

**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

**WHEREAS**, the Tribal Council established the Tribal Employment Rights Office (TERO) to regulate employment on the Reservation; and

**WHEREAS**, the TERO provides services to employers on the Reservation, including the establishment and maintenance of a Hiring Hall, to provide qualified workers to employers who do business on the Reservation; and

**WHEREAS**, to offset the expense of operating the TERO, the Tribal Labor Code imposes an Employment Rights Fee on Non-Tribal employers; and

**WHEREAS**, the employer who pays the fee adds its cost to the contract amount, which is passed on to the customer; and

**WHEREAS**, the Employment Rights Fee serves no useful purpose when such fees are imposed upon construction contracts which are paid for by the Tribe, because it is ultimately Tribal money which pays for the fee, and thus, does not generate any new revenue for the Tribe; and

**WHEREAS**, pursuant to Section 1.6(A)(3) of the Labor Code, the TERO Director is authorized to implement regulations to carry out the intent and purpose of the Labor Code; and


**WHEREAS**, the TERO Director has asked the Council for a resolution which will serve as a TERO regulation, to exempt non-Tribal contractors from payment of the Employment Rights Fee when engaged in a construction contract with the Tribe which is fully funded by Tribal money.

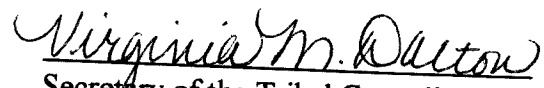
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that contractors conducting business on the Reservation pursuant to a construction contract with the Tribe shall be exempt from payment of the Employment Rights Fee for those contracts which are fully funded by Tribal money.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that this exemption shall apply only as stated above and that all other contracts, including contracts entered into by the Tribe which are funded by sources other than the Tribe, shall continue to be subject to the Employment Rights Fee.

**Resolution No. 01-96-005**

The foregoing resolution was on January 10, 1996, duly adopted by a vote of ten for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article IV, Sections 1 (a), (I), (s), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 981).

  
Chairman of the Tribal Council

  
Secretary of the Tribal Council

