Cooperative Agreement

May 13, 2010
Background

The mission of the Office of Indian Energy and Economic Development (IEED) is to assist tribal governments to improve economic conditions. The IEED Office is addressing the challenges of the high unemployment rates among Native Alaskans and Native Americans, as well as lack of training and career opportunities and the high projections of skilled construction labor shortages for construction work that is on Native Alaskan and Native American tribal lands.

The mission of The Association of Union Constructors (TAUC) is to act as an advocate for the union construction industry, advancing the cause through an educated and action-driven membership. TAUC aims to enhance labor-management cooperation, workplace safety and health and collaboration among construction users with the greater goal of making union contractors more competitive in the marketplace.

This cooperative agreement between IEED and TAUC will allow both organizations to work with tribal governments and the affiliated building trades international unions to address the skilled labor needs for tribal construction projects.

Many of the affiliated building trades international unions are currently attempting to address these challenges through apprenticeships, training programs and on-the-job training opportunities.

The success of this initiative can only be accomplished with the involvement of contractors such as those that are members of The Association of Union Constructors (TAUC). The affiliated building trades international unions are committed to working with their signatory contractors to seize the opportunities that may be presented to them to enhance their stature as the world’s number one providers of a safe, skilled and qualified workforce.

Purpose

To establish a National Cooperative Agreement through a voluntary partnership between the U.S. Department of Interior, Office of Indian Energy and Economic Development (IEED), and The Association of Union Constructors (TAUC). This Agreement would work in conjunction with the Cooperative Agreement(s) between IEED and the affiliated building trades international unions, and Memoranda of Understanding between IEED and various international unions currently in effect.

This Cooperative Agreement is intended to build a working relationship between the Office of IEED and TAUC to help address our mutual goals:

1. To provide career opportunities for Native Alaskans and Native Americans in the construction industry;
2. To support the excellent training provided by jointly operated Labor-Management training programs conducted by the affiliated building trades international unions;
3. To provide new work opportunities to union contractors throughout the United States.

The IEED and TAUC will also work towards developing a framework for the utilization of Project Labor Agreements (PLAs) on construction projects where Native Alaskans and Native Americans participate.
Scope

This Cooperative Agreement serves as a framework that sets forth the general terms and conditions under which the parties will coordinate and cooperate in activities involving the utilization, when feasible, of Native Alaskan and Native American labor for construction projects performed by TAUC contractor members on tribal lands. Cooperative activities may include, but are not limited to, the exchange of information and services, and site visits of individuals sponsored by either party who are engaged in specific tasks related to this Cooperative Agreement.

Implementation

TAUC will recommend that member contractors that have successfully obtained a contract to perform work on a project site located on tribal lands shall employ as many tribal members as possible on the construction and maintenance of said projects.

TAUC will recommend that member contractors allow tribal members who meet the necessary skill and safety requirements vital to perform work in a safe and productive manner to be the first hired for the project (except managerial personnel of the contractor, and when allowable per the local collective bargaining agreement).

TAUC will recommend that in instances when there is a lack of skilled journey workers available from the tribe where the work is to be performed, the contractor, working closely with the affiliated building trades international unions, will arrange for the immediate training of tribal members as pre-apprentices. Tribal members possessing specialized skills and meeting the necessary qualifications may be tested and upon successful completion be made an apprentice or journeyman.

Before any tribal members are employed on a project covered by this Cooperative Agreement it will be mandatory for these individuals to receive proper safety training and a jobsite orientation before starting work.

In some situations, depending on the size of the project, distance from the training centers of the affiliate unions, and other criteria, it may be necessary to establish training on tribal lands near the project being built or at a mutually agreed-upon location selected by the contractor, the tribe and the building trades unions involved. When this situation occurs, only certified instructors that have been approved by the appropriate joint labor-management training committee will carry out any and all training in accordance with the approved curriculum. When possible, tribal members that are certified instructors will conduct said training.

TAUC, working in conjunction with its 2,500 union contractor members, and IEEU, will select a potential pilot project to implement this Cooperative Agreement. The pilot project will be determined based on the interest of the contractor, tribe, and affiliated building trades unions that would be willing to undertake this initiative.

Upon entering into this pilot program, pre-job conferences shall be mandatory between the contractor, owner, unions and tribal representatives.
Financial Arrangements

This Cooperative Agreement is neither a fiscal nor funds obligation document.

This Cooperative Agreement defines in general terms the basis on which the parties will cooperate, and, as such, does not constitute a financial obligation to serve as a basis for expenditures. Expenditures of funds, human resources, equipment, supplies, facilities, training, public information, and expertise will be provided by each party to the extent that, in its sole judgment, their participation is required and resources are available.

This Cooperative Agreement in no way restricts the parties from participating in similar activities or arrangements with other public or private agencies, organizations or individuals.

This Cooperative Agreement does not obligate the parties to expend funds or appropriations or to enter into any agreements, contracts, or other obligations, except that the Office of Indian Energy and Economic Development may cover costs related to training for participants. The parties shall negotiate in good faith regarding such costs for the training, and the costs and other terms relating to this endeavor shall be set forth in later agreements referencing this Cooperative Agreement.

Terms of Understanding

Effective date: This Cooperative Agreement shall take effect upon the date of the last signature.

Modification: This Cooperative Agreement may be renegotiated, amended, or modified at any time by mutual written agreement of the Parties.

Renewal: This Cooperative Agreement may be renewed for additional periods by mutual written consent of the Parties.

Termination: This Cooperative Agreement shall remain in effect for a period of one year from the date of the last signature. This Cooperative Agreement may be terminated by either Party by providing written notice and explanation. The termination of this Cooperative Agreement shall not, by itself, affect the validity or duration of agreements under this Cooperative Agreement which are initiated prior to termination.

Signature

TAWC
Organization
Date 5/12/10

Signature

P.L.102-472
Organization
Date 5/12/2010

Signature

IEED
Organization
Date 5-12-2010