

THE INDUSTRIAL COMMISSION OF ARIZONA

OFFICE OF THE DIRECTOR



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Tribal Consultation Policy
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Introduction:

From 1925 to 1969, the workers' compensation system consisted of the State Compensation Fund, which was then a part of the Industrial Commission, and self-insured employers which generally comprised the mining and the railroad companies. In 1969 the workers' compensation system reorganized and expanded to include private insurance companies. The State Compensation Fund was split off from the Industrial Commission and established as a separate agency responsible for providing workers' compensation insurance coverage. The Industrial Commission retained both its responsibility as the file of record and its authority over the processing of workers' compensation claims. Since that time, the role of the Industrial Commission has included other labor-related issues such as occupational safety and health, youth employment laws, resolution of wage-related disputes, minimum wage, vocational rehabilitation, workers' compensation coverage for claimants of uninsured employers, insolvent insurance carriers, and self-insured employers.

The policy-setting body for the ICA is a five-member Commission whose members are appointed by the Governor and confirmed by the Senate to staggered five-year terms. The Commission oversees an Agency with approximately 215 employees.

Purpose:

This policy, pursuant to A.R.S. §41-2051(c)(1), establishes the basic concepts and principles governing the Industrial Commission of Arizona's (ICA) relationship with Tribal governments in the State of Arizona.

- 1.) ICA recognizes the sovereignty of Tribal governments and their jurisdiction over Tribal lands as defined by federal law. The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. 1151].
- 2.) ICA recognizes that the federal government has the primary responsibility for assisting Tribes to regulate and manage workplace safety and labor laws within Tribal lands. ICA is committed to developing cooperative relationships with the Tribes.

Procedures:

- 1.) ICA staff will notify the Governor's Office on Tribal Relations before initiating any contact with Tribes.
- 2.) ICA will conduct training, when appropriate and as resources allow, encourage and improve Departmental and/or Tribal understanding and communication. ICA will open channels of communication with Tribal businesses, officials, and staff whenever possible, similar to existing ICA channels of communications with State agencies and businesses.
- 3.) ICA will provide notification to Tribes about decisions that may directly affect them. ICA requests reciprocity by Tribes.
- 4.) ICA staff will relay Tribal communications of complaints, issues, or concerns, including requests from Tribes for assistance, to the appropriate staff.
- 5.) ICA and the Arizona Division of Occupational Safety and Health will provide consultative visits and access to our Partnership Programs if sought after and granted approval from Tribal leaders, businesses, and/or officials.
- 6.) The Industrial Commission of Arizona will host the first Annual ICA Tribal Safety Seminar in 2019.

Responsibility:

Responsibility for the enforcement of this policy lies with the Director of the ICA and ICA leadership. For more information or questions regarding the ICA Tribal Consultative Policy, please contact the Commission's Tribal Relations Liaison:

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