



## **PERSONNEL POLICIES**

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## **MMDC Value Statement**

### **Vision/Goals:**

While acknowledging and valuing the history of our Region, we will influence decisions that result in healthier, more resilient, more inclusive, and more prosperous communities while maintaining a future-focused perspective.

### **Accountability:**

We believe the MMDC should be held accountable to the residents of our Region, and to our funding partners, for the quality of our work, for the fiscally responsible management of our budget, and for the continuous promotion of opportunity and development throughout our Region.

### **Professionalism:**

We will promote opportunities for MMDC staff and Commissioner development, encourage leadership at all levels, and expect professionalism to be demonstrated through our conduct and through our achievements.

### **Communication:**

We value timely, open, honest, and respectful communication as a pathway to improved MMDC effectiveness.

### **Adaptability:**

We welcome new ideas and challenges as opportunities for improvement and the advancement of the MMDC organization and Region.

### **Diversity:**

The MMDC aspires to lead as an organization where equality and inclusion is achievable for all, regardless of ethnicity, age, ability/disability, religion, gender/gender identity, sexual orientation, or other difference. We believe that all deserve respect, dignity, and an opportunity to learn, grow, and achieve.

### **Teamwork:**

The MMDC supports teamwork throughout the organization and collaboration, both throughout our Region and beyond its borders. We will not hesitate to share our talents when partnering will lead to the achievement of greater outcomes for our communities.

### **Imperfection:**

We acknowledge our humanity. As humans, we will make mistakes. We will help each other learn from these mistakes and will strive for continuous improvement.

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## PURPOSE AND INTENT

It is the purpose of these policies to establish and maintain a uniform and equitable system of personnel administration for the employees of the Commission. It is also our desire to provide employees with a source of information regarding the Commission's adopted policies and conditions of employment. It should be noted that these policies may be amended at any time by the Commission or by any overriding law that is passed prior to the amendment of these policies.

## LEGAL COMPLIANCE

MMDC complies with all state and federal laws impacting the way we conduct our business. As an employee of the MMDC, you agree to adhere to the MMDC's standard.

## PERSONNEL POLICIES HANDBOOK DISCLAIMER

This manual is intended to serve as an overview and summary of the Mid-Minnesota Development Commission's (MMDC) policies and practices related to employment. It is not to be considered a contract. Employee benefits are discussed in general terms within this manual. Legal plan documents are the best source of detailed information on particular benefit plans. The language and interpretation of the plan documents take precedent in the event of any conflict between information contained in this manual and the plan documents.

Any policy contained herein which does not conflict with State or Federal law or labor agreements entered into by the Commission, shall remain in full force and effect, and shall continue to govern the actions of all employees. The Commission expressly reserves the right to revise, suspend, or eliminate any of the policies and practices at any time in its sole discretion by a majority of the full Commission sitting at any regular or special meeting. Any such revisions will supersede prior provisions and/or language.

## ADMINISTRATIVE DIRECTIVES

The Executive Director may make administrative directives as are necessary to clarify or implement the provisions of these policies. Such directives shall be in written form and copies thereof be filed with the Chairperson of the Commission.

## PART I - Definitions and General Statements

### Section 1: Definitions

The following words and terms, wherever used in the sections following, shall be given the meanings ascribed to them.

- 1.1 "Affirmative Action" means an employer who takes affirmative steps in advertising and filling positions to attempt to create a balance of employees reasonably consistent with area demographic figures.
- 1.2 "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty, or responsibility of the work performed in the position.
- 1.3 "Chairperson" means the Chairperson of the Mid-Minnesota Development Commission Board.
- 1.4 "Class" means one or more positions sufficiently similar in relation to duties and responsibilities, qualifications needed for performance of the duties, and compensation accorded so that the same descriptive title may be used to designate all such positions.
- 1.5 "Classification System" means the orderly arrangement of positions under separate and distinct classifications based on current duties and responsibilities.
- 1.6 "Commission" means the Mid-Minnesota Development Commission (MMDC) which is also known as Region Six-East (6E).
- 1.7 "Consultant" means a person, firm or organization to which the MMDC contracts for services. A consultant is not an employee of MMDC.

- 1.8 “Domestic Partner” means any person who has a currently registered partnership with a governmental body pursuant to state, local, or other law authorizing such registration. The term domestic partnership will be construed broadly to include same-sex civil unions or other such same-sex unions in which two same-sex individuals are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.

In the absence of registration with a governmental body, “domestic partner” shall otherwise mean a person who is in a domestic partnership, which consists of two adults who are: (1) are not related by blood closer than permitted under the marriage laws of the state; (2) are not married; (3) are competent to enter into a contract; (4) are jointly responsible to each other for the necessities of life; (5) are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities; and (6) do not have any other domestic partner(s).

- 1.9 “Employee” means an individual who is employed by the MMDC, and is further defined by the following:

1.9.1 “Regular Full-Time Employee” means an individual who has completed the six (6) month learning and evaluation period and is working in an ongoing position of indefinite duration that requires a regular schedule of forty (40) hours per week.

1.9.2 “Intern” means an individual who, through their internship, is participating in an on-the-job work program in connection with enrollment in either an undergraduate or graduate program at an accredited college or university or who is participating in temporary on-the-job training to further prepare themselves for full-time employment in their degree field.

1.9.3 “Limited-Term Employee” means any employee whose service is for a specific limited period of time, not to exceed eighteen (18) months, who is hired for a specific job or reason and is not subject to a probationary period.

1.9.4 “Part-Time Employee” means an individual who has completed the six (6) month learning and evaluation period and is working less than 40 hours per week on an ongoing basis of indefinite duration.

1.9.5 “Temporary Short-Term Employee” means an employee hired for a very short period of time, ten (10) working days or less, to carry out some immediate action/work of the Commission.

- 1.10 “Employment-at-Will” grants employers the right to terminate the employment of Minnesota employees at any time and without notice, for any reason, or for no reason at all, except an illegal reason (such as a discriminatory reason), and likewise, allows employees to quit their jobs at any time, for any reason.

- 1.11 “Equal Opportunity Employer” means an employer who does not discriminate due to age, sex, race, color, disability, religion, place of national origin, or other protected class.

- 1.12 “Executive Director” means the Executive Director of the Mid-Minnesota Development Commission.

- 1.13 “Executive Committee” means the committee composed of members of the Commission and selected in accordance with the Commission bylaws, with the ability to act on behalf of the Commission.

- 1.14 “Exempt Employee” means managerial, professional or administrative employee who is not subject to the overtime or minimum wage provisions of the Federal Fair Labor Standards Act or the Minnesota Fair Labor Standards Act.

- 1.15 “Harassment” is unwelcome conduct, based upon race, color, religion, creed, sex, national origin, age, disability, or sexual orientation, that is either a condition of working or learning (quid pro quo) or creates a hostile environment.

- 1.16 “Hostile Environment Harassment” consists of unwelcome conduct when:

1.16.1 Such conduct has the effect of unreasonably interfering with an individual’s work, or

1.16.2 Such conduct has the effect of creating an intimidating, hostile or offensive working

environment, and

1.16.3 The employer knows or should know of the existence of the harassment and fails to take timely or appropriate action.

1.17 “Immediate Family Member” means any of the following:

- An employee’s child, foster child, adult child, legal ward, child for whom the employee is legal guardian, or child to whom the employee stands or stood in loco parentis,
- An employee’s spouse or registered domestic partner,
- An employee’s sibling, stepsibling, or foster sibling,
- An employee’s biological, adoptive or foster parent, stepparent, or a person who stood in loco parentis when the employee was a minor child,
- An employee’s grandchild, foster grandchild, or step-grandchild,
- An employee’s grandparent or step-grandparent
- A child of a sibling of the employee (i.e. nephew or niece),
- A sibling of the parents of the employee (i.e. aunt or uncle),
- A child-in-law of the employee (i.e. the spouse of the employee’s child),
- Any of the family members listed of a spouse or registered domestic partner,
- Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship, and
- Up to one individual annually designated by the employee.

1.18 “Non-Exempt Employee” means clerical and/or technical employees who are subject to the provision of the Federal Fair Labor Standards Act and the Minnesota Fair Labor Standards Act.

1.19 “Office Home Base” means the Commission’s office, or the approved office location an employee is based out of on a given workday.

1.20 “Personnel Committee” means the committee, composed of members of the Commission and selected by the Commission, concerned with matters of classification, compensation and personnel policies.

1.21 “Position” means a group of duties and responsibilities requiring the full or part- time employment of an individual.

1.22 “Primary Family Member” means a spouse, domestic partner, child, stepchild, or other child in the employee’s legal care, parents, grandparents, stepparents, and siblings.

1.23 “Quid Pro Quo Harassment” consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

1.24 “Reallocation” means the reassignment of allocation of an individual position on the basis of changes in the kind, difficulty or responsibility of the work performed in the position.

1.25 “Retaliation” means conduct causing any interference, coercion, restraint or reprisal against a person complaining of harassment or participating in the resolution of the complaint of harassment.

1.26 “Salary Schedule” means the minimum and maximum rates of pay accorded to any given position or comparable positions.

1.27 “Seniority” means the length of continuous, unbroken service as a regular employee of the MMDC.

1.28 “Unclassified Service” means all positions designated as such in this manual.

## Section 2: General Statements

2.1 Inherent Managerial Rights: The employees recognize that the Commission is not required to meet and negotiate on matters of inherent managerial policies. Furthermore, the Commission shall retain whatever rights and authority are necessary for it and available to it pursuant to law to operate and direct the affairs

of the organization, including but not limited to direction or policy as the functions and programs of the Commission, its overall budget, utilization of technology, the rights to direct the working forces; to plan, direct, and control all the operations and services of all employees; to determine the methods, means, organization, and number of personnel by which such operations and services are to be conducted; to assign extra work; to assign and transfer employees; to schedule working hours; to hire, promote, demote, suspend, discipline, discharge, or relieve employees due to lack of work or other legitimate reasons and to make and enforce reasonable rules and regulations; to change or eliminate methods, equipment, or facilities. The Commission will abide by all provisions of the Wage and Hour Laws with respect to exempt and non-exempt employees.

Confidential Information: Employees shall not access, acquire, use, copy, transfer, or disclose confidential information; including, for example, client/customer records, compensation, and other financial information – except to the extent necessary to fulfill their employment duties, and shall take all appropriate action, whether by instruction, agreement, or otherwise, to ensure the protection, confidentiality, and security of all such information.

In certain cases, the employee may be expected to attend training relevant to the information/materials being handled. Employees who are hired into positions that require adherence to government mandated compliance such as Health Insurance Portability and Accountability Act (HIPAA) will be subject to strict procedures for handling such materials and will attend all mandated training sessions.

- 2.2 Equal Employment Opportunity: The Commission's personnel policies are established to develop and maintain the best possible employees for the Commission. Decisions about appointment, promotion, demotion, dismissal, or other personnel actions are based on merit and without regard to race, color, creed, gender, gender identity, sexual orientation, national origin, political or religious beliefs, marital status, disability, age, or status with regard to public assistance.

The Commission is an equal opportunity employer. This policy is promulgated by advertising positions to Commission employees and through news media and by giving good faith consideration to all applicants. The MMDC will use the following statements on recruitment information, contracts, etc.: "The Mid-Minnesota Development Commission is an Equal Opportunity employer and supports incorporation of the Americans with Disabilities Act (ADA)"

- 2.3 Disability Policy: To provide reasonable policy and procedures that will ensure: 1) equal opportunities for disabled persons in their employment with the Commission; 2) a bias-free environment for disabled employees, or for disabled persons who seek employment with the Commission.

It is the intent of the Commission to guarantee disabled persons equal opportunity to participate in or enjoy the benefits of Commission employment and to allow disabled employees a bias-free work environment. The Commission, upon the employee's request, will engage in an interactive process to determine if a reasonable accommodation can be provided in compliance with the Americans with Disabilities Act (ADA) and the Minnesota Human Rights Act. Potential accommodations will be determined on a case-by-case basis utilizing information such as the employee's job description, a medical examination, review of medical information, or a medical certification that is job related and consistent with the Commission's legitimate needs and interests. Requests for reasonable accommodation must be made in writing to the Executive Director. Requests that create an undue hardship on the Commission will be denied. The Commission may require documentation to support the request for accommodation which may include a request for authorization to obtain information from the employee's treating doctor or other licensed medical or mental health professional.

The Commission has a commitment to ensure equitable treatment for disabled Commission employees. Every reasonable effort will be made to provide an accessible work environment and additional accommodation, including auxiliary aids and services. Employment practices (e.g. hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such a manner as to not promote discrimination of disabled employees.

The Commission's recruitment and selection process will seek to provide equal opportunity to all qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation will be provided upon request during an application/interview process.

- 2.4 Hatch Act Rules Regarding Political Activity: Officers, agents, or employees of the Commission are

prohibited from using their authority or official influence, directly or indirectly, to compel or advise any employee:

- 2.4.1 To apply for membership in or become a member of any organization;
- 2.4.2 To pay, or promise to pay, any assessment, subscription, or contribution;
- 2.4.3 Take part in any political activity. An employee cannot be made to pay, lend, or contribute anything of value, including personal services, to a party, committee, organization, agency, or person for political purposes.

Violation of the provisions in this section is considered grounds for immediate termination. Subject to the provisions of the Hatch Act, employees may participate in political activity on their own time. (A copy of the Hatch Act document is on file with the Finance Director.)

Subject to the provision of the Hatch Act and the discretion of the Commission, an employee may be eligible for a leave of absence, not to exceed one year, to run as a candidate for political office.

Also subject to the Hatch Act, an employee may be a candidate for and occupy a city, county, village, township, or school district office without taking a leave of absence if holding the office will not conflict with regular Commission employment. In no instance, however, shall an employee hold concurrent membership on the Commission.

- 2.5 **Security:** The physical security of MMDC as well as the safety of our employees is important. All MMDC property that can be secured (e.g., equipment, doors, files, vehicles and desks) should be secured when not in use. Any employee who leaves the office, at or after the close of business, is responsible for ensuring that all entrances are locked/secured.

## **PART II - Position Classification, Compensation, and Evaluations**

### REGIONAL PERSONNEL SYSTEM

Minnesota Statutes 462.389, Subdivision 4, states in part that each regional development commission may prepare and adopt a merit system for its employees including terms and conditions for the employment, the fixing of compensation, their classification and benefits. To give effect to this part of the law, the Mid-Minnesota Development Commission does hereby establish this Personnel Policies Manual.

### EMPLOYMENT POLICY

The MMDC is an “at-will” employer. Except as otherwise prohibited by law, the Commission has the right to terminate the employment of any employee, at any time for any reason or for no reason at all. Employees may similarly terminate their employment at any time for any reason or for no reason at all. Nothing in this personnel policy shall create a contract for employment or be considered as such.

#### Section 1: Positions

- 1.1 **Establishing Classification and Compensation Schedules:** The Classification and Compensation Schedule shall be established and maintained so that all positions substantially similar, with respect to the kind, difficulty, and responsibility of work, are included in the same class, that the same means of recruitment may be used for filling all positions within a class, and that the same schedule of pay may be applied with internal and external equity to all positions in a class.

As the establishment of positions are approved by the Commission, a description of the function, authorities, and responsibilities of each position, along with the statement requiring the experience and training necessary for full and satisfactory performance, shall be prepared. Job descriptions, including minimum requirements for employment for each position classification, are kept on file by the Executive Director. Job descriptions will be updated when there have been significant changes, *increases*, or *decreases* in the essential job duties associated with a current position.

The Classification and Compensation Schedule shall consist, in part, of all classes of work and pay

assignments as developed by the Executive Director and approved by the Commission through the Commission's Compensation Study. Where the uniqueness of the work of the Commission's employees prevents the utilization of existing classification, such other classes of work may be established and given a salary assignment as provided in this section below.

After appropriate review, the Executive Director shall recommend to the Personnel Committee the allocation of the position to an existing class or the establishment of a new class and the allocation of the position to it. The Personnel Committee shall then recommend to the Board of Commissioners the decision to allocate the position. During the allocation process, assistance may be requested from outside sources.

If a position being established by the Commission is allocated to a class which is already a part of the Commission's personnel system, the pay range of that class shall also pertain.

If the position is allocated to a new class, the Executive Director shall also recommend a pay range assignment for the class, using the Commission's Compensation Study as a guide. After taking this recommendation into consideration, the Personnel Committee shall recommend a salary range to the new class for the Board of Commissioners to assign. During this salary setting process, assistance may be requested from the Minnesota Department of Employee Relations or other outside assistance.

The Executive Director shall determine upon which step a new employee shall start, based on the new employee's previous job experience, education, and need to persuade the leading candidate to accept the position. The Executive Director may offer a starting employee any one of the first five (5) steps in the pay grade's step structure. Any starting pay above step five will require the Executive Director to seek the approval of the Executive Committee.

## Section 2: Compensation Adjustments

2.1 Cost-of-Living Salary Increases: The Personnel Committee will recommend, and the Commission will approve, annual cost-of-living compensation schedules for all positions effective January 1 of each year. In considering adjustments to the schedules, the committee should take into consideration 1) the Consumer Price Index, 2) market forces for each position classification, 3) overall budget considerations of the Commission, and 4) comparable worth. Adjustments will be a percentage to maintain the integrity of the salary schedule system and shall be adjusted for each step on the schedule or schedules being considered. Cost-of-living increases are granted without regard to merit. Current compensation schedules are kept on file with the Finance Director.

2.2 Merit Increases: The Personnel Committee may recommend, and the Commission may approve, compensation schedule step (merit) increases on an annual basis for individual employees who are not at the top of their respective salary range.

These merit increase decisions are based upon criteria that are established for each position. Such step increases are based on a satisfactory performance evaluation (see Section 3, following). For an employee to be eligible for a step increase, the employee must have been employed prior to January 10. The Commission reserves the right to decide for financial reasons to scale back or not give any step increases in any given year.

Upon the recommendation of the Executive Director, and based upon the employee's performance appraisal, the Commission may withhold a salary increase or reduce the salary of an employee to any monetary figure within the salary range of the employee's class. The affected employee shall be notified in writing of the reasons for the action prior to the effective date and shall have five (5) workdays following the date of notification to appeal the action to the Personnel Committee.

Within each job classification there is a salary step structure system in place. The Commission has adopted a merit salary step structure that has equal value steps within the pay grades.

An employee who has demonstrated through their job performance that they have performed satisfactorily and have continued to grow as an employee shall be given a step increase. Performance standards shall refer to the approved work program and the quality and quantity of work performed; the manner in which the services are rendered; the faithfulness of the employee to his/her duties; and to other

characteristics that measure or indicate the value of the employee to the Commission, including the market wage rate for professionals working in similar positions in similar regions/locations.

No merit pay increase shall be given to an employee who has been determined to have a poor job performance over the course of previous the year. No merit salary step increases shall go to an employee who is at the top of their pay step structure.

To be eligible for a higher than normal merit increase adjustment, an employee needs to have demonstrated that their performance during the past year was well above what is expected for that position. Some examples of exceeding expectations for a given position include, but not limited to, the following:

- 2.2.1 The employee has acquired additional skills or certifications, which are above those required for the position, and that has resulted in additional contractual work for the Commission or has significantly increased job productivity or Commission credibility.
  - 2.2.2 The employee has significantly expanded MMDC services/contracts in a cost effective manner for the Commission.
  - 2.2.3 A major new direction for the Commission, or a particular Commission department, is undertaken successfully.
  - 2.2.4 The employee has taken on significant additional responsibilities that fall within their current pay grade.
- 2.3 Demotions: The Executive Director may demote any employee for inefficient performance of his/her duties, for disciplinary reasons, or for other just causes.
- 2.4 Comparable Worth: In 1984 the Minnesota Legislature passed a law requiring the establishment of an equitable compensation system between male-dominated, female-dominated and balanced-employee job classes. When establishing compensation, the Commission works to ensure that compensation is comparable for positions requiring comparable skills, effort, responsibility, working conditions and other relevant work related criteria. The salary schedule is the result of the Commission's efforts to meet the comparable worth requirements. When determining the salary schedule, the Commission's Board will also reference the market and other legitimate factors to maintain equitable compensation relationships between the classes.
- 2.5 Hourly Rate of Pay Defined: For purposes of payroll, a non-exempt employee's hourly rate of pay shall equal their annual salary divided by 2,080 hours and rounded to the nearest whole cent. An exempt employee's salary is equal to their annual salary divided by 24 pay periods and rounded to the nearest whole cent.
- 2.6 Unclassified Service: The unclassified service of the Commission shall consist of: 1) all student intern positions established by the Commission, 2) Limited-Term Employee positions, and 3) Temporary Short-Term Employee positions. The salary assignments, rates of pay, and fringe benefits offered for all positions in the unclassified service shall be set by the Commission, in consultation with the Minnesota Department of Employee Relations, as appropriate.
- 2.7 Minnesota Wage Disclosure Protection Law: Under the Minnesota Wage Disclosure Protection law, the Commission cannot require nondisclosure from an employee of his/her wages as a condition of employment and cannot require an employee to sign a waiver that attempts to deny employees their right to disclose their wages. The Commission also cannot retaliate against employees for disclosing their wages. Employees should review Minnesota Statutes § 181.712(e) for a description of the remedies available under Minnesota law.

Pursuant to the Minnesota Government Data Practices Act (MGDPA), salary and benefit data of government entities are public data.

### Section 3: Evaluations

- 3.1 Evaluations by Executive Director and Department Directors: The Executive Director or designee shall evaluate each employee prior to the completion of the employee's first six months of service. These evaluations shall be based upon criteria that have been developed for each position. During this first six-month period, the beginning employee will be subject to more formal scrutiny and training than afterwards, even though dismissal afterwards shall be no more restricted than before. Thereafter, evaluations of all employees shall be made in May or June of each year. These evaluations shall contain a summation of the employees' performance.

The employee shall be informed of their evaluation and it shall be made a part of their personnel file. Other than the employee, only the Executive Director and the employee's supervisor, if any other supervisor exists, shall have access to these evaluations. Materials in personnel files are not to be made available to third parties, subject to disclosure in accordance with law or proper legal authority. If a subpoena is served requiring the production of an employee's personnel file, the staff member will be notified as soon as possible by the Executive Director. Each employee shall be informed of the quality of their performance by the Executive Director within a 15 calendar day period immediately preceding the expiration of the six-month learning and evaluation period. Upon written notice of satisfactory performance, the employee shall be granted regular status under the Commission's personnel system. Upon written notice of unsatisfactory service, after the six-month job performance review, the employee shall be dismissed.

Except as restricted by State and Federal statute, the Commission may dismiss an employee at any time for any reason or for no reason at all. An employee who is dismissed and has regular status shall have right to request a hearing. If reinstated, the employee shall be entitled to resume pay and benefits. Please refer to Part IV, Section 5 for further information.

- 3.2 Personnel Files: A personnel file is initiated for each new employee of the Commission. The file is maintained throughout the course of an individual's employment. The contents of the file, which are kept in a locked file by the Executive Director, include:

- Employee application or resume
- Salary history of the employee
- Terms and conditions of employment
- Employee evaluation results and recommendations
- Any and all documentation of action affecting the individual's employment or status as an employee
- Drug free workplace

All material entered into a personnel file that evaluates or comments on an individual's performance or conduct as an employee must be signed and dated by the employee. Should an employee refuse to sign such material, the material may still be placed in an employee's file with a notation that the employee failed to sign.

Employee data is maintained and shall be disseminated in accordance with the Minnesota Government Data Practices Act, described in Minn. Stat. §13.43. The employee's personnel file is available to the employee during business hours upon written request to the Executive Director. Requests will normally be granted within three (3) working days. Employees may have a copy of any item included in their personnel file. An employee shall sign and date their personnel file each time they are given access to such file.

- 3.3 Evaluation of the Executive Director: The Executive Committee will evaluate the Executive Director each year between April and June. The results of this evaluation shall be shared with the Executive Director by the Executive Committee and shall be made part of the Executive Director's personnel file.

- 3.4 Evaluation Form: The Executive Director or designated staff may use or develop any tool or form for the purpose of the annual employee evaluation, provided that this tool is used consistently for each employee and provided it collects and documents the information necessary for effective evaluation. Employees shall have the right to attach personal, explanatory, or rebuttal comments to the evaluation and have them included as part of their permanent personnel file. Any personal, explanatory, or rebuttal letter or memorandum shall be dated and signed by the evaluator and the employee being evaluated. The

employee shall have five working days after being given the employee evaluation to submit such a letter or memorandum.

### **PART III - Recruitment and Appointments**

#### Section 1: Recruitment and Interviews

- 1.1 Recruitment: In recruitment and selection of staff members, all equal employment opportunity policies will be followed. Employee appointments shall be made based on competitive review open to all persons who satisfy the employment standards of the Commission with regard to experience, education, character, and such other factors, as determined by the job description and position posting. The Executive Director shall review all applicants and conduct interviews and is designated as the hiring authority. However, other Commission staff and/or Commissioners may also be included in the interview process.
- 1.2 Background Check: All finalists for employment with the Commission may be subject to a background check.
- 1.3 Advertising Positions: Public notice of open staff positions shall be given at least two (2) weeks in advance of the last date for filing of applications by means of newspaper advertisement, posting on Commission social media site(s)/page(s), and/or posting on job search-focused websites. Positions may also be advertised in state and/or national publications and agency bulletins may be utilized to advertise positions that have not historically been filled by local applicants. Additionally, all vacancies will be posted on the MMDC website. Positions for interns need not be advertised as previously enumerated but may be advertised within selected colleges and universities. In no event shall there be any discrimination for or against applicants on the basis of race, color, religion, sex, national origin, disability, age, or any other protected class. All public notices will indicate that the Commission is an equal opportunity employer.

The Executive Director has the authority to waive advertising for recruitments in the following situations:

- 1.3.1 Demotion or lateral transfer of an employee within the same department;
- 1.3.2 Transfer or reemployment of an employee in accordance with these personnel policies on employees returning from various forms of leave;
- 1.3.3 A position is to be filled by recall of a laid-off employee;
- 1.3.4 An employee whose responsibilities or title have changed as a result of a reorganization or reassignment of functions among positions within the same department;
- 1.3.5 Reinstatement of a former employee to a position in their former class and same step level within two years of resignation, retirement, expiration of leave of absence, or layoff;
- 1.3.6 If a newly hired position becomes vacant again within forty (40) working days of the last job interview for the position, the Executive Director shall have the authority to continue to go down the ranked order list of acceptable job candidates to fill this vacant position. The Executive Director may also choose to re-advertise for the vacant position.

The Executive Director may transfer employees from one program to another, or transfer work between or within programs of the Commission, or independent contractors in the interest of economy, operation, or for any other reason the Commission deems necessary.

- 1.4 Decision to Recruit: The Executive Director shall determine the necessity for filling a vacant position prior to beginning the recruitment process. Consideration shall be given to the budget, work program commitments, and changing priorities. If the position to be filled is an existing position the Executive Director will review the existing Position Description to ensure it is up-to-date and accurate. A complete and accurate Position Description is required prior to the selection of a candidate for any open position.
- 1.5 Screening of Applications: The Executive Director and any involved Department Head shall be responsible for the initial review and screening of applicants, prior to scheduling individual interviews, and shall schedule a minimum of three applicants to be interviewed for any position, unless there are fewer than three applicants who meet minimum qualifications. The Commission shall adhere to all relevant requirements of the Veterans Preference Act (See Veterans Policy below), including the use of a one hundred point scale rating system designed for each position.

No relatives of Commissioners or staff shall be given preferential treatment in the hiring process and steps must be taken to protect the Commission from what might be considered a conflict of interest. When a relative (by birth or marriage) has submitted a job application to the Commission, full disclosure of this fact needs to be made at the time applicants are screened. The related staff person, including the Executive Director, shall take themselves out of the hiring recommendation and/or decision making process as long as the relative is still in the running for the open position. The Commission Chairperson shall be notified of any such potential conflict of interest. If the relative is dropped from consideration during the hiring process, the employee can then enter back into the hiring decision process if called upon to do so. When it is the Executive Director's relative who has applied for a job with the Commission, the Personnel Committee shall be placed in charge of the hiring process up through the time the hiring decision has been reached, when the relative is no longer being considered, or until a conflict no longer exists during the hiring process.

- 1.6 Veterans Policy: The provisions of Minn. Stat. § 43A11 and 197.455-197.481 provide for specific Military Veteran's rights for qualified persons when hiring or in the event of dismissal or other disciplinary action. The privileges set forth in those statutes shall be granted, notwithstanding other provisions of this policy. Candidates with approved nondisabled veteran's preference shall receive ten (10) points, and candidates with approved disabled veteran's preference shall receive fifteen (15) points that are added to the one hundred (100) point scoring system used to determine which applicants are to be interviewed. Veteran's preference credit increases the chance of being called for an interview, but the appointing authority may hire any qualified applicant.

## Section 2: Appointments

- 2.1 Executive Director Appointment: The Executive Committee shall be responsible for reviewing and screening applications and scheduling interviews with a minimum of three applicants for the position of Executive Director, unless fewer than three qualified candidates can be found for this position. The Executive Committee may request the assistance of the Personnel Committee, staff, and/or others, with the screening of applications. The Executive Committee shall interview the applicants and recommend for approval to the Commission a candidate and salary for the position.
- 2.2 Personnel Appointments and Promotions: The Executive Director is responsible for all interviews, appointments, and promotions. The Executive Director may include appropriate staff into the interview and appointment process. Veterans will be given preference, if requested by an eligible applicant, through the rating of their training and experience on a 100-point scale. Candidates for interview will be taken from the list of all applicants thus rated and ranked by score.
- 2.3 Temporary Short-Term Appointments: Temporary short-term appointments of new employees may be made where existing conditions necessitate immediate action to carry out the work of the Commission. Temporary appointments shall not normally exceed ten (10) consecutive working days and, except under unusual circumstances, shall not be successive, nor shall any one (1) person be granted more than three (3) temporary appointments within one (1) calendar year. The Executive Director has the authority to hire persons as temporary short-term employees.
- 2.4 Consultants: Nothing shall prevent the Commission from hiring consultants or contracting for services, as provided in the Regional Development Act. The Commission may authorize the Executive Director to enter into contracts with qualified consultants provided the Commission has approved the work program for which the contract is required.
- 2.5 Regular Part-Time: Regular part-time employees are those persons whose scheduled weekly hours are less than forty (40) hours per week. Part-time employees who are hired to work twenty (20) or more hours per week shall be eligible for fringe benefits which are prorated based on hours served as compared to regular full-time employees. Regular part-time employees shall be eligible for a prorated share of holidays, vacation, sick & safe leave and insurance, provided the employee pays the proportionate share of insurance.
- 2.6 Limited-Term Position: A limited-term employee is an employee who has been appointed on a full-time or part-time basis for a limited period, not exceeding eighteen (18) months. Limited-term employees accrue no seniority. For temporary positions of less than six (6) months, no benefits are accrued except for pro-rated sick & safe leave benefits, as required by Minnesota law (minimum 1 hour sick & safe leave earned for every 30 hours worked, pursuant to Minnesota statute). For limited term positions that last six (6) months or longer the benefits that will be offered will be limited to holidays, vacation days, and sick & safe leave, on a prorated basis, along with any other mandatory benefits set by law. The specific terms and end date of the temporary position shall be specified in writing within the employee's job offer letter

and shall be kept in the employee's personnel file.

No employee with regular status may be transferred to a limited-term position without the written consent of the employee. Each individual in a limited-term position shall be terminated as of the end date of that position, subject to any extensions of the limited-term position. The termination of any employee who serves the full length of a limited-term position shall not be considered a layoff of that employee.

- 2.7 Pay at Time of Appointment: The normal beginning pay for new employees will be one of the first five (5) steps of the range/grade to which the classification is assigned. The step at which an employee will enter into employment shall be determined on an individual basis after judging the candidate's qualifications. The Executive Director shall determine upon which step a new employee shall start, based on the new employee's skills, previous job experience, and education. In some circumstances, the Executive Director may offer a starting employee a higher step in the assigned classification system if the employee demonstrates their experience, with similar past jobs, warrants it and such compensation is necessary to motivate the leading job candidate to accept the position. The Executive Committee shall approve any starting pay proposed at higher than step five (5). It shall be the responsibility of the Executive Committee, when involving the Executive Director position, to negotiate what the beginning step for the selected candidate shall be.
- 2.8 Re-Hire: An employee who is brought back after a laid off period of less than two years shall be given the same seniority status as when the person was laid off. When computing seniority, periods of employment, suspension, and leaves of absence without pay in excess of twenty (20) cumulative working days per year shall be deducted from the employee's seniority status (except for personal illness, injury, family medical leave, military leave, or educational leave authorized by the Executive Director, or where prohibited by law).
- 2.9 Full Commission Responsibilities: The full Commission shall have the final vote on the Executive Committee's recommendations as to who should be hired to the Executive Director's position and at what compensation level.

## **PART IV - Disciplinary and Dismissal Procedures**

### Section 1: General Statements

The Commission has a continuing responsibility to develop and administer rules and disciplinary measures in a fair and consistent manner. Both the Commission's clients and employees will benefit when all employees observe certain work-related behaviors. These expected behaviors are not designed to restrict employees, but to assure healthy working conditions and fair treatment of all employees. The Commission further recognizes the obligation for all employees to conform to reasonable rules of conduct, with discipline being the last resort when all other corrective measures fail.

### Section 2: Policy Guidelines

Except as restricted by statute, employees may be dismissed at any time for any reason or for no reason at all. The following are some of examples of conduct that may lead to dismissal or disciplinary action:

- 1) Violation of the provisions of the MMDC Personnel Policy and procedures.
- 2) Incompetence or inefficiency in the performance of duties.
- 3) Maliciousness, carelessness, or negligent behavior in the performance of duties.
- 4) Offensive treatment of fellow employees or other persons.
- 5) Willful violation of any lawful regulation, order or policy, or failure to obey any lawful and reasonable directions given by the employee's supervisor, if any, or the Executive Director.
- 6) Acceptance of a fee, gift, or other item in the course of the employee's work. It is particularly important that all employees guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. These limitations are not intended to prohibit the acceptance of articles of nominal value, which are distributed generally, nor to prohibit relations, nor to prohibit employees from obtaining loans from regular lending institutions. For example, when an appreciative client sends flowers or another small token of thanks after the completion of a project, and such small

gift was not solicited, no rules of conduct will be considered broken. All gifts with an estimated value of over fifteen (15) dollars should be reported to the Executive Director.

An employee shall not receive any personal honorarium while representing the Commission without first getting approval from the Executive Director. In no case shall the employee be paid by honorarium and also by the Commission for the same activity, speech, appearance, meeting, conference, or article. Honorariums do not include meals or other incidents of attendance, such as course materials, and waiver of attendance fees furnished as part of the event at which an appearance or speech is made. Honorariums also do not include copies of publications containing articles, reprints of articles, tapes of appearances or speeches, education materials and similar items that provide a record of the appearance, speech, or article.

- 7) Gross negligence or willful conduct causing damage and/or abuse of Commission property.
- 8) Using or threatening to exert unethical pressure on any Commission employee or officer in securing promotion, transfer, leave of absence, increased compensation, or other favors.
- 9) Absence from work without leave or unauthorized absence from the assigned job site during the workday.
- 10) Consuming alcoholic beverages during working hours, being intoxicated at work, or consuming or being under the influence of a controlled substance, other than as prescribed by a physician, while at work. Working hours shall include any time that the employee is officially representing the MMDC, and/or is charging time to the Commission, and/or is in use of a MMDC car. See policy on alcohol and other drug use in Part VII of this document.
- 11) Theft of public or private funds, property or time, including but not limited to the pilferage or other unauthorized taking of public property from a public building or premises or from a private property for personal use. Refer to Fraud Policy (Appendix A)
- 12) Any harassment or hostile environment harassment of MMDC employees, Commissioners, stakeholders, or members of the general public.
- 13) Acting in a manner not specified above that tends to lower discipline or morale within the Commission, damages the Commission's reputation or community standing, and/or adversely affects the rendering of prompt, courteous, and efficient service by the Commission and its employees.

### Section 3: Employee Notification

Employees will be notified of any disciplinary action taken by the Commission. Employees will be asked to sign all written notifications forwarded to the employee's personnel file. The signature of the employee is to document that they have been notified of the disciplinary action taken. Their signature does not waive any rights that may be afforded by the grievance procedures provided by the Commission. The signature of the employee does not mean that they agree with the disciplinary action, only that they acknowledge receipt of the action. If the employee refuses to sign the written notification, the Executive Director or supervisor, if any exists, shall make note of the refusal with the date and get the signature of the Executive Director and the Commission Chairperson.

### Section 4: Disciplinary Process

If disciplinary action is necessary, the following progressive disciplinary process will be followed unless the severity of the incident warrants more severe and immediate action. The Commission retains the right to administer discipline according to the following procedure. The policy does not modify the status of employees as "employees-at-will" or in any way restrict the Commission's right to bypass the disciplinary process suggested. The employee will be reminded that they may review the Personnel Policies to become familiar with their rights.

- 4.1 Verbal Reprimand: An action taken by the applicable Program Director, if any, and/or Executive Director in which an employee is notified of objectionable behavior, violation of policy, or performance in need of corrective action. The offending employee is to be notified that further violations of policy or failure to take corrective action may eventually require further disciplinary action. Information about the verbal

reprimand shall be kept on file by the Executive Director as documentation that the employee was asked to correct the behavior but will not be placed in the employee's personnel file.

- 4.2 Written Reprimand: An action taken by the applicable Program Director, if any, and/or Executive Director in which an employee is notified in writing of objectionable behavior, violation of policy, or performance in need of corrective action. The written reprimand should detail the behavior, policy violation or performance to be corrected. The original copy of the written reprimand document will be placed in the employee's personnel file and a copy shall be provided to the employee. In all cases employees shall have the right to attach personal, explanatory, or rebuttal comments to the written reprimand and have them included as part of the permanent personnel file. Any personal, explanatory or rebuttal letter or memorandum shall be dated and initialed as received by the Executive Director.

The reprimanded employee may make a written request to the Executive Director to remove from their file the written reprimand after a two (2) year period. The reason for the written reprimand must have been corrected, with no further occurrence in the past eighteen (18) months of the activity(s) that caused the reprimand to occur, for the request to be considered. The Executive Director shall decide whether to grant this request based on their degree of belief that the employee has taken the appropriate corrective measures as well as their level of confidence that the problem will not recur.

- 4.3 Suspension: An action taken by the Executive Director in consultation with the applicable Program Director, if any, which removes an employee from employment for a defined period. Subject to state law on veteran's preference, the Executive Director may suspend an employee without pay for disciplinary reasons. An employee may not be suspended for more than thirty (30) days in any calendar year. Suspension may be with or without pay depending on the severity of the offense and at the discretion of the Executive Director. Suspensions without pay for non-exempt employees shall be for periods of less than one week for cases where corrective action is needed. Suspensions without pay for exempt employees shall be for a minimum of one week, except in the case of suspension for infractions of safety rules of major significance. No seniority, annual leave, sick & safe leave, or other benefits will accrue during an unpaid suspension, except as required by law. A written notice of suspension will be placed in the personnel file of the suspended employee detailing the cause of suspension. A copy of the notice will be provided to the employee and to the Chairperson.

- 4.4 Termination: Subject to state law on veterans' preference and subject to Minnesota Statutes 181.931 to 181.935 any employee may be dismissed from MMDC service for any reason. Termination is an action taken by the Executive Director in consultation with any applicable Program Director, if any, which permanently removes an employee from employment. A written notice of termination will be placed in the personnel file of the terminated employee detailing the cause of termination. A copy of the notice will be provided to the employee and to the Chairperson. The Personnel Committee will also be informed of any termination, by the Executive Director, within one working day.

#### Section 5: Documentation and Appeals

A regular employee shall, within one working day from the date the disciplinary action is taken, be furnished with a written statement setting forth the specific reasons for the disciplinary action. A verbal reprimand that is not placed in the employee's personnel file shall not be considered as a disciplinary action needing an appeals process.

For suspensions and terminations, the employee shall be permitted five working days to reply in writing to the Executive Director. A copy of the Executive Director's statement and of the employee's statement, if any, shall be filed with the Chairperson of the Personnel Committee or, in their absence, the Commission Chairperson, within one business day of the effective date of the suspension or termination. The employee shall have a period of 30 days after the date of suspension or termination in which to request, in writing, a hearing before the Personnel Committee. The Personnel Committee's recommendation will be placed on the first Commission meeting agenda after the Personnel Committee has met for official action. The employee may, within five working days, appeal, in writing, the ruling of the Personnel Committee to the Commission. The Commission, however, shall be under no obligation to hear the matter and, if such is the case, the determination of the Personnel Committee shall stand. If the Commission decides to hear the appeal, they will table any action until the matter is heard before them at the ensuing Commission meeting. If the Personnel Committee and/or Commission Board decide to reverse the Executive Director's decision to suspend or terminate an employee, any rights, including pay, which they

would have had if the suspension or termination had not occurred shall be reinstated during the following payroll period.

#### Section 6: Veteran's Preference:

Minnesota Statutes, Chapter 197.46 provides that honorably discharged veterans may not be dismissed except for incompetence and/or misconduct. The Commission will submit a notice of "intent to discharge" to the employee before discharging the employee. The employee has the right to request a hearing within sixty (60) days of receiving the notice of intent to discharge. The failure of a veteran to request a hearing within the sixty (60) day period shall constitute a waiver of their right to a hearing. Such failure shall also waive all other available legal remedies for reinstatement. The veteran shall retain full pay and benefits until the hearing process is completed, or through this sixty (60) day period.

### **PART V - Separation - In Good Standing**

#### Section 1: Voluntary and Involuntary Separation

A separation in good standing may be achieved either voluntarily or involuntarily.

- 1.1 Voluntary Separation – In Good Standing: An employee may opt to sever the employment relationship by submitting a resignation, in writing, with signature, to the Executive Director's Office at least ten (10) working days prior to the effective date of the resignation. The letter of resignation shall remain part of the employee's permanent personnel file.
- 1.2 Involuntary Separation – In Good Standing: An action taken by the Commission to sever the employment relationship is considered as an involuntary separation – in good standing, and it is usually attributed to the loss of program funding or other discontinuance of services. In the event it is necessary to reduce the number of employees, the Executive Director shall take into consideration funding sources, required and funded programs, and the ability, experience, and performance of employees. Where these factors are considered by the Executive Director to be equal between two (2) employees, the action taken shall be on the basis of which employee has more time in the current position with the Commission.

#### Section 2: Separation – In Good Standing Notification and Reimbursement

- 2.1 Notification by Employer: The Commission shall, at a minimum, give ten (10) working days' notice to an employee who is given involuntary separation – in good standing.
- 2.2 Reimbursement: Separated employees shall be paid for accrued vacation hours and accrued compensatory time. Employees with three (3) or more years of service at the time of separation shall receive a portion of their accrued sick & safe leave, as is defined under Part VI, Section 2.4. See Fringe Benefits Section (Part VI, Section 2) for further detail vacation and other reimbursements.

#### Section 3: References

- 3.1 Requests for References: All requests for references should be directed to the Executive Director. The Program Director, if any, in conjunction with the Executive Director, is authorized to provide such information.
- 3.2 Information Shared: Unless the employee provides a release, the only reference information that will be given will be dates of employment, salary, and job title

### **PART VI - Employment Parameters, Fringe Benefits, and Administration**

#### Section 1: Employment Parameters

- 1.1 Accommodations: The MMDC will comply with necessary disability laws and will review requests for accommodation of disabilities on a case-by-case basis. Requests for reasonable accommodation must be made in writing to the Executive Director. Requests that create an undue hardship on the Commission will be denied. The Commission may require documentation to support the request for accommodation and this may include a request for authorization to obtain information from the employee's treating doctor or other healthcare provider.

- 1.2 Nursing Mothers: The Commission will provide reasonable unpaid break time each day for employees who need to express breast milk for their infant children. The break time, if possible, should run concurrently with any break time already provided to the employee. A reasonable effort will be made to provide a room or other location, other than a toilet stall, without intrusions, with an electrical outlet, and in close proximity to the work area, where the employee can express milk in private. No Commission employee or officer shall retaliate against any employee's rights provided by Minnesota Statutes, Section 181.939, including the rights under this policy.
- 1.3 Hours of Work: Eight hours of work shall constitute the normal workday while the normal workweek shall consist of 40 hours of work. The Executive Director shall prescribe the actual hours of employment for all employees of the Commission. Employees considered exempt may be required to work other than a normal workday or week.
- 1.4 Flexible Work Hours: The Executive Director may set up, change, or abolish a policy of flexible work hours for the employees of the Commission. Part-time and limited term employees are not eligible for flexible work hours unless given approval by the Executive Director. The duties, meetings, and work assigned to employees shall take precedence over any flexible work policies that are established.
- 1.5 Overtime: Work performed in excess of a 40-hour workweek will be considered overtime under the following conditions:
  - 1.5.1 Non-Exempt Employees: Work beyond forty (40) hours in any given week, or beyond an employee's normal shift, will be done only with the prior consent of the employee's immediate supervisor. In accordance with the Fair Labor Standards Act, non-exempt employees will receive pay, or compensatory time off, at the rate of one and one-half times the regular rate for hours worked over forty (40) per week. For purposes of overtime calculations, the workweek shall begin at 12:00 a.m. Sunday to 11:59 p.m. the following Saturday or some other time established by the department and approved by the Commission. On their first day of employment and by the first working day of January each year, these employees shall stipulate in writing whether they want to be paid in compensatory time off or monetarily for the upcoming calendar year. If the employee fails to request such a change, they will continue with how they have been compensated.  
Changes within the calendar year must have the approval of the Executive Director.
  - 1.5.2 Exempt Employees: Employees considered exempt shall receive banked time compensation by compensatory time off at a one-to-one (1:1) ratio, when they work in excess of eight (8) hours per day. All banked time to be compensable or monetarily reimbursed must be given prior approval by the Executive Director, except that exempt employees need only keep the Executive Director informed regarding evening meetings with clients or other job related meeting responsibilities. Regular Commission meetings are considered part of the job and attendance at same is not compensable for the Executive Director. Other Exempt Employees will be allowed compensatory time on a one-to-one (1:1) ratio.
  - 1.5.3 Liquidation of Overtime and Banked Time: Compensatory time should be liquidated so as not to interfere with the operation of the Commission but taking into consideration the convenience of the employee. The Executive Director will annually review each employee's compensation time practices to ensure that orderly use of this time is taking place.
  - 1.5.4 Accumulation and Payment: Compensatory time cannot be accumulated over 100 hours. An employee who terminates their employment under the Commission shall be paid a lump sum for authorized overtime they have to their credit. Banked time shall be paid on a straight time basis and shall be paid at the current pay rate. Non-exempt employees earn compensatory time at a one and one half time basis, while exempt employees earn compensatory time on a straight time basis.
  - 1.5.5 Travel Time and Mileage: Time spent traveling from home to work or work to home is not considered compensable travel time. The time spent by an employee on travel during the employer's normal day's work will be counted as hours worked. Travel performed outside an employee's normal work schedule as a result of performing Commission business will be

considered work hours. Time spent travelling outside regular working hours for attendance of meetings, approved seminars and conferences either as a passenger on public transportation or in an automobile, shall be considered as compensable hours of work.

The MMDC Vehicle and Driving Policies found in Part XI of this policy manual applies to all MMDC staff using vehicles for MMDC business purposes, whether using a company, rental, or privately owned vehicle. The policy lays out driver responsibilities for driving, following proper safety procedures, parking, and accident procedures. The policy also lays out procedures for the uses of vehicles for work and prohibited uses of company vehicles.

1.5.6 **Conferences and Training Sessions:** Time spent at conferences, training sessions and similar sessions – exclusive of travel time before or after the normal eight (8) hour working day – shall be considered to constitute an eight (8) hour working day regardless of the program schedule and no exempt employee shall claim more than an eight (8) hour day plus actual travel time to and from the event destination. Non-exempt employees shall document their time with their immediate supervisor based on the program schedule of sessions and events.

1.6 **Employee Special Work Requests Covered by Policy:** The Remote Workplace and Adjusted or Extended Work Hours Policy covers employees working outside of the MMDC office during office hours; working adjusted hours and extended hours. The policy is found in Part XII.

1.7 **Conflict of Interest and Ethical Conduct:** The employees of the Commission are expected to maintain relationships and practices in their Commission activities that are legal, ethical, and morally correct. It is essential that all employees of the Commission conduct Commission business and personal business, including financial affairs that might impinge upon the Commission, in a manner that stands the sharpest scrutiny by those who would seek to find wrongdoing.

The best way to ensure propriety and avoid even the semblance of wrongdoing is for all employees to follow a practice of full prior disclosure in writing to the Executive Director of any association, relationship, business arrangement, or circumstance that might suggest to disinterested and objective referees that decisions were made contrary to the best interest of the Commission and for personal gain or the gain of family, close friends, or non-Commission business associates at the expense of the Commission. Interests and actions that might otherwise be questionable may be judged to be entirely proper if the rule of full prior disclosure is followed.

Questions related to this policy should be directed to the Executive Director.

1.8 **Outside Employment:** Outside employment refers to work done for pay for the benefit of agents or agencies or organizations other than Mid-Minnesota Development Commission or for the benefit of any private business or in the conduct of a profession.

Mid-Minnesota Development Commission considers itself the primary employer of all regular, full-time employees of the Commission. Employment in addition to full-time employment with the Commission will be supported, provided it does not interfere with the performance of the employee's work responsibilities and it does not present a potential conflict of interest between the Commission's program responsibilities and the employee's secondary employment.

MMDC employees are prohibited from holding employment outside the Commission service when one or more of the following conditions exist:

1.8.1 The employment interferes with satisfactory service because of time away from the job or causes physical or mental fatigue which impairs regular Commission service.

1.8.2 Such employment is incompatible with the proper discharge of official duties or would tend to impair the employee's judgment or action in the performance of those duties.

1.8.3 A conflict of interest would exist which is prohibited by law or which would be determined to be detrimental to the Commission.

No employee shall engage in consultant work to local units of government in Region Six-East or adjacent regions with active Regional Development Commissions unless approved by the Executive Director. Any outside employment activity must be demonstrated to be noncompeting

with activities the MMDC is involved with or plans to be involved in, or which does not present a conflict of interest. The Executive Director must get approval from the Executive Committee for any outside employment. All requests for assistance and RFPs that come to the MMDC belong to the MMDC. The Executive Director shall be part of any decision in turning away any request for assistance.

Besides the stipulations discussed above, other areas that will be considered as a conflict of interest with the Commission are as follows:

1.8.3.1 When pertaining to any outside employment, any use of Commission facilities, equipment, and supplies shall be prohibited. At no time will employees be able to conduct other outside business when they are on Commission time. Employees shall not conduct other outside business within Commission facilities at any time.

1.8.3.2 Receipt or acceptance by an employee of any money or other consideration from anyone other than the Commission for performance of an act which the employee would be required or expected to perform in the regular course of Commission employment or as a part of the person's duties as an employee.

1.8.3.3 The performance of an act in other than their capacity as an employee, which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee for the department by which they are employed.

1.8.4 All confidential information obtained or held by employees shall be treated on that basis and shall not be disclosed except to the extent necessary for the protection or interest of the Commission and Commission's clients.

1.8.5 Staff engaged in outside remunerative activities shall not use in connection therewith the official stationery of the Commission or give the Commission's address or telephone number as the means to contact the employee about the outside work.

1.8.6 When MMDC is paying for a staff person to attend a meeting, conference, or other activity through either paying for expenses, attendance, or the employee's time, such staff person shall not mention or hand out materials about their private outside work while such activity is taking place. When a staff person signs up to attend some function on their own time and expenses, care should be taken to let a sponsor of the event, who is aware of the staff's dual roles, that they should not intermix the staff person's business information with the Commission's information.

It shall be the decision of the employee either to give up employment with the Commission or with their outside employment when, in the opinion of the Executive Director, the outside work is interfering with performance of the employee's MMDC job, or if the employment appears to generate a conflict of interest. To the extent possible, the employee will be given the opportunity to modify outside employment to accommodate effective performance of the employee's MMDC responsibilities.

The Executive Director will be the final arbiter of whether conflict of interest exists. If any outside employment is put forward by the Executive Director, the Commission's Executive Committee will be the final arbiter whether conflict of interest exists.

Any violation of the provisions herein contained respecting outside employment or activity and use of property without permission shall constitute grounds for disciplinary action, up to and including termination of employment.

1.9 Ownership of Intellectual Property and Copyright: Employees retain ownership of all intellectual property for any materials created while working on personal time. All materials created by employees while being compensated by the Commission is owned by MMDC.

1.10 Lunch Periods and Breaks: Each working day, employees are allowed one unpaid lunch period consisting of up to 45 minutes. A paid fifteen (15) minute break is allowed both in the morning and in the afternoon. Neither lunch periods nor breaks are cumulative and shall not be utilized to compensate for other absences. No employee who works through the fifteen (15) minute breaks may count this time as

compensatory time. Lunch periods are not allowed to be accumulated, nor are they to be substituted for tardiness, or early departures. The exception to this is that employees may work up to six (6) hours and take two (2) hours of leave without breaking for a lunch period.

- 1.11 Inclement Weather: Inclement weather is described as a weather condition which causes major disruption to roads and the operation of businesses and schools in the relevant area. This may include icy conditions leading to extended power outages that may also prompt office closure.

At the discretion of the Executive Director a decision may be made to close the Commission offices due to weather. If the Executive Director is absent, the Finance Director shall have this responsibility. A decision to close the Commission office will be communicated by phone call, text message, and/or email.

When the Commission office is officially closed for inclement weather, employees will be paid for a normal workday. If inclement weather develops during work hours and the office closes early, employees will be paid for a normal workday regardless of the number of hours worked. No employee on approved leave during the period of bad weather will receive credit for their absence due to bad weather.

If the office is not officially closed, but inclement weather forces an employee to remain home or arrive late or leave early, the employee will not be paid for the time they lost; however, the employee may use vacation time or compensatory time to make up for the time lost. If the employee has exhausted their vacation and compensatory time, they will need to take unpaid leave. Employees may also work remotely, provided they have the materials and/or equipment necessary for productivity and have communicated their intent to the Executive Director or any other immediate supervisor.

When travel advisories are issued, the Commission encourages its employees to make their own decisions regarding travel during inclement weather. When inclement weather keeps an employee from attending scheduled appointments or meetings, the employee is responsible to make proper notifications as soon as it is reasonable to do so.

If the weather forecast calls for inclement weather, the Executive Director or another supervisor, if any exists, may allow a person to take needed materials home with them and work at home. This is the Executive Director or supervisor's decision, not the employee's, and will be contingent upon productivity. The employee may be asked to show the work that was completed during any period of remote work. Please refer to Part XII or complete policy detail.

- 1.12 Authorizing Payroll and Bill Paying in Executive Director Absence: For those times when the Executive Director is unavailable to perform such tasks as reviewing and signing time sheets, purchase vouchers, payroll checks, and vendor checks, the Executive Director, after consultation with the Finance Director, will annually appoint a staff person to assist with such duties. These added duties may be rotated between staff upon the discretion of the Executive Director. The Finance Director is not eligible to be assigned these duties. An annual stipend of \$300 shall be paid in twelve (12) monthly payments for this added responsibility.

- 1.13 Prolonged Absence of Executive Director: In certain circumstances the Commission may need to go a period of time without the services of an Executive Director for reasons such as a job vacancy, prolonged illness, or other reasons. In such circumstances, the Commission or Executive Committee may decide to assign one or more staff with additional duties to make up for the absence of the Executive Director. The Commission or Executive Committee may choose to approve extra pay for such added responsibilities during the time the Commission is without the services of an Executive Director.

- 1.14 Compensation for Out of Job Description Added Work Duties: Out of job description added work is defined as an extraordinary assistance given within the work plan of the MMDC, but outside of the duties laid out in the employee's job description of a length of one (1) month or longer. To be entitled to additional compensation for such assistance the following conditions must be met:

1.14.1 The work to be compensated for does not interfere with staff members' regular responsibilities. During any time period, a maximum of 50 percent of the employee's work hours may be spent on the project, and for projects that last more than three months, employees assistance will be restricted to average no more than one-third of their work time on the new job responsibility.

1.14.2 The work to be compensated clearly falls outside the normal work assignment for the employee's position. Department Directors are not eligible for activities that are needed within their own departments, regardless of whether the activity is not included within their job description.

- 1.14.3 The length of the service is anticipated by the Executive Director to last for a period of one (1) month, or more, and is estimated that at least twenty (20) hours of assistance will be required.
- 1.14.4 A Department Director that needs added assistance shall request such assistance from the Executive Director. If the Executive Director approves of such action, the request shall be brought to the Board of Commissioners or the Executive Committee for final approval. The department that will be using the employee's services shall be charged for this added compensation from their department's budget.

The amount of added compensation will be decided on a case-by-case basis but will never be larger than an additional five percent (5%) increase to their pay period income for assignments at or below the positions current pay grade. If the employee takes on assignments that are above their current pay grade, the maximum allowable pay increase shall be seven and one-half percent (7.5%) increase. In such cases where the additional work is ongoing or long-term, but with few hours anticipated in the course of a year, the employee may be given additional compensation for just the time spent on the outside of work scope activity. A limit of ten percent (10%) is allowable in such circumstances, and the compensation given by this method must be lower than the other compensation amounts discussed above. The amount of additional compensation will be based primarily on the estimated amount of time and commitment the employee needs to make toward serving in the non-related job description job duty. The amount of compensation shall be part of the decision process that will be approved by the Board of Commissioners, or the Executive Committee. Authorizing Payroll and Bill Paying in Executive Director's Absence, as stated under Part VI, Section 1.8, shall continue under current policy as written.

- 1.15 Reimbursement of Expenses: The Commission authorizes reimbursement of reasonable and necessary expenses incurred by individuals in the conduct of official Commission activities. Both the person who incurs the expenses and the person who approves reimbursement of expenses are responsible for ensuring maximum practical economy in the expenditure of funds. For purposes of determining economical purchases, the price paid by the individual may be compared with the price that would have been paid by the Commission in a similar situation. In these cases, when the price paid by the individual exceeds that which would have been paid by the Commission, the lesser amount will be reimbursed. The reporting of expenses and reimbursement policies shall be written in the Employee Handbook. The Employee Handbook covers the reimbursement of meals. Requests for reimbursement should be submitted within 15 days of the date on which the expense was incurred.
- 1.16 Commission Credit Cards: In lieu of reimbursement, employees may be provided with a Commission credit card in their name. Employees will be responsible for the safekeeping and proper use of their card. Those persons eligible for a credit card are regular full-time staff and the Commission Chairperson. Initial spending limits will be set by the Commission. New staff limits will be set following the same structure to be determined by the Executive Director and Finance Manager. Allowable charges include MMDC staff vehicle gas and car washes, as well as eligible travel and meeting costs and other costs approved by the MMDC Executive Director. Cash advances will not be allowed. Employees should submit charge slips and detailed receipts, clearly indicating the items charged and the price of each individual item to the Finance Director upon return to the office. Name, program element to be charged and any further details specific programs may dictate should be indicated on the detailed receipt. The Finance Director will review submitted receipts for eligible charges and proper documentation and the Executive Director or his designee will approve the expenses for payment by signing the corresponding voucher form. Any expense without proper documentation, noneligible expenses, and amounts over meal allowance rates will become the personal responsibility of the individual cardholder. Any such expenses shall be deducted from the employee's paycheck or, in the case of the Chairperson, from the expense reimbursement.
- 1.17 Cell Phone Policy: The Commission will provide a monthly reimbursement stipend for an employee's cell phone provided the employee agrees to abide by the requirements listed below. Two reimbursement options are available to all regular full-time employees.

Option One:

To receive reimbursement under Option One, which is limited to \$25/month (\$300/year) staff must agree to the following requirements:

- Have a cell phone with reasonable coverage throughout the entire region.
- Have a cell phone with voice mail.
- Have the cell phone on and be available when out of the office during normal business hours (except while attending meetings or on leave).
- Expect your cell phone number to be provided to customers.

Option Two:

Reimbursement under Option Two is restricted to those employees with a data package on their cell phone and is limited to \$50/month (\$600/year). To receive reimbursement under Option Two, staff must agree to the requirements of Option One and the additional following requirements:

- Set up cell phone to send and receive email from their MMDC email account.
- Check email on a regular basis when out of the office during normal business hours (except while attending meetings or on leave).

Annually, and immediately if any changes occur, employees must agree to the terms of the policy and renew cell phone and data plan option selections for reimbursement.

- 1.18 Tobacco and E-cigarette (or similar device) Use: The use of tobacco and e-cigarettes is prohibited in the office of the Commission and the Commission vehicles. MMDC will adhere to any additional rules prohibiting tobacco and e-cigarettes of the owner of the property the Commission leases office space from. The use of tobacco or e-cigarette (or similar device) in MMDC's office or property may result in disciplinary action.
- 1.19 Keys and Badges: Employees shall be issued Commission keys and badges to access office building and office space upon initial employee orientation. Staff shall safeguard access to their keys and badges at all times. Employees who leave employment with the Commission shall return all keys and badges to the Executive Director or Financial Director on the last day of employment.

## Section 2: Fringe Benefits

- 2.1 Fringe Benefits: Fringe benefits are available to only those employees who are employed on the basis of twenty (20) or more hours per week. Part-time employees receive prorated benefits.
- 2.2 Holidays: The following days are paid holidays for regular full-time and regular part-time employees of the Commission: New Year's Day, Martin Luther King Jr.'s Birthday (third Monday in January), President's Day (third Monday in February), Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday after Thanksgiving, and Christmas Day. When New Year's Day, Independence Day, Veterans Day, or Christmas Day fall on a Sunday, the following day shall be a holiday and when they fall on a Saturday, the preceding day shall be a holiday.

For authorized work done on these days, employees shall be compensated on a regular overtime basis in accordance with the provisions of Part VI, Section 1.5.

### 2.3 Vacation Leave:

Service Requirement	Accumulation Rate
Zero to five years of continuous employment	15 days (120 hours)/year (5 hrs./pay ppd.)
Six to eight years of continuous employment	17 days (136 hours)/year (approx. 5.67 hrs./pay ppd.)
Nine to 12 years of continuous employment	20 days (160 hours)/year (approx. 6.67 hrs./pay ppd.)
13 or more years of continuous employment	23 days (184 hours)/year (7.67 hrs./pay ppd.)

2.3.1 Earning of Vacation: Employees serving on a full-time regular or regular part-time basis shall earn vacation with pay according to the following rate schedule which shall be prorated for regular part-time employees:

Changes in the rate of accumulation for eligible employees shall be made effective at the beginning of the next payroll period following completion of the specified amount of service.

Vacation accruals shall be prorated on a per pay period basis. Vacation leave shall not be earned by employees on temporary short-term appointments or during a leave of absence without pay. The Executive Director shall determine the time and establish schedules governing the use of vacation leave.

2.3.2 Accumulation of Vacation: Unused vacation leave may not be accumulated in excess of 160 hours.

2.3.3 Illness During Vacation: Illness during vacation is not counted as sick & safe leave. However, in cases when the employee or the employee's primary family member experiences a major medical event during vacation, the Executive Director has the discretion to allow the employee the use of sick & safe leave.

2.3.4 Payment of Accrued Vacation: Any eligible employee (or their survivor) who is separated from Commission employment by layoff, resignation, leave of absence, death, or otherwise shall be paid at the current rate of pay for the number of working hours of accrued vacation leave accumulated to their credit.

2.3.5 Vacation Leave Cash-Out Option: At the end of each calendar quarter, any eligible employee may opt to cash out up to 40 hours of accrued vacation in a single lump sum payment. However, employees shall not be allowed to cash out time that will cause them to drop below 40 hours of accrued vacation leave. The payment will be made as a supplemental payroll at a date to be determined by the Finance Director.

Employees shall be allowed to cash-out a maximum of 40 hours during each calendar year. All staff are encouraged to use earned vacation time, rather than cashing-out hours, to promote physical and mental well-being and avoid burnout.

### 2.4 Sick & Safe Leave

**Note: All State and Federal laws pertaining to Minnesota Paid Leave and earned Sick and Safe Leave will override MMDC policy if State or Federal laws and MMDC policies are found to be in conflict, until which time MMDC's personnel policies can be remedied to ensure full compliance.**

2.4.1 Earning and Accumulation: Employees serving on a regular full-time or regular part-time basis shall earn sick & safe leave on the basis of four (4) hours per pay period, beginning on the first date of employment with the Commission. Part-time employees earn sick & safe leave on a pro-rated basis. Eligible employees being paid for less than a full pay period will have their sick & safe leave accruals prorated for each pay period. Unused sick & safe leave may be accumulated to a total of 1,000 hours for employees hired prior to January 1, 2015. Unused sick & safe leave may be

accumulated to a total of 400 hours for employees hired on or after January 1, 2015. Sick & safe leave shall not be earned by employees on temporary appointments. Sick & safe leave is not earned during any period of layoff, suspension, or leave without pay.

2.4.2 Use of Sick & Safe Leave: A regular or beginning employee may utilize allowance of sick & Safe leave for absences necessitated by inability to perform the duties of their position for any of the following reasons, pursuant to Minnesota Statute:

- The employee's own illness, injury, health condition, or preventative care,
- Care of a family member due to illness, injury, health condition, or preventative care,
- Domestic violence or personal safety issues for an employee or their family member,
- Closure of an employee's place of business due to weather or other public emergency, or an employee's need to care for a family member whose school or place of care has been closed due to weather or other public emergency,
- Inability to work or telework because of a public emergency related to communicable disease,
- Health authorities have determined that the presence of the employee or family member of the employee in the community would jeopardize the health of others because of the exposure of the employee or a family member to a communicable disease.

2.4.3 Documentation of Use: The Executive Director may require medical examination or medical certification as is deemed necessary before approving the utilization of planned sick & safe leave (e.g., in cases of preplanned medical procedures). Any employee who uses more than three consecutive sick & safe days may be required to present to the Executive Director official documentation of the reason for using sick & safe leave.

2.4.4 Payment for Accrued Sick & Safe Leave. Any eligible employee (or their survivor) who is separated from Commission employment by layoff, resignation or death shall be paid for unused sick & safe leave on the following basis:

Years of Service	Payment Rate
Zero to one years of service	Zero percent (-0-)
One to five years of service	Ten percent (10%) of accumulated sick & safe leave
Five to fifteen years of service	Twenty-five percent (25%) of accumulated sick & safe leave
Fifteen to twenty-five years of service	Thirty-five percent (35%) of accumulated sick & safe leave
More than twenty-five years of service	Fifty percent (50%) of accumulated sick & safe leave

All employees eligible for the payment outlined above will contribute 100% of the Accrued Sick & Safe Leave payment to their Post-Employment Health Care Savings Plan. If the total sick & safe leave payout will be less than \$1,000, MMDC may, at the Finance Director's discretion, after consultation with the Executive Director, elect to instead direct funds to the employee's existing Health Care Savings Plan, which they will be able to access beyond their MMDC employment.

Any survivor of an eligible employee who is separated from commission employment by death shall be paid for unused sick & safe leave as outlined above on a cash basis.

Years of employment are based on the anniversary date of initial hire to a permanent position. Temporary positions are not included.

2.5 Other Leaves of Absence: Unless specifically addressed below, all other leaves of absence shall require a written request submitted to the Executive Director at the earliest possible date.

**Note: All State laws pertaining to Minnesota Paid Leave and Safe and Sick Leave will override MMDC policy if State laws and MMDC policies are found to be in conflict, until which time MMDC's personnel policies can be remedied to ensure full compliance.**

2.5.1 Bereavement Leave: Employees are provided with paid time off to make arrangements, settle family affairs, and/or attend the funeral of a member of the immediate family. The Commission reserves the right to require documentation of the death.

Time off for death in the family is arranged by notifying the staff member's immediate supervisor, if any exists, or the Executive Director. A maximum of four (4) days off with pay is permitted upon the death of an immediate family member, as defined under the definition section of this personnel policy manual. An additional two (2) days with pay may be given at the discretion of the Executive Director in the case of long travel distances. One (1) day off with pay is permitted upon the death of a first cousin.

2.5.2 Military Leaves: It is the policy of the Commission to grant employees a maximum of fifteen (15) working days off with pay during any calendar year for National Guard, Reserve duty, or militia duty as outlined in Minn. Stat. §192.26.

In addition, a military leave without pay will be granted to an employee engaged in active service in war time or other emergency in the military or naval forces of the United States in accordance with Minn. Stat. §192.261. Other benefits will be granted per State and Federal law.

Employees may apply for the Minnesota Paid Leave Program for up to 12 weeks of Military Family Leave for needs like arranging care, legal/financial help, counseling, attending events, or spending time with a service member called to active duty. For more information on Minnesota Paid Leave, see section 2.6.

2.5.3 Jury or Witness Duty: Employees called for jury duty or subpoenaed as a witness or voluntarily serve as a witness in a case in which the Commission is a party will be granted a leave of absence as necessary. In these cases the employee may receive their regular pay. Per diems shall be turned over to the Commission. However, mileage reimbursements may be kept by the employee. No employee shall be terminated or suffer an adverse employment action solely because that employee reported to jury duty, responded to a summons, or was required to attend court as a witness because the employee was a victim of a crime. The employee shall return to work if excused or released from jury duty during regular working hours.

2.5.4 Voting Leave: When an employee's work schedule is such that they would not be able to vote prior to or after the employee's regular work hours, the employee will be granted a reasonable time off to vote without loss of pay. Employees shall inform the Executive Director or Supervisor, if any exists, of taking such leave.

2.5.5 Election Judge Leave: It is the policy of the Commission to approve Election Judge leave of absence with pay per Minn. Stat. § 204B.195. The Commission cannot be required to allow more than twenty percent (20%) of its total workforce to be absent from any work site to serve as election judges.

Authorization: The following steps shall be taken to authorize leave under this section:

- The Executive Director must receive written notification of intended absence at least 20 days in advance.
- In addition to the written notice, a certification from the appointing entity stating the hourly election judge compensation must be provided. The employees' salary or wages may be reduced by the amount paid to the employee by the appointing authority during the time the employee was absent from work.

- 2.5.6 Parenting Leave: As a public employer, the MMDC falls under the federal Family and Medical Leave Act (FMLA). However, because the MMDC does not employ fifty (50) or more employees, leave regulated by the FMLA as well as leave in accordance with the Minnesota Parenting Leave Act, which applies to employers with twenty-one (21) or more employees, is not available to MMDC employees. The Commission, however, desires to assist new parents in balancing the demands of working and caring for children. The Commission is still required to provide information about the FMLA. A full overview of FMLA can be found at: <https://www.dol.gov/general/topic/benefits-leave/FMLA>.

To the greatest possible extent, FMLA will run concurrently with Minnesota Paid Leave and any other leave provided under state, federal, or local law. If an employee qualifies for FMLA, Minnesota Paid Leave, and/or other leave, the terms and conditions of leave under FMLA, Minnesota Paid Leave, and/or other leave will be applied in the manner that is most beneficial to the employee. Intermittent FMLA leave may be used in 1 hour increments. The leave year will be a fixed 12-month period measured forward from the date the employee's FMLA leave begins.

- 2.5.7 Please refer to section 2.6 for information on the Minnesota Paid Leave Program.

Upon completion of leave, the employee will be allowed to return to the same or equivalent position at the same salary as the employee earned prior to the leave.

- 2.5.8 School Conferences and Activities Leave: The Commission must grant an employee unpaid leave of up to a total of 16 hours during any 12-month period to attend school conferences or school related activities related to the employee's child, provided the conferences or school-related activities cannot be scheduled during non-work hours.

If the employee's child receives childcare services, as defined in Minn. Stat. §119B.011 subd. 5, or attends a prekindergarten regular or special education program, the employee may use the leave time provided in this section to attend a conference or activity related to the employee's child, or to observe and monitor the services or program, provided the conference, activity, or observation cannot be scheduled during non-work hours.

Definition - For the purposes of school conferences and activities leave, "child" is defined as an individual 18 years of age or younger or an individual under the age of 20 who is still attending a secondary school.

An employee may substitute accumulated annual leave or compensatory time for unpaid leave under this section.

- 2.5.9 Other Leaves Without Pay: Upon the approval of the Executive Director, regular or probationary employees may be granted leaves of absence without pay or fringe benefits 1) for the entire period of an employee's disability because of sickness or injury in situations where the Minnesota Paid Leave Program is not accessed (e.g., for a short-duration illness), 2) where it is determined that the granting of a leave of absence for employee training or education is in the best interest of the Commission, 3) for child care, 4) for religious holidays not included in the regular holiday schedule, or 5) for other appropriate uses that are approved by the Executive Director.

- 2.5.10 Transfer Sick & Safe Leave to Another Employee: The Commission shall allow employees to donate sick & safe leave benefits to another employee who is experiencing a major life threatening or otherwise debilitating illness, or condition, or to an employee who has a primary family member experiencing a major life threatening or otherwise debilitating illness, or condition, as defined by a physician's diagnosis. Employees who choose to donate time to another employee in need shall not be allowed to donate more than fifty percent (50%) of the sick & safe leave they have accumulated at any one time or donate any time that would drop them below eighty (80) hours of accumulated sick & safe leave. Any transfer in sick & safe leave benefits to another employee will be transferred in full-day (8 hour) increments.

An employee who has completed 1040 hours of service is eligible to receive a transfer of leave from other employees. An employee who is eligible for workers compensation is not eligible for the leave

donation program. An employee will be eligible to receive donated time only after the employee's accrued sick & safe leave, vacation, and compensatory time have been exhausted and have the approval of the Executive Director. If the Executive Director is the employee that is in need of donated sick & safe leave assistance, the Executive Committee shall make the necessary approval. An employee is only allowed to receive donated time for compensable time lost from normal work hours.

## 2.6 Minnesota Paid Leave (MPL)

**Note: All State laws pertaining to Minnesota Paid Leave will override MMDC policy if State laws and MMDC policies are found to be in conflict, until which time MMDC's personnel policies can be remedied to ensure full compliance.**

Minnesota Paid Leave (MPL) provides eligible employees with partial wage replacement and job protection for time off to care for themselves or their family.

MPL is an unpaid leave from the Commission. MPL benefits are provided to employees through the State of Minnesota's Paid Leave program. This means that paid leave benefits will be paid directly to employees by the state. This also means that the state will determine whether an employee qualifies for MPL.

MPL is funded through payroll premiums, which are set by the state each year. The premiums will be shared, as per statute, between the Commission and the employee, with the employee paying up to the maximum amount allowed by statute (via payroll deduction) and the Commission paying the remainder.

During an MPL qualified absence, employees will receive a percentage of their normal weekly wages, up to the maximum weekly benefit set by the state.

Employees must apply for MPL benefits through the state's website ([www.paidleave.mn.gov](http://www.paidleave.mn.gov)) or contact the state at (651) 556-7777 or (844) 556-0444.

The Commission's paid leave administrator(s) (PLA) are its finance director (primary) and executive director (back-up).

2.6.1 Eligibility: To be eligible for MPL, an employee must meet a minimum earnings threshold set by the state and perform at least 50% of their work in Minnesota, or live in Minnesota and perform some work in Minnesota without performing most of the work in another state or states.

2.6.2 Types and Amount of Leave: MPL provides two types of leave:

- Medical Leave (up to 12 weeks per benefit year): For an employee's own serious health condition, including care related to pregnancy, childbirth, and recovery.
- Family Leave (up to 12 weeks per benefit year): For bonding with a new child (birth, adoption, foster), caring for a family member with a serious health condition, addressing certain safety needs (domestic violence, sexual assault, stalking), or qualifying military exigency.

A family member includes an employee's spouse or partner, child (biological, adopted, step, or foster child or a child an employee raises even if not legally related), parent or person who raised the employee, sibling, grandchild or grandparent, in-laws (son, daughter, father or mother) and anyone close to the employee who depends on the employee like family.

2.6.3 Qualifying for Leave: To qualify for a leave, a health care provider or other designated professional must certify the need for most medical, family and bonding leaves. Employees will also be required to provide information on the relationship to any person they are caring for during the leave.

2.6.4 Annual leave duration limit: If an employee is eligible for both Medical Leave and Family Leave during a benefit year, the employee may take up to 20 total weeks of combined leave.

- 2.6.5 Benefit year: The benefit year is a 52 week period that starts on the first day an employee is absent from work for a qualified reason.
- 2.6.6 Notice of Leave: An employee who plans to apply for MPL must provide the Commission with notice of their intent to apply for leave. This notice may be provided verbally, or via phone, email, or text message. Where possible, notice must be provided at least 30 days in advance of the intended start date of leave. Where 30 days' notice is not possible, an employee must notify the Commission as soon as possible.
- 2.6.7 Intermittent Leave: An employee may be qualified by the state for either a single block of time (continuous leave) or smaller blocks of time (intermittent leave). If an employee qualifies for intermittent leave, the maximum number of hours of intermittent leave allowed in a benefit year will be 480 hours, subject to Commission discretion to allow additional intermittent leave hours. Intermittent leave must be used in one hour increments.

An employee on intermittent leave must provide a schedule of required workdays off as soon as possible and make reasonable efforts to schedule their leave in the manner least disruptive to employer operations. The Commission reserves the right to request that an employee change their schedule to accommodate business needs.

- 2.6.8 Supplemental or Non-Supplemental Benefits: Supplemental benefits are payments an employer designates to make up the difference between partial and full wage replacement. Employees may choose to use but are not required to use other available paid time off (annual leave, ESST, or comp time) during an MPL qualified leave of absence for this purpose.

For part-time and temporary employees, these benefits, if used, will be considered a non-supplemental benefit. For full-time employees, these benefits, if used, will be considered a supplemental benefit. The use of other paid time off while on a MPL qualified leave does not extend the amount of leave available.

During MPL qualified leave, an employee is not allowed to receive more than 100% of their normal weekly wages from all sources. Employees who qualify for MPL and who are eligible to use supplemental benefits may be required to complete a Supplemental Benefit request form.

- 2.6.9 Impact on Other Benefits: While an employee is on an MPL qualified leave, the Commission will maintain group insurance on the same terms as if the employee were actively working. Employees remain responsible for their portion of the insurance premiums. Premiums may be collected through payroll deduction, if an employee is using supplemental or non-supplemental benefits, or by making direct payments to the Commission via check or money order on a timely basis. Employees should consult with a paid leave administrator for information regarding the amount, timing and manner of making these payments.
- 2.6.10 While on a qualified MPL leave an employee will not be entitled to holiday pay and will not accrue any paid leave benefits (annual leave, ESST or extended illness). Additionally, no contributions will be made by the Commission to any retirement plan during an unpaid leave for any payroll period where no payroll is processed for the employee
- 2.6.11 Taking unpaid leave may affect pension benefits as well as employer and employee contributions to pension benefits.
- 2.6.12 Return to Work: It is important that any employee on MPL keep the Commission informed of their anticipated return to work date.
- 2.6.13 Employees who have worked for the Commission for 90 or more days before the start of a MPL qualified leave are entitled to be reinstated to the same or equivalent position at the end of their leave. Employees who did not work for the Commission for 90 or more days before the start of a MPL qualified leave do not have reinstatement rights.
- 2.6.14 An employee may be required to present a fitness-for-duty certificate or return-to-work (RTW) slip

from their medical provider when the leave is for their own serious health condition, prior to being allowed to return to work. The certificate or RTW slip must address the employee's ability to perform the essential functions of the job and address any accommodation needed.

#### 2.6.15 Other Terms

2.6.15.1 MPL will run concurrently with any other time off usage or leaves for which the employee is eligible.

2.6.15.2 While absent from employment with the Commission and using MPL, employees may not engage in other work or employment without Commission approval. Any employee who does engage in other work or employment without Commission approval may be considered to have violated the terms of their leave and to have voluntarily terminated their employment.

2.6.15.3 The Commission will not interfere with or retaliate against any employee who applies for or uses MPL.

2.7 Employee Health and Life Insurance: The Commission is committed to providing full-time employees and part-time employees working twenty (20) or more hours per week with flexible and cost-effective medical care insurance. The Commission shall pay seventy-six percent (76%) of the cost for family health insurance premium costs and one hundred percent (100%) of the single health insurance premium costs. The Commission will also contribute \$230 per month to each employee's Health Savings Account. For part-time employees who work thirty (30) or more hours per week, the Commission shall pay a proportional amount of health insurance premium costs based on the percentage time they are hired to work. The Personnel Committee shall look at adjusting the cap amount every two years. The Commission shall provide a minimum of \$15,000 life insurance coverage for eligible employees with the entire premium cost paid by the Commission. Insurance shall be considered a fringe benefit and shall not be negotiated as salary. The Commission reserves the right, in its discretion, to change the nature of the benefits offered to employees, or to change insurance carriers, deductibles, premiums, or other features of any benefit including the elimination of benefit(s).

2.8 Flex Plan: The Commission may provide its eligible employees with the option of enrolling in the Flex Benefit System. Employees' contributions into their flex accounts will be pre-taxed as allowed in IRS guidelines.

2.9 Retirement: Employees of the Commission are public employees within the meaning of Minnesota Statutes, Chapter 353. The Commission is a member of the State Public Employees Retirement Association (PERA) and also participates in the Federal Insurance Contributions Act (FICA) Program. Membership for all fulltime employees and certain part-time employees is mandatory on the date of employment. The Commission and employees contribute to the retirement plans through a Coordinated Plan. Coordinated means an employee is eligible for both PERA and FICA benefits. Refer to Minn. Stat. § 353.01 for more information about included employees, excluded employees, and mandatory membership.

2.10 Employee Training: Subject to budgeting limitations, the Executive Director may authorize the participation of employees in training programs so as to improve the quality of personnel employed by the Commission. This includes seminars, schools, conferences, and meetings.

The Executive Director may authorize or require the participation of employees in such in-service training programs to improve the quality of personnel employed by the Commission. The costs of such in-service training, including tuition and registrations, laboratory and other fees, or other materials, will be paid for in whole or in part by the Commission.

The Executive Director, in consultation with any supervising Program Director, may authorize the participation of employees in training classes necessary to keep achieved certification levels current. Reimbursement of incurred costs is performed when budget allows and is decided on a case-by-case basis by the Program Director and Executive Director.

2.11 Fidelity Bonds: The filling of fidelity bond applications for employees and officers of the Commission shall

be undertaken in a manner and in amounts prescribed by the Commission. The cost of such bonds shall be assumed by the Commission.

- 2.12 Workers' Compensation: Employees of the Commission are covered by workers' compensation that provides certain benefits in case of on-the-job injuries to an Employee. The Commission's workers' compensation plan covers work related injuries and illnesses as required by state law.

### Section 3: Administration

- 3.1 Employees Grievance Policy: Realizing that certain areas of disagreement, not covered by the provisions of this regulation, or a difference of opinion on interpretation of Commission policy may arise between employees of the Commission and their immediate supervisors, it is the policy of the Commission to address employees' grievances as they arise and to arrive at a fair and equitable resolution. The following procedure shall be utilized for such grievances:

3.1.1 Employees should submit in writing the grievance(s) individually, as a group, or through their designated representative to any immediate supervisor. If no other immediate supervisor exists, then the grievance(s) should be submitted directly to the Executive Director. The supervisor/Executive Director will consider and respond to the grievance(s) within five (5) working days. All grievances are to be submitted within ten (10) working days from the controversial decision or act.

3.1.2 If the grievance is not satisfactorily resolved or if there is no response, employees may appeal in writing to the Executive Director within five (5) working days of the previous step. The Executive Director, in consultation with any immediate supervisor, will respond in writing within five (5) working days. Supervisors may choose to bring the Executive Director into the process under step one if they so desire. In the absence of a lower-level Supervisor, the matter may be submitted directly to the Executive Director under step one.

3.1.3 If the grievance is not satisfactorily resolved the employee may appeal the decision, or lack of action in writing to the Personnel Committee within ten (10) working days of the previous step. The Personnel Committee will consider and respond to the appeal within ten (10) working days.

3.1.4 If unsatisfied with the disposition of the Personnel Committee, the employee may, within five (5) working days, appeal to the Commission. The Commission, however, shall be under no obligation to hear the matter and if such is the case, the determination of the Personnel Committee shall stand.

No employee shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.

- 3.2 Peer Complaints: If an employee has a complaint about another employee who is not their direct or indirect supervisor, a general guideline will apply (except in the case of harassment):

3.2.1 Employees are encouraged to go directly to the staff member in question and explain their concern and try to work out a viable solution. In most cases, problems arise due to a lack of communication. Once communicated, the problem is usually more easily solved.

3.2.2 Employees are encouraged to discuss the matter with the involved party(ies) a second time if they are unable to resolve the issue the first time. A plan of action should be developed to try and resolve the issue.

3.2.3 If the problem persists, staff should bring the problem to their immediate supervisor and provide an explanation of why the action plan did not work. The immediate supervisor will investigate the problem and attempt to resolve the complaint.

- 3.3 Employee Right-to-Know: The Commission recognizes its responsibility to provide a workplace in which safety is promoted and hazards are either removed, prevented, or minimized. Employees are responsible for observing all safety rules and procedures.

The MMDC will inform all affected employees of any hazardous material or equipment they might have contact with in the performance of their job. Any employee routinely exposed to hazardous substances or harmful physical agents as defined in the Minnesota Employee Right to Know Act of 1983 (Laws 1983, Chapter 316, Minn. Stat. 182.65-182.675) shall be trained before being assigned or reassigned work exposing the employee to such substances or agents and shall be given training annually thereafter. Training shall include an explanation of how and where employees may find information about hazards stored in the workplace, how the hazards are labeled, and where to obtain specific information. Employees will also be trained in the proper handling of these materials or equipment. An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes present an imminent danger of death or serious physical harm to the employee. They should report such action to their immediate supervisor. They will not be penalized for such cessation and will not be required to return to work requiring contact with such hazardous materials or equipment until they have been trained in the proper handling of the hazardous material or equipment. Employees will be expected to continue the performance, without cessation, of all other job responsibilities which do not present a danger to them.

The Commission's designee, currently the Executive Director, shall provide for training discussed above and for the Commission's compliance with the Employee Right-to-Know Act, the Workplace Accident and Injury Reduction Act, and other state and federal OSHA-related requirements including: the establishment of a written program, the identification of all hazardous substances, the acquisition and maintenance of Material Safety Data Sheets, and the monitoring of containers for proper labels.

- 3.4 Personnel Record Access and Data Privacy: Employee personnel records shall be maintained in accordance with the Minnesota Government Data Practices Act, described in Minn. Stat. §13.43. All employee data shall be received, retained and disseminated in accordance with the Act.
- 3.5 Personal Information: Changes in personal information should be reported to the Finance Department as soon as possible. Examples of changes include, but are not limited to name, address, family or marital status, telephone numbers, insurance beneficiary, new dependents, and emergency contacts.
- 3.6 Firearms Policy: It is the Commission's policy to restrict the carry or possession of firearms by its employees while acting in the course and scope of their employment. The Commission bans guns on its work premises (excluding parking lots), in a Commission owned vehicle or an employee's personal vehicle for which they are performing duties on behalf of the Commission, and offsite while performing tasks on behalf of the Commission relating to the employee's job duties.

The Commission reserves the right to inspect employee workstations, purses, and briefcases on premises, when the presence of a firearm is suspected. Any employee that fails to comply with this Firearms Policy may result in disciplinary action, up to and including termination of employment.

## **PART VII- Policy on Alcohol, Marijuana, and Other Drug Use by Commission Employees**

### Section I: Introduction

The Mid-Minnesota Development Commission recognizes that alcoholism and other drug dependencies are a significant social problem with a potential for causing severe effects to the Commission's workforce. The Mid-Minnesota Development Commission recognizes that it has a responsibility to maintain a drug free workplace and will comply with all federal and state laws, to help eliminate the impact of the misuse of alcohol and drugs in the workplace. The Commission also recognizes that drug dependency may be an illness. Consistent with this understanding, however, the Commission has an obligation to ensure that its employees perform their jobs efficiently, safely, and in a professional manner.

The purpose of this document is to set forth the Commission's policy regarding alcohol and other drug use, including unlawful drug use or abuse, in the workplace.

If an employee of the Commission is found to be in violation of this policy, the Executive Director may terminate or suspend the employee (with or without pay).

## Section 2: Scope of Coverage

This policy is applicable to all employees of the Mid-Minnesota Development Commission. Questions regarding this policy should be addressed to the Executive Director.

## Section 3: Definitions

- 3.1 “Work Related Alcohol and Other Drug Abuse” is defined as the use of mood altering drugs, including all forms of alcohol, narcotics, depressants, stimulants, hallucinogens, marijuana, or the use of prescription drugs when resulting behavior limits an employee’s ability to safely and efficiently perform his/her job duties or poses a threat to the safety of the employee or others.
- 3.2 “Adversely Affects Work Performance and Under the Influence” shall be determined to be present if the employee is perceptibly impaired (has impaired alertness, coordination, reactions, responses, or effort), if the employee’s condition threatens the safety of themselves or others; or if the employee’s condition or behavior presents the appearance of unprofessional or irresponsible conduct detrimental to the public’s perception of the Commission as an employer as determined by any supervisor, the Executive Director, or others observing the employee.
- 3.3 “Controlled Substances” as defined in Minnesota Statutes 152.01, subd. 4. This definition does not include controlled substances prescribed by a physician for a valid medical reason.
- 3.4 “Valid Medical Reason” means 1) a written prescription, naming the employee as the person for whose use it is intended. (2) the drug was prescribed, administered, and dispensed in the course of professional practice by or under the direction and supervision of a licensed medical practitioner. (3) the drug was used in accord with the terms of the prescription. Use of any over-the-counter medication in accord with the terms of the product’s directions for use shall also constitute a valid medical reason.
- 3.5 “Mood Altering or Alter” means changed behavior which may limit an employee’s ability to safely and efficiently perform their job duties or poses a threat to the safety of the employee or others.
- 3.6 “Under the Influence” means having the presence of a drug or alcohol at or above the level of a positive test result.
- 3.7 “Reasonable Suspicion” means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

## Section 4: Drug-Free Workplace Act of 1988

In accordance with Federal law, the Mid-Minnesota Development Commission has adopted the following policy on drugs in the workplace:

- 4.1 Expectations: Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug-free, safe and secure work environment.
- 4.2 Unlawful Acts: The unlawful manufacture, distribution, possession, or use of a controlled substance on Commission property or while conducting Commission business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.
- 4.3 Drug Dependency as an Illness: The Commission recognizes drug dependency as an illness and a major health problem. The Commission also recognizes drug abuse as a potential health, safety, and security problem. Employees who require help in dealing with such problems are encouraged to use their health insurance plans, and the Commission’s Employee Assistance Program (EAP), as appropriate.
- 4.4 Reporting of Convictions: Employees must, as a condition of employment, abide by the terms of the above policy and must report any conviction under a criminal drug statute for violations occurring on or off the work premises while conducting Commission business. A report of the conviction must be made within five (5) working days after the conviction as required by the Drug-Free Workplace Act of 1988.

## Section 5: Circumstances for a Drug or Alcohol Test

The employer may, at its discretion, require drug/alcohol testing under the following circumstances:

- 5.1 Reasonable Suspicion Testing: If there is reasonable suspicion that an employee:
- 5.1.1 Is under the influence of drugs or alcohol;
  - 5.1.2 Has violated any of the rules, set out in in this policy; or
  - 5.1.3 Has caused a work related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work related accident.
- 5.2 Treatment Program Testing: If the employee has been referred by the Commission for chemical dependency treatment or evaluation, drug/alcohol testing may be requested or required without prior notice anytime during the evaluation or treatment period and for a period of up to one (1) year following completion of any prescribed chemical dependency treatment program.

Any alcohol and/or other drug testing undertaken by the Commission shall be in accordance with Minnesota Statutes §181.950-957, the Minnesota Drug and Alcohol Testing in the Workplace Act.

## Section 6: Test Results and Consequences

- 1) If an employee refused to submit to a lawful drug/alcohol test, he/she will be subject to discipline, up to and including termination.
- 2) If an employee tampers with any (the employee's or another's) urine or blood sample, the employee will be subject to discipline, up to and including termination.
- 3) If, at any step, (initial screening, confirmatory test, or confirmatory retest), the test result on a sample is negative, no adverse employment action will be taken based on that sample alone.
- 4) If an employee satisfactorily explains a positive test result, no adverse action will be taken based on that result.
- 5) If the confirmatory test is positive, the employee may request a confirmatory retest of the original sample at the employee's own expense and/or submit additional information to explain the positive test result.
- 6) If the confirmatory retest confirms the original positive test result and this was the first confirmed positive test result for the employee, the employee will be given an opportunity to participate in, at the employee's own expense or pursuant to the employee benefit plan, a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the employer after consultation with a chemical use counselor, doctor, or healthcare professional of the Commission's choosing.
- 7) If the employee refused to participate in counseling or a rehabilitation program or fails to successfully complete the program, as evidenced by withdrawal from the program before its completion, or by a positive test result on a confirmatory test after completion of the program, or by failing to maintain recommended sobriety or drug-free status after completion of the program, he/she will be subject to discipline, up to and including immediate termination.
- 8) No adverse employment action will be taken if the employee participates and successfully completes the counseling or rehabilitation program and does not have another positive test result within one (1) year after completion of the program.
- 9) An employee who has tested positive may be temporarily suspended or transferred to another position at the same rate of pay pending the outcome of a confirmatory test and, if requested, a confirmatory retest, if the employer believes that it is reasonably necessary to protect the health or safety of the employee, co-employees or the public. If the outcome of the confirmatory test or requested confirmatory retest is negative, the employee will be reinstated with back pay. If the confirming test is positive, it will be covered under 6 of this section, above.

- 10) If the confirmatory retest confirms the original positive test result and this was not the first confirmed positive test result for the employee on a test requested by the employer, the employee will be subject to discipline, up to and including immediate termination.
- 11) Violation of this policy will be grounds for taking disciplinary action against an employee, up to and including termination of employment. A willful failure to cooperate with the Commission in enforcing this policy will also be grounds for disciplinary action, up to and including termination.
- 12) Every employee is responsible for ensuring compliance with this policy and these rules. Every employee has a duty to cooperate with any investigation of suspected violation(s) of this policy or these rules. Every employee and applicant has an affirmative duty to inform the Commission of all information relevant to the reliability of, or explanation for, a positive test result.

#### Section 7: Data Privacy

Test result reports and other information acquired in the drug or alcohol testing process are private data on individuals and will not be disclosed to another employer or to a third party individual, governmental agency, or private organization without the written consent of the employee or job applicant tested; except that evidence of a positive test result on a confirmatory test may be:

- 1) Used in arbitration proceedings pursuant to a collective bargaining agreement, an administrative hearing under Minnesota § ch.43a or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing proceedings. Disclosed to any federal agency or other unit of the United States government as required under federal law, regulations, or order, in accordance with compliance requirements of a general government contract; and
- 2) Disclosed to substance abuse treatment facility for the purpose of evaluation or treatment of the employee.

Refer to MMDC Data Practices Policy (Appendix B)

#### Section 8: Commission Employee Assistance Program

Employees with personal mood altering chemical problems are encouraged to request assistance from the Commission. Assistance may be accessed via MMDC's Employee Assistance Program (EAP), their medical provider, or another source of their choosing. Participation is treated on a confidential basis. Voluntary participation in a drug or alcohol rehabilitation program will not involve disciplinary action by the Commission. However, employees found to have violated Commission policy will receive assistance only at the Commission's discretion.

In any test for evidence of drug or alcohol use, any positive test will be confirmed using a second, different testing method. Upon notice to an employee or job applicant of a confirmed positive test, 1) within three (3) working days, the employee or job applicant may submit information to the employer for the purpose of explaining the positive test results, and 2) within five (5) working days, the employee or job applicant may in writing request a confirmatory retest (at the employee's or applicant's expense) of the medical specimen tested, to be performed by either the original testing laboratory or another laboratory chosen by the employee or applicant and meeting the requirements of applicable law. Participation in this program is voluntary and confidential except as may be required pursuant to Public Law 100-690, Title V, Subtitle D.

Note: MMDC's Employee Assistance Program is provided as a benefit to give MMDC staff improved access to confidential services that can help them resolve any personal problems that may have an adverse effect on their workplace performance.

#### Section 9: Prohibitions

9.1 Consumption while on duty, allowance on commission property, reimbursement for, and sponsorship of events: At no time will any alcohol, drugs, or mood altering chemicals of any kind be allowed to be consumed while on duty (except prescription medications, as directed by a medical professional), nor will they be allowed on Commission property. Also, the Commission prohibits the following:

- 9.1.1 Using Commission funds to purchase alcohol, any drugs, or mood altering chemicals.

9.1.2 Any reimbursement of expenses for alcohol as part of meal expense.

- 9.2 Reporting to work while under the influence: No employee shall report to work under the influence of alcohol, marijuana, controlled substances, or other drugs which affect their alertness, coordination, reaction, response, judgment, decision making, or safety.
- 9.3 Use of Commission equipment, machinery, or vehicles while under the influence: No employee shall operate, use, or drive any equipment, machinery, or vehicle of the Commission while under the influence of alcohol, marijuana, controlled substances, or other mood altering drugs. Such an employee is under an affirmative duty to immediately notify their immediate supervisor that they are not in appropriate mental or physical condition to operate, use, or drive Commission equipment.
- 9.4 Possession and selling of controlled substances: No employee shall unlawfully manufacture, distribute, dispense, possess, transfer, or use alcoholic beverages, marijuana, or other controlled substances the workplace or wherever the Commission's work is being performed.

During work hours while on the Commission's premises, no employee shall use, sell, possess, or transfer alcoholic beverages, with the following exceptions:

- 9.4.1 Possession of alcohol, marijuana, or other controlled substances while being transported in a Commission vehicle in compliance with applicable statutory requirements.
- 9.4.2 Possession of alcohol, marijuana, or controlled substances while in an employee's personal vehicle on the Commission's premises in compliance with applicable statutory requirements.
- 9.5 Off-duty actions may lead to disciplinary actions: Engaging in off-duty sale, purchase, transfer, use, or possession of illegal drugs or controlled substances may have a negative effect on an employee's ability to perform his/her work for the Commission. In such circumstances, the employee is subject to discipline, up to and including termination.
- 9.6 Employee directive to inform Commission while taking certain medically authorized drugs: When an employee is taking medically authorized drugs or other substances which may alter job performance, as defined in Part VII, Definitions Section above, the employee is under an affirmative duty to notify their immediate supervisor of their temporary inability to perform the job duties of their position.
- 9.7 Commission notification of law enforcement officials: The Commission shall notify the appropriate law enforcement agency when they have reasonable suspicion to believe that an employee may have illegal drugs in their possession at work or on Commission premises.
- 9.8 Consuming alcoholic beverages or marijuana during lunch: Employees are discouraged from consuming alcoholic beverages or marijuana during lunch or dinner meals when returning immediately thereafter to perform work on behalf of the Commission. Employees are advised that in any situation subsequent to the intake of alcohol or marijuana where the employee must continue conducting the Commission's business, any employee whose condition or behavior adversely affects their work performance shall be subject to possible discipline, up to and including discharge. This does not apply to alcohol or marijuana consumption at after work social events when Commission business is incidental to the event.

#### Section 10: Non-Discrimination

The Commission's policy on work related substance abuse is nondiscriminatory in intent and application. However, in accordance with Minnesota Statutes, Chapter 363, disability does not include any condition resulting from alcohol or other drug abuse which prevents a person from performing essential functions of the job or creates a direct threat to property or the safety of individuals.

#### Section 11: Minnesota's Medical Cannabis Law

Minnesota's Medical Cannabis law prohibits employers from discriminating against a person in hiring, termination, or any term or condition of employment, or otherwise penalizing a person, if discrimination is based on the following:

- The person status as a patient enrolled in the state's registry program.
- The patient's positive drug test for cannabis components or metabolites, unless the patient used, possessed, or was impaired by medical cannabis on the premises of the place of employment during hours of employment.

All use of medical cannabis must occur during nonworking hours and in such a manner that does not result in impairment at a future time on the job. The Commission prohibits employees from using or possessing medical cannabis, and impairment by marijuana on company premises or during work hours.

Please note that despite Minnesota's Medical Cannabis law, use of any form of marijuana remains illegal under federal law, and that federal directives can change at any time. Also note that the Minnesota Drug and Alcohol Testing in the Workplace Act (DATWA) still applies.

The Federal Drug Free Workplace Act applies to employers who receive a federal contract of at least \$100,000. The law requires a good faith effort to maintain a drug-free workplace. Use or possession of marijuana is specifically prohibited by the Act. State law does not excuse companies subject to the Drug-Free Workplace Act.

### **PART VIII - Harassment and Offensive Behavior/Workplace Violence Policy**

The Commission strives to maintain a working environment free from offensive remarks or conduct. Commission members and employees must treat one another with courtesy and respect. In addition, the Commission recognizes that harassment in the workplace, because of an individual's race, color, creed, religion, national origin, sex, marital status, familial status, disability, status with regard to public assistance, sexual orientation, gender identity, and age is prohibited by the Minnesota Human Rights Act and Title VII of the Civil Rights Act. Offensive behavior may also involve requests to engage in illegal, immoral, or unethical conduct, or it could include inappropriate physical contact or physical injury to another person.

It is the policy of the Commission to maintain a work environment free of any form of harassment as defined by local, state and federal laws. The Commission will not tolerate any employee or member of the Commission who engages in the following:

- Harassment on the basis of race, color, creed, religion, national origin, sex, gender identity, marital status, familial status, disability, status with regard to public assistance, sexual orientation, veteran status, age or other class protected under state, federal or local laws.
- Permitting employees under his/her supervision to engage in such harassment.
- Retaliating or permitting retaliation against an employee or Commission member who reports such harassment.

Any employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination of employment. This policy also applies to all business travel and work related social functions.

If you feel that you are being subjected to offensive behavior, immediately demand that the offender(s) stop no matter who the offender is or what position(s) of authority they have. At the same time, immediately report such behavior to your department head or to the Executive Director in the absence of a department head. Employees who engage in offensive behavior will be subject to disciplinary action, up to and including termination.

If employees feel that reporting offensive behavior to their immediate supervisor or Executive Director is either ineffective or impossible, or if the supervisor and/or the Executive Director is the cause of the offensive behavior, they should report the situation to the Board's Chairperson or another member of the Commission Board's Executive Committee. Employees have the right and responsibility to inform a member of the management staff about any problem so appropriate action can be taken. Retaliation, in any form, for reporting suspect or actual harassment is a prohibited practice and will be treated as a disciplinary matter.

The Commission will not tolerate any threats, threatening behaviors, or acts of violence in the workplace. Employees are specifically prohibited from bringing guns or other weapons into the workplace or in Commission owned equipment. Those who violate this policy will be subject to discipline, up to and including termination.

Employees are responsible for promptly reporting, to their immediate supervisor, any inappropriate, alarming, threatening, or violent behaviors which you have been involved in, witnessed, or learned of having occurred, regardless of who is involved.

If an immediate threat to your safety or the safety of others may exist, contact law enforcement. In the event of a medical emergency, seek first aid or medical assistance. Contact the Executive Director as soon as practical.

## **PART IX - Sexual Harassment Policy**

### Section 1: Introduction

Sexual harassment occurs whenever unwelcome conduct on the basis of gender exists. Unwelcome conduct occurs when the recipient did not initiate it and regards it as offensive. The Equal Employment Opportunity Commission defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission to, or rejection of such conduct by an individual is used as a factor in any employment decision affecting an individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment can be physical, verbal, visual, or written.

There are two types of sexual harassment: those involving tangible employment actions and those relating to a hostile work environment. Tangible employment action involves some type of significant changes in workload or work assignment or monetary loss for the employee. This type of harassment requires that the threat of job detriment or promise of job benefit actually results in some sort of employment related action such as termination, promotion, demotion, or reassignment to a considerable different job or duties. A hostile work environment occurs when actions of another person create an adverse or hostile working condition for an employee or interferes with the employee's work performance through severe or pervasive words or deeds because of the employee's gender.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman, man, or gender-nonconforming individual. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, a supervisor in another area, a coworker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- The harasser's conduct must be unwelcome; therefore, it is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop.

Below are examples of behavior contributing to sexual harassment. This is not an all-inclusive list:

- Discussing or pressuring for sexual activities.
- Verbal remarks, jokes, or innuendoes of a sexual nature or based upon gender. Any sexually motivated or unnecessary touching.
- Commenting on physical attributes
- Distribution or display of written materials, pictures, or other graphics of a sexual or gender-biased nature.
- Using demeaning or inappropriate terms, such as "babe."

- Using indecent gestures.
- Sabotaging the victim's work.
- Engaging in hostile physical conduct.
- Granting job favors to those who participate in consensual sexual activity.
- Using profane and offensive language.
- Other behavior or words directed at an individual because of gender or gender identity.

## Section 2: Retaliation

Retaliation is also prohibited. Retaliation occurs if adverse action is taken against an employee or Commission member who complains about harassing behavior as defined in this policy or someone who participated in an investigation regarding alleged harassment.

## Section 3: Addressing Harassment

Whenever possible, an employee or Commission member feeling subject to harassing behavior should discuss the situation with the individual engaged in the perceived harassing behavior. The perceived harasser should be told the conduct is unwelcome and must stop. If the situation is not resolved, or if the employee feeling subject to harassing behavior is unwilling or unable to discuss the situation with the person engaged in the perceived harassing behavior, then a complaint can be initiated by using the reporting procedures. The person feeling subject to harassing behavior is also encouraged to document that the harassing party was told the conduct is unwelcome and to document the occurrence(s) of harassment.

## Section 4: Reporting a Complaint

To maintain a harassment free work environment, it is essential that all instances of protected class harassment be reported. Any person who believes they have been the victim of protected class harassment in the workplace or any person with knowledge or belief of conduct which may constitute such harassment toward an employee MUST report the alleged conduct immediately. Harassment should be reported immediately to the Executive Director. If the Executive Director is the subject of the complaint or the employee does not feel comfortable reporting the issue to the Executive Director, your report should be directed to the Chair of the Commission or another member of the Executive Committee.

The reporting party or complainant shall clearly describe the conduct when making a report or complaint and identify the complaint as one of harassment under this policy. Employees making a report should document behavior they have witnessed. Documentation should include specifics about the behavior, direct quotes, if possible, patterns of abuse, names of witnesses, and time and place of incidents. The Commission encourages the reporting party or complainant to submit a written report, but verbal reports will also be considered complaints.

Nothing herein shall be construed as limiting in any way an employee's right to file a charge of harassment of any form with the Minnesota Department of Human Rights, the Federal Equal Employment Opportunity Commission, or an appropriate court.

## Section 5: Investigating a Complaint

Complaints of protected class harassment will be promptly and thoroughly investigated by the Commission or by a third party designated by the Commission. The investigation may consist of personal interviews and any other method deemed pertinent by the investigator. At a minimum, the Executive Director will review the matter with the alleged victim. To assist in the investigation, the alleged victim is urged to provide a written complaint indicating the harassing behavior. The written complaint should also include details such as where and when the harassment occurred. Pertinent witnesses to the harassment (if any) should also be noted.

The Commission may take immediate steps, at its discretion, to protect the complainant and other employees pending completion of the investigation.

## Section 6: Confidentiality

Special privacy safeguards will be applied to the extent practical in handling protected class harassment complaints. In addition, the privacy of the alleged victim and perpetrator will be maintained where possible. The Commission will retain confidential documentation of all allegations and investigations pursuant to applicable law.

## Section 7: Action

The Commission will take such action as it deems appropriate based on the results of the investigation.

Retaliation against any employee for filing a complaint or participating in an investigation is prohibited.

## Section 8: Duty to Report

Any employee with knowledge of a violation or potential violation of this policy has the affirmative duty to notify the Executive Director of such protected class harassment.

## **PART X - Electronic Communications, Internet Use, and Social Media**

### Section 1: Electronic Communication, Equipment, and Internet Use

The Commission's electronic communications systems are provided as tools to provide better service to the public by enhancing job effectiveness and efficiency. Proper use of the Commission's electronic equipment and resources is the responsibility of each employee. The use of the Commission's phones, voice mail system, desktop and laptop computers, computer networks, printers, facsimile machines, computer applications and software, email, intranet and internet systems, electronic files, databases, copiers, pagers or cellular phones and any other peripheral equipment is to be used for business purposes. Any use must be for legal purposes and must withstand public scrutiny without embarrassment to the Commission. All users must consider the security risks and the risk of legal liability. Inappropriate or misuse of any electronic communication resources may lead to discipline, up to and including termination and/or criminal prosecution.

While employees may make personal use of the Commission's network, the amount of use during work hours is expected to be limited to incidental use or emergency situations. Excessive time spent on such personal activities will be considered theft of time and is subject to employee disciplinary action. The Commission, through its Executive Director, has the right to monitor all electronic and other communication by Commission employees.

Employees who use the Commission's network and/or electronic devices must abide by the following:

- 1) Understand that all data collected, stored, processed, or disseminated by Commission employees is governed by the Data Practices Act, Minn. Stat. Chap 13 and other applicable statutes. Therefore, the gathering, use, and dissemination of all such information through computers must be done within the structures of the Data Practices Act and other applicable statutes. Employees must not disclose or transmit proprietary information, such as security specifics, software products, or other information via email or the internet except when approved by authorized management.
- 2) All documents must be stored to ensure proper antivirus, storage/backup, and confidentiality requirements are being met.
- 3) Adopted records retention schedules, based on the context of messages, are the same regardless of the medium – paper, voice, or electronic.
- 4) Employees must not knowingly download, upload, or forward material containing the following:
  - derogatory religious, racial, or nationality content
  - sexual content
  - political statements

- offensive language or harassment of any type
  - any content which would negatively reflect upon the Commission
  - material prohibited by law
- 5) Must not use the internet for personal gain or non-Commission approved solicitation.
  - 6) Must not attempt to gain unauthorized access to any Commission computer or communications system on the internet, including remote access.
  - 7) Because the duplication of licensed software, except for backup or archival purposes, is a violation of the Federal Copyright Act, the terms of software license agreements must be strictly observed.
  - 8) New software is not to be installed on any computer without the approval of the Executive Director. Allowable software should be virus-scanned prior to installing, whenever feasible. Maintenance updates to existing software are excluded. Updates to existing software that require purchasing an upgrade license must be approved by the Executive Director and the Financial Director.
  - 9) All passwords and logins must be kept secure. All staff must keep a detailed listing of all passwords and logins. All employees must submit, in writing, the location of said list to the Executive Director upon creation of list and immediately upon change of location of it. The list will be kept in a secure, locked location. Passwords should not be created to protect files without Executive Director's approval/knowledge.
  - 10) Commission employees who access their email through a non-Commission device or while in a public or otherwise occupied location must ensure confidentiality and security by maintaining awareness of those around them and taking measures to avoid information theft.
  - 11) Computers are susceptible to loss through theft of the computer or damage to the computer itself. If the computer assigned to you is damaged or stolen, notify the Executive Director immediately.
  - 12) Commission computer and network use will be subject to review and may also be randomly monitored. Violations will be subject to disciplinary action, up to and including termination.
  - 13) The Executive Director has access to Commission employee emails to review to assess the professionalism, timeliness, and effectiveness of communications.

#### Section 2: Network and Device Security

Security is of utmost importance to MMDC. In order to prevent unauthorized access, devices must be password protected using the features of the device(s) and an appropriate password is required to access the Commission's network. Employees must use cellular service or encrypted wi-fi connections when accessing the Commission's resources. The device must lock itself with a password, PIN, or thumbprint identification if it is idle for no more than five minutes.

Commission information may be remotely wiped at MMDC's discretion, including but not limited to, if:

- The device is lost;
- Employee terminates his or her employment; or
- The Commission detects a data or policy breach, a virus or similar threat to the security of the company's data and technology infrastructure.

Lost or stolen devices must be reported to the Commission within 24 hours. Employee is responsible for notifying his or her mobile carrier immediately upon loss of a device.

Upon separation from employment with MMDC for any reason, Employee must return and delete all

Commission resources and information from his or her device(s). Employee shall make his or her device(s) available for review by the Commission. MMDC reserves the right to take all reasonably necessary steps to ensure the return and protection of its resources and information up to and including erasing Employee's device(s) and reinstating the original factory settings.

### Section 3: Social Media

Social platforms provide a way to collaborate and share information quickly and easily with friends, family, and colleagues. The Commission does not discourage our employees from using social media in their professional lives and believes that social media can be used to strengthen our overall brand. For all intents and purposes we consider Facebook, Twitter, LinkedIn, Pinterest, Google+, YouTube, and similar sites and programs all forms of social media that are allowable in the workplace.

#### 3.1 Purpose & Procedures

The Commission may choose to develop social media outlets for the entire agency or for specific projects or programs of the Commission. Employees will be designated by the Executive Director to represent the Commission on these social media sites and in any online forums.

When participating in online conversations, Commission employees must always remember that they represent the Commission and must act in accordance with the Standards Governing the Conduct of Employees as defined in the Commission Personnel Policy. Recognize that employees are legally liable for anything that they write or present online.

#### 3.2 Employee Responsibilities When Using Social Media

- Be professional. Post meaningful, respectful comments. No blatant spam or promotion of any type.
- Be prompt. Reply to comments quickly when a response is appropriate. Remember, time is of the essence on the web.
- Be respectful. When disagreeing with others' comments always keep a calm composure and do not engage in inflammatory dialog.
- Be transparent. Honesty, or dishonesty, will be quickly noticed in the social media environment. Always identify yourself.
- Be judicious. Make sure that you are not sharing confidential information concerning the Commission or any of our business partners.
- Write what you know. Ensure that you write and post about your area of expertise. If you are unfamiliar with a subject matter, do the research before commenting.
- Perception is reality. Remember that each time you write an article or post you are creating perceptions about the Commission and our business partners.
- It's a conversation. Talk to readers like you would talk to real people in professional situations. Do not be afraid to bring in your own personality and say what is on your mind.
- Add content. Content is key and there is no shortage of it on the web. The only way to make content stand out is to write about topics that people will value.
- Be a leader. There is a fine line between healthy debate and incendiary reaction. Do not denigrate our competitors or other commenters. Be careful and considerate when dealing with others.
- Take responsibility. If you make a mistake, admit it. Be upfront and be quick with your correction.
- Press pause. If you are about to publish something that makes you even the slightest bit uncomfortable, then don't. Take a break and ask someone else to review it before it is published.

- Use a disclaimer. If you blog or post to another online forum in an unofficial capacity, you should make it clear that you are speaking for yourself and not on behalf of the Commission. Use a statement like “The postings on this site are my own and don’t represent the Commission’s positions, strategies, or opinions.” This is good practice but does not exempt you from being held accountable for what you write.

#### Section 4: Telephones, Copy Machine, and Fax

Personal calls received at the office should be kept brief.

Staff using the fax machine, telephones, and copy machines for personal use shall be charged at the cost of what the cost is to the Commission, or what is set in other Commission policy.

### **PART XI - MMDC Vehicle and Driving Policies**

#### Section 1: Vehicle Operation Policies

- 1.1 Introduction: The following policy applies to all MMDC staff using vehicles for MMDC business purposes, whether using a company, rental, or privately owned vehicle. The policy lays out driver responsibilities for driving, following proper safety procedures, parking, and accident procedures. The policy also lays out procedures for the use of vehicles for work and prohibited uses of company vehicles.

Driving is among the most hazardous tasks performed by employees. It is a requirement for staff to follow safe driving practices. This includes steps to ensure the driver’s total concentration and safe operation of vehicles, such as determining clear directions before departing, refraining from operating equipment such as mobile phones while the vehicle is moving, and not operating a vehicle when the driver’s ability is impaired. Drivers are expected to follow defensive driving principles and driving regulations to prevent accidents.

Any employee driving a personal vehicle while on Commission business is required to have valid insurance in place.

- 1.2 Driving Code of Conduct: MMDC expects all staff whilst driving on Commission business to comply with traffic legislation, be conscious of road safety, and demonstrate safe driving and other good road safety habits when driving. The following actions will be viewed as serious breaches of conduct and subject to disciplinary actions up to and including dismissal:

- 1.2.1 Drinking or under the influence of drugs while driving
- 1.2.2 Driving while disqualified, or not correctly licensed
- 1.2.3 Reckless or dangerous driving causing death or injury
- 1.2.4 Failing to stop after an accident
- 1.2.5 Any actions that warrant suspension of license.
- 1.2.6 Texting, emailing, viewing video content, or participating in other distracting activities while driving, as prohibited by law.

- 1.3 Driver’s Obligations for Proper Vehicle Use: All authorized drivers who operate an MMDC vehicle or a personal vehicle on MMDC business will:

- 1.3.1 Ensure they hold a current, valid, driving license.
- 1.3.2 Immediately notify the Executive Director if their driver’s license has been suspended, cancelled, or has limitations placed on it.
- 1.3.3 Be responsible and accountable for their actions when driving.
- 1.3.4 Transport only authorized passengers. Authorized passengers are defined as staff, commissioners,

and other work related persons.

- 1.3.5 Assess driving hazards and anticipate “what if scenarios.”
- 1.3.6 Be familiar with the vehicle that you are about to drive.
- 1.3.7 Wear a seat belt and require all passengers to wear seat belts.
- 1.3.8 Operate the vehicle according to federal, state, and local laws.
- 1.3.9 Follow the accident procedures that are found within this policy.
- 1.3.10 The driver assumes full responsibility for any and all fines or traffic violations associated with his or her operation of an MMDC vehicle.
- 1.3.11 Ensure that tires, headlights, turn signals, taillights, and windshield wipers are clean and operational prior to each use.
- 1.3.12 Ensure that the vehicle’s windows are clean and that viewing obstructions are eliminated.
- 1.3.13 Abstain from using a mobile phone (including hands free kit) when driving. Emailing or texting while driving is strictly prohibited.
- 1.3.14 Plan a journey ahead, taking into consideration pre-journey work duties, the length of trip, and post journey commitments.
- 1.3.15 When a vehicle is left unattended, the vehicle ignition must be turned off, and the vehicle must be locked.
- 1.3.16 Use proper turn signals at all times.
- 1.3.17 Reduce speed to below the posted limit while traveling on wet or slippery roads or in dense fog or heavy rain.
- 1.3.18 Exercise extra caution when backing.
- 1.3.19 Exercise proper judgment in determining if road conditions are too poor for travel.
- 1.3.20 MMDC vehicles are not to be driven “off the road.”
- 1.3.21 MMDC repair work should be performed by trained, authorized mechanics when/where feasible.

## Section 2: Vehicle Accident Assistance and Problems

- 2.1 Procedures in Case of Accidents, Roadside Assistance, and Reporting Car Problems: Each Commission vehicle has information available on what to do if you are involved in an accident. The procedures, including statements of “always do” and “never do” are in each vehicle’s glove box. These procedures need to be followed. Included with the materials is an “Accident Report Guide” form that will need to be completely filled out to the best ability of the employee at the accident scene, if they are in the capacity to do so. Also included on the clipboard is the Minnesota Insurance Identification Card from the Commission’s auto insurance carrier.
- 2.2 Notification: Notify the Finance Director when returning to the office of any problems with the Commission car. If unavailable, a note describing the problem should be placed in his/her mailbox or emailed to him/her. In addition, a note should be made on the vehicle log, so that the next driver is aware of the problem. If, in the employee’s judgment, the car should not be driven again until the problem is resolved, the employee should give the keys and logbook to the Finance Director or Executive Director, along with a note of explanation if they are unavailable at the time of your return.
- 2.3 Accident Reporting: Report any accidents or damage immediately to the Executive Director or Finance Director. When an accident occurs, it is important to stay calm and avoid arguing with other persons

involved, as arguing may result in unnecessary legal action. Never make any statements concerning fault or guilt. Never agree to make payments for the accident. If an injury is involved, get immediate medical aid. Report injuries you sustain to the Executive Director or Financial Director. Notify the police. To process claims and receive insurance payments, a police report may be necessary. When at the scene of the accident, only discuss the accident with police officers.

The employee should take down as much information as they can on all other parties to the accident (e.g., insurance company, driver's name, license number, plate number, make of car, model of car, year, how accident happened, witnesses, addresses, phone numbers, etc.). As was mentioned above, the guide provided in the Commission vehicles' glove box will aid in this effort.

### Section 3: Staff Vehicle Usage

- 3.1 Taking MMDC Vehicles Home or To Another Non-Work Related Location: Because of liability/insurance issues, as well as requirements of MMDC funding sources, company cars may only be used for Commission purposes. Employees who live in Willmar or who live along the route they are traveling may pick up or drop off luggage they will be using on a Commission trip. Staff may pick up and drop off other staff and other authorized riders at their residence when going to or returning from work related meetings, conferences, etc.

Employees who wish to take a company vehicle home to save time and Commission money in their business travels will need prior approval. If approval is given, staff must meet the following rules:

- 3.1.1 The MMDC vehicle, outside of fueling up, must be driven directly to the employee's home and not be used for any reason again until their travel on Commission business. If for any reason the employee does not have another personal vehicle at home and believes he or she may need to use a vehicle, the employee should not take the Commission vehicle home. The MMDC vehicle cannot be used for personal use; this is grounds for disciplinary actions as outlined in Part IV.

- 3.1.2 Family, friends, and other nonauthorized persons shall not ride in the MMDC vehicle.

- 3.2 Procedures to Reserve Use of Staff Vehicle: Employees who use a staff vehicle must mark that they are using the vehicle on the Commission's staff calendar. The approximate time the vehicle will be used and the location of travel should be written down.

- 3.2.1 When more staff are traveling than Commission vehicles are available, the staff going further distances should generally utilize the vehicle. If the approximate mileage is the same, staff that marked down needing a Commission vehicle first will be able to use the vehicle. If an employee has lost the use of the Commission vehicle because another staff is traveling a further distance, it is the responsibility of the employee to let the other employee know that they are taking the Commission Vehicle. Vehicle repairs and maintenance appointments take priority over all other usage.

- 3.2.2 Staff Vehicle Log and Keys. Employees must fill in the Commission's vehicle log after every use. The vehicle log clip board with keys shall be returned to their kept location after the employee returns from driving a vehicle. Spare keys are kept in the Finance Director's office.

- 3.3 Parking at Office: It is the responsibility of drivers to park Commission vehicle(s) in the lot designated by MinnWest Technology Campus management. Employees must clean the inside of Commission vehicle(s) after their use, including the removal of any trash/garbage, upon return from their trip. The state map that is in the car should remain in the car.

- 3.4 Vehicle Refueling: The general rule is that when fuel in the staff vehicles reach one-half ( $\frac{1}{2}$ ) or under, the employee returning the vehicle is responsible for filling the vehicle with fuel. If an employee returns to Willmar after 9:00 p.m. and knows that no employee will be using the Commission vehicle before 8:00 a.m., they may decide not to refuel the vehicle. However, when the gas tank is under one-eighth ( $\frac{1}{8}$ ) full, the vehicle should be refueled regardless of time returned. When returning to the office in the late evening, an employee may wait to refuel the staff car when they first arrive in the morning, when they know for certain the car will not be used by another staff person prior to the opportunity to refuel.

## Section 4: Using Personal Vehicles

4.1 Using Personal Vehicles for Work Related Purposes: Employees may use their own vehicles to get to work appointments if the Commission vehicle(s) are being utilized, when the vehicle(s) will be utilized during the time the employee will be out of the office, or when it is more practical to use their personal vehicle due to the proximity of MMDC activities to their home. If the employee is going a further distance than another employee who has signed up to use a Commission vehicle, they should, if possible, use the Commission vehicle and inform the other employee. Employees must track their mileage for reimbursement. The shortest state/county highway route should be utilized when traveling to your destination, unless impossible or impractical, due to road conditions.

Employees working remotely may be fully compensated in the use of their personal vehicle to travel to and from work appointments at the discretion of the Executive Director.

4.2 Approval, if Staff Car Available: Employees should notify the Executive Director when they intend to use their own vehicle and there is a Commission vehicle available. Such permission may be granted for savings in staff time, when the employee's vehicle would need to be parked overnight in the parking lot, or in the case of other extenuating circumstances.

## **PART XII - Remote Workplace and Adjusted or Extended Work Hours Policy**

### Section 1: General Statements

The Remote Workplace and Adjusted or Extended Work Hours Policy covers employees working outside of the MMDC office during office hours; working adjusted hours, and extended hours.

The Mid-Minnesota Development Commission is committed to a work and life balance and as far as possible operates flexible working practices so that staff can accommodate the needs and requirements of their working life with their personal life. Remote workplace and extended work hours is part of that flexible working arrangement. To work effectively any such arrangement has to meet the needs of the Commission while ensuring that the needs of the clients will not suffer and neither will those of the staff.

Remote work will be supported based upon position requirements and is contingent upon staff productivity.

The benefits to the Commission and staff include the following:

- Potential benefits from increased goodwill and morale
- Retention of trained employees
- Greater freedom to manage workloads and meet deadlines
- Enhanced quality of life
- Greater flexibility for combining work and domestic commitments

The reason for this policy is to instruct staff on what is and what is not acceptable for working outside of the office and working different hours than normal office flex-time hours. The policy also lays out a procedure for approving such requests.

In all cases, the following criteria must be met to have the special work arrangement approved:

- The job(s) identified can be undertaken outside of the office, and/or at the time the employee is working.
- The employee is productive and, upon request, is able to provide an oral report on work performed or, as an alternative, is able to show their supervisor, if any exists, or the Executive Director the work that was accomplished during their remote time.
- No additional costs are incurred by the Commission as a consequence of the arrangements and/or incurred costs are offset via reduced mileage reimbursement, etc.

**NOTE: This policy does not apply to scheduled meetings, conferences, or training that would cause the need**

**to travel and/or work after hours and away from the office.**

Section 2: Steps for Requesting Adjusted or Extended Hours:

- 2.1 General Statements: To be assured of having long-term hour adjustment or extended hour requests granted, the employee must have the verbal approval of the Executive Director, or the Executive Director's designee during times of the Executive Director's extended absence. The employee shall be prepared to justify the need to adjust or extend their work schedule and provide an estimate of the number of additional hours necessary to complete their tasks, if applicable. The Executive Director has three options after receiving the request. They are: approve the request; approve the request with additional parameters or requirements, or deny the request. The Executive Director may decide to put their decision in writing.

After the adjusted time or expanded time has been approved and taken, the employee shall, at the earliest convenience of the Executive Director, give a briefing on what was accomplished during the extended hours. The Executive Director may ask to see the employee's work.

The granting of requests for outside office work or working at different hours should be viewed by staff as a professional benefit and not something that is to be expected. Permission to work remotely is entirely at the discretion of the Executive Director. It is expected that, during periods of remote work, the employee will be able to work with minimal interruptions. The Executive Director must also assess any risks the granting of such special work arrangements may involve. Risk factors such as a safe workspace and weather conditions shall be considered. The Executive Director may place additional stipulations on the employee's designated workplace or extended work hours as deemed appropriate.

Employees may earn compensatory time within established limits. For instance, newer employees who have limited vacation and/or sick & safe time may bank a number of compensatory hours, provided their extended hours are productive. It is the employee's responsibility to use their compensatory time so that they have time available for requests for excess work. Exempt employees will not be compensated for additional hours and will not bank time beyond established limits. See Part VI of the Personnel Policies for further information.

All staff should be notified of any long-term change to an employee's work schedule, if approved, to ensure effective interoffice communication.

Employees who do not follow the steps outlined under this policy may be subject to disciplinary actions as outlined on page 17.

- 2.2 Work Performed Without Prior Approval: At times it may be necessary for an exempt employee to adjust or extend work hours without prior approval on a short-term basis. This is permitted, provided the employee has not reached the maximum number of compensatory hours. Should the Executive Director believe the adjusted or extended work hours were excessive, further restrictions may be placed on this benefit. Non-exempt employees are not typically permitted to extend work hours without prior permission from the Executive Director. However, staff working in an administrative/office assistant-type position who are given a late assignment that needs to be completed during the same day may charge up to one hour of extended time without prior approval of the Executive Director. These staff will be required to inform the Executive Director that such work was performed by the next workday.

- 2.3 Possible Reasons for Granting an Adjusted Work Hour/Location Request: Below are some of the principal reasons that the Executive Director may grant an employee working during nonbusiness hours and/or working outside of the office. This is not meant to be an inclusive list of reasons but, rather, a basic guideline.

2.3.1 Expected or apparent inclement weather.

2.3.2 Pressing deadlines: The employee may be asked questions about the project timeline, obstacles to timely completion, etc.

2.3.3 Health reasons: For example, employees who are experiencing nuisance/minor cold symptoms but are feeling healthy enough to work may be permitted to work from home, rather than risking the spread of said virus. Employees recovering from surgery, a broken bone, and so forth may also be

permitted to work from home, provided they are up to completing the work at hand. Employees caring for sick family members who do not require frequent attention. Employees should use good judgement when working remotely due to health reasons. Those who are significantly limited by illness, injury, or family care needs should use sick & safe time and refrain from work in an effort to hasten their return.

Commission work needs to be given full attention. Therefore, working at home is NOT designed to be a replacement for appropriate child or family care.

### Section 3: Employee Responsibilities

A remote worksite is considered a MMDC workspace. Therefore, any employee who is working remotely continues to be governed by applicable MMDC policies, procedures, and practices. Employees working remotely must meet the following conditions:

- 3.1 Confidential Information: Whether working in the office or another location, all information and paperwork belong to the MMDC. Any confidential paperwork should not be left in plain sight or displayed on computer screens. All confidential information should be kept secure at all times at home and returned to work upon return to the MMDC office. No confidential material should be viewed while in a public location when there is any risk of information theft. All reasonable precautions must be taken to maintain confidentiality of material in accordance with MMDC's data protection and information security policies.
- 3.2 Equipment: If an employee chooses to use their own computer, they should ensure that it is in safe condition and that the software on it is compatible with the Commission's software. They MUST also have current anti-virus software installed. Any flash drive or similar data storage device must be virus checked before being introduced to a Commission computer. The Commission is not responsible for the maintenance, replacement, or repair costs in the event of loss or damage to any personal equipment that is used. The cost of the equipment, maintenance repair of the equipment, equipment insurance, electricity, and/or phone lines are the employee's responsibility. MMDC assumes no liability for loss, damage, or wear of employee-owned equipment.
- 3.3 Availability: When working remotely, employees must be available to take telephone calls from the office or from regional partners or stakeholders. Employees working remotely shall be required to carry their cell phone or supply a telephone number to where they can be reached.
- 3.4 Notification: It is the responsibility of the employee to ensure job related appointments have been properly notified when the employee is unable to meet due to illness, inclement weather, etc. Staff may inform their appointments directly or receive assistance from another staff member. However, these contacts should only be made by other staff when the employee cannot make the contacts themselves due to illness, emergency, or other unexpected reason.
- 3.5 Visitor Restrictions: Employees shall not invite other members of staff or clients into their home for MMDC business. The employee's family members and visitors to the remote work address are not covered by the MMDC's Worker's Compensation program. MMDC is not liable for any injuries to family members, visitors, or others in the employee's home or property.
- 3.6 Health and Safety Conditions: Employees who work outside the office have the same duties to keep the same health and safety conditions as those working at the office. Any accidents that involve injury must be reported immediately, as though they happened at the employer's work site. OSHA requires safe workplaces at telecommuting locations. The employee should only work in places that have no apparent unsafe conditions. An employee who works at home will have a designated workplace area. MMDC's liability is limited to injuries resulting directly from the work and only if the injury occurs in the designated work area.
- 3.7 Supplies: Commission-provided supplies are to be used for MMDC business only.

### **PART XIII - Tennessee Warning for Employees**

In accordance with the Minnesota Government Data Practices Act, we are required to inform you of your rights as they pertain to the private information we collect from you. The information we collect from you is classified by law as either public (anyone can see it), private (the public is not given access, but you are), or confidential (even you cannot see the information). As a public employee or an applicant for public employment, most of the data we maintain about you is public according to Minnesota Statutes, Section 13.43, Subdivisions 2 and 3. Refer to Data Practices Policy (Appendix B)

The information we request from you may be used for one or more of the following purposes:

- To distinguish you from all other applicants or employees and identify you in our personnel files;
- To determine your eligibility for employment and promotion and to make employment decisions about you and your performance;
- To contact you or other significant persons in an emergency;
- To enroll you and your eligible family members in health insurance and other benefits;
- To enroll you in a pension plan;
- To account for wages paid to you;
- To justify travel expense reimbursement;
- To account for other fringe benefits;
- To compile Equal Opportunity and Affirmative Action reports;
- To make decisions regarding your eligibility for sick & safe leave, FMLA leave, parenting leave, and other leave;
- To make decisions regarding eligibility for workplace accommodations, including ADA accommodations;
- To comply with workers' compensation requirements in the event of an injury;
- To provide information during workplace investigations.

Information which you are asked to provide generally is not required by statute. However, it generally is to your benefit to provide it. Without the requested information, the Commission may not be able to determine your eligibility for employment or promotion, compute your wages, or grant you other fringe benefits.

Federal law permits government agencies to require an individual to provide his/her social security number for the administration of any tax. Please be aware that when you are asked to give your social security number on Revenue forms, this collection is mandated by Section 1211 of the Tax Reform Act of 1976 and also Minnesota Statutes, Section 270.66. This information will be shared with the State Department of Revenue, the Internal Revenue Service, and the Federal Department of Health and Welfare for the purposes of administering the income tax and social security tax programs. In most other cases the disclosure of your social security number is voluntary. If it is required by law, we will inform you of the statute which requires collection.

If you are a minor, your parents or guardian will have access to the information in your personnel file unless you specifically request in writing that this information not be shown to your parents or guardian. You must explain why you wish this data withheld and what you expect the consequences of this activity will be. If the agency agrees that withholding the information from your parents or guardian is in your best interest, the information will not be shown to your parents or guardian.

The information you provide may be routinely shared with the Executive Director who requires the information to do his/her job, agency accounting/payroll staff, insurance contractors, Minnesota Merit or Civil Service System, PERA or MSRS, IRS, and the State Departments of Revenue, Finance, Economic Security, Employee Relations, and Labor and Industry. Information may also be shared with other agencies authorized by law to receive specific data relating to:

- Absent/non-supporting parents;

- Civil/human rights complaints;
- Worker's Compensation;
- Unemployment Compensation;
- Labor contracts (to the extent specified in Minnesota Statutes, Chapter 179);
- Employee assistance programs;
- Child/vulnerable adult abuse.

If you have any questions about this notice, the Executive Director can explain it to you. The information on this form applies to your future contacts with the Commission whether the contact is in person, by mail, or by phone.

#### **PART XIV - Amendment and Modification**

The provisions of this Personnel System/Manual may be amended by the majority vote of the members of the Commission at any regular meeting of the Commission or at any special meeting thereof, provided that notice of such regular or special meeting shall be sent out at least five (5) days in advance of the meeting and shall state the proposed amendment and the fact that it is to be voted upon at the meeting. Every two (2) years the provisions of this Personnel System shall be brought before the Commission's Personnel Committee for their review and for recommending to the Commission any changes they deem appropriate.

If there is a discrepancy between the Personnel Policies and any other Employee Handbook or direction, the Personnel Policies shall govern.

## Appendix A

### MID-MINNESOTA DEVELOPMENT COMMISSION FRAUD POLICY

#### BACKGROUND

The MMDC fraud policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against Mid-Minnesota Development Commission (MMDC). It is the intent of MMDC to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

#### SCOPE OF POLICY

This policy applies to any irregularity, or suspected irregularity, involving employees as well as board members, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with MMDC. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the MMDC.

#### POLICY

Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. However, all staff are required to report suspected fraud. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. All MMDC staff should familiarize themselves with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity. Any irregularity that is detected or suspected must be immediately reported to the MMDC Executive Director, who will coordinate all investigations with the Executive Committee and other affected areas or parties, both internal and external. If it is known or suspected that fraud may have been committed by the MMDC Executive Director, then the suspecting party (e.g. MMDC staff or board member) should immediately report to either the Chairperson or the Treasurer of the MMDC board.

#### ACTIONS CONSTITUTING FRAUD

For the purposes of this policy, Fraud may refer to, but is not limited to:

- Any dishonest or fraudulent act
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Disclosing confidential and proprietary information to outside parties
- Disclosing securities activities engaged in or contemplated by the MMDC to outside parties
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the MMDC, apart from promotional items of nominal value (\$25 or less), as specified in the MMDC's employee handbook
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment; and/or
- Any similar or related irregularity

#### OTHER IRREGULARITIES

Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by the MMDC Executive Director and/or the MMDC Executive Committee. If there is any question as to whether an action constitutes fraud, contact the MMDC Executive Director for guidance, if the act or suspected act involves the MMDC Executive Director, contact the MMDC Board Chairperson or MMDC Board Treasurer.

## INVESTIGATION RESPONSIBILITIES

The MMDC Executive Director is primarily responsible for the investigation of all suspected fraudulent acts, as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the MMDC Executive Director will issue reports to appropriate designated personnel and, if appropriate, to the MMDC Board of Commissioners through the MMDC Executive Committee. Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel, the MMDC Executive Director, and MMDC Executive Committee, as will final decisions on the disposition of the case.

## CONFIDENTIALITY

The MMDC Executive Director and MMDC Executive Committee will treat all information received confidentially. Any employee, board member, or other party who suspects dishonest or fraudulent activity must report this suspicion to the most appropriate party, as described in this policy, immediately. At no time should an MMDC staff, board member, or other party attempt to personally conduct fraud investigations or interviews/interrogations (see REPORTING PROCEDURE section below). Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the MMDC from potential civil liability.

## AUTHORIZATION FOR INVESTIGATING SUSPECTED FRAUD

The MMDC Executive Director and MMDC Executive Committee, during the Fraud Investigation, will have:

- Free and unrestricted access to all MMDC records and premises, whether owned or rented; and
- The authority to examine, copy, and/or remove any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their fraud investigation.

## REPORTING PROCEDURES

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid false accusations or alerting suspected individuals of in-process investigations. Any person who discovers or suspects fraudulent activity will contact the MMDC Executive Director immediately. If there is reason to suspect the MMDC Executive Director of fraudulent activity, then either the MMDC Board Chairperson or MMDC Board Treasurer should be contacted. The employee or other complainant reporting the suspicion may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the MMDC Executive Director or the MMDC Executive Committee. No information concerning the status of an investigation will be given out. The proper response to any internal or external inquiry is: "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference. The reporting individual will be informed of the following:

- Do not contact the suspected individual to determine the facts or demand restitution.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the MMDC Executive Director, the MMDC Executive Committee or MMDC legal counsel.

## TERMINATION

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed by outside counsel before any such action is taken. Should outside counsel believe, based on presented facts, that the management decision to terminate is inappropriate, all facts and legal counsel recommendations will be presented to the MMDC Executive Director and MMDC Executive Committee for a final decision.



MID-MINNESOTA DEVELOPMENT COMMISSION POLICY FOR PUBLIC ACCESS TO DATA

Introduction

Chapter 13 of the Minnesota Statutes, the Minnesota Government Data Practices Act (MGDPA), regulates the collection, creation, storage, maintenance, dissemination and access to government data in state agencies, statewide systems, and political subdivisions. It establishes a presumption that government data are generally public and are accessible by the public for both inspection and copying unless there is a federal law, state statute, or temporary classification of data providing that certain data are not public.

Data is classified into one of several categories which determine whether data is available to the public or whether disclosure of the data is limited. All public data is available to any member of the public for inspection and copying. Individuals also may have access, under certain circumstances, to certain nonpublic data, such as private data about themselves, and a valid release enables access to certain other non-public data.

The Mid-Minnesota Development Commission (MMDC) adheres to the following data access rights and requesting procedures, pursuant to Section 13.03 of the Act.

I. Responsible Authority and Data Practices Compliance Official

The person who is the Responsible Authority for the MMDC under the MGDPA is the MMDC Executive Director. All MGDPA requests must be submitted to the Responsible Authority or a designee who will then respond to the MGDPA request. The Responsible Authority is also the data practices compliance official for MMDC and is responsible for answering questions, concerns, or complaints regarding problems in obtaining access to MMDC data. A list of the names of the Responsible Authority and designees is attached hereto as Exhibit 6.

II. Requests for Data

A. Form of Request

When an individual wishes to request data from MMDC, an MMDC Data Request Form must be completed and sent to MMDC's Responsible Authority in writing, by mail or email. The MMDC Data Request Form can be found on the MMDC's website ([mmrdc.org](http://mmrdc.org)), on the same page as this policy. An individual is not legally required to provide his/her name on the Data Request Form; however, the burden is then on the individual to check with the Responsible Authority or designee on the status of the data request.

B. Response

The Responsible Authority or the designee will then respond to the MGDPA request. Responses will be in writing on the Data Request Form submitted. If the Responsible Authority or the designee denies the request for data, the specific legal authority including the statutory section must be given.

If the data is maintained in electronic format and is requested to be in electronic format, then it may be provided in that medium. This does not mean, however, that the MMDC will provide the data in an electronic format or program that is different from what MMDC has.

Data Request Forms and responses which have been emailed, including copies of any responsive data, will either be printed and filed in the Data Practices Request file for that year or electronically stored in the specific file related to the request and may be disposed of according to the MMDC's records retention schedule.

C. Time Limits.

Requests: MGDPA requests will be received, processed, and responded to only during normal business hours.

Response: Responses to MGDPA requests will be made at the time of the request or as soon thereafter as possible. If the data requested is Data on Individuals, by the subject of the data, responses will be made at the time of the request or within ten (10) days, excluding Saturdays, Sundays and holidays, pursuant to Minnesota Statutes Section 13.04, Subd. 3.

D. Fees:

Fees will be charged according to the MMDC's Fee Policy attached as Exhibit 1, which has been developed pursuant to the MGDPA.

E. Standing Requests:

A person requesting data may make a standing request to inspect or receive copies of public data. Except for standing requests for notices of meetings and copies of agendas, which remain in effect until terminated by the person requesting such data, standing requests will expire three (3) months after the initial request unless the person requesting the data renews the standing request no more than ten (10) days prior to the expiration of the most recent standing request for such data.

III. Data on Individuals

Information about individual people is classified by law as public, private, or confidential.

A. People Entitled to Access

Public information about an individual may be shown or given to anyone.

Private information about an individual may not be shown or given to the public, but may be shown or given to:

- The individual, but only once every six months, unless a dispute has arisen, or additional data has been collected.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 2, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the individual was advised at the time the data was collected. A Tennessean Warning, attached as Exhibit 3, or a form reasonably similar, must be completed when such information is requested.
- People within the MMDC and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Confidential information may not be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within MMDC and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

## B. Request

Any individual may request, in writing, to know if MMDC has stored data about that individual and whether the data is classified as public, private, or confidential. The individual must be allowed to inspect private data – which they have access too for one of the reasons listed in III.A. above – or public data without charge and can request an explanation of the content and the meaning of the data.

## C. Identification of Requesting Party

The Responsible Authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through use of the Clarification of Identity Form found on MMDC's website on the same page as this policy, personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in MMDC records, or other reasonable means.

## D. Summary Data

Summary data is statistical records and reports derived from data on individuals, but which does not identify an individual by name or any other characteristic that could uniquely identify an individual. Summary data derived from private or confidential data is public, unless classified as otherwise by Minnesota Statute or federal law. The Responsible Authority or designee will prepare summary data on private or confidential data upon request, if the request is in writing and the requesting party pays for the cost of preparation. Within ten (10) days of receiving a request for summary data, the Responsible Authority or designee must notify the requesting party about the estimated costs and collect those costs before preparing or supplying the summary data.

Summary data may be prepared by "blacking out" personal identifiers, cutting out portions of the records that contain personal identifiers, programming computers to delete personal identifiers, or other reasonable means.

The Responsible Authority may ask an outside agency or person to prepare the summary data if (1) the specific purpose is given in writing, (2) the agency or person agrees not to disclose the private or confidential data, and (3) the Responsible Authority determines that access by this outside agency or person will not compromise the privacy of the private or confidential data.

## IV. Data Not on Individuals

Information not on individuals is classified by law as public, nonpublic, or protected nonpublic.

### A. People Entitled to Access

Public information that is not about an individual may be shown or given to anyone.

Nonpublic information that is not about an individual may not be shown or given to the public, but may be shown or given to:

- The subject of that data, if any.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 2, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.

- People about whom the subject was advised at the time the data was collected. A Tennessean Warning, attached as Exhibit 3, or a form reasonably similar, must be completed when information is requested.
- People within MMDC and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Protected Nonpublic information that is not about an individual may not be shown or given to the subject of the data, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within MMDC and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

#### B. Request

Any individual may make a request, in writing, for public data not on individuals.

#### C. Identification of Requesting Party

The Responsible Authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through use of the Clarification of Identity Form found on MMDC's website on the same page as this policy, personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in MMDC records, or other reasonable means.

### V. Data on Decedents

Information on decedents is classified as public, private, or confidential. Upon the death of a data subject, private data and confidential data become classified as private data on a decedent and confidential data on a decedent. Private data on a decedent and confidential data on a decedent become public ten (10) years after the individual's death and thirty years after the creation of the data. There is a presumption of death if ninety (90) years has passed since the data was created or the persons birth unless there is proof otherwise.

#### A. People entitled to Access

Public information about a decedent may be shown or given to anyone.

Private information about a decedent may not be shown or given to the public, but may be shown or given to:

- The representative of the decedent.
- A person who has been given access by the express written consent of the data subject. This consent must be on the Consent to Release Private Data form, attached as Exhibit 2, or a form reasonably similar.
- People who are authorized access by the federal, state, or local law or court order.
- People about whom the individual was advised at the time the data was collected. A Tennessean Warning, attached as Exhibit 3, or a form reasonably similar, must be completed when information is requested.
- People within MMDC and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.

Confidential information about a decedent may not be shown or given to the representative, or to the public, but may be shown or given to:

- People who are authorized access by federal, state, or local law or court order.
- People within MMDC and outside agents (such as attorneys) whose work assignments or responsibilities reasonably require access.
- A trustee in cases of a wrongful death action.

#### B. Request

Any individual may request public data on decedents.

#### C. Identification of Requesting Party

The Responsible Authority or designee must verify the identity of the requesting party as a person entitled to access of non-public data. This can be through use of the Clarification of Identity Form found on MMDC's website on the same page as this policy, personal knowledge, presentation of written identification, comparison of the data subject's signature on a consent form with the person's signature in MMDC records, or other reasonable means.

### VI. Challenge to Data Accuracy

An individual may request to view all public and private data MMDC maintains about that individual. If that individual believes there are errors, they may contest the accuracy or completeness of that data maintained by MMDC. The individual must notify the Responsible Authority in writing describing the nature of the disagreement.

The Responsible Authority must respond to the individual within thirty (30) days, and state whether the Responsible Authority agrees completely, in part, or with none of the challenge. If the Responsible Authority agrees, then MMDC must make the changes the individual requested and try to notify anyone who has received the data in the past, including anyone the individual names.

If the Responsible Authority does not agree with all or part of the challenge, then the individual may appeal the decision to the Commissioner of the Minnesota Department of Administration. If MMDC told the individual of its right to appeal, then the individual must do so within sixty (60) days, if not, then within one hundred and eighty (180) days. The individual must send the appeal in writing to the Commissioner of Administration, State of Minnesota, 201 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155.

### VII. Complaints

An individual may file a complaint alleging a violation of the MGDPA with the district court pursuant to Minnesota Statutes Section 13.08, Subdivision 4, as it may be amended from time to time or with the Office of Administrative Hearings pursuant to Minnesota Statutes Section 13.085, as it may be amended from time to time.

### VIII. Data Protection

#### A. Accuracy and Currency of Data

All employees will be requested, and given appropriate forms, to provide updated personal information to the appropriate supervisor, which is necessary for tax, insurance, emergency notification, and other personnel purposes. Other people who provide private or confidential information will also be encouraged to provide updated information when appropriate.

Department heads should periodically review forms used to collect data on individuals to delete items that are not necessary and to clarify items that may be ambiguous. All records must

be disposed of according to MMDC's records retention schedule.

B. Data Safeguards

Not public data are any data classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

No public data will be stored in files or databases, which are not readily accessible to individuals who do not have authorized access, and which will be secured during hours when the offices are closed.

No public data must be kept only in MMDC offices, except when necessary for MMDC business.

Only those employees whose job responsibilities require them to have access will be allowed access to files and records that contain not public data. These employees will be instructed to:

- not discuss, disclose, or otherwise release not public data to MMDC employees whose job responsibilities do not require access to the data,
- not leave not public data where non-authorized individuals might see it, and
- shred not public data before discarding.

When a contract with an outside party requires access to not public data, the contracting party will be required to use and disseminate the information consistent with the MGDPA.

C. Investigation of Data Breaches

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, if MMDC discovers a data breach, it must disclose that breach to the subject of the data, and the person must be informed that the entity will perform an investigation of the data breach, and instructions on how the report can be accessed after completion. The report must contain, at a minimum, the following information:

- A description of the type of data that was accessed or acquired,
- The number of individuals whose data was improperly accessed or acquired,
- If there has been a final disposition of disciplinary action, the name of each employee determined to be responsible for the unauthorized access or acquisition, and
- The final disposition of any disciplinary action taken against each employee in response. The Responsible Authority shall issue the above-mentioned report.

D. Annual Security Assessment

Pursuant to Minnesota Statutes Section 13.055, as it may be amended from time to time, the Responsible Authority shall conduct a comprehensive security assessment of any personal information maintained by MMDC.

E. Employee Penalties

Pursuant to Minnesota Statutes Section 13.09, as it may be amended from time to time, the knowing unauthorized acquisition of not public data is a misdemeanor and constitutes just cause for suspension without pay or dismissal of the MMDC employee.

F. Not Public Data

Data that is not public data will be referred to in these Procedures as not public data.

IX. Data Inventory

An inventory of the types of data classified as not public data maintained by MMDC as is required pursuant to Minnesota Statutes 13.025, as it may be amended from time to time, is attached hereto as Exhibit 4.

X. Copyrighted Data

Certain data may be protected under the copyright laws of the United States. Copyrighted data may be shown to a requestor, but MMDC may not make copies of copyrighted data unless authorized to do so by court order (see e.g. National Council on Teacher Quality v. Minnesota State Colleges & Universities, et al, 2013 WL 3968735 (Minn. Ct. App. 2013)). A warning in the form of the one attached as Exhibit 5, or a form containing reasonably similar language, must be included at the beginning of any reproduction of any material made by MMDC.

EXHIBIT 1.

Policy for Fees for Providing Copies of Public Government Data

Minnesota Statutes, section 13.03 provides that, if a person requests copies or electronic transmittal of public government data, the Responsible Authority for the government entity may require the requester to pay a fee.

Below are the two methods of calculating fees pursuant to Minnesota Statutes 13.03. There are two scenarios when copies are requested; either the request is for 100 or fewer pages of black and white legal-size paper, or the request is for 101 or more pages of black and white legal size paper.

If a fee for responding to a data request as calculated below is less than \$5.00, no fee will be charged unless the data request is part of a series of request that is designed to avoid the imposition of a fee.

Fee Calculation Method I

If 100 or fewer pages of black and white, letter or legal-size paper copies are requested, MMDC may charge a per-page fee of not more than 25 cents for each page copied and 50 cents for a two-sided copy. The entity is authorized to charge only the per-page fee and cannot require the requester to pay any of the actual costs listed in Fee Calculation Method II. This provision should not be interpreted to permit division of a single request into requests for copies of fewer than 100 pages in order to avoid charging a fee based on the actual costs of providing copies.

Exceptions:

The entity may require the requester to pay the actual costs of providing a copy of data in a format or program than is different from how the MMDC stores the data.

The entity may require the requester to pay the actual costs of making and certifying copies of individual data and data that has commercial value.

All fees must be paid prior to the data being released to the requestor. Fee Calculation Method II

If 101 or more pages of black and white, letter or legal size paper copies are requested, the entity may require the requester to pay the actual costs of searching for and retrieving the data, including the cost of employee time, and for making, certifying, compiling and electronically transmitting copies of the data or the data themselves (Minnesota Statutes, Section 13.03, Subdivision 3c).

Additional criteria for determining copy costs using Method II are set forth at Minnesota Rules, part 1205.0300, subpart 4. The entity may not charge a minimum fee. Certain advisory opinions issued pursuant to Minnesota Statutes, Section 13.072, have established the following criteria for determining copy costs using Method II. (See the opinion index on IPAD's website; specifically, the topical index category, Copy costs.)

MMDC may require a deposit of \$500.00 on all requests that the Responsible Authority determines will be over 100 pages. Such deposit shall be made prior to MMDC compiling the data. If this amount is in excess of the actual costs incurred by MMDC, then the excess amount shall be returned when the data is released to the requestor. If this amount is less than the actual amount incurred by MMDC then the additional amount will be required to be paid before the data is released to the requestor.

Costs that May be Included in the Calculation of Actual Costs:

- Staff time required to:
  - Retrieve documents and/or data which are responsive to the request.
  - Sort and label documents, if necessary, to identify the data to be copied.
  - Remove staples or paper clips.
  - Take documents to copier for copying documents.

Note: MMDC may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest paid employee who could complete the task(s) performed. The requirement that data be kept in a manner that makes them easily accessible for convenient use may limit the entity in charging for staff time.

- Materials (paper, copier ink, staples, magnetic tapes, video or audio cassettes, etc.)
- If the data is electronically stored, the time required to electronically organize, compile, and label the data responsive to the request.
- Special costs associated with making copies from computerized data, such as writing or modifying a computer program to format data.
- Mailing costs
- Vehicle costs directly involved in transporting data to the appropriate facility when necessary to provide copies (for example, when the entity is unable to provide copying services for photographs, oversized documents, videos, etc.)
- Electricity costs when the requester uses own scanner to make an unusually large number of copies
- Costs that may not be included:
  - Purchase or rental of copier
  - Maintenance of copier
  - Normal operating expenses of computer/copier, including electricity used, and machine wear/tear
  - Depreciation of copier
  - Staff time required to:
    - Separate public from not public data.
    - Open a data request that was mailed.
    - Sort, label or review data, if not necessary to identify the data to be copied.
    - Return documents to storage.
    - Provide information about the data to the requester (i.e., explain content and meaning of data).
    - Prepare data for mailing.

- Prepare cover letter, fax sheet or invoice for copies.
- Credit payment and perform other associated accounting functions.

**Note: MMDC may not assess a fee for labor costs (wages/salary plus benefits) that exceed those of the lowest paid employee who could complete the task(s) performed.**

- Administrative costs that are not related to copying
- Records storage
- Sales Tax
- The entire cost of operating a multitasked computer for a measured unit of time, when fulfilling a request for copies was only one of the tasks performed during that unit of time.
- Costs incurred because data are not maintained in a manner that makes them easily accessible for convenient use.
- Search and retrieval costs when data are inspected but no copies are requested. EXHIBIT 2.

CONSENT TO RELEASE PRIVATE DATA

I, \_\_\_\_\_, authorize Mid-Minnesota Development Commission (MMDC) to release the following private data about me:

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to the following person or people:

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The person or people receiving the private data may use it only for the following purpose or purposes:

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This authorization is dated \_\_\_\_\_ and expires on \_\_\_\_\_.

The expiration cannot exceed one year from the date of the authorization, except in the case of authorizations given in connection with applications for life insurance or noncancelable or guaranteed renewable health insurance and identified as such, two years after the date of the policy. I agree to give up and waive all claims that I might have against MMDC, its agents and employees or releasing data pursuant to this request. The undersigned has read this form and understands it.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_.

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Signature and Title (if signing on behalf of an entity)

IDENTITY VERIFIED BY:

Witness: \_\_\_\_\_

Identification: Driver’s License, State ID, Passport, Other: \_\_\_\_\_

Comparison with signature on file

Other: \_\_\_\_\_

Responsible Authority/Designee: \_\_\_\_\_ EXHIBIT 3.

TENNESSEN WARNING

Data Practices Advisory

The information that you are asked to provide is classified by state law as either public, private or confidential. Public data is information that can be given to the public. Private data is information that generally cannot be given to the public but can be given to the subject of the data. Confidential data is information that generally cannot be given to either the public or the subject of the data.

Our purpose and intended use of this information is to consider:

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You are not legally required to provide this information. You may refuse to provide this information. The consequences of supplying or refusing to supply data are that your request or application may not be considered, or it may be denied.

Other persons or entities may be authorized by law to receive this information. The identity of those persons or entities, if known, are as follows:

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\_\_\_\_\_. The undersigned has read this advisory and understands it.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_.

\_\_\_\_\_  
Print Name:

\_\_\_\_\_  
Signature and Title (if signing on behalf of an entity):

EXHIBIT 4.

DATA INVENTORY

This is an inventory of private and nonpublic data categories and classifications at MMDC's offices. All other data are presumed public.

Not public data are only accessible to MMDC staff and attorneys (“MMDC Staff”) whose work assignments reasonably require access to that data.

Mid-Minnesota Development Commission 1700 Technology Dr NE  
Suite 300  
Willmar, MN 56201

Responsible Authority & Data Practices Compliance Official: MMDC Executive Director Category of Data:

#### Computer Data

Electronic access data may be classified as private and/or non-public pursuant to Minnesota Statute §13.15.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Bids, Proposals, Sealed Bids

Data contained in bids, proposal, and sealed bid may be private and/or nonpublic pursuant to Minnesota Statutes §§ 13.37 and 13.591.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Security Data

Government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Trade Secret Data

Trade secret data is classified as private and/or non-public pursuant to Minnesota Statutes § 13.37.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Civil Investigative Data

Data collected by a government entity as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as nonpublic data and/or confidential pursuant to Minnesota Statutes § 13.39.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Property Data

Identities of individuals that register complaints concerning the use of real property are classified as confidential and certain appraisal data may be classified as private, confidential, or protected non-public pursuant to Minnesota Statutes § 13.44. Certain assessment data may be classified as private or nonpublic pursuant to Minnesota Statutes § 13.51.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Personnel Data

Data on current and former employees, applicants, or volunteers are or may be classified as private pursuant to Minnesota Statutes §§ 13.43, 13.601, 13.63, and 181.954

Employee Work Access: MMDC Executive Director, supervisor of employee in question

#### Background Investigation and Criminal History Check Data

Background Investigations and/or Criminal History Check data may be classified as private and/or confidential pursuant to Minnesota Statute §§ 13.82 and 13.87

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager

#### Social Security Numbers

Social security numbers are classified as private data pursuant to Minnesota Statutes § 13.355.

Employee Work Access: MMDC Accountant, MMDC Finance Director/Office Manager

#### Internal Auditing Data

Internal auditing data are classified as confidential and/or nonpublic pursuant to Minnesota Statutes § 13.392.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager

#### Business Data

Data from a business requesting financial assistance or a benefit financed by public funds are classified as private or non-public data pursuant to Minnesota Statutes § 13.591.

Employee Work Access: MMDC Executive Director, MMDC Finance Director, MMDC Economic Development Director

#### Examination Data

Completed versions of personnel and licensing examinations are private data, unless the Responsible Authority determines that they should be confidential because access would compromise the objectivity, fairness, or integrity of the examination process pursuant to Minnesota Statutes § 13.34.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager Elected Officials

#### Correspondence

Correspondence between individuals and elected officials is private data but may be made public by either the author or any recipient pursuant to Minnesota Statutes § 13.601.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Federal Contracts Data

To the extent that a federal agency requires it as a condition for contracting with a regional agency, all government data collected and maintained by MMDC are classified as private or nonpublic pursuant to Minnesota Statutes § 13.35.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Social Recreation Data

Certain data regarding individuals enrolling in recreational or social programs are private data pursuant to Minnesota Statutes § 13.548.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager

#### Planning Survey Data

Certain data collected in surveys of individuals conducted by MMDC for the purpose of planning, development and redevelopment are classified as private or nonpublic pursuant to Minnesota Statutes § 13.59.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director, MMDC Transportation Resource Coordinator

#### Auditing Data

Data, notes, and preliminary drafts of audit reports are protected nonpublic or confidential until the final report has been published pursuant to Minnesota Statutes § 13.292.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager

#### MMDC Attorney Data

Data collected or created by an MMDC Attorney may be classified as private, confidential, and/or non-public and is governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, professional responsibility, and Minnesota Statutes § 13.393.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Utility Data

Data collected on customers of municipal electric utilities are classified as private and/or nonpublic data pursuant to Minnesota Statutes Section 13.685.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### Property Data

Identities of individuals that register complaints concerning the use of real property are classified as confidential pursuant to Minnesota Statutes § 13.44.

Employee Work Access: MMDC Executive Director, MMDC Finance Director/Office Manager, MMDC Economic Development Director, MMDC Community Development Director

#### EXHIBIT 5.

#### COPYRIGHT WARNING

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EXHIBIT 6.

RESPONSIBLE AUTHORITY

Eric Day, MMDC Executive Director \_\_\_\_\_ DESIGNEE(S)

\_\_\_\_\_, MMDC Attorney

\_ Darla Bajari, MMDC Finance Director/Office Manager