



Mashantucket Pequot
Tribal Nation

**MASHANTUCKET EMPLOYMENT RIGHTS OFFICE
COMPLIANCE AND CLAIMS
PROCEDURES MANUAL FOR TITLE 33,
THE MASHANTUCKET PEQUOT
TRIBAL AND NATIVE AMERICAN PREFERENCE LAW**

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1.0 Introduction

This manual (“Procedures Manual”) will set forth the procedures of the Mashantucket Employment Rights Office (“MERO”) for compliance and claims cases under Title 33, the Mashantucket Pequot Tribal and Native American Preference Law. (“Preference Law”) Title 33, Chapter 1, Section 5 sets forth Tribal and Native American preferences required by Tribal and Non-Tribal employers, as well as posting and reporting requirements. Chapter 1, Sections 9 and 10 set forth the claim, compliance, hearing and appeal processes and Chapter 1, Section 11 sets forth sanctions, penalties and awards.

2.0 Representation by an Attorney

An individual or entity is not required to retain an attorney to file a claim or participate in a MERO proceeding. However, individuals and entities have a right at any time to be represented by an attorney of their own choosing and at their own cost. The MERO Director represents the law and does not represent any individuals or entities subject to claims or compliance proceedings under the Preference Law.

3.0 Individual Claims

3.1 Who May File a Claim

Any interested Person, as defined in the Preference Law,¹ may file a claim. An individual who files a claim is referred to as “Claimant” and the employer against which a claim is made is referred to as “Respondent” or “Employer.”

3.2 When Must a Claim be Filed

A claim must be filed within 180 days of the event or incident the Claimant believes was not in compliance with the Preference Law.

3.3 Where and in What Manner to File a Claim

3.3.1 Employer is the Tribe

If the Employer is the Mashantucket Pequot Tribe, a claim must be filed with the Office of Native American Preference (ONAP) within 180 days of the event or incident the Claimant believes was not in compliance with the Preference Law.

¹ “Person” means both natural persons and artificial persons, including, but not limited to, entities considered Employers hereunder, corporations, partnerships, joint ventures, limited liability companies, sole proprietorships, associations, unions, trusts, trustees, and agents. 33 M.P.T.L. ch. 1 §4.

- **ONAP contact for claims against the Mashantucket Pequot Gaming Enterprise (MPGE) or the Mashantucket Pequot Tribal Nation:**
Steven Thomas, Manager of Native American Preference
Foxwoods Resort Casino
350 Trolley Line Boulevard
P.O. Box 3777
Ledyard, CT 06338-3777
Ph: 860-312-3425
E-mail: sthomas@foxwoods.com

Generally, ONAP investigates and attempts to resolve timely filed claims, although in certain cases, ONAP may be required or permitted to issue a decision without an investigation. In addition, if the claim alleges a denial of an employment position that has not yet been filled by the employer, ONAP has the authority to place a hold on filling the position for up to 60 days, which may be extended under certain conditions. When ONAP's claim processing is complete, if there is no resolution of the claim, ONAP issues a decision. Please contact ONAP directly for additional filing and processing information.²

3.3.1.a Filing a Claim Against the Tribe with the MERO

A Claimant who has filed a claim with ONAP may file a claim with the MERO within fifteen (15) days of the date of ONAP's decision if:

- a. Claimant disagrees with the ONAP decision; or
- b. The decision includes a statement of Employer noncompliance confirming that ONAP was unable to secure the employer's compliance with an ONAP remedial order.

There may be certain additional limited circumstances when a claim may be filed at the MERO against a Tribal Employer. If you believe you have a basis for a claim, please contact the MERO Director to discuss the circumstances.

To file a claim with the MERO, a Claimant must submit to the MERO a completed Claim of Violation Against Mashantucket Pequot Tribe form (MERO Form 33-1100A). The filing may be accomplished electronically, in person, by U.S. mail delivery, or in any other manner by which the MERO receives a completed and signed claim form. Claim forms are available on the MERO website or from the MERO office.

² The contact information provided for ONAP was accurate as of the time of writing. ONAP contact information should be confirmed directly with the ONAP office.

3.3.2 Employer is Not the Tribe

A claim against a Non-Tribal Employer must be filed with the MERO Office within 180 days of the event or incident the Claimant believes was not in compliance with the Preference Law.

To file a claim, a Claimant must submit to the MERO a completed Claim of Violation Against Non-Tribal Employer form (MERO Form 33-1100B). The filing may be accomplished electronically, in person, by U.S. mail delivery, or in any other manner by which the MERO receives a completed and signed claim form. Claim forms are available on the MERO website or from the MERO office.

3.3.2.a Non-Tribal Employer Exhaustion Requirement

If the Non-Tribal Employer offers a complaint process for preference related claims, generally the Employer's complaint process must be exhausted before filing a claim with the MERO. However, regardless of the status of a Claimant's efforts to file, pursue or resolve a claim with his/her employer through the Employer's processes, a claim must be filed with the MERO within 180 days of the event or incident the Claimant believes was not in compliance with the Preference Law.

3.3.2.b Non-Tribal Employer Defense Based on Claimant's Failure to Exhaust the Internal Complaint Process

Pursuant to 33 M.P.T.L. ch. 1 §9(b), a Non-Tribal Employer may raise as a defense a Claimant's "unreasonable failure to utilize an effective complaint process prior to filing a claim with MERO." A determination as to whether an Employer's internal complaint process is effective and/or the Claimant's failure to utilize the process was unreasonable would include, without limitation, consideration of the existence and clarity of notice to the employee that preference issues could be brought under the complaint process and the procedures for doing so, processing time, fairness of the process, and the adequacy of remedies to address issues of noncompliance with preference requirements.

3.3.2.c Deferral to Internal Complaint Process

If a Claimant files a timely claim with the MERO without exhausting the Non-Tribal Employer's internal complaint process, the Non-Tribal Employer may, within five (5) days of receipt of a claim, submit a written request to the MERO for deferral of the case to the employer's internal complaint resolution mechanism. The following must be submitted to the MERO with the written deferral request: (1) a copy of the internal complaint process policy, (2) assurances that any procedural hindrances to the Claimant's pursuit of a complaint are waived, (3) assurances that the complaint

process encompasses the subject matter of the claim and provides for appropriate remedies, and (4) an approximate time frame for the Claimant's claim to be decided under the complaint process.

In deciding a request that a claim be deferred to the internal complaint process, the MERO's considerations may include, without limitation, the Employer's compliance with the deferral request requirements and whether it serves the purposes of the Preference Law to defer the case. If a claim is deferred, MERO case processing will be held in abeyance pending confirmation of resolution of the claim or completion or abandonment of the internal claim process without resolution. Confirmation of resolution may result in dismissal of the claim, absent withdrawal. Confirmation of completion or abandonment of the internal claim process will result in MERO lifting the processing stay.

3.4 Initial Claim Processing

3.4.1 Initiating the MERO Process

Upon receipt of a completed and signed Claim of Violation Form (MERO Form 33-1100A or 33-1100B), the MERO Director shall assign a MERO docket number to the claim, note the date of filing, and create a case file.

3.4.2 Service of Claim

A copy of the docketed Claim of Violation Form (MERO Form 33-1100A or 33-1100B) will be served on the Respondent and the Claimant by the MERO via facsimile or electronic mail.

3.4.2.a Notice to ONAP When the Tribe is the Employer

When the Tribe is the Employer, notice of the claim shall be sent to ONAP via facsimile or electronic mail.

3.4.3 Manner of Processing

The MERO shall process the claim in any manner deemed appropriate to achieve a fair, impartial and thorough review of the matter in accordance with Title 40, the Administrative Procedure Act, within 60 days of the filing of the claim pursuant to 33 M.P.T.L. ch. 1 §9, including the following:

3.4.3.a Notice of Hearing

The MERO will serve the Claimant and Respondent with a Notice of Hearing scheduling the hearing for a date no less than 20 days from the date of service of the claim. If the MERO's hearing notice specifies a Formal Hearing and thereafter, in the MERO's discretion, an Informal Hearing is determined to be appropriate, the MERO may change the type of hearing up to three (3) days prior to the then scheduled hearing date by providing written notice to the parties.

3.4.3.b Dismissal of Claim without Hearing

3.4.3.b.i Initiated by Respondent

Within five (5) days of service of the claim, the Respondent may submit a written request, with any supporting evidence or argument, that the MERO dismiss the claim without a hearing pursuant to 33 M.P.T.L ch. 1 §9(c).

Within five (5) days of service by the MERO of Respondent's request for dismissal, Claimant may submit to the MERO a written opposition to the Respondent's request, with any supporting evidence or argument.

3.4.3.b.ii Initiated by MERO

At any time prior to hearing, the MERO may propose dismissal of the claim without a hearing pursuant to 33 M.P.T.L ch. 1 §9(c) by serving the parties written notice of proposed dismissal.

Within five (5) days of service by the MERO of the notice of proposed dismissal of the claim, Respondent and Claimant may submit to the MERO written support or opposition to the proposed dismissal with any supporting evidence or argument.

3.4.3.b.iii MERO Decision

Within five (5) days of the later of timely receipt of response to a requested or proposed dismissal, or expiration of the response period, the MERO will issue a decision with respect to dismissal of the claim without hearing. The parties will be served with the written decision and any appeal rights, if applicable.

3.4.3.c Claim Answer and Defenses

Respondent is required to file with the MERO an answer by admission or denial to each numbered and unnumbered allegation of the claim, and an enumeration of its known defenses, fifteen (15) days after the service of the claim or, if a pre-hearing request or proposal to dismiss is pending as of Respondent's answer deadline, within five (5) days after service of a MERO decision, provided the claim is not dismissed.

3.4.3.d Production of Documents or Witnesses at Hearing

Pursuant to 33 M.P.T.L. ch. 1 §9, the MERO may require the production of documents or witnesses at a hearing. Generally, document or witness production requests will be served on the party requested to produce the documents or witnesses as of the later of seven (7) calendar days prior to the hearing or one (1) business day after the MERO's receipt of the Employer's answer and defenses. Nothing herein, however, precludes the MERO from serving document or witness production requests at other times.

3.4.3.e Conduct of Hearings

Hearings will be conducted in compliance with Title 40. If more than one (1) day of hearing is required, the hearing will proceed on consecutive business days absent an alternative MERO order. The parties will be expected to provide all relevant evidence at the hearing. Hearings will be conducted in a manner that provides for the determination of facts in an orderly and reasonable manner.

Informal Hearings will not be recorded or transcribed. Formal Hearings will be recorded and transcribed. For the conduct of formal hearings, the MERO Director will be guided by, but not bound by, the Tribal Court Rules of Evidence.

3.4.3.f Post-Hearing Procedures

Absent a MERO order permitting one or both parties to submit evidence or argument after the scheduled day(s) of hearing, the hearing will be closed at the conclusion of the hearing day(s).

3.4.3.g Hearing Postponements

Service by the MERO of a party's pre-hearing request to dismiss or MERO proposed dismissal constitutes postponement of a scheduled hearing in the matter pending a MERO decision. If the MERO does not dismiss the claim, the hearing will be

rescheduled for a date no less than ten (10) days from service of the MERO decision.

Any party request for a hearing postponement must be submitted in writing and include a representation with respect to the requesting party's efforts to secure the position of the opposing party as well as any mutual agreement for a proposed date certain to reschedule. Postponement requests of more than ten (10) calendar days will not be granted absent a showing of extraordinary circumstances.

3.4.3.h MERO Decision

After the hearing, the MERO will issue a post-hearing decision and notice of appeal rights in accordance with the requirements of Title 33 and Title 40.

A MERO decision shall include a summary of facts and conclusions of law. If the MERO Director determines that there is no violation of the Preference Law, the claim shall be dismissed. If the MERO Director determines the Preference Law has been violated, he/she shall impose sanctions and/or remedies as provided in the Preference Law. The parties shall be notified of the MERO decision by U.S. mail.

3.4.3.i Service of Documents

After the filing of a claim, each party to a case is responsible for serving the other party or parties to the case with any filings with, or other submissions to, the MERO. Each filing or submission must be accompanied with a certification of service to all other parties. MERO Form 33-1125 Certification of Service of Documents, may be utilized for this purpose.

4.0 Alternative Dispute Resolution and Individual Claim Settlements

The MERO encourages the voluntary resolution of disputes and will assist parties in efforts to mediate or conciliate matters pending before the MERO. Parties interested in exploring dispute resolution should contact the MERO. The MERO may hold case processing in abeyance at its discretion for a reasonable period of time for the purpose of exploring the possibility of mediation/conciliation or mediating/conciliating a claim.

4.1 Peacemakers' Mediation

Pursuant to Title 33, ch. 1, § 9(e), at any time during the MERO's processing of a claim, any party may request a MERO mediation panel for resolution as provided in Title 31 of the Mashantucket Pequot Tribal Laws. If all parties to the case agree in writing to mediation within five (5) days of the MERO Director advising the parties of the request for mediation, the case shall be referred for mediation.

If the Peacemakers' mediation is not concluded within sixty (60) days of the referral to the mediation panel, and the parties wish to continue to pursue mediation, the parties must enter into a written extension agreement and receive the written consent of the mediation panel. Any extension agreement shall be filed with the MERO. The MERO shall receive timely notice of any mediation outcome.

4.2 Settlements

Whether reached by mediation, conciliation or otherwise, any agreement resolving all or part of the outstanding issues in a claim before the MERO must be filed with the MERO. If the agreement does not reflect resolution of all issues in the case, the remaining issues must be withdrawn or remedied, as applicable, or the MERO will resume processing of the remaining issues in the case.

The fact of settlement of a claim will be considered public information, but the terms of any settlement will not be considered public information.

5.0 Key Position Exclusion

Any employer claiming a key position exclusion from the Preference Law may apply to the Mashantucket Pequot Tribal Council to have the position designated as "key." To initiate a designation request, MERO Form 33-1500 should be completed and submitted with supporting documentation. The requesting employer will be notified of the Tribal Council's determination, which is generally available within 21 days of filing the request with the MERO.

Absent Tribal Council designation, the Person claiming the exclusion bears the burden of proving by a preponderance of the evidence that the position is a "key position" as provided in Chapter 1, Section 5(h) of the Preference Law.

6.0 Posting and Reporting Requirements

If an employer is seeking to fill an open position on the Reservation, the open position must be publicized in a manner consistent with the Preference Law. At a minimum, the employer is required to provide the MERO with notice (and re-notice, as applicable) in accordance with the MERO's guidelines, of an open position the employer is seeking to fill, even if the employer does not post or publicize the open position otherwise, provided that the employer is not required to provide notice to the MERO of an open position for which the employer is accepting only internal applicants.

For purposes of this Section, "post" or "posting" of an open position refers to any means of making known that the employer is seeking applicants for the position, including through advertisements, job announcements or other solicitations, regardless of the manner or form of the solicitation.

6.1 Content and Manner of Posting

If an employer chooses to post an open position through any source, directly or through a third party, internally or externally, and whether or not the employer is actively seeking to fill the position immediately, the posting must include a preference statement consistent with the employer's preference obligations, the type of position and manner of advertising.

6.2 Timing of Postings

When the Tribe is the employer, posting of an open position must be distributed to Mashantucket Pequot members and spouses prior to distribution to the general public by two (2) calendar days.

When the employer is not the Tribe, any posting of an open position must be provided to Native Americans no later than any posting provided to non-Native Americans.

6.3 Personnel Policies

Written personnel policies relating to employment opportunities and any other preferences afforded eligible employees under the Preference Law are required to include statements of preference and/or a preference policy consistent with the requirements of the Preference Law and the content, form, format and context of the document. Employers that have multi-location operations and maintain a policy publication that does not include site specific policies may satisfy the requirement by posting where the employer would post other employment postings directed at employees a MERO approved notice of rights, such as MERO Form 33-0501, Questions Answered - Rights of Preference Eligible Individuals.

6.4 Annual Employment Data Report (EDR)

The Employment Data Report, MERO Form-33-2400A, is due by October 15 of each year. Instructions for completion of the EDR may be found in MERO Form-33-2400B.

6.5 Additional Reporting Requirements

The MERO may require reports, documentation or submission of information otherwise whenever, in the MERO Director's judgment, additional or supplemental information may aid in determining if the employer is compliant with the Preference Law and any rules, regulations or guidance issued pursuant to the law.

7.0 Compliance Matters

A Person subject to the Preference Law determined to be out of compliance with 33 M.P.T.L., ch. 1 § 5(g), § 5(j) or § 9(d) may be subject to a MERO remedial order and civil monetary fine if the noncompliance is not remedied by the Person after the Person is notified of the violation and afforded the opportunity to correct.

7.1 Types of Compliance Violations

7.1.1 Priority 1 Violations

Generally, one (1) instance of the Person's failure to comply with certain requests or reporting requirements, including without limitation those described below, is considered a Priority 1 violation for which a remedial order and civil monetary fine shall be assessed, provided the Person has been afforded notice of the violation and an opportunity to correct the non-compliance:

7.1.1.a Failure to timely submit the annual Employment Data Report

7.1.1.b Failure to respond to a MERO request for information

7.1.2 Priority 2 Violations

Generally, two (2) or more instances of a Person's failure to comply with certain requests or reporting requirements, including without limitation those described below, within a six (6) month period is considered a Priority 2 violation for which a remedial order and civil monetary fine shall be assessed, provided the Person has been afforded notice of the noncompliance and an opportunity to correct the noncompliance:

7.1.2.a Failure to submit timely or complete notification or re-notification information about an open position on the Reservation.

7.1.2.b Failure to include an appropriate preference statement in a job posting or job advertisement or other job notice.

7.1.2.c Failure to provide notice of preference rights to preference eligible applicants or to employees.

7.1.2.d Failure to include a preference policy statement in the employer's personnel policies.

7.1.2.e Failure to submit an annual Employment Data report timely, fully completed or correctly completed.

7.1.2.f Failure to respond to a MERO request for information timely or adequately.

7.1.3 Other Violations

Certain matters of noncompliance, including without limitation a Person's failure to cooperate with respect to a MERO hearing, may be considered a Priority 1 or Priority 2 noncompliance, depending on the circumstances.

7.2 Compliance Violation Processing

7.2.1 Proposed Noncompliance Notice and Order

If available information indicates that a Person is out of compliance with 33 M.P.T.L., ch. 1 § 5(g), § 5(j) or § 9(d), the Person is served a proposed Noncompliance Notice and Order, including a Notice of Hearing and Appeal Rights, MERO Form 33-2680.

Within 30 days of service of a proposed Noncompliance Notice and Order (NNO), the Person may (1) request a hearing before the MERO Director, (2) resolve the matter by demonstrating compliance with the proposed Noncompliance Notice and Order or (3) resolve the matter with the MERO Director on other terms.

7.2.2 Hearing Process

The hearing process is informal. The employer need only contact the MERO Director after receipt of a proposed NNO by email or phone to initiate the hearing process or settlement discussions. The dialogue between the MERO Director and the designated employer representative(s) constitutes the hearing.

7.2.3 Final Noncompliance Notice and Order

Upon completion of the hearing process, compliance with the proposed Noncompliance Notice and Order or resolution of the matter on terms agreed upon by the MERO Director, the MERO Director shall issue a Form 33-2680 final Noncompliance Notice and Order, including the Notice of Hearing and Appeal Rights, reflecting the decision, compliance or negotiated resolution, as applicable. Generally, a final MERO NNO will issue within 30 days of the close of the hearing or the expiration of the hearing request period without a request for hearing having been filed with the MERO.

8.0 Appeal Rights

Any Person adversely affected by a final decision of the MERO Director may appeal the determination to the Tribal Court by filing a written appeal on a form designated by the Tribal Court. Any appeal must be filed with the Tribal Court within thirty (30) days of the MERO's mailing to the parties of its final Claim Determination, final Noncompliance Notice and Order, or other final decision.

9.0 Tribal Court Appeals

Appeals to Tribal Court will proceed in accordance with the rules of the court.

9.1 Standard of Review

The MERO final Claim Determination, final Noncompliance Notice and Order or other final decision shall be subject to review pursuant to Title 40, the Administrative Procedure Act.

9.2 Appeals of Tribal Court Decisions

Any decision of the Tribal Court may be appealed to the Mashantucket Pequot Court of Appeals in accordance with the rules of the court. Any decision of the Mashantucket Pequot Court of Appeals shall be final.

10.0 Application Skills Bank [Reserved]

11.0 Preference in Awarding Contracts

11.1 Tribal Member-Owned Business Certification or Verification

While the Preference Law does not include contracting preference provisions, in accordance with the *MPTN Tribal Member-Owned Business Entities: Policy & Overview for Conducting Business with MPTN & MPGE - July, 2023*, the MERO processes applications for businesses to be certified or verified as Tribal Member-Owned Business Entities. Please contact the MERO for additional information.

12.0 General Provisions Applicable to All Cases before the MERO

12.1 Parties' Cooperation

Claimants, Respondents and other Persons are required to cooperate fully with the MERO's processes.

Full cooperation includes, without limitation, the following:

- Reasonable availability of any Person and his/her/its agents to respond to questions and provide information;
- Complying with the MERO's deadlines for submission of information;
- Providing complete and accurate information.

Additionally, for contested cases, cooperation may also include:

- Providing complete and accurate information about claims and defenses, including under oath at a hearing, or otherwise as determined by the MERO;
- Providing contact information for witnesses and securing their cooperation, if requested;
- Providing all directly or indirectly available documentary and other evidence;
- Fully participating in a MERO hearing.

Failure or refusal to cooperate may include, without limitation, the following:

- Failing to respond to contact attempts by the MERO;
- Failing to respond to written requests for information from the MERO;
- Withholding requested, relevant information;
- Failing to inform the MERO of a change of address or other contact information.

Additionally, for contested cases, failure or refusal to cooperate may also include:

- Withholding evidence relevant to the case;
- Interfering with the hearing process;
- Causing undue delay in the proceedings.

Any Person's failure to cooperate with the MERO in the processing of a contested case may negatively affect the Person's claim or defense. For example, if a Claimant refuses to testify, the MERO could draw a negative inference that the Claimant's account under oath would not support his/her claim. If a Respondent fails to provide available evidence, the MERO could find against the Respondent due to insufficient evidence to support its defense. In addition, an uncooperative party may be subject to civil monetary penalties as provided in the Preference Law.

12.2 Mitigation of Damages

Any Person having a duty under the law to mitigate damages may be required by the MERO to provide proof of mitigation efforts. For example, a Claimant alleging non-compliance that, if proven, would result in an award of lost wages, may be required to demonstrate

mitigation of damages by demonstrating job searches, jobs held and earnings during interim period. The Respondent bears the burden of proving a Claimant's failure to mitigate.

12.3 Time Calculations

Unless otherwise indicated, when the Mashantucket Pequot Tribal and Native American Preference Law or this manual provide for a time period of five (5) days or less, weekends and Tribal holidays shall be excluded. Any time period in excess of five (5) days shall include weekends and Mashantucket Pequot Tribal Nation holidays. The date of filing or notice from which a time period begins to run is not counted. Annual Tribal Holidays are published on the MERO website.

12.4 Methods of Service of Documents

Unless otherwise specified, any reliable delivery method is acceptable for the delivery of documents to the MERO, including facsimile and e-mail. Unless otherwise specified, acceptable methods of delivery to and between parties include any reliable methods under the circumstances, which may include e-mail. Text messages are not an acceptable method of service.

12.5 Communicating with Parties

If an attorney or representative has entered a notice of appearance (MERO Form-31-0001) on behalf of a party in a contested case, all communications to/with the party will be to/with the attorney or representative of record.

12.6 Extensions of Time

Any request for extension of time must be submitted to the MERO Director in writing and provide substantiation for the request. The MERO will consider requests for extensions of time for good cause shown.

12.7 Subpoenas

The MERO Director may issue subpoenas to require the submission of documents or attendance of witnesses to obtain information relevant and necessary to the processing of a claim or monitoring compliance with the Preference Law.

12.8 Public Documents

Individual claim documents available to the public shall be limited to the claim, any amended claim, and any publicized order or decision. Compliance violation information

available to the public shall be limited to any proposed Noncompliance Notice and Order and any publicized final Noncompliance Notice and Order.

The Employment Data Reports and other individual employer report information submitted to the MERO under Title 33, ch. 1, §5(j) generally will not be made public except under the following circumstances: (1) information may be included in a compilation of reported data; (2) select information regarding compliance or non-compliance with the law may be made public at the MERO's discretion; (3) as required for purposes of administrative or court proceedings or (4) with the employer's written consent.

The MERO Director shall maintain a database of final preference claim decisions and final noncompliance notices and orders, which shall be made reasonably available to the public.

Nothing in this Procedures Manual or otherwise precludes the MERO from disclosing any information, including documents as may be necessary or required by any case processing, including without limitation, any appeals, or other legal process.

13.0 Preference Law Procedures Manual Amendments

This Preference Law Procedures Manual may be amended from time to time at the MERO Director's discretion. The current Preference Law Procedures Manual supersedes prior versions of the Manual.