

# Frequently Asked Questions Concerning The Spokane Tribe of Indians

## TERO

### What Is TERO?

Tero stands for Tribal Employment Rights Ordinance. The TERO Ordinance requires that all employers / contractors engaged in business on the Spokane Indian Reservation give preference to qualified Indians in all aspects of employment, contracting, and all other business or economic development activities.

### Why was the TERO ordinance enacted?

- To address the deplorable rate of poverty, unemployment and underemployment that exists among native people living on reservations.
- To eliminate discriminatory and other historical barriers tribal members face while seeking employment and business opportunities on or near the reservations.
- To ensure that tribal members receive their rightful entitlements as intended under the concept of Indian Preference.

### What does the TERO ordinance do?

- **SETS CONDITIONS:** Mandates the Spokane Tribal TERO requirements for Indian Preference that all covered employers / contractors must comply with in order to be eligible to perform work on the Spokane Indian Reservation.
- **ESTABLISHES AUTHORITY:** Empowers the Spokane Tribal TERO Commission and Staff with sufficient authority to fully enforce all provisions of the Spokane Tribal TERO Ordinance.
- **PROVIDES DUE PROCESS OF LAW:** It provides principles of legal fairness to all parties involved in compliance or violation dispute issues.

### What is the purpose of the TERO program?

The primary purpose of the Spokane Tribal TERO program is to enforce tribal law in order to insure that Indian / Native people gain their rightful share to employment, training, contracting, subcontracting, and all other economic opportunities on or near the Spokane Indian Reservation.

### What is Indian Preference?

Indian Preference is a unique right that tribal members have that entitles them to ***first consideration*** to all employment, training, contracting and subcontracting and business opportunities that exist on and in some cases near the Spokane Indian Reservation.

### **What are the basic TERO requirements?**

All covered employers / contractors operating a business within the Spokane Tribal jurisdiction are required to provide Indian Preference in employment, training, contracting, subcontracting, and all other aspects of economic development activities. Below are several specific examples employers / contractors are required to comply with:

- Submit an acceptable compliance plan detailing the steps they will take to ensure compliance with the Spokane Tribal TERO Ordinance.
- Utilize the Spokane Tribal TERO Job Bank for all referrals and consider Indian applicants before interviewing or hiring non-Indian.
- Eliminate all extraneous job qualification criteria or personnel requirements which may act as barriers to Indian employment.

### **Are there exemptions to TERO requirements?**

Yes, exemptions include direct employment by the Tribe, Federal, State or other governmental and their subdivisions, non-profit corporations, churches, schools etc. ***However, all contractors working for these entities regardless of the source of funding are covered by the Spokane Tribal TERO Requirements.*** At the individual level, the only exemption allowed is for the employer's "core crew or key person" which is defined as: "a member of a contractor's or subcontractor's crew who is a regular, permanent employee and is a supervisor or other key position such that the employer would face a serious financial loss if that position were filled by a person who had not previously worked for the contractor".

### **Are TERO fees legal?**

Yes. Tribal authority to tax is equal to that of any other government. TERO fees are a valuable source for financing tribal government operations. Spokane Tribal TERO has the unique ability to generate their own operating income as well as contribute to the general fund of the Spokane Tribe.

### **How are TERO fees utilized?**

The fees collected by the Spokane Tribal TERO (3% for training and 2% for administration, totaling 5%), are used to finance operational costs and program services. Services include: recruiting, referrals, screening, job counseling, orientations, employee support services, compliance, charge processing, investigations and community awareness education sessions.