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**PUBLIC COMMENTS AND MERO RESPONSES**  
**RE PROPOSED MASHANTUCKET PEQUOT FAMILY AND MEDICAL LEAVE LAW**  
**JC-PL2022-001**

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**I. Background of Proposal**

**A. Summary.** 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. 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.

**C. 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.

**D. 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.

## **II. 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 –

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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.

- 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

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

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

### III. Public Comments

#### A. Opportunity for Public Comment

Pursuant to 31 M.P.T.L. ch. 2 § 2(c)(14), the proposed Mashantucket Pequot Family and Medical Leave Law was published for public comment on September 14, 2022 as follows:

- Posted on Pequot-at-Home
- Included in the Tribal Daily Announcements
- Posted on the MERO website (as of September 15, 2022)
- Posted on the MERO Facebook page with cross referral to the MERO website (as of September 15, 2022)
- Distributed to various email groups maintained by the MERO, which include representatives of the Tribe and Unions.

The public was provided a response deadline of 11:59 p.m. on Friday, October 14, 2022. The MERO received no timely request to extend the public comment period and found no basis to require extension of the comment period.<sup>2</sup>

Oral and written comments were accepted by the MERO Director by U.S. Mail, email, fax, telephone, in person or through scheduled Zoom sessions. A total of 10, one-hour Zoom sessions were scheduled to receive public input. Paid administrative leave was available for Tribal members, Spouses and Adopted Children of Tribal members, and Native Americans to attend up to two (2) scheduled Zoom sessions. Zoom sessions with no participants within the 10 minutes of the start time were closed.

#### B. Summary of Public Comments

There were no participants at any of the Zoom sessions. The MERO received no timely oral or written comments from any individuals. The MERO received one set of written comments from representatives of entities. The full text of the written comments may be found in **Exhibit B**.

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<sup>2</sup> Although only 29 days transpired between the MERO website and Facebook notice postings and the close of the comment period due to a technical issue that delayed the website posting, other effective means were utilized to publicize the comment opportunity to the public to provide no less than 30 days for comment.

#### **IV. Written Public Comments and MERO Responses**

Comments dated and received October 13, 2022, were submitted on behalf of the International Union, UAW, AFL-CIO and UAW Local 2121 (collectively “UAW”). See Exhibit B for the full text of the comments.

Each substantive suggestion from the UAW comments is reprinted below, followed by an explanation of the Judicial Committee’s current proposal, if applicable, and the MERO Director’s response. The MERO’s responses are not intended to provide a comprehensive analysis of the public comments, but rather to add context for the Judicial Committee’s consideration, including select information about comparable Federal and Connecticut legislation.

##### **(1) EMPLOYEE ELIGIBILITY**

###### **(a) UAW Comment**

Revise the employee eligibility requirement – for all covered leaves – so that employees become eligible for leave once they have been employed for at least three (3) consecutive months (measured by the three (3) months immediately preceding the request for leave) (to more align with CT FMLA, see C.G.S. 31-51kk(1) and Conn. Agency Regs. 31-51-qq(1)(E) and 31-51-qq-6).

###### **(b) Current Draft Law**

XX M.P.T.L. ch. 1 §3(e) “Eligible Employee” means an employee of an employer covered by this Law who has been employed:

1. For at least six (6) consecutive months, as defined in the MERO’s regulations, by the Employer with respect to whom leave under this Law is requested, for leave for the employee’s own serious health condition under §4(a)(1)(d); and
2. For at least twelve (12) months and at least one thousand two hundred fifty (1,250) hours of service with such Employer during the twelve-month period immediately prior to the date leave under this Law is to commence, for any leave under this Law other than for the employee’s own serious health condition.

###### **(c) MERO Response**

The referenced provisions of Connecticut law and regulation, as well as the Federal law definition are provided below.

###### **Connecticut FMLA**

C.G.S. §31-51kk(1) “Eligible employee” means an employee who has been employed for at least three months immediately preceding his or her request for leave by the employer with respect to whom leave is requested.

### **Connecticut FMLA Regulations**

Conn. Agency Regs. §31-51-qq(1)(E) "Eligible employee" means an employee who, immediately preceding the date the FMLA leave will commence pursuant to his or her request for leave, has been employed for a total of at least three (3) consecutive months, as defined in section 31-51qq-6(b) of the Regulations of Connecticut State Agencies, by the employer.

Conn. Agency Regs. §31-51qq-6(b) The employee shall have been employed by the employer for at least three (3) consecutive months immediately preceding the date the FMLA leave will commence pursuant to the employee's request. If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employer (e.g., workers' compensation or group health plan benefits), the week counts as a week of employment. For purposes of determining whether employment qualifies as "at least three (3) consecutive months," thirteen (13) weeks is deemed to be equal to three (3) consecutive months.

### **Federal FMLA**

29 U.S.C. §2611(2) Eligible employee

(A) In general

The term "eligible employee" means an employee who has been employed—

- (i) for at least 12 months by the employer with respect to whom leave is requested under section 2612 of this title; and
- (ii) for at least 1,250 hours of service with such employer during the previous 12-month period.

## **(2) ORGAN AND BONE MARROW DONATION**

### **(a) UAW Comment**

Revise the qualified reasons for leave to also include entitlement to leave to serve as an organ or bone marrow donor. This right is available to non-tribal employees under the CT FMLA statute, C.G.S. 31-51ll(2)(E)).

### **(b) Current Draft Law**

The current draft does not provide a specific leave entitlement to serve as an organ or bone marrow donor. A donor could qualify for leave if the organ or bone marrow donation meets the definition of a "serious health condition."

### **(c) MERO Response**

The section of the Connecticut FMLA referenced, as well as a comment about the Federal law are provided below.

### **Connecticut FMLA**

C.G.S. §31-51ll(2) Leave under this subsection may be taken for one or more of the following reasons:...

(E) In order to serve as an organ or bone marrow donor...

### **Comment re Federal FMLA**

The Federal FMLA does not provide a specific leave entitlement to serve as an organ or bone marrow donor. In Opinion Letter FMLA2018-2-A, the U.S. Department of Labor found that an organ donor could meet the definition of a “serious health condition” to qualify for leave. HR 1255 was introduced in 2021 which provided, in part, for amending the Federal FMLA to provide a specific leave entitlement, but no action was taken on the proposal.

## **(3) DEFINITION OF FAMILY MEMBER**

### **(a) UAW Comment**

Revise the definition of family member, for whom a covered leave may be taken, to also include “an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships” (to more align with CT FMLA, see C.G.S. 31-51kk(6) and Conn. Agency Regs. 31-51qq-1(k)(2)).

### **(b) Current Draft Law**

XX M.P.T.L. ch. 1 §3(i). “Family member” means a spouse, sibling, child, grandchild, parent or grandparent.

### **(c) MERO Response**

The referenced sections of the Connecticut FMLA and regulations are provided below.

### **Connecticut FMLA**

C.G.S. §31-51kk(6) “Family member” means a spouse, sibling, son or daughter, grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.

### **Connecticut FMLA Regulations**

Conn. Agency Regs. §31-51qq-1(k)(2) An individual related to the employee by blood or affinity whose close association the employee describes as equivalent to the family relationships of a spouse, sibling, son or daughter, grandparent, grandchild or parent, regardless of biological or legal relationship or lack thereof.

#### (4) DEFINITION OF SERIOUS HEALTH CONDITION

##### (a) UAW Comments

- (i) Revise the definition of serious health condition such that inpatient care does not necessarily have to be an “overnight” stay (to more align with CT FMLA, see Conn. Agency Regs. 31-51qq-1(x)(1)(A), and with Federal FMLA, see 29 U.S.C. 2611(11) and 29 CFR 825.114).
- (ii) Revise the definition of serious health condition to clarify that such inpatient care does not necessarily require additional “subsequent treatment” (to more align with CT FMLA, see Conn. Agency Regs. 31-51qq-1(x)(1)(A), and with Federal FMLA, see 29 USCA 2611(11) and 29 CFR 825.114).

##### (b) Current Draft Law

XX M.P.T.L. ch. 1 §3(v) “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves:

1. **Overnight inpatient care** in a hospital, hospice, or residential medical care facility **and subsequent treatment**; or
2. Continuing treatment by a Health Care Provider

##### (c) MERO Response

The draft of the MPTN proposed law incorporates language that is similar to language that appears in the regulations under Federal and Connecticut law. Relevant text of the Federal and Connecticut laws and regulations appear below, highlighted for ease of reference.

##### Connecticut FMLA

C.G.S. §31-51kk (13) “**Serious health condition**” means an illness, injury, impairment, or physical or mental condition that involves (A) **inpatient care** in a hospital, hospice, nursing home or residential medical care facility; or (B) continuing treatment, including outpatient treatment, by a health care provider

##### Connecticut FMLA Regulations

Conn. Agency Regs. §31-51qq-1(x)(1)(A) (u) “**Serious health condition**” means an illness, injury, impairment, or physical or mental condition that involves **inpatient care** in a hospital, hospice, nursing home or residential medical care facility; or continuing treatment, including outpatient treatment, by a health care provider. For the purposes of this section:

- (1) an illness, injury, impairment, or physical or mental condition involves:
  - (A) **Inpatient care (i.e., an overnight stay)** in a hospital... hospice...nursing home...or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery



therefrom), **or any subsequent treatment** in connection with such inpatient care; or

(B) Continuing treatment by a health care provider, including outpatient treatment. A serious health condition involving continuing treatment by a health care provider includes...

#### **Federal FMLA**

29 U.S.C. §2611(11) The term “**serious health condition**” means an illness, injury, impairment, or physical or mental condition that involves—

(A) **inpatient care** in a hospital, hospice, or residential medical care facility; or

(B) continuing treatment by a health care provider.

#### **Federal FMLA Regulations**

29 C.F.R. §825.114 **Inpatient care means an overnight stay** in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in §825.113(b), **or any subsequent treatment** in connection with such inpatient care.

### **(5) SUBSTANCE ABUSE**

#### **(a) UAW Comment**

Revise the definition of serious health condition to clarify that substance abuse (by the employee or a covered family member) may be a serious health condition (so that treatment for same may be a qualifying reason for leave) (to more align with CT FMLA, see Conn. Agency Regs. 31-51qq-1(x)(4), and with Federal FMLA, see 29 CFR 825.119).

#### **(b) Current Draft Law**

The current draft does not specifically address substance abuse.

#### **(c) MERO Response**

The suggested change references provisions from the Federal and Connecticut regulations, not the laws. The sections of the Connecticut and Federal regulations referenced are provided below.

#### **Connecticut FMLA Regulations**

Conn. Agency Regs. §31-51qq-1(x)(4) Substance abuse may be a serious health condition if the conditions of this subsection are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

### **Federal FMLA Regulations**

29 C.F.R. §825.119(a) Substance abuse may be a serious health condition if the conditions of §§ 825.113 through 825.115 are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

(b) Treatment for substance abuse does not prevent an employer from taking employment action against an employee. The employer may not take action against the employee because the employee has exercised his or her right to take FMLA leave for treatment. However, if the employer has an established policy, applied in a non-discriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for a covered family member who is receiving treatment for substance abuse. The employer may not take action against an employee who is providing care for a covered family member receiving treatment for substance abuse.

## **(6) CALCULATING THE 12-MONTH PERIOD DURING WHICH LEAVE MAY BE TAKEN**

### **(a) UAW Comment**

Add a provision to the proposed law to clarify that the twelve-month period during which leave may be taken is to be determined utilizing one of the four following methods, at the election of the employer but thereafter uniformly applied to all employees – a calendar year; any fixed twelve (12) month period (such as a fiscal year or starting on the first date of employment); the twelve (12) month period measured forward from the first date of leave taken; or a rolling twelve (12) month period measured backwards from the first date of leave taken (to more align with CT FMLA, see C.G.S. 31-511(a)(1), and with Federal FMLA, see 29 CFR 825.200(b)).

### **(b) Current Draft Law**

The current draft does not specifically address the options for calculating the 12-month period during which leave may be taken.

### **(c) MERO Response**

The suggested change references provisions from the Connecticut FMLA and the Federal regulations. The sections of the Connecticut law and Federal regulations referenced are provided below. The Federal regulations include paragraphs beyond (b) that provide additional information about the options.

### **Connecticut FMLA**

C.G.S. §31-51ll (a)(1) ...an eligible employee shall be entitled to a total of twelve workweeks of leave during any twelve-month period, such twelve-month period to be determined utilizing any one of the following methods: (A) A calendar year; (B) any fixed twelve-month period, such as a fiscal year or a twelve-month period measured forward from an employee's first date of employment; (C) a twelve-month period measured forward from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive; or (D) a rolling twelve-month period measured backward from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive.

### **Federal FMLA Regulations**

29 C.F.R. § 825.200(b) An employer is permitted to choose any one of the following methods for determining the 12-month period in which the 12 weeks of leave entitlement described in paragraph (a) of this section occurs:

- (1) The calendar year;
- (2) Any fixed 12-month leave year, such as a fiscal year, a year required by State law, or a year starting on an employee's anniversary date;
- (3) The 12-month period measured forward from the date any employee's first FMLA leave under paragraph (a) begins; or,
- (4) A "rolling" 12-month period measured backward from the date an employee uses any FMLA leave as described in paragraph (a).

## **(7) CONFIDENTIALITY OF MEDICAL RECORDS**

### **(a) UAW Comment**

Add a provision to the proposed law to require that records and documents relating to medical certifications/recertifications or medical histories of employees or employees' family members, or similar documents related to an employee's leave are maintained as confidential to the greatest extent possible (to more align with CT FMLA, see C.G.S. 31-51oo, and with Federal FMLA, see 29 CFR 825.500(g)).

### **(b) Current Draft Law**

The current draft does not specifically address confidentiality obligations.

### **(c) MERO Response**

The suggested change references provisions from the Connecticut FMLA and the Federal FMLA Regulations provided below.

### **Connecticut FMLA**

C.G.S. §31-51oo. Records and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members,

created for purposes of sections...31-51kk to 31-51qq, inclusive, shall be maintained as medical records pursuant to chapter 563a, except that:

- (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;
- (2) first aid and safety personnel may be informed, when appropriate, if the employee's physical or medical condition might require emergency treatment; and
- (3) government officials investigating compliance with sections...31-51kk to 31-51qq, inclusive, or other pertinent law shall be provided relevant information upon request.

### **Federal FMLA Regulations**

29 C.F.R. §825.500(g) Records and documents relating to certifications, recertifications or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files. If the Genetic Information Nondiscrimination Act of 2008 (GINA) is applicable, records and documents created for purposes of FMLA containing family medical history or genetic information as defined in GINA shall be maintained in accordance with the confidentiality requirements of Title II of GINA (*see* 29 CFR 1635.9), which permit such information to be disclosed consistent with the requirements of FMLA. If the ADA, as amended, is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements (*see* 29 CFR 1630.14(c)(1)), except that:

- (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations;
- (2) First aid and safety personnel may be informed (when appropriate) if the employee's physical or medical condition might require emergency treatment; and
- (3) Government officials investigating compliance with FMLA (or other pertinent law) shall be provided relevant information upon request.

## **(8) FAMILY VIOLENCE VICTIMS**

### **(a) UAW Comment**

Add a provision to the proposed law to provide covered leave for victims of family violence. This right is available to non-tribal employees under Conn. Gen. Stat. 31-51ss.

### **(b) Current Draft Law**

The current draft does not specifically address family violence victims. Employees may qualify for leave if the employee or a family member suffers a “serious health condition” as a result of the violence.

**(b) MERO Response:** The suggested change references a provision from the Connecticut Law that is provided below. A comment regarding Federal FMLA also appears below.

**Connecticut Law**

C.G.S. §31-51ss(b) If an employee is a victim of family violence, an employer shall permit the employee to take paid or unpaid leave during any calendar year in which such leave is reasonably necessary (1) to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim, (2) to obtain services from a victim services organization on behalf of the victim, (3) to relocate due to such family violence, or (4) to participate in any civil or criminal proceeding related to or resulting from such family violence. An employer may limit unpaid leave under this section to twelve days during any calendar year. Leave under this section shall not affect any other leave provided under state or federal law.

**Comment re Federal FMLA**

The Federal FMLA does not provide a specific leave entitlement for victims of domestic violence. A Frequently Asked Question published on the U.S. Department of Labor website provides:

**Question:** Can I take FMLA leave for reasons related to domestic violence issues?

**Answer:** FMLA leave may be available to address certain health-related issues resulting from domestic violence. An eligible employee may take FMLA leave because of his or her own serious health condition or to care for a qualifying family member with a serious health condition that resulted from domestic violence. For example, an eligible employee may be able to take FMLA leave if he or she is hospitalized overnight or is receiving certain treatment for post-traumatic stress disorder that resulted from domestic violence.

<https://webapps.dol.gov/dolfaq/go-dol-faq.asp?faqid=597&topicid=1&subtopicid=7#:~:text=Answer%3A%20FMLA%20leave%20may%20be,that%20resulted%20from%20domestic%20violence.>

(accessed November 18, 2022)

**(9) PUBLIC COMMENT OPPORTUNITY FOR PROPOSED REGULATIONS**

**(a) UAW Comment**

Add a provision to the proposed law to ensure that there will be a reasonable period for public comment on any proposed regulations prescribed pursuant to Section 14 by MERO after enactment or amendment of the proposed law.

**(b) Current Draft Law**

The current draft does not address the provision of a public comment opportunity relative to proposed regulations.

**(c) MERO Response**

The MERO intends to provide the public with the opportunity to comment on any proposed regulations, as it did when developing the Title 33 shift assignment preference regulation. MERO-FR2021-001 (May 6, 2021)

**(10) PAID FAMILY AND MEDICAL LEAVE PROGRAM**

**(a) UAW Comment**

We do want to take this opportunity to make an additional suggestion not directly covered by the Judiciary Committee’s current proposal. We urge the Committee to add provisions to the proposed law, or if necessary to consider enacting a separate law, to establish and administer a *paid* family and medical leave program so that covered employees of the Tribe will be able to receive income replacement during periods of covered, approved leave taken pursuant to the Mashantucket Pequot FMLA. The State of Connecticut’s Paid Leave Program (see C.G.S. 31-49g, et seq.) would provide a solid beginning point to enacting such program. Alternatively, we would support the Tribe in seeking to become a covered employer under the current PFMLA program. As such program is employee-funded, there would be no cost to the Tribe if current law were amended to provide such coverage

**(b) Current Draft Law**

The current draft law provides *unpaid* leave benefits and does not address *paid* leave benefits.

**(c) MERO Response**

The UAW’s proposal is beyond the scope of the public comment opportunity with respect to the proposed Mashantucket Pequot Family and Medical Leave Law. Should the Judicial Committee wish to explore the suggestion, due to the substantial nature of such an initiative, consideration as a separate undertaking is recommended.

Respectfully submitted to the MPTN Judicial Committee on this 18<sup>th</sup> day of November, 2022.

Ursula L. Haerter  
MERO Director

This document and associated exhibits will be posted on the MERO website for a period of at least 30 calendar days.