

Date: _____

Project: _____

TERO Compliance Plan for _____ (“Contractor”).

1. CONTRACTOR

Contractor agrees that it and any sub-contractor it uses will comply with Fond du Lac Ordinance #12/94, as amended, *Tribal Employment Rights* (“TERO”) in hiring any employees for the Contract Project. This Compliance Plan must be accepted by the TERO Office, in writing, before work on the Contract begins.

2. INDIAN PREFERENCE

Contractor shall give preference to Indian persons who apply for employment or are employed by the contractor in hiring, training opportunities, and promotions when such Indian applicants or employees are similarly qualified for the position for which such hiring, training, or promotion is undertaken. The following procedures shall be observed:

- a. Posting of Positions. All positions other than core crew positions shall be posted by the contractor with the TERO at least one week prior to the commencement of performance of the contract or as soon as such positions become open. Postings shall include the following:
 - i. Position title;
 - ii. Qualifications;
 - iii. Dates and place of employment; and
 - iv. Rate of pay and fringe benefits.
- b. Referral of Applicants by TERO. The TERO shall, within 72 hours of the posting of a position by a contractor, either refer a qualified Indian person or persons to the contractor for such position or notify the contractor that the TERO officer is unaware of any qualified Indian available for such position at that time.
- c. Contractor Notification of TERO. Following referral by the TERO, the contractor shall notify the TERO of the applicant's status through the “Fond du Lac Employment Referral Form.” The TERO and the contractor shall attempt to resolve any dispute as to the qualifications or suitability of the applicant for the position at this stage. If they are unable to come to a mutually acceptable resolution, the TERO may initiate enforcement action pursuant to Section 110 of the *Tribal Employment Rights* ordinance.

- d. Reductions in the Work Force. If the contractor undertakes a reduction in workforce, a non-Indian employee shall be laid off first when that employee is similarly employed and similarly qualified as an Indian employee.
- e. Reporting Requirements of Contractors. All contractors shall be responsible for filing the following information with the TERO in a timely manner:
 - i. Monthly Utilization Report;
 - ii. Verification of Employment;
 - iii. Rehire list(s);
 - iv. Weekly Foreman's Personnel Count; and
 - v. Layoff notices, which shall include the reasons therefore.

3. TERO FEES

Contractor shall pay a one-time project fee of three percent (3%) of the total amount of the contract. Such fee shall be paid prior to commencing work under this contract.

This agreement is entered into on _____ between the Fond du Lac Employment Rights Office (TERO) and _____ (Contractor).

THIS CERTIFIES THAT I FULLY UNDERSTAND Fond du Lac Ordinance #12/94, as amended, *Tribal Employment Rights* ("TERO"), and will comply with conditions therein.

CONTRACTOR

Signature

Date

Print name and title

FOND DU LAC TERO

Signature

Date

Print name and title

FEE AGREEMENT

This agreement shall be for one year or until the project is completed.

Contract Amount _____ TERO Fee* _____
subject to final project cost

Project _____

Contractor Supervisor _____ Phone No. _____

Address _____

Email _____

Contact Begins _____ Ends _____

Authorized Company Official: _____

Signature

Name _____

Title _____

Date _____

TERO Officer _____

Date _____

* Billing option (must be approved by TERO Officer):

___ full payment upon commencement of project

___ full payment upon completion of project

___ installment plan (FDL accounting will work with project manager to determine specifics)

___ Fond du Lac to withhold TERO fee from contract payments

