



Mashantucket Pequot
Tribal Nation

MASHANTUCKET EMPLOYMENT RIGHTS OFFICE (MERO)

Information for Claimants

Under Title 51, the Mashantucket Pequot Family and Medical Leave Law (MFML Law)

Important: Individuals who wish to file a claim under the MFML Law must file a claim within 180 calendar days of the event believed to be a violation of the law.

I. Overview of the MFML Law

The Mashantucket Pequot Family and Medical Leave Law (MFML Law) provides leave and workplace protections to eligible employees of the Mashantucket Pequot Tribe (Tribe) who require time away from work to attend to family or medical issues.

Under the MFML Law, depending on the reason for the qualifying leave, an eligible employee of the Tribe may receive 12, 14, or 26 workweeks of unpaid leave during a 12-month period, specifically:

(a) 12 workweeks of unpaid leave for one or more of the following reasons:

- (1) the birth or placement (adoption or foster care) of a child and care for the child within the first year after birth or placement,
- (2) the care of a family member with a qualifying serious health condition,
- (3) the employee's own qualifying serious health condition,
- (4) human organ or bone marrow donation, or
- (5) a military qualifying exigency related to a family member's foreign deployment;

(b) An additional two (2) workweeks of continuous unpaid leave for the employee's own qualifying serious health condition; and

(c) 26 workweeks of unpaid leave for an eligible employee who is a family member or next of kin of a current or veteran covered servicemember with a serious injury or illness to care for the covered servicemember.

The combined total leave under the MFML Law may not exceed 26 weeks in a 12-month period.

To be eligible for leave under the MFML Law for the employee's own serious health condition or to provide an organ or bone marrow donation, the employee must have been employed by the Tribe for six (6) consecutive months. To be eligible for all other leave under the MFML Law, the employee must have been employed by the Tribe for at least 12 months during the seven (7) years prior to the requested start of the leave AND at least 1,250 hours of service during the 12-month period immediately prior to the first day of leave.

Certain job protections are provided to employees who take leave under the MFML Law. During the leave, the employer must maintain group health insurance benefits on the same terms as if the employee was not on leave. At the end of the leave, most employees are entitled to return to their original positions, or an equivalent position.

An employer is prohibited from interfering with, or denying an employee's MFML Law rights, or retaliating against someone for exercising their rights or opposing an unlawful practice.

Do you have questions about your rights under the MFML Law?
You may contact the Mashantucket Employment Rights Office (MERO) confidentially.
There is no requirement to file a claim if you contact the MERO.

II. Right to File a Claim

Generally, if you believe that the Tribe has violated your rights under the MFML Law, you may file a claim with the Mashantucket Employment Rights Office (MERO). The MERO does not charge any fees for filing or processing a claim.

Important note to employees who wish to challenge their employment suspension or termination

An individual who believes they were suspended or terminated by the Tribe in violation of the MFML Law and wishes to challenge their employment final suspension or termination must choose whether to proceed under Title 8, M.P.T.L. or Title 51, M.P.T.L., and may not do both. This means:

- A suspended/terminated employee who receives a Board of Review or arbitration decision under Title 8, M.P.T.L. may not file a claim regarding the suspension/termination under the MFML Law.
- If a suspended/terminated employee who would be eligible for a Board of Review or arbitration proceeding under Title 8, M.P.T.L., files a claim with the MERO alleging that the suspension/termination violated the MFML Law and the MERO has begun a conciliation conference, the suspended/terminated employee may not start or continue a claim under Title 8.

III. 180 Calendar Days to File a Claim

To be timely, a completed Claim of Family and Medical Leave Law Violation form (Form 51-7200), alleging a violation of the law must be received by the MERO within 180 calendar days of the event believed to be a violation. The claim form is available on the MERO website or by contacting the MERO.

Your claim must be fully completed and signed with an original (wet) signature under oath before a notary, the MERO Director, or other person authorized to administer oaths in the jurisdiction where the claim is signed.

The MERO must receive the claim bearing your original (wet) signature and the original (wet) signature of the person who administered the oath. Claims may be filed with the MERO as follows:

Option 1: File the original signed claim with the MERO. The MERO encourages the original claim to be delivered in a manner that provides proof of the date of the MERO's receipt. The claim will be considered filed on the date received by the MERO.

Option 2: Submit the completed and signed claim form electronically, by email to MERO@mptn-nsn.gov. The claim will be considered conditionally filed on the date received electronically, or the following date if the electronic submission is after business hours. The original signed claim must be received by the MERO within five (5) business days of the conditional filing date, or the claim will not be processed. If the original claim is received timely, the filing date will be the date the claim was received electronically.

A claim form that is not fully or properly completed and signed may not be accepted by the MERO or may be required to be revised before the MERO will proceed with claim processing.

IV. Representation by an Attorney

The MERO and its staff represent the law and will not provide an attorney for a claimant or an employer. An individual is not required to retain an attorney to file a claim or participate in a MERO proceeding. However, anyone has a right at any time to be represented by an attorney of their own choosing and at their own cost.

V. MERO Case Processing

(a) Conciliation. Once a claim is filed, the employer and the claimant are provided a copy of the claim by the MERO. Generally, the MERO will schedule a mandatory conciliation conference within 21 days of the filing of a claim. The MERO will consider a written request for postponement of 10 days or less supported by good cause.

Conciliation is a process where the MERO Director or MERO designee explores with the claimant and the employer the possibility of resolving the claim. Both the claimant and the employer, directly or through their legal representatives, are required to attend the mandatory conciliation conference and cooperate with the conciliation process, but there is no requirement to agree to anything.

Conciliation efforts are considered confidential. The parties will be required to execute and comply with a confidentiality agreement.

Conciliation will be conducted in accordance with the MERO's guidelines and may continue after a conciliation conference is held. Conciliation efforts generally may be conducted for up to 90 business days from the filing of a claim.

(b) Claim resolution. Any resolution reached in conciliation is documented in a conciliation agreement signed by the claimant and the employer and approved by the MERO. A conciliation agreement may include any of the remedies that may be awarded under the MFML Law.

Any conciliation agreement signed by the parties and approved by the MERO is final and binding on the parties. If the MERO receives evidence that a party is in breach of a final conciliation agreement, the MERO may seek enforcement of the agreement in the Mashantucket Pequot Tribal Court.

The parties may elect to negotiate a private settlement, but the MERO will not approve a private agreement, or seek enforcement of a private agreement if a party violates its terms.

(c) Processing Stays. Under certain circumstances the processing of a case may be stayed (stopped temporarily), such as when a party files a motion that must be decided before continuing processing.

(d) Right to Sue notice if the claim is not resolved through conciliation. If the conciliation efforts do not result in a settlement of the claim, or under certain other circumstances, the MERO issues a Right to Sue notice, which allows the claimant to take their claim to the Mashantucket Pequot Tribal Court. A Right to Sue notice means the MERO is done trying to resolve the case and is no longer working on the case. The Right to Sue notice permits the claimant to take their case to the Tribal Court if they wish.

(e) Dismissal of a claim. Under certain circumstances a claim may be dismissed by the MERO. For example, any of the following may result in dismissal: 1) If the claimant has already received a Title 8 Board of Review or arbitration decision; 2) If the claimant does not cooperate in the conciliation process; or 3) If the MERO determines that it does not have jurisdiction over the claim under the MFML Law.

VI. Responsibilities of the Parties During the MERO Case Processing

Both the claimant and the employer are responsible for reviewing and complying with the MFML law, as well as any regulations, rules or manuals issued by the MERO. The parties are expected to cooperate fully with the MERO's processes, including the following:

- Attending and fully participating in the conciliation conference;
- Providing complete and accurate information about any claim or defenses;
- Providing all documentary and other evidence reasonably available;
- Complying with the MERO's deadlines for submission of information.

Failure or refusal to cooperate in the MERO's processes may include the following:

- Failing to respond to contact attempts, or to inform the MERO of a change of address or other contact information;
- Withholding information or evidence relevant to the case;
- Failing to attend or participate fully in conciliation efforts; or interfering with the MERO's processes.

VII. Mashantucket Pequot Tribal Court Actions

Under the MFML Law, an action may be filed in the Mashantucket Pequot Tribal Court within two (2) years of the event believed to be in violation of the law. Violations that are shown to be willful may be filed within three (3) years of the MFML Law violation; however, merely claiming a violation is willful is not enough to take advantage of the extra year to file.

The MERO claim process must be completed before an action may be filed in the Mashantucket Pequot Tribal Court. The MERO claim process is considered completed if:

- The claimant has received from the MERO
 - A Right to Sue notice or
 - A dismissal of the claim; or
- At least 180 calendar days (excluding any stay) have passed after filing a claim with the MERO and the MERO has taken no action.

Important Note re Filing an MFML Law Action in the Mashantucket Pequot Tribal Court

The time to file an action in Tribal Court is counted from the event believed to be in violation of the law, not from the MERO proceeding. **Example:**

- The employer unlawfully denies the employee's MFML request **November 1, 2023**.
- The employee timely files a MERO claim **March 1, 2024**.
- The employee receives a Right to Sue notice from the MERO dated **July 1, 2024**.
- The two (2) years within which an action may be filed with the Tribal Court is calculated from the **November 1, 2023** date.

As noted above, the MERO also may file an action in the Mashantucket Pequot Tribal Court, if necessary, to enforce a final and binding MERO conciliation agreement.

The MERO does not represent any individual, claimant or employer before the Tribal Court. Any party wishing to be represented may hire an attorney of their choice and at their own cost at any time.

DISCLAIMER: The information provided is intended to be accurate, but general. For more information, please refer to applicable laws, regulations and guidance available on the MERO website at MERO.mptn-nsn.gov or by contacting the MERO. Nothing herein constitutes legal advice.