

## IMPORTANT NOTICE

The following document does not include any changes to requirements or procedures introduced as a result of COVID-19. Please see the MERO Home Page for the most recent information, including modifications to time limits and procedures in response to the processing delays associated with the pandemic.

As of this writing, the following notices related to the COVID-19 pandemic were posted on the MERO Home Page:

- **Know Your Preference Rights During the COVID-19 Response (07-17-20)** – Provides individuals with information about preference rights and modifications to processes due to COVID-19.
- **MERO Order Regarding Preference Law Deadlines (07-08-20)** – Addresses the relaxation of certain time requirements under the Preference Law.
- **MERO Procedural Modifications in Response to COVID-19 (07-28-20)** – Provides updated information about the MERO's procedural modifications in response to COVID-19

Please address any questions to the MERO Director at:

[MERO@mptn-nsn.gov](mailto:MERO@mptn-nsn.gov)

860-396-6508 (Office)

860-608-1409 (Mobile)



Mashantucket Pequot  
Tribal Nation

## MASHANTUCKET EMPLOYMENT RIGHTS OFFICE

### Frequently Asked Questions About the MERO and the Preference Law

**What is the MERO?** The MERO is an agency of the Mashantucket Pequot Tribal Nation that enforces certain Tribal labor and employment laws, including Title 33, the Mashantucket Pequot Tribal and Native American Preference Law (“Preference Law”).

**What does the MERO Director do?** The MERO Director works to secure compliance with the Laws so that individuals and entities receive the protections and benefits of the laws. Her responsibilities include educating about the requirements of the Preference Law, providing guidance about areas that may be unclear, developing processes for enforcing the law, and hearing and deciding claims of noncompliance.

**Will the MERO Director be my attorney?** No, the MERO Director does not represent any individuals or companies, but will help you to determine if you have a basis for a claim and help you file a claim. An attorney is not necessary to file or process a claim, but you may hire an attorney of your choice at your cost to represent you in MERO proceedings at any time.

**How do I reach the MERO?** The MERO is located at the Mashantucket Pequot Museum and Research Center. To make an appointment, please call 860-396-6508 or e-mail [uhaerter@mptn-nsn.gov](mailto:uhaerter@mptn-nsn.gov).

**What is the Preference Law?** The Preference Law provides for preference in employment opportunities on the Reservation for eligible MPTN family members and Native Americans.

**Which employers must provide preference?** Generally, the Tribe and employers of five (5) or more employees working on the Reservation must provide preference in employment opportunities.

**Who receives preference?** When the Tribe is the employer, preference is given first to MPTN Members, then to their Spouses and Adopted Children, and third to Native Americans (members of tribes with federal, state, Canadian First Nation or Mashantucket Pequot recognition). Non-Tribal employers provide preference to members of federally recognized Native American tribes who live on or near a reservation.

**Who is a “Spouse”?** A “spouse” is a man or woman joined in lawful marriage with an MPTN Member, or a surviving spouse with a minor child as defined in 29 M.P.T.L., who is in good standing with the Tribe.

**Who is an “Adopted Child”?** An “adopted child” is any person in good standing with the Tribe who was legally adopted by an MPTN Member or who was in the custody and care of an MPTN member and resided in the MPTN member’s household as a member of the family for at least seven (7) years on or before reaching the age of 18.

**What are “employment opportunities”?** Generally, employment opportunities include hire, transfer, promotion, training and non-disciplinary retention, such as during a layoff. Individuals must meet the minimum necessary qualifications of a position to be eligible for preference. Additional benefits provided when the Tribe is the employer are:

- ❖ MPTN Members/Spouses/Adopted Children receive at least 2 days advance notice of employment openings.

- ❖ MPTN Members/Spouses/Adopted Children receive preference in shift assignments.
- ❖ Unless there is a hardship for the employer, individuals with preference receive accommodations for cultural convictions unique to a preference employee's tribal or Native American culture.

**What are “minimum necessary qualifications” (MNQs)?** MNQs are those qualifications necessary to perform the basic responsibilities of the position, such as education, skill and/or experience requirements.

**Is preference required for ALL employment opportunities?** No, there are exceptions; for example, preference is not required in posting and/or filling a position when the position is:

- ❖ filled with a member of the highest preference category
- ❖ temporary, generally ≤ 4 weeks (160 hours)
- ❖ a certain type of opportunity filled through natural progression or Tribal Council approval
- ❖ a “key” position, including political appointees, elected officials and positions designated as “key” under the Law by the employer or the Tribal Council.

**Must a job be awarded to the most qualified preference applicant?** No, the law requires selection of a minimally qualified applicant from the highest preference applicants. For example, if there are three minimally qualified applicants who are all MPTN members, the employer may choose any one of the three.

**Is there any training assistance for preference employees?** Depending on the job, there may be training provided. In addition, if the Tribe is the employer, within the first 90 days you hold a position, the Office of Native American Preference (“ONAP”) and the department will meet with you to discuss how you are doing. If the ONAP decides that there is an existing, available training opportunity that would benefit you, it may extend your probationary period, if necessary, to allow you to attend the training.

**What if I believe my employer violated the Preference Law?** Contact the MERO, even if you are not certain if you have the basis for a claim. The MERO may assist you in determining if you have a claim. A claim must be filed within 180 days of the event claimed to be in violation of the law.

If the employer is the Tribe, a claim must be filed within 180 days with the Office of Native American Preference (“ONAP”). (Joshua Carter, 860-396-2265 or Steven Thomas, 860-312-3425) The Law provides that the ONAP investigate, attempt to resolve the issues and if the matter is not resolved, issue a decision within 60 days. If you disagree with the ONAP decision or if the decision includes a statement of employer noncompliance, you may file a claim with the MERO within 15 calendar days of the ONAP’s written decision.

If the employer is not the Tribe, a claim must be filed within 180 days with the MERO.

**Are there any opportunities to resolve claims through mediation?** Yes, any party to a case may request mediation of a claim and if all parties agree, the claim will be mediated.

**What happens if the MERO Director finds noncompliance?** Claims are generally decided by the MERO Director after a hearing. If the MERO concludes that the employer was not in compliance with the Preference Law, the employer may be ordered to remedy the noncompliance. Remedies may include the employer providing an employment opportunity to the claimant and/or paying lost wages and/or making changes in policies or practices. A MERO final decision may be appealed to the Tribal Court.

For additional information, please visit the MERO web site at [www.mptnlaw.org](http://www.mptnlaw.org) or contact the MERO.

The information provided is intended to be accurate but general information. For additional information, please refer to the applicable laws, and any guidance issued by the MERO, available on the MERO web site or by contacting the MERO. Nothing herein constitutes legal advice.