

**TITLE 15. M.P.T.L. ADMINISTRATION AND CLAIMS REVIEW OF TRIBALLY SPONSORED
EMPLOYEE BENEFIT PLANS UNDER ERISA (TERISA)**

15 M.P.T.L. § 1

§ 1. Adoption of ERISA to Govern Tribally Sponsored Employee Benefit Plans

The Mashantucket Pequot Tribe (the "Tribe") recognizes that the United States has enacted the Employee Retirement Income Security Act of 1974 (including all amendments thereto) 29 U.S.C. §§ 1001-1461 ("ERISA") to provide rights and protections to employees covered by employer sponsored health, retirement and other benefit plans ("Employee Benefit Plans"). The Tribe has provided such benefit plans to its employees, employees of the Mashantucket Pequot Gaming Enterprise, and employees of its outside businesses established under state law, and has decided that the rights and protections of ERISA should be provided to these employees. Accordingly, ERISA is hereby adopted as tribal law, to the extent its provisions do not contradict tribal law, and it shall apply to all tribally sponsored Employee Benefit Plans. This law shall be known as "Tribal ERISA" or "TERISA".

15 M.P.T.L. § 2

§ 2. Jurisdiction

The Tribe hereby expressly waives its immunity from suit in the Mashantucket Pequot Tribal Court for actions arising under TERISA and concerning tribally sponsored Employee Benefit Plans, and the Mashantucket Pequot Tribal Court shall have jurisdiction over claims arising under TERISA and concerning tribally sponsored Employee Benefit Plans.

15 M.P.T.L. § 3

§ 3. Plan Administration

Plan Administrators of all tribally sponsored Employee Benefit Plans shall structure and administer Employee Benefit Plans in conformity with TERISA, including plan documents, defined benefits, and benefit claims procedures, and shall communicate plan changes and claims review procedures to plan participants in conformity with TERISA.

15 M.P.T.L. § 4

§ 4. Compliance with Federal Filings

Plan Administrators of all tribally sponsored Employee Benefit Plans shall file relevant United States Department of Labor compliance forms including, but not limited to, Form 5500 series with the U.S. Department of Labor and the Internal Revenue Service and the Summary Annual Report to plan participants and beneficiaries.

15 M.P.T.L. § 5

§ 5. Enforcement of TERISA Rights

- a. All actions arising under TERISA and concerning tribally sponsored Employee Benefit Plans must be brought against the Tribe, and not any individual officer, agent or employee of the Tribe.
- b. Nothing provided in this law shall be construed to be a waiver of the sovereign immunity of the Tribe, the Mashantucket Pequot Gaming Enterprise, a tribal enterprise, or an employee, servant or agent thereof, from suit in state or federal court or in any action before any state or federal agency, or in any other forum or context.
- c. In any judgment under this law against the Tribe, the court may award damages and penalties as provided by TERISA.

15 M.P.T.L. § 6

§ 6. Limitations on TERISA Actions

- a. All actions against the Tribe shall be tried to the court and not to a jury. No costs shall be taxed against the Tribe.
- b. In all actions where it is alleged that the action of an agent, servant, or employee of the Tribe acting within the scope of his or her employment constitutes a violation of TERISA, there shall be no separate cause of action existing against said agent, servant, or employee, but rather all such claims must be brought against the Tribe. Nothing in this law shall be construed to waive the Tribe's immunity to allow suit against such individual, and the Tribe's immunity from suit is waived only for purposes of an action against the Tribe in Tribal Court as specifically permitted pursuant to Section 2 of this law.
- c. Actions arising under this law must be brought within the time periods prescribed by ERISA for a particular claim or cause of action.
- d. When interpreting this law, the court shall follow tribal law and precedent and may be guided by the federal law and decisions.

15 M.P.T.L. § 7

§ 7. Effective Date

The amendments to this law made pursuant to TCR 112003-02 of-03 shall be applicable to claims pending on November 20, 2003 ("Enactment Date"), and to claims that accrued one year prior to the Enactment Date.