



Mashantucket Pequot Tribal Nation  
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## PROPOSED MASHANTUCKET PEQUOT FAMILY AND MEDICAL LEAVE LAW

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### I. Summary Information

**A. Summary of Proposal.** The Mashantucket Pequot Judicial Committee has proposed a new tribal law, the Mashantucket Pequot Family and Medical Leave Law, to provide leave and workplace protections to eligible employees of the Tribe who require time away from work to attend to family or medical issues. Under the proposed law, depending on the reason for the qualifying leave, an eligible employee may receive 12, 14, or 26 workweeks of unpaid leave during a 12-month period. Certain job protections also would be provided to employees who take leave under the law. The law would not affect the amount of paid leave an employee receives under any Tribal policy or program.

**B. Due Date for Comments.** The public is invited to comment on the proposed law. To be considered, comments must be received by the MERO Director **by 11:59 p.m. on Friday, October 14, 2022.**

#### C. Form of Comment Submissions.

1. Written comments, which are preferred, may be submitted to the MERO Director:

- by email to [uhaerter@mptn-nsn.gov](mailto:uhaerter@mptn-nsn.gov),
- by fax to 860-396-6511, or
- by U.S. Mail to:

Ursula L. Haerter, Director, MERO  
Pequot Museum  
P.O. Box 3180  
Mashantucket, CT 06338-3180.

2. Oral comments may be submitted to the MERO Director:
  - by telephone at 860-396-6508 (office) or 860-608-1409 (mobile)
  - in person with the MERO Director by appointment, or
  - during a Zoom session (see below).

- D. Zoom Sessions for Questions or Comments.** Questions or comments may be presented to the MERO Director during a Zoom session. Please see *Participating in MERO Public Comment Opportunity Zoom Sessions*, attached, for the schedule and participation instructions. Paid administrative leave (PAL) is available for Tribal Members, Spouses and Adopted/Dependent Children of Tribal Members, and Native Americans, as those terms are defined in Title 33, M.P.T.L., employed by the Tribe. Attendees are eligible for one (1) hour of PAL for each session attended from beginning to end for up to two (2) scheduled Zoom sessions.
- E. Reference Number.** The proposed law reference number, which must appear on any submitted written comment, is JC-PL2022-001.
- F. Publication of Comments.** All timely filed comments, including oral comments as summarized by the MERO Director, will be advanced to the Judicial Committee and published on the MERO website for a period of at least 30 days. Comments will be attributed to the person or entity submitting the comments unless a request for anonymity is received by the MERO at the time the comments are provided.
- G. Contact.** For further information, contact the MERO Director, Ursula L. Haerter, at [uhaerter@mptn-nsn.gov](mailto:uhaerter@mptn-nsn.gov), 860-396-6508 (office), or 860-608-1409 (mobile). An appointment is required to meet in person.

## II. Developing the Law

- A. Findings.** The Judicial Committee has found the following:
- (1) Promoting spirituality, strong family values, education, social stability, economic independence, and the well-being of the community creates a strong cultural, social and economic foundation for the Mashantucket Pequot Tribal Nation.
  - (2) Providing employees with family and medical leave benefits is important for the development and protection of the family and the community.
  - (3) The Mashantucket Pequot Tribal Nation has provided family and medical leave benefits to its employees through policies for many years.
  - (4) Codifying, expanding and strengthening the family and medical leave protections for employees of the Mashantucket Pequot Tribal Nation will promote important cultural values that strengthen the Tribe and its sovereignty.

**B. Purposes.** The Judicial Committee has determined the following purposes of the Mashantucket Pequot Family and Medical Leave Law:

- (1) To balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and further to promote the Tribal Nation’s cultural values and strengthen the community.
- (2) To protect employees’ ability to take reasonable leave for medical reasons, for the birth, placement and care of a child, for the care of a family member who has a serious health condition and to support and care for seriously injured or ill military family members.
- (3) To provide leave and workplace protections to eligible employees who require time away from work to attend to family or medical issues.

**C. Authority.** The Judicial Committee, a standing committee of the Tribal Council, is responsible, in part, for developing and proposing to the Tribal Council new laws that it believes will benefit the Mashantucket Pequot Tribal Nation. The legislative process for a law proposed to be administered by the Mashantucket Employment Rights Office (MERO) provides for a public comment opportunity pursuant to Title 31, M.P.T.L..

**D. Comment Period.** Notice of the proposed law and an opportunity to comment of not less than thirty (30) calendar days will be provided to the public.

**E. Form of Comment Submissions.**

1. Written comments, which are preferred, may be submitted to the MERO Director:
  - by email to [uhaerter@mptn-nsn.gov](mailto:uhaerter@mptn-nsn.gov),
  - by fax to 860-396-6511, or
  - by U.S. Mail to:

Ursula L. Haerter, Director, MERO  
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2. Oral comments may be submitted to the MERO Director:
  - by telephone at 860-396-6508 (office) or 860-608-1409 (mobile)
  - in person with the MERO Director by appointment, or
  - during a scheduled Zoom session. Please see *Participating in MERO Public Comment Opportunity Zoom Sessions*, attached.
  - **Important:** Unless you inform the MERO Director that you are offering oral comments for consideration, any remarks will not be considered oral comments and you will be expected to submit in writing any comments you wish to have considered.

**F. Publication of Comments.** All timely filed comments, including oral comments as summarized by the MERO Director, will be advanced to the Judicial Committee and published, including on the MERO website, for a period of at least 30 days.

**Important:** When you provide your oral or written comments to the MERO Director, you may request that the MERO not publish your name or other personally identifiable information. If the MERO Director does not receive a timely request to omit personally identifiable information, your comments may be published with any personally identifiable information included in the submission.

**G. Effective Date.** The recommended effective date of the new law is the date of the Tribal Council's enactment of the law.

**H. Proposal Format.** The proposed law is presented in its entirety.

### III. Proposed Law

#### A. General Summary of Select Provisions of the Proposed Family and Medical Leave Law<sup>1</sup>

**(a) Covered employers** – The law applies to Mashantucket Pequot Tribal Nation entities on the Tribe's reservation. The law does not apply to non-tribal businesses on the reservation.

**(b) Eligible employees-** An employee of the Tribe who has been employed -

- i. For at least six (6) consecutive months for purposes of leave for the employee's own serious health condition, and
- ii. For at least 12 months and at least one thousand two hundred fifty (1,250) hours of service during the 12-month period immediately prior to the commencement of the leave for any leave under the law other than the employee's own serious health condition.

**(c) Qualifying reasons for leave** – An eligible employee may take leave –

- i. for the birth or placement and care of a child,
- ii. for the employee's own serious health condition that makes the employee unable to perform the functions of their position,
- iii. for the care of a family member with a serious health condition,
- iv. for a family member's military qualifying exigency, and
- v. to care for a family or next of kin servicemember with a serious injury or illness

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<sup>1</sup> The summary is intended to be accurate, but general. Please refer to the proposed law for full details. If there is any discrepancy between the summary and the proposed law, the proposed law controls.

**(d) Length of leave** – An eligible employee may take during a 12-month period –

- i. 12 weeks of leave for the employee’s own serious health condition, for the birth or placement and care of a child, for the care of a family member with a serious health condition, or for a military qualifying exigency;
- ii. An additional two (2) weeks of continuous leave for the employee’s own serious health condition; and
- iii. 26 weeks of leave to care for a servicemember with a serious illness or injury, provided the combined total leave in a 12-month period may not exceed 26 weeks.

**(e) Use of other available leave** - An employee may elect, or their employer may require, the use of accrued paid leave to run concurrent with the family or medical leave; provided that the employee may reserve up to two weeks of accrued paid leave, if available.

**(f) Notices** – The employer provides rights notices to employees. An employee provides 30 days advance notice of the need for leave, if foreseeable, or such notice as is feasible under the circumstances.

**(g) Benefits continuation** – The employer continues group medical insurance benefits during a family or medical leave on the same terms as if the employee were not on leave. The continuation of any other benefits during a leave is within the employer’s discretion.

**(h) Return to work** – An employee may resume their former position or receive an equivalent position upon return to work.

**(i) Policies and collective bargaining** - Additional benefits may be provided by policy or through collective bargaining, but any additional benefits are not enforceable through the processes under the law.

**(j) Claims** – An employee may file a claim at the MERO within 180 calendar days of the alleged violation. The MERO holds a mandatory conciliation conference. If the claim is not resolved within 90 business days, a Right to Sue notice is provided, allowing the employee to file their complaint in Tribal Court. Generally, a complaint may be filed in Tribal Court within two (2) years of the alleged violation.

**(k) Regulations** - The MERO is charged with developing and implementing regulations no later than 180 calendar days after enactment.

**B. Text of Proposed Law.** Exhibit A is the text of the proposed Mashantucket Pequot Family and Medical Leave Law in its entirety.

Ursula L. Haerter, MERO Director  
September 14, 2022.