

FAQ on the Native American Hiring Provision

What is the Native American Hiring Provision?

NAHP is a part of the project contract. It requires that the prime contractor and all sub-contractors on the construction project provide information about hiring and employment opportunities to the tribe identified in the provision. The provision covers Native American Labor, not businesses, but outreach to tribes may include inquiries about Native American owned DBE businesses. Doing so will help to fulfill the project's DBE percentage requirements.

Is it like Tribal Preference?

No, the NAHP process differs. Tribal preference derives from a provision in the Indian Civil Rights Act (1968), which allows Tribes to provide preference in employment.

I've heard of Tribal Employment Rights Ordinance (TERO), is this also NAHP?

Unlike NAHP, TERO is an ordinance that Tribes may enact through their own governmental power, to give Tribal members "Indian preference", which gives Native Americans first consideration when applying for employment on or near reservations. The NAHP hiring provision is in lieu of TERO.

How is NAHP different from TERO?

NAHP is an initiative of WisDOT. TERO is a tribe-specific ordinance enacted by Tribes to offer preferential hiring on reservations by tribally owned businesses. Individual tribes may choose to enact their own TERO ordinances, although many tribes do not have TERO laws in force. The Native American Hiring Provision is enforced on tribal land by WisDOT contract specifications.

Who should you contact if issues with the NAHP arise?

If an issue arises, the contractor should contact the Regional Tribal Liaison. The Liaison will coordinate the appropriate staff to discuss and resolve the issue.