

Tribal Partnership Update

Laborers Union



CHANGING LIVES - BUILDING FUTURES

August 2007

CTER Council Holds 30th Annual Convention

Convention Theme Focused on San Manuel NLRB Decision and Effect on Tribal Sovereignty

“What to do in the aftermath of the San Manuel decision” was the advertised theme of the Council for Tribal Employment Rights (CTER) for their 30TH annual convention in Niagara Falls, NY recently. The group, representing over 200 Tribal Employment Rights Offices (TERO) has been the inspiration and the main support group of many tribal leaders efforts to enforce their sovereignty-based employment preference of tribal members on jobs controlled, or influenced by, tribes on their reservations.

CTER's leadership announced early in the program that there were many good relationships between unions and tribes, particularly in the construction industry. They further cautioned not to throw out the proverbial baby with the bathwater and to be careful of what they wish for. Unions were said to be the conduit to family-supporting, benefit-providing jobs that paid wages that were of the best in the country.

The San Manuel decision is basically a court case that reinforced the National Labor Relations Board's (NLRB's) decision to place Indian Reservations under the National Labor Relations Act (NLRA), the law that governs labor relations in the United States.

The case, pursued by the San Manuel Indian Bingo & Casino, which was found to have favored one union over another in a union organizing effort targeting casino workers.

...CTER leadership declared the decision an attack on sovereignty not an Indian Country vs. Union issue

From the start, the CTER leadership declared the decision an attack on sovereignty and not an Indian Country vs. Union issue, but one of Indian Self-Determination. Treaties with Indian Nations and Tribes throughout America have historically been free to decide many of their own laws and

taxation issues. The San Manuel decision was based on a number of court precedents and the fact that California has special language in its Compact Language that required Indian Tribal entities to live up to certain standards.

LECET Response: It's All About Partnerships

Construction Unions are Working Cooperatively with Tribes

By Ed Hensley, LECET Construction Market Representative

There is so much work and so many career opportunities for people in today's construction market. Hundreds of billions of dollars of transportation, energy, industrial and manufacturing complexes are leaving contractors begging for qualified construction workers. Currently the gap is mostly being filled by immigrant workers, and the trend is increasing.

Our Indian Country Initiative sponsored by the Laborers Union is a labor, management and tribal effort to bring contractors and tribes together with the union to put as many tribal members to work as possible on reservation jobs. That's it. Our plan, simply put, is to employ the people and secure a career for them that will provide qualified people to the contractors consistently. It's a win, win, win situation. The contractor, the union and the tribe all

benefit. Again, it's all about partnerships.

Our position is solid, if a tribe wants us to be partners, we're ready to talk. If a tribe passes a Right To Work (for less) ordinance, it makes things a lot harder to put a partnership together – the message sent with such an ordinance is contrary to our program. Putting such an ordinance in place would be the same as putting a sign on your door saying “Unions Not Welcome.” If a tribe doesn't want the Laborers Union on the reservation, we are going to acknowledge their wishes and move on. We will not attempt to push our program. Like I mentioned earlier, it's all about partnerships.

We put together agreements that have a date that ends the agreement unless extended by all parties. Construction is temporary in nature, and our agreements make adjustments for this

fact, but once someone learns a trade they can work for the rest of their lives making good money and great union benefits. The union and its signatory contractors constantly search for work opportunities and the union members benefit. Reservations that have successful union tribal partnerships have seen their tribal members' quality of life improve dramatically. Another benefit, that is often left unmentioned, is the fact that union jobs are statistically safer than non-union jobs where profits increase at the expense of safety.

It all comes down to one major question the tribes have to make regarding construction unions: Are you going to throw out opportunity for union construction careers by passing an ordinance that discourages partnerships?

LABORERS TRIBAL PARTNERSHIP UPDATE

12210 Tukwilla Intl. Blvd. #145 Seattle, WA 98367
(206) 728-1282

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Tribal Attorneys Dominate TERO Convention

High-powered corporate attorneys converged on the 30th Annual CTER Convention in Niagara Falls, NY proclaiming they were there to “bring information” about the perils of the now-famous landmark San Manuel NLRB decision that was court upheld earlier this year. The information was generously sprinkled with bits of fear and anxiety about the status of federal labor law and how it now applies to Indian Reservations, but the real issue at hand was tribal sovereignty.

The San Manuel decision, which ruled that the National Labor Relations Act (NLRA) applies to the San Manuel Indian Bingo & Casino which is tribally owned. Prior to this landmark decision, it was generally assumed that casinos were exempt from the act like other tribally owned entities.

In what has been claimed as an opportunity for unions to now wage organizing campaigns on the multitude of Indian casinos that have popped up all over the US, it appears as labor relations and tribal rights attorneys have found a new cash cow for themselves – preventing union organizing on reservations. Though construction unions have been working out partnerships with TERO offices around the country for years, all unions could be painted with the same anti-tribal-rights brush and bring about an abrupt halt to agreements that put tribal members into union training programs and giving them preferential treatment for job placement on reservation jobs.

Fairbanks Union Leader Urges Tribes to Take High Road

Alaska Laborers Local 942's Bus. Mgr. Tim Sharp challenged tribal leaders to make reservation working standards higher than federal standards during his speech before the TERO and Tribal leaders at the CTER Annual Convention, July 2007. His comments told of the successes of the ongoing partnership between his Northern-most Laborers Union and Alaska's Tanana Chiefs Conference, a confederation of 42 Alaskan tribes. He also noted that his union's Indian and Eskimo membership went from 4 up to 20 percent.

Speaking before the convention's general assembly, Sharp said he was concerned about the number of attorneys present who appeared to be projecting an anti-union animus. He further asked the group to meet with the decision makers of the unions they encounter and ask them if they would commit to an agreement that recognizes tribal sovereignty like all of the construction union tribal agreements do. He reemphasized his own union's tribal partnerships have resulted in his membership consisting in one out of every five being a tribal member.

“There's a solution out there that brings a better standard of living to reservations. Passing a Right to Work for Less ordinance would lower overall wages and cause even more poverty amongst the people. Reservations should put their workers at a higher standard and enforce it” said Sharp after the general session.

Proving that working cooperatively with tribes on a partnership level he continued “We have crafted numerous agreements that recognize tribal sovereignty, helped negotiate Tero fees with contractors, negotiated subsistence hunting leave time and tribal and rural preference. We also claim credit for the first Tribal and Union Cooperative Labor Agreement in the United States that combined the strength of Tero with the enforceable strength of the National Labor Relations Act.” He further went on illustrating the pro tribal member language by citing two dozen passages from one his union's tribal contracts.

“Local 942's efforts are a shining example of how unions work with tribes” said Ed Hensley, LECET Construction Market Rep. “Tim really nailed it when he said a Tribal Labor ordinance should go beyond the federal law and make Indian preference stronger.”

“This is really a knee-jerk reaction to the San Manuel case, but it really does strike to the heart of what the federal government is doing to undermine our sovereignty” commented an eastern tribal official who asked to remain anonymous. “We will continue to work with the Laborers,

and other construction unions to insure our plans for employing our tribal members are not interrupted. Union training programs are vital to our interests when it comes to putting our people to work on our construction projects.”