

EXHIBIT K



CHIEF WASHAKIE

**RESOLUTION
OF THE
SHOSHONE AND ARAPAHOE TRIBES
WIND RIVER INDIAN RESERVATION
FORT WASHAKIE, WYOMING 82514**



CHIEF BLACK COAL

RESOLUTION NO. 4967

A RESOLUTION PERTAINING TO THE ESTABLISHMENT OF A SHOSHONE AND ARAPAHOE TRIBAL EMPLOYMENT RIGHTS OFFICE (TEIRO).

- WHEREAS:
1. Like land, water, and minerals, jobs in private employment on or near the Wind River Reservation are an important resource for Indian people and Indians must use their rights to obtain their rightful share of such jobs as they become available.
 2. Indians have unique and special employment rights and the Shoshone and Arapahoe Tribal government has the inherent sovereign power to pass laws to implement and enforce those special rights on behalf of Indians.
 3. Indians are also entitled to the protection of the laws that the Federal government has adopted to combat employment discrimination, and tribal governments can and should play a role in the enforcement of those laws.
 4. The Shoshone and Arapahoe Tribes believes it is important to establish an employment rights program and office in order to use the aforementioned laws and powers to increase employment of Indians and to eradicate discrimination against Indians.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Shoshone and Arapahoe Tribes does hereby establish the Shoshone and Arapahoe Tribal Employment Rights Office (hereinafter called "Office") as an independent office of the tribe, reporting directly to the Tribal Chairmen.

The Director of the Office shall be appointed by the Tribal Chairmen subject to the approval of the Tribal Council. The Director shall have the authority to hire staff, expend funds appropriated by the tribal council, and to obtain and expend funds from Federal, State or other sources to carry out the purposes of the Office. The Office shall have the authority to issue rules, regulations, and guidelines to implement the employment rights requirements imposed by this resolution, to hold hearings, to subpoena witnesses and documents, to require employers to submit reports and to take such other actions as are necessary for the fair and vigorous implementation of this resolution.

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2. All employers operating within the exterior boundaries of the Wind River Reservation are hereby required to give preference to Indians in hiring, promotion, training, all other aspects of employment, and in subcontracting. Said employers shall comply with the rules, regulations, and guidelines of the employment rights office that set out the specific obligations of the employer in regard to Indian preference.
3. Any covered employer who has a collective bargaining agreement with one or more unions shall obtain written agreement from said union(s) stating that the union shall comply with the Indian preference laws, rules, regulations, and guidelines of the Shoshone and Arapahoe Tribes. Such agreement shall be subject to the approval of the employment rights office. Such agreement does not constitute official tribal recognition or sanction of any union.
4. Any employer who fails to comply with the laws, rules, regulations, or guidelines on employment rights of the Shoshone and Arapahoe Tribes who fails to obtain the necessary agreements from its signatory unions shall be subject to sanctions which shall include but are not limited to: denial of the right to commence business on the Wind River Reservation, civil fines, suspension of the employer's operation, termination of the employer's operation, denial of the right to conduct any further business on the Wind River Reservation, payment of back pay or other relief to correct any harm done to the aggrieved Indians, and to the summary removal of employees hired in violation of the Shoshone and Arapahoe Tribes' employment rights requirements.

Sanctions shall be imposed by the Director, after allowing the employer an opportunity to present evidence showing why it does not violate the requirements or why it should not be sanctioned. An employer shall have the right to appeal to the Court of Indian Offenses any decision by the Director that imposes sanctions on him.

5. In implementing the requirements of this resolution, the Employment Rights Office is authorized to:
 - a. Impose numerical hiring goals and timetables that specify the minimum number of Indians an employer must hire, by craft or skill level.

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- b. Require covered employers to establish or participate in such training programs as the Office determines necessary in order to increase the pool of qualified Indians on the Wind River Reservation as quickly as possible.
- c. Establish in conjunction with the Tribal Employment and Training Program, a tribal hiring hall and impose a requirement that no covered employer may hire a non-Indian until the tribal hiring hall has certified that no qualified Indian is available to fill the vacancy.
- d. Prohibit any covered employer from using qualification criteria or other personnel requirements that serve as barriers to Indian employment unless the employer can demonstrate that such criteria or requirements are required by business necessity. In developing regulations to implement this requirement, the Office shall adopt the EEOC guidelines on these matters to the extent that they are appropriate. However, the Office shall have the right to impose additional requirements, beyond those established by EEOC, in order to address employment barriers that are unique to Indians.
- e. To enter into agreement with unions to insure unions compliance with this resolution,
- f. To require employers to give preference to the award of contracts and subcontracts to tribal and other Indian-owned firms and entities.
- g. To establish programs, in conjunction with other tribal and Federal offices, to provide counseling and support to Indian workers to assist them retain employment. Employers shall be required to participate in and/or cooperate with such support and counseling programs.
- h. Take such other actions as are necessary to achieve the purposes and objectives of this resolution. However, the implementation of any activities or requirements that constitute a significant new component to this program, beyond those listed in subparagraphs "a" through "d" shall be subject to the prior approval of the Shoshone and Arapahoe Joint Business Council. In implementing these components, the Office shall have the discretion to begin by implementing certain of these components or by applying all of the components to limited kinds of employers (e.g., construction, mining).

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Whichever approach to phasing-in the program the TERO decides to use, it shall develop at a gradual pace in order to insure a stable and effective program.

6. The Office is authorized to enter into a cooperative relationship with Federal Employment rights agencies, such as EEOC and OFCCP, in order to eliminate discrimination against Indians on and off the Wind River Reservation.
7. An employment rights fee, to raise revenue for the operation of the Office, is hereby imposed as follows:
 - a. Every covered construction contractor with a contract of \$100,000 or more shall pay a one-time fee of 1/2 of 1% of the total amount of the contract. The fee may be paid in installments over the length of the contract.
 - b. Every covered employer, other than construction contractors, with twenty or more employees or gross sales of \$100,000 or more shall pay an annual fee of 1/2 of 1% of the annual payroll of that employer. This fee shall not apply to educational, health, governmental, tribal or non-profit employers.

Such fees shall be paid to the Tribal government and shall be placed in a special account to be used to meet the operating costs of the Office. The Office shall be responsible for collecting said fees and is authorized to establish such rules and regulations as are necessary to insure a fair and timely fee collection process. An employer or contractor who fails to pay the required fee shall be subject to the sanctions provided for in paragraph 4 of this resolution. The Office is authorized to develop a program to rebate some or all of the fees paid by an employer if that employer is found to be in compliance with the requirements imposed by this resolution and is making a substantial effort to employ, train, and promote Indians.

8. The Tribal Employment and Training Program (CETA) and the BIA Employment Assistance Program shall devote such amount of their resources as is necessary to preparing Indians for the job opportunities to be opened up by the employment rights program. Also, the Tribal Employment and Training Program is hereby mandated to establish a construction worker trainee program and to obtain

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certification for that program from the Department of Labor. The Directors of the Tribal employment and training programs, the BIA Employment Assistance Program, and the tribal education program shall coordinate with the Director of the Employment Rights Office in the development of their training plans.

9. There is hereby appropriated from the Tribal treasury, \$10,000 for the first year of operation of the Office. In addition, the Tribal CETA Program shall make available to the Office up to five public employment slots to pay the salaries of Office employees. Within six months after the appointment of the Office Director, he or she shall present to the Tribal Council a plan for the financing of the Office out of monies other than from the Tribal treasury. The plan shall indicate the expected amount of revenue from the Employment Rights fees, and other potential sources of funding for the Office, including but not limited to new funds or reallocations of existing funds from such sources as CETA, ONAP, EEOC, BIA Employment Assistance, HUD and EDA.
10. Any covered employer or union or person which retaliates against any worker, employer, union or other person or other entity because of this person or entity's exercise of its rights under this resolution shall be subject to sanction by the TERO. Further, the TERO is authorized to issue temporary injunction to prevent any harm caused by an employer, union or person's retaliatory actions.

BE IT FURTHER RESOLVED, that this resolution duly adopted by the Shoshone and Arapahoe Joint Business Council on March 10, 1982, incorporates the approved revisions and hereby supersedes Resolution No. 4765 adopted on June 11, 1981.

CERTIFICATION

WE THE UNDERSIGNED, as the Chairman of the Shoshone Business Council and the Chairman of the Arapahoe Business Council hereby certify that in a meeting of Joint Session that the Shoshone Business Council is composed of Six (6) members and the Arapahoe Business Council is composed of Six (6) members, of whom Six (6) members of the Shoshone Tribe and Six (6) members of the Arapahoe Tribe, constituting a quorum, were present at a meeting duly and regularly called, noticed, convened and held this 10th day of March, 1982; that the foregoing resolution was adopted by the affirmative vote of Five (5) members of the Shoshone Tribe and Six (6) members of the Arapahoe Tribe, One (1) member of the Shoshone Tribe abstaining, Chairman voting; and the resolution has not been rescinded or amended in any way.

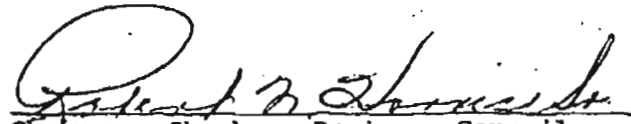
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Done at Fort Washakie, Wyoming, this 10th day of March, 1982.


Chairman, Shoshone Business Council


Chairman, Arapahoe Business Council

ATTEST:


Joint Tribal Secretary