RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL (Amending Tribal Employment Rights Regulations Section 1.5)

RESOLUTION NO. 15-336

1	WHEREAS,	all members of the Tohono O'odham Nation "shall be given equal opportunity to
2		participate in the economic resources and activities of the Tohono O'odham
3		Nation" and the Tohono O'odham Legislative Council is vested with the authority
4		to enact ordinances "to promote, protect and provide for public health, peace,
5		morals, education and general welfare of the Tohono O'odham Nation and its
6		members" (Constitution, Article III, Section 3, and Article VI, Section 1(c)(2)); and
7	WHEREAS,	the Nation's Tribal Employment Rights ("TERO") law, 13 Tohono O'odham Code
8		Chapter 1, provides for the "establishment of a tribal employment rights office
9		in order to use and enforce the aforementioned laws and rights, in order to
10		increase employment of Indians and to eradicate employment discrimination
11	:	within the exterior boundaries of the Tohono O'odham Nation."; and
12	WHEREAS,	while the TERO law also vests a TERO Commission with "full power, jurisdiction
13		and authority to adopt, amend and rescind rules, regulations and guidelines
14		reasonably necessary to carry out the provisions of this Chapter," the
15		Commission currently lacks sufficient members to form a quorum or conduct
16		business (13 T.O.C. Chapter 1, Section 1107); and
17	WHEREAS,	it is in the Nation's best interest to amend Section 1.5 of the TERO Regulations to
18		authorize the TERO Director to waive compliance plan requirements for a
19		limited class of covered employers, contactors or sub-contractors; and
20	WHEREAS,	the Human Resources Development Committee recommends that the
21		Legislative Council amend Section 1.5 of the TERO Regulations in accordance
22		with this resolution.
23	NOW, THER	EFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that,
24		notwithstanding any contrary provisions of 13 Tohono O'odham Code Chapter 1,
25		TERO Regulations Section 1.5 is amended to add Section 1.5(c) as follows:
26		(c) Exemptions
27		The TERO Director is authorized to grant exemptions from some or all of the
28		requirements of this Section 1.5 if the Director makes a written determination
29		that:

RESOLUTION NO. 15-336 (Amending Tribal Employment Rights Regulations Section 1.5) Page 2 of 3 1 (1) The entity, covered employer, contractor or sub-contractor will engage in 2 business activity on the Nation primarily for non-construction purposes. 3 such as the delivery, installation, or configuration of equipment or other 4 tangible goods (including software or hardware); and 5 The employees who will be engaged in the business activity on the Nation (2) 6 are regular, permanent, or key employees of the entity, covered 7 employer, contractor or sub-contractor and no additional employees will 8 be hired to complete the work. 9 BE IT FINALLY RESOLVED that the TERO Commission shall retain the power to formulate, 10 amend, and rescind the TERO Regulations, including the Section 1.5 11 amendment approved by this resolution. 12 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 21st 13 day of AUGUST, 2015 at a meeting at which a quorum was present with a vote of 2,815.6 FOR; 14 -0- AGAINST; [01] NOT VOTING; and 205.8 [04] ABSENT, pursuant to the powers vested in the 15 Council by Article VIII, Section 3 and Article VI, Section 1(c)(2) of the Constitution of the 16 Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and 17 approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 18 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984). 19 20 TOHONO O'ODHAM LEGISLATIVE COUNCIL 21 22 23 24 Timothy Joaquin, Legislative Chairman 25 26 27 28 29 ATTEST: 30 31 32 **Evonne Wilson, Legislative Secretary** 33 34 35 36 Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the A5 day of Lagust, 2015 at 10:14 o'clock, A.m., 37 38 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become 39 effective upon his approval or upon his failure to either approve or disapprove it within 48 40 hours of submittal. 41

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RESOLUTION NO. 15-336 (Amending Tribal Employment Rights Regulations Section 1.5) Page 3 of 3
TOHONO O'ODHAM LEGISLATIVE COUNCIL Timothy loaquin, Legislative Chairman on the
Returned to the Legislative Secretary on the A7 day of

ACTION: AMENDING TRIBAL EMPLOYMENT RIGHTS REGULATIONS SECTION 1.5

MOVED: COUNCILMAN BILLMAN LOPEZ SECOND: COUNCILWOMAN BARBARA HAVIER

DATE: AUGUST 21, 2015

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSEN
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Absent) (Roberta E. Harvey) (Present)	183.6	Х			х
	2. VERNON J. SMITH (Gloria Zazueta)	183.6	x			
CHUKUT KUK 332.1	1. ETHEL GARCIA <i>(Absent)</i> (Marlakay K. Henry) <i>(Present)</i>	166.05	х			
	2. BILLMAN LOPEZ (Patricia Vicenti)	166.05	X			
GU ACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.5	X			
	2. LORETTA LEWIS ()	132.5	X			!
GU VO 250.6	1. GRACE MANUEL (Absent) (Dallas Lewis) (Present)	125.3	х			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.3	x	<u>. </u>		
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.9				х
	2. SANDRA ORTEGA ()	102.9				х
PISINEMO 219.9	1. CHESTER ANTONE (Tony Murrietta)	109.95	X			
	2. MONICA K. MORGAN	109.95	x			
SAN LUCY 226.5	1. DIANA MANUEL	113.25	Х			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			X
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Gene Enis)	114,3	x			
	2. RACHEAL VILSON-STONER (Olivia Villegas-Liston)	114.3	Х			-
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Theresa Donahue)	90.3	X			
h	2. QUINTIN C. LOPEZ (John Fendenheim)	90.3	X		X	
SELLS 513.5	1. ARTHUR WILSON <i>(Absent)</i> (Beverly Rivas) <i>(Present)</i>	256.75	X			
	2. BARBARA HAVIER ()	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN (Nicholas Jose)	115.8	X			
	2. MARY LOPEZ ()	115.8	X			
	TOTAL	3,021.4	2,815.6	-0-	[01]	205.8
					l	[04]