern Ute Indian Reservation, contractors, subcontractors and all Covered Employers shall do the following:

- A.** Complete this Compliance Plan form and return it to the TERO Compliance Officer **30 days** prior to the commencement of work.
- B.** Schedule a meeting with the TERO Career Developer to discuss potential employment positions and to identify tribal members and other Indians eligible for hiring, training or promotion.
- C.** Develop a plan, in cooperation with TERO, for advertising the availability of employment opportunities.
- D.** Actively attempt to recruit and hire all qualified members of the Southern Ute Indian Tribe and other qualified Indian applicants for available employment.

In its Tribal Employment Rights Code, the Tribe has established the following fee structure for the administration and operation of TERO, as well as for the operational expenses of TERO.

EMPLOYMENT RIGHTS FEE:

Section 17-8-101. Establishment of Fee.

The Tribe hereby establishes an employment rights fee for the funding, administration and operation of training programs for Southern Ute tribal members:

(1) Every Covered Employer performing a construction, roustabout or maintenance contract in connection with building construction or oil and gas field work including a contract for services, labor or materials or any combination thereof, for such work, a majority of which will occur on lands subject to the jurisdiction of the Tribe, shall pay a **fee of 4%** of the cumulative amount of the contract, which shall be calculated on a per-contract basis and paid before final payment is made to the contactor but after any and all change orders that may affect the contract price have been processed.

(2) Every Covered Employer, with twenty or more employees or gross revenues of \$500,000 or more, other than the contractors referenced above, shall pay an annual fee **of 4%** of the annual payroll of those employees of the Covered Employer who perform work principally within the exterior boundaries of the Reservation subject to the jurisdiction of the Tribe. Such fee shall be paid within 30 days of the end of each calendar year.

(3) The tribe, state and federal governments, including their political subdivisions, and non-profit organizations, shall be exempt from payment of TERO fees.

(4) TERO fees shall be deposited in the Tribe's General Fund as a separate line item to be used to fund training for Southern Ute tribal, enrolled members of the Ute Mountain Ute and Northern Ute Tribes and Local Indians, including apprenticeship programs and on-the-job training.

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Monthly Hire/Termination Update

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1. Name of Employer _____

2. Month ending: _____

3. Business activity or project: _____

Please check applicable space:

_____ Construction Project _____ Oil & Gas _____ Services _____ Other _____

4. Please check all that apply:

A. _____ No change in employee list previously provided.

B. _____ Newly hired employees:

Name	Job classification	Wage Rate
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. _____ Terminated employees:

Signed this _____ day of _____, _____
(month) (year)

Employer representative

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Quarterly Employment Information Report
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1. Name of Employer: _____

2. Quarter ending: _____

3. Business activity or project for this quarter: _____

Please check applicable space:

_____ Construction Project _____ Oil and Gas _____ Services _____ Other _____

4. During the last quarter how many employees were hired for work conducted on the Southern Ute Indian Reservation? _____

Of those, how many were Indian? _____ Non-Indian? _____

Was TERO notified of all job vacancies? _____

5. Has a list of employees been furnished to TERO? _____

Of those, how many were Indians? _____ Non-Indian? _____

6. During the last quarter did you lay-off any employees? _____

Of those, how many were Indian? _____ Non-Indian? _____

7. During the last quarter did you enroll any employees in training or apprenticeship programs? _____

Of those, how many were Indian? _____ Non-Indian? _____

8. During the last quarter did your company award any contracts? _____

Did an Indian owned business participate in the bidding process? _____

Was an Indian owned business awarded the contract? _____

If no, please explain _____

Signed this _____ day of _____, _____
(month) (year)

Employer Representative

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REQUEST FOR WORKERS

Date _____

Person or Organization (*requesting*):

Company Name _____ Phone #: _____

Fax #: _____ E-Mail: _____

Location of job: _____

Job Title: (*check one*): Attach job description

Laborers Admin.Assist. Flaggers Other _____

How many workers needed: _____

Description of job to be done _____

Pay Rate: _____

When to start: _____ When to end _____

Where to fill out application: _____

Report To _____ at Work site

Other instructions/comments: