

Minnesota

Campaign Finance and Public Disclosure Board Meeting

Thursday, August 16, 2018
10:30 AM

Room G-31
Minnesota Judicial Center
St Paul MN

REGULAR SESSION AGENDA

1. Minutes
Regular session, July 11, 2018
2. Chair's report
 - a. Meeting schedule
3. Request to Accept Affidavit of Contributions
4. Advisory Opinion 448 - Loan to Candidate
5. Advisory Opinion 449 - Political advertisements in newsletters
6. Executive director report
7. Enforcement report
8. Ratify Affirmative Action Plan
9. Legal report
10. Other business

EXECUTIVE SESSION

Immediately following regular session

**STATE OF MINNESOTA
CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD**

.....
**July 11, 2018
St Croix Room
Centennial Office Building**
.....

MINUTES

The meeting was called to order by Chair Flynn.

Members present: Flynn, Haugen, Leppik, Moilanen, Rosen (by telephone), Swanson

Others present: Sigurdson, Engelhardt, Pope, staff; Hartshorn, counsel

MINUTES (June 6, 2018)

After discussion, the following motion was made:

Member Leppik's motion: To approve the June 6, 2018, minutes as drafted.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

CHAIR'S REPORT

A. Meeting schedule

The next Board meeting is scheduled for 10:30 a.m. on Wednesday, August 1, 2018. Member Haugen said that he had a conflict with the August meeting date. Mr. Sigurdson then told members that he would poll them by email to determine whether there was another date for the August meeting that would work for all members.

EXECUTIVE DIRECTOR REPORT

Mr. Sigurdson presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Mr. Sigurdson first gave members an update on the number of outstanding reports in each program. Mr. Sigurdson then told members about the training that staff had conducted in greater Minnesota and in St. Paul. Mr. Sigurdson said that staff also had been busy sending bulletins about the new disclaimer requirements to all candidates, committees, and party units and information about Advisory Opinion 447 to the constitutional office candidates and lawyers for the party units. Mr. Sigurdson next reviewed the Fiscal Year 2019 budget and the rationale for the recommendation that the Board seek a budget increase for the next biennium. Mr. Sigurdson also stated that the Board could consider asking for funding for an additional IT staff person to facilitate the development of a web-based Campaign Finance Reporter application.

After discussion, the following motion was made:

Member Moilanen's motion: To ratify the proposed Fiscal Year 2019 budget.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

ENFORCEMENT REPORT

A. Consent items

1. Confirmation of lobbyist termination – Angela Thies

Ms. Pope told members that staff had planned to ask the Board to confirm the administrative termination of lobbyist Angela Thies. Ms. Pope said that this confirmation no longer was necessary because Ms. Thies had filed a termination report on July 3, 2018.

SUPPLEMENTAL ENFORCEMENT REPORT

D. Waiver request – Angela Thies

Ms. Pope told members that Angela Thies had been registered as a lobbyist for the March of Dimes. Her tenure with the principal abruptly had ended on February 28, 2018, due to a restructuring of the organization. Ms. Pope said that because Ms. Thies had left the March of Dimes, Ms. Thies had not received any notice that she needed to file a June 15, 2018, lobbyist disbursement report and did not learn of this obligation until the March of Dimes sought to administratively terminate her lobbyist registration. Ms. Thies then filed a termination statement/lobbyist disbursement report on July 3, 2018. The report showed that Ms. Thies had not made any lobbying disbursements during the reporting period. Ms. Pope said that because the report was late, Ms. Thies had incurred \$300 in late filing fees. Ms. Pope said that this was the first waiver request that Ms. Thies had made.

Ms. Pope also stated that this waiver request was not distributed to members at least seven days before the meeting. Therefore, a majority of members would have to agree to consider the matter before a vote could be taken on the request.

After discussion, the following motions were made:

Member Swanson's motion: To consider the Thies waiver request even though it had not been distributed to members at least seven days before the meeting.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

Member Swanson's motion: To grant the waiver request.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

ENFORCEMENT REPORT

A. Consent items

2. Confirmation of six lobbyist terminations – Janet Eaton, Colleen Harris-Pearson, Bruce Peck, Donna Piazza, Ann Schaibley, and Anne Towey

Ms. Pope told members that in May 2018, Enact UCLA had notified Board staff that it no longer was an active organization and that it had not engaged in any lobbying activities in 2018. Enact UCLA had told staff that it had obtained lobbyist termination statements from 11 of its lobbyists but had not been able to obtain termination reports from the other six people listed as its lobbyists because they already had left the organization. Ms. Pope said that the names of those six lobbyists were listed in the title of this consent item. Ms. Pope stated that staff had administratively terminated the registrations of the six lobbyists as of December 31, 2017. Staff was asking the Board to confirm those administrative terminations. Ms. Pope said that no action was necessary regarding the lobbyists' disbursement reports because any disbursements that they made had been included on the reporting lobbyist's 2017 reports.

3. Confirmation of lobbyist termination – Jane Reyer

Ms. Pope told members that the Friends of the Boundary Waters, the principal association of Jane Reyer, had notified Board staff that Ms. Reyer had left her position with the association on April 6, 2018. The principal stated that Ms. Reyer had not lobbied on the principal's behalf since December 31, 2017. Ms. Pope said that staff then administratively terminated Ms. Reyer's lobbyist registration as of December 31, 2017. Staff was asking the Board to confirm this administrative termination. Ms. Pope said that no action was necessary regarding Ms. Reyer's lobbyist disbursement reports because any disbursements that she made had been included on the reporting lobbyist's January 15, 2018, report.

4. Confirmation of lobbyist termination – Chris Hanson

Ms. Pope told members that AFSCME Council 65, the principal association of Chris Hanson, had notified Board staff that Mr. Hanson had left his position with the association in approximately June 2017. The principal stated that Mr. Hanson did not have any lobbyist disbursements during the last reporting period. Ms. Pope said that staff then administratively terminated Mr. Hanson's lobbyist registration as of May 31, 2018. Staff was asking the Board to confirm this administrative termination. Ms. Pope said that no action was necessary regarding Mr. Hanson's lobbyist disbursement reports because any disbursements that he made had been included on the reporting lobbyist's reports.

5. Confirmation of lobbyist termination – Bryan Sanders

Ms. Pope told members that the Friends of American Ski Jumping, the principal association of Bryan Sanders, had notified Board staff that Mr. Sanders had left his position with the association on May 8, 2018. The principal stated that Mr. Sanders did not have any lobbyist disbursements during the last reporting period. Ms. Pope said that staff then administratively terminated the lobbyist registration of Mr. Sanders as of May 8, 2018. Staff was asking the Board to confirm this administrative termination and to not require filing of the lobbyist disbursement report that was due on June 15, 2018.

6. Withdrawal of lobbyist registration – Ashlee Lehner

Ms. Pope told members that Ashlee Lehner had registered as a lobbyist for Minnesota Forest Industries on May 31, 2018. On June 26, 2018, Ms. Lehner had asked to withdraw her lobbyist registration. Ms. Lehner told staff that she had not done any lobbying while she was employed by Minnesota Forest Industries. Ms. Pope said that staff was asking the Board to allow Ms. Lehner to withdraw her lobbyist registration. Ms. Pope stated that approval of the withdrawal request would eliminate the need for Ms. Lehner to file any lobbyist disbursement reports.

After discussion, the following motion was made:

Member Leppick’s motion: To approve items two through six on the consent agenda.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

B. Discussion item

1. Request for a payment plan – Rep. Ilhan Omar

Ms. Pope told members that annual statements of economic interest for public officials were due on January 29, 2018. Rep. Ilhan Omar had filed her annual statement on June 20, 2018. Ms. Pope said that Rep. Omar therefore had accrued the maximum \$100 in late fees and the maximum \$1,000 in civil penalties for the statement. Ms. Pope said that Rep. Omar was asking the Board to allow her to pay those fees and penalties in three installments that would be due in June, July, and August 2018. Ms. Pope stated that Rep. Omar already had made a June payment in the amount of \$500, which left \$300 to be paid in July and \$300 to be paid in August.

After discussion, the following motion was made:

Member Swanson’s motion: To approve Rep. Ilhan Omar’s request for a payment plan.

Vote on motion: A roll call vote was taken. All members voted in the affirmative.

C. Waiver requests

<u>Name of Candidate or Committee</u>	<u>Late Fee & Civil Penalty Amount</u>	<u>Reason for Fine</u>	<u>Factors for waiver</u>	<u>Board Member’s Motion</u>	<u>Motion</u>	<u>Vote on Motion</u>
Tim Johnson	\$100 LFF, \$1,000 CP	6/14/2016 candidate EIS	Candidate filed for office but never ran active campaign. Candidate’s father died shortly before filing period, which motivated candidate to file. But candidate then was busy dealing with family commitments arising from father’s death and had no time to campaign. Lack of time for campaign also meant that forms such as EIS were not filed on time.	Member Leppick	To waive the late filing fee	A roll call vote was taken. All members voted in the affirmative

International Union of Operating Engineers	\$225 LFF	May 2018 report	Staff person who previously completed reports left organization without providing information about report due date or how to access reporting software. New staff person reconciled accounts and set up new software file. She then filed amendment to 1 st quarter report and May 2018, report.	Member Leppik	To reduce the late filing fee to \$100	A roll call vote was taken. All members voted in the affirmative.
--	-----------	-----------------	--	---------------	--	---

Informational Items

A. Payment of a late filing fee for 2017 year-end report of receipts and expenditures

25B House District DFL, \$165
 Janice Kittok, \$25

B. Payment of a late filing fee for March 15, 2018, annual report of lobbyist principal

Thomas Garrett, \$175

C. Payment of a late filing fee and civil penalty for annual EIS

Rep. Ilhan Omar, \$500

D. Payment of a civil penalty for false certification

Brandon Peterson, \$280

SECOND RESIDENCE WAIVERS

Ms. Pope presented members with a memorandum regarding this matter that is attached to and made a part of these minutes. Ms. Pope told members that under Chapter 10A, upon written request and for good cause shown, the Board could waive the requirement that a public official disclose the address of a second residence on a statement of economic interest. Ms. Pope said that although the Board had procedures for handling second residence waiver requests made by judges or justices, it had no procedures for handling waiver requests made by other public officials. Ms. Pope stated that the Board recently had received waiver requests from two constitutional office candidates. Ms. Pope said that staff therefore had prepared revisions to the existing second residence waiver procedures to add provisions that would be applicable to non-judicial public officials.

After discussion, the following motion was made:

Member Moilanen’s motion:

To defer the discussion of the revised procedures and the decision on the two outstanding second residence waiver requests to the August meeting.

Vote on motion:

A roll call vote was taken. All members voted in the affirmative.

LEGAL COUNSEL'S REPORT

Mr. Hartshorn presented members with a legal report that is attached to and made a part of these minutes. Mr. Hartshorn had nothing to add to the report.

OTHER BUSINESS

There was no other business to report.

EXECUTIVE SESSION

The chair recessed the regular session of the meeting and called to order the executive session. Upon recess of the executive session, the regular session of the meeting was called back to order and the chair had nothing to report into regular session.

There being no other business, the meeting was adjourned by the chair.

Respectfully submitted,

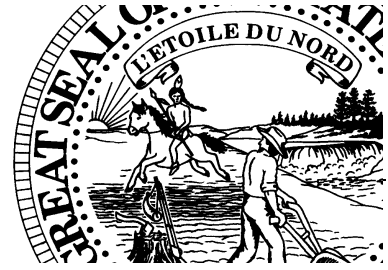
Jeff Sigurdson
Executive Director

Attachments:
Memorandum regarding executive director report
Memorandum regarding revisions to Board procedures for second residence waivers
Legal report

Campaign Finance and Public Disclosure Board

190 Centennial Bldg, 658 Cedar St, St Paul, MN 55155

www.cfboard.state.mn.us



Board Meeting Dates for Calendar Year 2018

Meetings are at **10:30 A.M.** unless otherwise noted.

2018

Wednesday, September 12

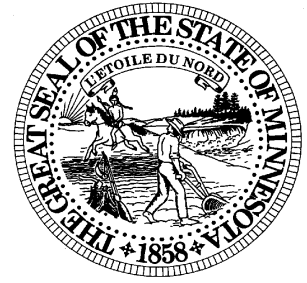
Wednesday, October 3

Wednesday, November 7

Wednesday, December 5

Minnesota

*Campaign Finance and
Public Disclosure Board*



Date: August 9, 2018

To: Board members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Request to accept affidavit of contributions after deadline

One of the requirements for a candidate to qualify for a public subsidy payment is to submit the affidavit of contributions required in Minnesota Statutes section 10A.323. The affidavit certifies that the principal campaign committee collected more than the qualifying amount of cash contributions from individuals eligible to vote in Minnesota counting only the first \$50 of the contribution. For the office of state representative, the qualifying amount is \$1,500.

As provided in Minnesota Statutes section 10A.323, the affidavit must be submitted to the Board by the due date for the pre-primary election report, for this election the deadline was July 30, 2018. Because of the importance of the deadline staff attempts to contact all candidates who have signed the public subsidy agreement but who have not filed the affidavit of contributions. Staff sent reports of candidates who met this criteria to both house caucuses, and attempted to call each candidate who had not filed by July 30th.

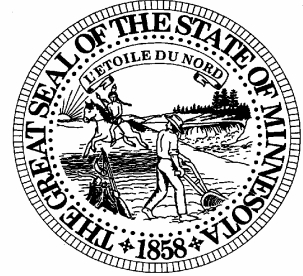
Nonetheless, some candidates do not file the affidavit. In almost all cases that is because the committee did not raise the required amount of contributions. In some cases, unfortunately, the committee did raise sufficient funds, but did not file the affidavit by the deadline. This year Gary Porter, who is a candidate in District 44B, filed the affidavit on August 1, 2018. Mr. Porter has asked to appear before the Board to explain why this occurred, and to ask that the Board accept his committee's affidavit of contributions. If the affidavit of contributions is not accepted Mr. Porter's committee will not be paid a public subsidy payment of approximately \$4,031.

I have asked Mr. Hartshorn to consider whether the Board has the authority to waive a statutory deadline under any circumstances, and to provide guidance to the Board on this issue. Additionally, the Board issued Advisory Opinion 386, which provides in part (issue four) that the Board may not extend the deadline to submit the affidavit of contributions. The facts for that advisory opinion are not similar to the facts in this situation, but I provide it as background.

Attachment
Advisory Opinion 386

Minnesota

Campaign Finance and Public Disclosure Board



**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY
THE REQUESTER OF THE ADVISORY OPINION, WHICH IS NON-PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)**

RE: Candidate running for two offices in the same election year

ADVISORY OPINION 386

SUMMARY

An incumbent legislator must pay for the end of the session report with funds from the principal campaign committee for the legislator's office. A candidate with principal campaign committees for two different legislative offices may raise funds separately for each office during an election year. A terminating principal campaign committee may transfer debt to another principal campaign committee of the same candidate. Statutory deadlines may not be extended by the Board.

FACTS

As the treasurer of an incumbent legislator who is a candidate for another Chapter 10 office with principal campaign committees registered with the Campaign Finance and Public Disclosure Board (the Board), you ask for an advisory opinion based on the following facts.

1. The candidate is an incumbent legislator who had been raising and spending money for the 2006 election cycle. The legislator has a valid public subsidy agreement and filed an Affidavit of Contributions for in June as a condition for receiving public subsidy in 2006.
2. The candidate filed an Affidavit of Candidacy for the incumbent's office but withdrew that filing prior to the close of filing. The candidate filed an Affidavit of Candidacy for another Chapter 10 office on the final day of the filing period.
3. The legislator sent a session report to voters in the district. You understand that the expenditure must be reported as 50% campaign expenditures and 50% non-campaign disbursements.
4. The incumbent's committee has existing bills and intends to raise money only to cover remaining expenses of that committee. If unable to raise funds, the committee would transfer the debts to the new committee.

5. The incumbent's committee has an outstanding loan payable to the candidate in the amount of \$1,500.
6. The candidate registered a principal campaign committee and filed a public subsidy agreement for the new office being sought.
7. The new committee will have only approximately six weeks to meet the September 1st deadline to raise necessary funds and file the Affidavit of Contributions to qualify for public subsidy payments.

ISSUE ONE

Should the cost of the 2006 session report which was printed and mailed within 60 days of the close of session be paid with funds from the incumbent's committee or funds from the new committee?

OPINION ONE

The committee that supports the incumbent's office must pay for the costs of activities associated with service in that body. Therefore, the incumbent's committee should pay for the session report and report the disbursements on the committee Report of Receipts and Expenditures due January 31, 2007. Alternatively, the incumbent's committee may terminate its registration and, at that time, transfer all debts to the new committee.

ISSUE TWO

May the existing old committee and the new committee each accept contributions during the same election year?

OPINION TWO

Yes. Minnesota Statutes, section 10A.105, subdivision 1, provides that a candidate must have a principal campaign committee for each office sought. During 2006 the candidate sought two different offices. Each committee is bound separately to the contribution limits and applicable expenditure limits for each office sought. As provided in the facts of this opinion, the incumbent's original committee will raise only those funds necessary to satisfy unpaid debts and loans.

ISSUE THREE

May the incumbent's committee transfer debts to the new committee?

OPINION THREE

Yes. Minnesota Statutes, section 10A.241, provides that debts of a terminating principal campaign committee may be transferred to another principal campaign committee of the same candidate. The committee that assumes the debt must continuously report the unpaid bills or loans until they are paid or forgiven.

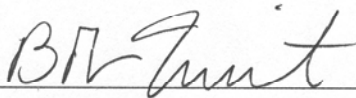
ISSUE FOUR

May the September 1st deadline to raise necessary funds and file the Affidavit of Contributions be extended?

OPINION FOUR

No. The September 1st deadline is statutory and may not be extended due to extenuating circumstances. The fact that the same candidate has raised funds for another committee has no bearing on the requirement of the new committee to raise the required funds and file the Affidavit of Contributions by September 1st.

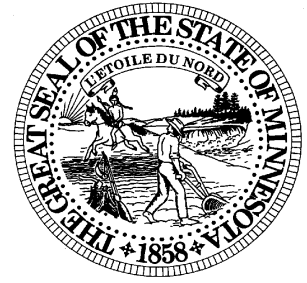
Issued August 15, 2006



Bob Milbert, Chair
Campaign Finance and Public Disclosure Board

Minnesota

*Campaign Finance and
Public Disclosure Board*



Date: August 9, 2018

To: Board members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Advisory opinion 448 – Personal loan to a candidate for the purpose of allowing the candidate to campaign full time.

This advisory opinion was requested on behalf of a candidate with a registered campaign committee who is running for office this year. The candidate does not wish to make the request public. Therefore, both a public and a nonpublic draft version of the opinion are provided for the Board's review. The request asks a series of questions all based on the candidate potentially accepting a personal loan from an individual. As provided in the request the loan is being offered so that the candidate will be able to afford to campaign full time.

The opinion as drafted provides that because the purpose of the loan is to increase the availability of the candidate to campaign, the loan is therefore being made for the purpose of influencing the election outcome. The opinion further provides that money contributed or loaned for the purpose of influencing the nomination or election of a candidate is subject to the applicable disclosure and contribution limits found in Chapter 10A.

Attachments:

Advisory opinion request

Nonpublic version of draft advisory opinion

Public version of draft advisory opinion

**State of Minnesota
Campaign Finance & Public Disclosure Board
Suite 190, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603**

**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY THE
REQUESTER OF THE ADVISORY OPINION, WHICH IS NON PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)**

ADVISORY OPINION 448

SUMMARY

A principal campaign committee is the vehicle for accepting and reporting a loan made for the purpose of allowing a candidate to spend more time campaigning for the candidate's nomination and election. A loan to a principal campaign committee from an individual is subject to the applicable reporting requirements and limits found in Chapter 10A.

Facts

As a representative of a candidate with a registered principal campaign committee, you ask the Campaign Finance and Public Disclosure Board for an advisory opinion on behalf of the candidate based on the following facts:

1. The candidate has filed for a state-level office and will appear on the ballot for that office this year. The candidate wishes to devote his or her full time to the campaign, but does not have the financial resources to campaign full time.
2. An individual who has no role in the candidate's campaign is willing to make a loan to the candidate so that the candidate may campaign full time. The funds for the loan will not come from a corporation or a financial institution. The individual who is willing to make the loan would use only his or her personal funds for the loan.
3. The loan would be made with a written agreement that would provide for repayment of the loan over a set number of years, and a market value interest rate would apply to the loan.
4. The loan agreement would contain the following provisions:
 - a) None of the proceeds of the loan will be used for political purposes in any way;
 - b) The proceeds of the loan will not be intermingled with the candidate's principal campaign committee funds;
 - c) The loan must be repaid from the candidate's personal funds; and
 - d) The intent of the loan is to cover personal living expenses that would ordinarily be covered by the candidate's personal income.

Issue One

Is the loan subject to any reporting requirements under Minnesota Statutes Chapter 10A?

Opinion One

Yes. As required by Minnesota Statutes section 10A.105, subdivision 1, the candidate has formed and registered a principal campaign committee for the office sought. All contributions and loans that provide funding for campaign expenditures are committee funds, and must be reported by the principal campaign committee. Campaign expenditures are defined in Minnesota Statutes section 10A.01, subdivision 9, as "...a purchase or payment of money...made or incurred for the purpose of influencing the nomination or election of a candidate...."

The requester states that proceeds from the loan will not be used to purchase goods or services for use by the principal campaign committee. Instead, the candidate will use the loan proceeds to replace the personal income that will be lost as a result of the candidate campaigning full time. Additionally, as stated in the facts of the opinion request, the individual who is offering to make the loan is doing so knowing that the funds will be used to allow the candidate to campaign full time.

Therefore, the purpose of the loan is to increase the time that the candidate may devote to the campaign. The expected direct result of the increase in the candidate's availability to campaign is a greater opportunity to interact with voters and gain their support for the upcoming elections. The proceeds from the loan will in effect purchase time for the candidate to influence voting at the election. With the purpose of the loan so clearly tied to the candidate's campaign for office, the Board concludes that the loan must be made to, and reported by, the principal campaign committee as required in Minnesota Statutes section 10A.20, subdivision 3 (e).

If the Board were to recognize a way for individuals to make loans to candidates for campaign purposes outside of the principal campaign committee, then the individual making the loan could avoid the contribution limits. Additionally the individual making the loan would have anonymity not available to other principal campaign committee contributors. The end result would be a circumvention of the contribution limits and disclosure requirements of Chapter 10A.

Not asked by the requester, but interrelated to the facts presented in the request, is whether committee funds may be used to either pay a salary to the candidate, or to make a loan to the candidate to pay personal living expenses. In Advisory Opinion 379, the Board specifically provided that a principal campaign committee may not pay a salary to its candidate for running for office, even though such a salary would allow the candidate to spend more time meeting with potential voters.¹ The Board also provided in Advisory Opinion 391 that a principal campaign committee may not pay a newly-elected candidate a salary while transitioning to serve in public office.²

Both of these advisory opinions are based on Minnesota Statutes section 211B.12, which provides, in relevant part, that "[m]oney collected for political purposes and assets of a political committee or political fund may not be converted to personal use." The Board has consistently

¹ Advisory Opinion 379, issued April 12, 2006. https://cfb.mn.gov/pdf/advisory_opinions/AO379.pdf

² Advisory Opinion 391, opinion 1, issued November 28, 2006.

https://cfb.mn.gov/pdf/advisory_opinions/AO391.pdf

viewed this statute as limiting the use of committee funds to only those expenditures directly related to the campaign, such as transportation and lodging costs of the candidate while campaigning, and prohibiting the use of the funds for costs that were incurred outside of the campaign, such as mortgage payments or other personal household expenditures that would occur regardless of the individual's status as a candidate.

Similarly, Minnesota Statutes section 10A.17, subdivision 3a, prohibits using money raised for a political purpose for personal loans:

A principal campaign committee, political committee, political fund, or party unit may not lend money it has raised to anyone for purposes not related to the conduct of a campaign.

Finally, the Board notes that the analysis in this opinion does not apply to a loan made by a financial institution to a candidate. A loan made in the normal course of business by a financial institution to a candidate is not made for the purpose of influencing an election. It is made to generate profit for the financial institution. Therefore, a personal loan from a financial institution to a candidate is not reportable under Chapter 10A, and is not subject to the limitations on use found in Minnesota Statutes section 211B.12.

Issue Two

Would this loan constitute a contribution from the individual who wishes to make the loan to the candidate or the candidate's principal campaign committee?

Opinion Two

No, not when the loan is made. As explained in Issue One, the loan must be made to the candidate's principal campaign committee. A loan is not considered a contribution when it is made. However a loan may become a contribution under the circumstances described in Minnesota Statutes, section 10A.01, subdivision 11 (b):

(b) "Contribution" includes a loan or advance of credit to a political committee, political fund, principal campaign committee, or party unit, if the loan or advance of credit is: (1) forgiven; or (2) repaid by an individual or an association other than the political committee, political fund, principal campaign committee, or party unit to which the loan or advance of credit was made. If an advance of credit or a loan is forgiven or repaid as provided in this paragraph, it is a contribution in the year in which the loan or advance of credit was made.

Because a loan may become a contribution, a loan from an individual may not be in an amount greater than the contribution limit for the office sought, as provided in Minnesota Statutes section 10A.27, subdivision 8.

Issue Three

Does this loan constitute an approved expenditure on behalf of the candidate?

Opinion Three

No. An approved expenditure is a type of in-kind contribution in which goods or services are purchased by an entity or individual on behalf of the principal campaign committee. Minn. Stat. § 10A.01, subd. 4 (definition of approved expenditure). As provided in the facts of this opinion the loan will provide funds for the candidate's use.

Issue Four

If the individual who is willing to make the loan has already given the maximum allowed contribution to the candidate's principal campaign committee, would the individual still be allowed to make the loan?

Opinion Four

No. Outstanding loans either made or endorsed by an individual are included in the aggregation of contributions counted towards the contribution limit of the individual, as provided in Minnesota Rules, 4503.0700, subpart 1.

Issue Five

Is the legality of the loan impacted if the individual making the loan is also a board member of an association that makes independent expenditures in support of the candidate's campaign?

Opinion Five

No. The scenario presented in the request does not suggest that the independent expenditures were discussed with the candidate or any agent of the candidate. Therefore, the scenario does not present any opportunity for actions that would defeat the independence of the expenditures.

Additionally, Minnesota Laws 2018, chapter 119, section 24 (to be codified as Minnesota Statutes section 10A.177) provides that a donation to a candidate from an individual or entity that makes independent expenditures does not by itself compromise independent expenditures made on behalf of the candidate.

Issue Six

Are the answers to any of the prior opinions changed depending on whether the candidate signed or did not the public subsidy agreement for the election cycle?

Opinion Six

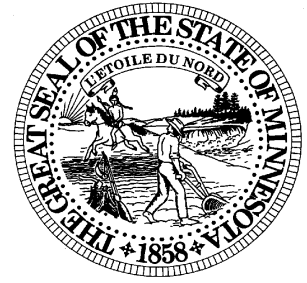
No. None of the opinions provided are reliant on the candidate signing the public subsidy agreement.

Issued August 16, 2018

Carolyn Flynn, Chair
Campaign Finance and Public Disclosure Board

Minnesota

*Campaign Finance and
Public Disclosure Board*



Date: August 9, 2018

To: Board members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Advisory opinion 449 – Political advertisements in membership newsletters

This advisory opinion was requested by an association that publishes newsletters and would like to accept paid advertisements only from candidates who are members of the association. The association does not wish to make the request public. Therefore, both a public and a nonpublic draft version of the opinion are provided for the Board's review. The request asks if the association may limit candidate campaign advertisements in the newsletters to only those candidates who are members of the association, and if the association may reject political advertisements that it finds insulting or derogatory.

The opinion as drafted provides that the association's policies for accepting advertisements in the newsletters are not regulated by Chapter 10A. The opinion further provides that providing a reduced advertising rate for advertisements from member candidates may result in a prohibited corporate contribution to the candidates, and that the source of the membership dues paid for access to advertise in the newsletters also should be evaluated to ensure no corporate contribution occurs.

Attachments:

Advisory opinion request

Nonpublic version of draft advisory opinion

Public version of draft advisory opinion

**State of Minnesota
Campaign Finance & Public Disclosure Board
Suite 190, Centennial Building. 658 Cedar Street. St. Paul, MN 55155-1603**

**THE FOLLOWING PUBLICATION DOES NOT IDENTIFY THE
REQUESTER OF THE ADVISORY OPINION, WHICH IS NON PUBLIC DATA
under Minn. Stat. § 10A.02, subd. 12(b)**

ADVISORY OPINION 449

SUMMARY

An association's advertising policies for accepting political advertisements are not governed by Chapter 10A. Associations should be aware of actions that may result in a prohibited corporate contribution to a candidate's principal campaign committee.

Facts

As a representative of an association that may interact with principal campaign committees, you ask the Campaign Finance and Public Disclosure Board for an advisory opinion based on the following facts:

1. The association is a 501(c)(6) membership-based organization registered as a non-profit corporation in Minnesota.
2. The association produces a bi-monthly print newsletter that is only available to association members. The association also produces a weekly electronic newsletter that is similar in content to the print newsletter, but which is available to individuals who are not members of the association.
3. Members of the association may pay to advertise their products and services in either the print or the electronic version of the newsletter. Advertising is a benefit of association membership, so non-members may not purchase advertisements in either version of the newsletter.
4. Some members of the association are candidates for office at the upcoming election.

Issue One

Is the association required to accept campaign advertisements from non-members, or to accept campaign advertisements that the association deemed to be insulting or derogatory on a personal level?

Opinion One

Not under Chapter 10A. An association's policies for accepting advertisements in its membership publications are not governed by the statutory provisions under the Board's jurisdiction.¹ Nor does Chapter 10A give candidates the right to advertise in a membership newsletter. However, the association should take steps to ensure that the acceptance of advertisements from member candidates does not result in a corporate contribution to the candidate's campaign committee.

The cost to place a campaign advertisement should be determined from a set schedule that applies to all advertisers. If the advertisement rate is lower for candidates than for other advertisers, then the difference between the candidate rate and the rate for the other advertisers represents an in-kind donation from the association to the candidate's committee. The association is a non-profit corporation. Non-profit corporations are generally prohibited from contributing to candidate committees under Minnesota Statutes section 211B.15.

The requester states that the payment of membership dues is required to have access to advertise in the newsletters. If the membership dues were paid with personal funds by an individual, then the access to advertise in the newsletters is an in-kind contribution from that individual to the campaign committee. However, if the membership dues were paid by a corporation, then using the corporate membership for the access needed to advertise in the newsletters is an in-kind contribution from the corporation to the campaign committee that could be prohibited under Minnesota Statutes section 211B.15.

For the association's reference the Board notes that Minnesota Statutes section 211B.05 requires periodicals to identify political advertisements, and also sets standards for advertising rates charged to candidates that advertise in periodicals. The Board has no jurisdiction over Minnesota Statutes section 211B.05, and makes no conclusion as to whether that statute applies to the association's newsletter.

Issued August 16, 2018

Carolyn Flynn, Chair
Campaign Finance and Public Disclosure Board

¹ Minnesota Statutes section 10A.37. Nothing in this chapter may be construed to abridge the right of an association to communicate with its members.

Minnesota

Campaign Finance and Public Disclosure Board

190 Centennial Building . 658 Cedar Street . St. Paul, MN 55155-1603 FAX: 651-539-1196 or 800-357-4114

DATE: August 9, 2018

TO: Board Members
Counsel Hartshorn

FROM: Jodi Pope, Legal/Management Analyst

SUBJECT: Enforcement report for consideration at the August 1, 2018, Board meeting

A. Consent items

1. Request to withdraw registration – DentaQuest Political Action Committee

DentaQuest is a political action committee registered in Tennessee. The committee made contributions to two Minnesota party units. Because the total of the two contributions exceeded \$750, DentaQuest mistakenly believed that it was required to register as a political committee in Minnesota. After DentaQuest had registered a political committee in Minnesota, it became aware of Minnesota Statutes section 10A.27, subdivision 13. This statute allows groups not registered in Minnesota to make contributions of more than \$200 during a calendar year to up to three committees or party units registered in Minnesota as long as the unregistered group provides an underlying disclosure statement with the contribution. DentaQuest provided the required disclosure with its contributions to the two Minnesota party units. Because DentaQuest does not plan to make any more contributions this year to groups registered in Minnesota and because DentaQuest was not required to register in Minnesota to make the contributions that it made, DentaQuest is asking the Board to allow it to withdraw its registration.

B. Discussion items

1. Request for second residence waiver – Tim Pawlenty

Tim Pawlenty filed a candidate statement of economic interest on June 19, 2018. With his statement, Mr. Pawlenty also submitted a request under Minnesota Statutes section 10A.09, subdivision 9, to waive the requirement that he disclose the address of his second residence. Mr. Pawlenty stated that the waiver request was made because of security concerns. Following staff direction, Mr. Pawlenty did not include information about the second residence on his statement pending the decision on his waiver request. Mr. Pawlenty has submitted a supplement to his waiver request that discusses his security concerns.

2. Request for second residence waiver – Michelle Fischbach

Michelle Fischbach filed a candidate statement of economic interest on June 19, 2018. With her statement, Lt. Gov. Fischbach also submitted a request under Minnesota Statutes section 10A.09, subdivision 9, to waive the requirement that she disclose the address of her second residence. Lt. Gov. Fischbach stated that the waiver request was made because of security concerns and to minimize safety concerns. Following staff direction, Lt. Gov. Fischbach did not include information about the second residence on her statement pending the decision on her waiver request.

C. Waiver Requests

	Committee/ Entity	Late Fee or Civil Penalty	Report Due	Factors	Most Recent Balance	Previous Waivers Granted
1	Mary Mellen, house candidate, affidavit only	\$75 LFF	Candidate EIS	Candidate filed for office but then became ill for a few weeks. In addition, reminder letter was delivered to next-door neighbor. Candidate filed statement as soon as she recovered and received reminder.	NA	No
2	Stevens County DFL	\$250 LFF	2018 pre- primary report	Treasurer was ill and then in hospital when report was due.	\$312	No
3	James Mellin, lt. gov. candidate, affidavit only	\$65 LFF	Candidate EIS	Candidate sent email with EIS but email was stuck in his outbox due to technical issues with computer. Candidate texted copy of form to governor candidate so forms could be filed together but only governor candidate's statement was received. Candidate filed statement as soon as he learned it had not been received.	NA	No
4	Mai-Anh Kapanke, Mentoring Partnership of Minnesota	\$50 LFF	6/15/2018 Lobbyist report	Lobbyist was in process of transitioning to new job when report was due. At same time, accountant for lobbyist's former employer/principal was onboarding a new accountant and the request for disbursement information fell through the cracks. During the reporting period, lobbyist had no disbursements and principal was not engaged in any large-scale lobbying.	NA	No
5	Dennis Smith for State House	\$550 LFF	2017 year-end report	Candidate's treasurer left before 2017 year-end report was due. Candidate then was responsible for filing report and was overwhelmed by the amount of detail involved. Candidate states that he has new team in place to ensure reports are timely filed.	\$67,677	No
6	COLL PAC	\$250 LFF	2018 pre- primary report	Person responsible for sending in no change report mistakenly faxed it to herself. She also did not follow her usual practice of emailing report in as well. After calling to confirm receipt and learning report had not been received, she then faxed report.	\$15,231	No

Informational Items

A. Payment of a late filing fee for 2017 year-end report of receipts and expenditures

Sherrie Pugh, \$150

B. Payment of a late filing fee for June 15, 2018, annual report of lobbyist principal

Kristen Anderson, \$25
 Mark Anfinson, \$25
 Kevin Walli, \$500
 Stacey Mickelson, \$75
 Christina Zeise, \$25
 Kelly Wolfe, \$25

C. Payment of a late filing fee and civil penalty for 2017 annual EIS

Ilhan Omar, \$1,100

D. Payment of a late filing fee for candidate statement EIS

Leon Lillie, \$30

E. Payment of a civil penalty for false certification

Brandon Peterson, \$1,981.48

F. Deposit to the General Fund

Jessica Rohloff, \$250

Marty Judge, \$60

Doug Wardlow, \$40

Matt Dean, \$1,671.24

G. Payment of a late filing fee for 2018 1st quarter report of receipts and expenditures

Mining Ind. Leadership Fund, \$225

H. Payment of a civil penalty excess special source contributions

Warren Limmer, \$1,500

I. Payment of a late filing fee for June 14, 2018, report of receipts and expenditures

Leech Lake PAC, \$25

International Union of Operating Engineers, \$100

AGC Building Contractors, \$50

SEIU Local 26, \$25



Waller Lansden Dortch & Davis, LLP
511 Union Street, Suite 2700
P.O. Box 198966
Nashville, TN 37219-8966

615.244.6380 main
615.244.6804 fax
wallerlaw.com

Kimberly Faye
615.850.8689 direct
Kimberly.Faye@wallerlaw.com

July 24, 2018

VIA E-MAIL

Mr. Jeff Sigurdson
Executive Director
Minnesota Campaign Finance and Public Disclosure Board
190 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155

RE: DENTAQUEST POLITICAL ACTION COMMITTEE MINNESOTA - 441199

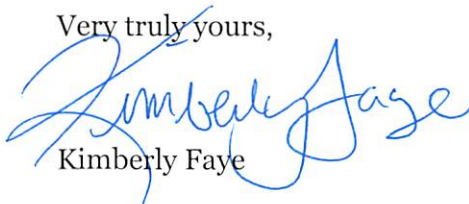
Dear Mr. Sigurdson:

Please accept this letter as a request to withdraw the Minnesota Registration and Statement of Organization for DentaQuest Political Action Committee Minnesota. The filing of the registration was in error as we have provided disclosure reports to the recipients pursuant to Minn. Stat. § 10A.27, Subd. 13.

Minn. Stat. § 10A.27, Subd. 13, allows an out-of-state PAC to file disclosure reports in connection with no more than three contributions made within Minnesota. Thus far, DentaQuest's Tennessee PAC has only contributed to two Minnesota PACs. We do not anticipate exceeding three within this election year.

Please do not hesitate to contact me should you have any questions or need any additional information regarding this request. I can be reached directly by phone at 615.850.8689 or by e-mail at kimberly.faye@wallerlaw.com.

Very truly yours,



Kimberly Faye

KF: kf



18 JUN 19 PM 2:54
CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

June 19, 2018

Jeff Sigurdson
Executive Director
Minnesota Campaign Finance Board
658 Cedar Street, Suite 190
St. Paul, MN 55155-1603

Dear Mr. Sigurdson:

This letter is a follow-up to our discussion on June 18, 2018.

I am requesting a waiver under Minnesota Statute 10A.09, subd. 9 regarding the disclosure of the location of a second residence. This request is made because of security concerns.

Thank you in advance for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Pawlenty". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Tim Pawlenty



13 JUL 25 PM 1:10
CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

July 24, 2018

Jeff Sigurdson
Executive Director
Minnesota Campaign Finance Board
658 Cedar Street, Suite 190
St. Paul, MN 55155-1603

Dear Mr. Sigurdson,

This letter is in follow up to a July 18 email message received by our campaign from Jodi Pope, Legal/Management Analyst at the Minnesota Campaign Finance and Public Disclosure Board.

This letter is intended as a supplement to the Original Statement of Economic Interest for Candidates for Elective Office filed June 19, 2018, and in support of my request under Minn. Stat. 10A.09, subd. 9 for a waiver of the requirement to list the address of real property that serves as my secondary residence.

The good cause basis for the request is my security and the security of my family.

Both during and after my two terms as Governor security concerns existed, including threats from inmates in Minnesota Correctional and mental health facilities. Security concerns are also recent and ongoing. In addition, my wife is a former district court judge in the First Judicial District. Based on the volume of criminal, family, child protection, juvenile and mental health matters that she handled during her over 12 years as a judge, she also prefers not to disclose the address of our cabin.

As you know, under the statute our primary home address need not be disclosed. Presumably the rationale for that provision is to allow for some measure of privacy and security for candidates. For that same reason, I would request a waiver of the requirement to list the address of our cabin that serves as our secondary address.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Pawlenty".

Tim Pawlenty

www.timpawlenty.com • 651-788-7093

Prepared and paid for by Tim Pawlenty for Governor, P.O. Box 1317, Lakeville, MN 55044

18 JUN 19 AM 11:36

CAMPAIGN FINANCE &
PUBLIC DISCLOSURE BOARD

June 19, 2018

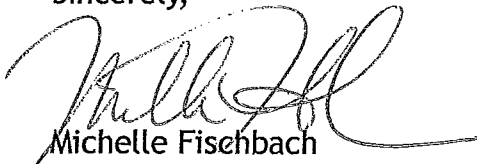
Jeff Sigurdson
Executive Director
Minnesota Campaign Finance Board
658 Cedar Street, Suite 190
St. Paul, MN 55155-1603

Dear Mr. Sigurdson:

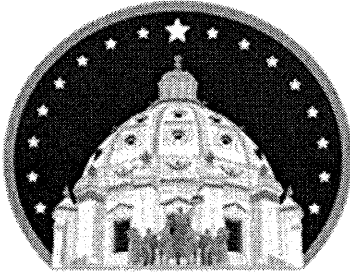
I am requesting a waiver under Minnesota Statute 10A.09, subd. 9 regarding the disclosure of the location of a second residence. This request is made because of security concerns. By granting this request, you will help us minimize safety concerns.

Thank you in advance for considering this request.

Sincerely,



Michelle Fischbach



MINNESOTA CAMPAIGN FINANCE BOARD

July 16, 2018

Mary Mellen
2813 S 8th St
Minneapolis, MN 55454

Mary Mellen:

The Campaign Finance and Public Disclosure Board has not received your candidate statement of economic interest due within 14 days of filing your affidavit of candidacy to be on the ballot. As you filed an affidavit of candidacy on June 5, 2018, your statement was due June 19, 2018.

A late filing fee of \$5 per business day to a maximum of \$100 started to accrue July 5, 2018. In addition, failure to file may eventually result in civil penalties of up to \$1,000.

Please file your statement now to avoid any further late filing fees. You may:

1. Mail or deliver the statement to Suite 190, Centennial Office Building, 658 Cedar Street, St. Paul, MN 55155 or;
2. Fax the statement to 651-296-1722 or 800-357-4114 or;
3. Email the statement to cfb.eis@state.mn.us.

If you have questions about this letter or need help with your statement, please call me at 651-539-1184 or 800-657-3889.

Sincerely,

A handwritten signature in black ink, appearing to read "KL", is written over a horizontal line.

Kevin Lochner
Management Analyst

Enclosure

Campaign Finance & Public Disclosure Board

190 Centennial Office Building, 658 Cedar St, St Paul, MN 55155

cfb.mn.gov



Original Statement of Economic Interest for Candidates for Elective Office

Filing instructions

(General instructions for completing the form are on page 2)

- The statement must be filed with the Campaign Finance and Public Disclosure Board within 14 days after a candidate files an affidavit of candidacy.
- Late fees will accrue for a statement not received by the due date.
- This form may be filed by mail to the address above, by email to cfb.eis@state.mn.us, or by fax to 651-539-1196 or 800-357-4114.
- **Fax filers:** Keep the original and a fax confirmation notice as proof of timely filing.
- All information on this statement is public information and may be published on the Board's website.
- It is unlawful to use information filed with the Board for commercial purposes.
- Board staff may be reached by telephone at 651-539-1184 or 800-657-3889 or by email at cfb.eis@state.mn.us.

Candidate information

Employment information

Name MARY MELLEN		Occupation CONSULTANT/HUMAN ECOLOGY
Address at which you wish to receive mail from the Board (You may use either a home or business address) 2813- 8th ST SO.		Name of employer (Also include any employer as a source of compensation on page 3. Indicate here if self-employed or unemployed.)
City, state, zip MINNEAPOLIS, MN 55454		Business address (This address will be posted on the Board's website)
Telephone (Daytime) 612 868 4108		Business city, state, zip
Office sought STATE REPRESENTATIVE	District # 60B	Email address SIDHA@COMCAST-NET

Certification

I, MARY MELLEN, (Print or type name) certify that the information contained on this form, including information on the schedules on page 3, is complete, true, and correct.

Mary Mellen
Signature

7/25/18
Date

Notice: Any person who signs and certifies to be true a statement which the person knows contains false information or omits required information is subject to a civil penalty imposed by the Board of up to \$3,000 and is subject to criminal prosecution for a gross misdemeanor.

This document is available in alternative formats to individuals with disabilities by calling 651-539-1180 or 800-657-3889 or through the Minnesota Relay Service at 800-627-3529.

General instructions

Occupation

Your occupation is your usual trade, profession, or employment. It includes categories such as homemaker, student, and retired.

Reporting period

The reporting period begins on the first day of the calendar month before the date you filed your affidavit of candidacy and runs through the date that you filed.

Reporting sources of compensation

Based on the definitions below, list all businesses from which you received more than \$250 in compensation in any calendar month during the reporting period. Include any employer listed on page 1.

"Business" means an association, corporation, partnership, limited liability company, limited liability partnership, or other organized legal entity including a government agency. An individual acting alone in the individual's own capacity, such as in the form of a sole proprietorship, is not a business for purposes of this statement.

"Compensation" means any payment for labor or personal services as a director, officer, owner, member, partner, employer, or employee of a business. Compensation also includes payment of honoraria. Compensation does not include payments that do not result from the performance of services, such as rental income social security payments, unemployment compensation, workers' compensation, pension benefits, or insurance benefits.

Reporting business or professional activity categories

List the following information:

- 1) The business or professional activity category of each business from which you received more than \$250 in any calendar month as an employee if you also own 25% or more of that business; and
- 2) Any business or professional activity category in which you received compensation of more than \$2,500 in the past 12 months as an independent contractor.

The business and professional activity categories are listed on page 4. You may abbreviate a word as long as the abbreviation sufficiently identifies the category that you are reporting.

Reporting securities

"Securities" means stocks, shares, bonds, warrants, options, pledges, notes, mortgages, annuities, debentures, leases, and commercial paper. "Securities" does not include mutual funds.

List all businesses in which you individually or jointly held securities valued at more than \$10,000 at any time in the reporting period. Use the definition of business in the compensation section above. For securities in a business, list the complete legal name of the business, not the business's stock market abbreviation. Do not list the value of the securities.

Include securities held in Individual Retirement Accounts, deferred compensation plans, 401(k) accounts, or similar plans. Do not include mutual funds or securities held in defined benefit pension plans.

Reporting real property

Do not report your homestead. Report interests in all other real property located in Minnesota that you held individually or jointly on the date you filed your affidavit of candidacy. You must report the following interests: a fee simple interest (you are an owner, even if you owe a mortgage), a mortgage that you hold as a seller, or a contract for deed as a buyer or seller.

Report an option to buy if the value of the option is more than \$2,500 or if the fair market value of the optioned property is more than \$50,000 even if the value of the option itself is \$2,500 or less.

For each property list the county in which the property is located. Also list the complete property address. The complete property address is the street address and city, or if the property does not have a street address, the section, township, and range where the property is located and the approximate acreage.

Waiver of reporting of second residence

Upon written request and for good cause shown, the Board may waive the requirement that a candidate disclose the address of real property that serves as a secondary residence of the candidate. Contact Board staff if you want to request this waiver.

Reporting pari-mutuel horseracing interests

Report any investment, ownership, or interest in property connected with pari-mutuel horse racing in the United States or Canada, including a race horse. Include any direct or indirect, partial or full interest held by you or an immediate family member.

Attach additional pages if necessary to complete any of these schedules.

Sources of compensation

----- Check each applicable box -----

Name of source	Director	Officer	Owner	Member	Partner	Employer	Employee	Honorarium

Business or professional activity categories

----- Check the applicable box -----

Business or professional activity category (See page 4)	Employee: \$250 in income in month and owns 25% or more of business	Independent contractor: More than \$2,500 in compensation
REAL ESTATE REACTOR - KELLER WILLIAMS INTEGRITY		
PROFESSIONAL SCIENCE, TECHNICAL - HUMAN ECOLOGIST		

Securities

Name of business in which security is held	Name of business in which security is held

Real property

----- Check one -----

County	Street address and city, or section, township, and range	Own	Mortgage (Held as seller)	Contract for deed (As buyer or seller)	Option to buy - option worth more than \$2,500	Option to buy - property worth more than \$50,000	Acreage (if applicable)
HENN	2815-8th ST, MPLS MN 55404	X					
HENN	3119/3121-E 25th ST MPLS MN	X					

Pari-mutuel horse racing interests

----- Check one -----

	Partial interest	Full interest	Description of interest (Horse, stable, etc.)
Official direct interest			
Official indirect interest			
Family interest			

Business and professional activity categories

Use these categories for the business or professional activity category section on page 3. If you need more information to decide which category to use, please see the chart on the Internal Revenue Service website at <http://www.irs.gov/instructions/i1040sc/ch02.html#d0e1929>.

- Accommodation
- Administrative and Support Services
- Agriculture, Forestry, Hunting, & Fishing
- Agriculture & Forestry Support Activities
- Amusement, Gambling, & Recreation Industries
- Broadcasting (except Internet) & Telecommunications (including internet service providers)
- Construction of Buildings
- Construction - Heavy and Civil Engineering
- Construction - Specialty Trade Contractors
- Credit Intermediation & Related Activities
- Data Processing Services (including internet publishing)
- Educational Services
- Food Services & Drinking Places
- Health Care - Ambulatory Health Care Services
- Health Care - Hospitals
- Health Care - Nursing & Residential Care Facilities
- Information (publishing industries except internet)
- Insurance Agents, Brokers, & Related Activities
- Manufacturing - Chemical
- Manufacturing - Food
- Manufacturing - Leather & Allied Product
- Manufacturing - Nonmetallic Mineral Product
- Manufacturing - Other
- Mining
- Motion Picture & Sound Recording
- Museums, Historical Sites, & Similar Institutions
- Performing Arts, Spectator Sports, & Related Industries
- Personal & Laundry Services
- Professional, Scientific, & Technical Services (Architectural, Engineering, & Related Services)
- Professional, Scientific, & Technical Services (Computer Systems Design & Related Services)
- Professional, Scientific, & Technical Services (Legal, Accounting, Payroll, & Tax Preparation Services)
- Professional, Scientific, & Technical Services (Specialized Design Services)
- * Professional, Scientific, & Technical Services (Other)
- * Real Estate
- Religious, Grantmaking, Civic, Professional, & Similar Organizations
- Rental & Leasing Services
- Repair & Maintenance Services
- Retail - Building Material & Garden Equipment & Supplies Dealers
- Retail - Clothing & Accessories Stores
- Retail - Electronic & Appliance Stores
- Retail - Food & Beverage Stores
- Retail - Furniture & Home Furnishing Stores
- Retail - Gasoline Stations
- Retail - General Merchandise Stores
- Retail - Health & Personal Care Stores
- Retail - Motor Vehicle & Parts Dealers
- Retail - Sporting Goods, Hobby, Book, & Music Stores
- Retail - Miscellaneous Store Retailers
- Retail - Nonstore Retailers
- Securities, Commodity Contracts, & Other Financial Investments & Related Activities
- Social Assistance
- Transportation
- Transportation (couriers and messengers)
- Unclassified Establishments (unable to classify)
- Utilities
- Warehousing & Storage Facilities
- Waste Management & Remediation Services
- Wholesale Trade - Merchant Wholesalers - Durable Goods
- Wholesale Trade - Merchant Wholesalers - Nondurable Goods
- Wholesale Electronic Markets and Agents & Brokers

July 23rd,2018

Dear Minnesota Campaign Finance Committee,

I am asking that you consider my lateness of filing the public disclosure document without a fee as I have just cause.

I entered the race for the open seat for State Representative in 60B and got a late start due to being exposed to some toxic black mold in my garage. I was very ill for a few weeks and have since recovered. This said I started my campaign late in 60B however today I am going full speed ahead with a commitment to serve and represent the people of my area at the State Capitol Seat.

I was sent a reminder in the mail which was delivered next door at 2815 -8th St So dated July 16th, 2018 as it was just delivered to me at my address so I'm emailing you the documents now. I apologize for any inconvenience.

Sincerely,

Mary Mellen

From: [Stevens, Melissa \(CFB\)](#)
To: [Pope, Jodi \(CFB\)](#)
Subject: FW: From Troy Goodnough: Stevens County DFL Jan-July 23, 2018 report
Date: Tuesday, August 07, 2018 4:17:25 PM
Attachments: [Stevens Co DFL Jan-July 23 2018 report.pdf](#)

From: Troy Goodnough <good0044@morris.umn.edu>
Sent: Monday, August 06, 2018 10:04 AM
To: CFBEmail <cfb.reports@state.mn.us>
Subject: From Troy Goodnough: Stevens County DFL Jan-July 23, 2018 report

To Whom It May Concern,

Please, see the attached .pdf filing of the Stevens County DFL report for Jan 1, 2018- July 23,2018.

I am aware that this report is late. I have not turned in a late report before.

Unfortunately, I was sick and then hospitalized last week

Again, I apologize that this report is late and I respectfully request a reduced penalty for this error. We have about \$300 in our account.

I am also aware that you are now including these emails as part of the disclosure. I would kindly ask that you remove the health related information from this note if it is included in the report.

I would also like to request that my email in the report be changed from craymnfinn@yahoo.com to good0044@morris.umn.edu.

Thanks,

Troy Goodnough
Stevens Co. DFL treasurer
[320-589-6303](tel:320-589-6303) (work)
[814-322-6531](tel:814-322-6531) (cell)

Lochner, Kevin (CFB)

From: James Mellin
Sent: Monday, July 23, 2018 4:38 PM
To: Lochner, Kevin (CFB)
Subject: Campaign Financial & Public Disclosure Board , Statement of Economic Interest for James P.Mellin II and Waiver Request

Dear Kevin ,

Thank you for your help in my sending you the form you need on financial disclosure. Another form was filled out and attached to this email.

I am asking that you consider my Waiver Request for my late form.

This form was originally send on June 18 or 19 . It was stuck in the outbox of my computer; as my computer has been having technical problems that have been resolved with Apple computers support as of today. I had copied the forms and sent them to Tim Holden to forward to you, but unfortunately they were not received by you. I had taken a picture of the forms and sent them via text to Mr. Holden. I have record of that on my text history.

Thank you very much for your help.

My cell phone should be restored as of tomorrow and my cell number is 612-749-2600.

Best to you this day .!
James P. Mellin II

Lochner, Kevin (CFB)

From: Mai-Anh Kapanke <mkapanke@thesannehfoundation.org>
Sent: Wednesday, July 18, 2018 5:08 PM
To: Lochner, Kevin (CFB)
Subject: Lobbyist Late Filing Fee

Dear Kevin,

My name is Mai-Anh Kapanke, former Executive Director of the Mentoring Partnership of Minnesota. I am writing to request a waiver on a late filing fee that was accrued on my June 15, 2018 filing that was received by the Campaign Finance and Public Disclosure Board on June 19, 2018. I was in the middle of transitioning as the executive director of the Mentoring Partnership of Minnesota to The Sanneh Foundation during that time. In addition, the Mentoring Partnership's accounting firm, Clifton Larson Allen, was onboarding a new accountant to the organization and the request for disbursements fell through the cracks. The total reimbursements were zero dollars for the organization during that period. The Mentoring Partnership was not actively engaged in any large-scale lobbying for the period and has not been for years.

I would greatly appreciate if the Board would kindly consider waiving the \$50.00 fee assessed to the organization. Thank you for your consideration.

Warm regards

Mai-Anh Kapanke
Executive Director
2090 Conway Street
Saint Paul, MN 55119
651.690.4855 Office
651-357-2823 Mobile
612.605.1934 Fax
mkapanke@thesannehfoundation.org
www.thesannehfoundation.org

THE SANNEH 
FOUNDATION

From: dennis@dennismith.org
To: [CFBEmail](#)
Subject: request for waiver of late filing fee
Date: Monday, July 30, 2018 2:36:43 PM

To Whom It May Concern:

I am writing to ask for a waiver to the \$550.00 late filing fee given to my campaign for the 2017 report that was due on January 31, 2018.

This was caused by some unusual circumstances, and has not happened once since my committee was initially formed in 2011. I have had one treasurer for my committee – this person has cared for my campaign reports with great care (she gave me a one year commitment 5 years ago). I was personally responsible for completing the form for the 2017 year and I was overwhelmed with the amount of detail and this created the report to be late.

I am very sorry for this happening. I have a new team in place in to ensure things are filed in a timely manner, as they have been prior to the last report for over 5 years.

Thank you for your consideration of waiving the late filing fee of \$550.00. I greatly appreciate it.

Thank you.

Very kind regards,

Dennis Smith
House District 34B
Phone: 612-889-3971



Virus-free. www.avast.com

From: [Liz Kutz](#)
To: [Engelhardt, Megan \(CFB\)](#); [Pope, Jodi \(CFB\)](#)
Cc: [Stevens, Melissa \(CFB\)](#)
Subject: MN CoLLPAC 80013 late filing penalty abatement request
Date: Monday, August 06, 2018 10:23:04 AM

Hello Megan and Jodi,

I spoke with Melissa Stevens this morning regarding my error in submitting the filing for the CoLLPAC 80013 report due July 30th. I found the sheet I faxed on Monday July 30th sitting on the fax tray Friday Aug 3rd, it was at that time that I faxed it again to confirm that it was received on Monday. Melissa contacted me this morning to let me know that it hadn't been received on the 30th. I went back and realized that I had inadvertently faxed it to myself in error. We are the management company and it's my duty to submit these filings in a timely manner, I apologize for this error and am asking if there is any possibility of avoiding the late penalty due to this stupid mistake on my part. Please reach out to me and let me know. I would hate to have the CoLLPAC fined for this because of me. I have always faxed and emailed it to make sure it gets there and of course this time I didn't email it.

Thank you,
Liz

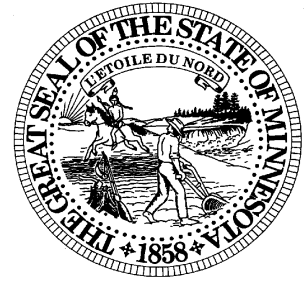
Elizabeth Kutz



7044 South 13th Street
Oak Creek, WI 53154
414-908-4924 x102
414-768-8001 Fax
414-336-0428 Mobile
lkutz@associationeg.com
www.associationexecutivesgroup.com

Minnesota

*Campaign Finance and
Public Disclosure Board*



Date: August 9, 2018

To: Board Members

From: Jeff Sigurdson, Executive Director

Telephone: 651-539-1189

Re: Affirmative Action Plan

Every two years, the Board must review and ratify its affirmative action plan. The current plan expired on July 31, 2018.

The attached affirmative action plan is based on the state's model plan for agencies with 25 or fewer employees. It will be effective from August 1, 2018, through July 31, 2020. As required, the plan is signed by the Board's executive director. The matter is before the Board for ratification of the plan.

Attachment: Affirmative Action Plan 2018-2020

State of Minnesota

Campaign Finance and Public Disclosure Board

2018-2020 Affirmative Action Plan

190 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155
651-539-1180
MN Relay 800-627-3529
cf.board@state.mn.us
cfb.mn.gov

As requested by Minnesota Statute 3.197: This report cost approximately \$400 to prepare, including staff time, printing and mailing expenses.

Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording. Printed on recycled paper.

Table of Contents

Organizational Profile (Brief Overview)	3
Statement of Commitment.....	3
Individuals Responsible for Directing/Implementing the Affirmative Action Plan	5
A. Executive Director.....	5
B. Affirmative Action Officer.....	6
C. Human Resources Designee - SmART; Board Executive Director and Assistant Executive Director	7
D. Americans with Disabilities Act Title I Coordinator.....	9
E. Americans with Disabilities Act Title II Coordinator	10
F. Senior Managers – Assistant Executive Director	12
G. All Employees	12
Communication of the Affirmative Action Plan.....	13
Internal Methods of Communication	13
External Methods of Communication.....	13
Appendix	15
Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436.....	15
Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form	23
Statewide Sexual Harassment Prohibited Policy Statewide HR/LR Policy #1329: Sexual Harassment Prohibited	26
Statewide ADA Reasonable Accommodation Policy Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy.....	31
Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance.....	45
Other Relevant Information.....	47

Organizational Profile (Brief Overview)

The Campaign Finance and Public Disclosure Board was established by the state legislature in 1974 and is charged with the administration of Minnesota Statutes Chapter 10A, the Campaign Finance and Public Disclosure Act, as well as portions of Chapter 211B, the Fair Campaign Practices act.

The Board's four major programs are campaign finance registration and disclosure, public subsidy administration, lobbyist registration and disclosure, and economic interest disclosure by public officials. The Board has six members, appointed by the Governor on a bi-partisan basis for staggered four-year terms. The appointments must be confirmed by a three-fifths vote of the members of each house of the legislature.

Statement of Commitment

This statement reaffirms that the Campaign Finance and Public Disclosure Board is committed to Minnesota's statewide affirmative action efforts and providing equal employment opportunity to all employees and applicants in accordance with equal opportunity and affirmative action laws.

I affirm my personal and official support of these policies which provide that:

- No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.
- The prohibition of discrimination on the basis of sex precludes sexual harassment, gender-based harassment, and harassment based on pregnancy.
- This Board is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan to ensure that employment practices are free from discrimination. Employment practices include, but are not limited to the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to employees and applicants with disabilities.
- This Board will continue to actively promote a program of affirmative action, wherever minorities, women, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This Board will evaluate its efforts, including those of its managers and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In

addition, this Board will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the Board's policy to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. I strongly encourage suggestions as to how we may improve. We strive to provide equal employment opportunities and the best possible service to all Minnesotans.

Adopted: July 31, 2018

Revised (HR/LR Policy #1436 added): August 3, 2018

A handwritten signature in black ink, appearing to read "Jeff Sigurdson". The signature is written in a cursive, flowing style.

Jeff Sigurdson
Executive Director

Individuals Responsible for Directing/Implementing the Affirmative Action Plan

A. Executive Director

Responsibilities

The executive director is responsible for establishing an Affirmative Action Program, including goals, timetables and compliance with all federal and state laws and regulations. The executive director, through the Commissioner of Minnesota Management & Budget (MMB), will report annually to the Governor and the Legislature the Board's progress in meeting its affirmative action goals and objectives.

In addition, because the Board has only nine employees, the executive director also is responsible for some functions that would be the responsibility of senior management in a larger agency. These responsibilities include working with the affirmative action officer to implement all aspects of the Board's Affirmative Action Plan and the Board's commitment to affirmative action and equal opportunity.

Duties

The duties of the executive director shall include, but not be limited to, the following:

- Appoint the affirmative action officer or designee and include accountability for the administration of the Board's Affirmative Action Plan in his or her position description.
- Take action, if needed, on complaints of discrimination and discriminatory harassment.
- Issue a statement affirming the Board's commitment to affirmative action and equal employment opportunity, and ensure that such a statement is disseminated to all employees.
- Work with the affirmative action officer to communicate the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Work with the affirmative action officer to identify any problem areas and eliminate barriers that inhibit equal employment opportunity within the agency.
- Make such decisions and changes in policies, procedures or physical accommodations as may be needed to implement effective affirmative action in the agency.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plans, and Board's mission.
- Report annually to the Governor and the Legislature through the Commissioner of MMB the Board's progress in affirmative action.
- Notify all contractors and sub-contractors with the agency of their affirmative action responsibilities.

- Actively promote the enforcement of equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Require that all Board supervisors include responsibility statements for supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Demonstrate and practice a discrimination and harassment free work environment for all employees.

Accountability

The executive director is accountable directly to the Board and indirectly to the Governor and the Commissioner of MMB for affirmative action matters.

Name of individual responsible

Name: Jeff Sigurdson

Email: jeff.sigurdson@state.mn.us

Title: Executive Director

Phone: 651-539-1189

B. Affirmative Action Officer

Responsibilities

The affirmative action officer is directly responsible for developing, coordinating, implementing and monitoring the Board’s affirmative action program. Because the Board has only nine employees, the affirmative action officer also is responsible for duties that would be performed by an affirmative action officer designee at a larger agency.

In addition, the Department of Administration’s Small Agency Resource Team (SmART) performs some human resources functions for the Board under an interagency agreement. Consequently, the affirmative action officer performs some of the duties listed below in conjunction with SmART according to the terms of the interagency agreement.

Duties

The duties of the affirmative action officer shall include, but not be limited to, the following:

- Develop and administer the Board’s Affirmative Action Plan.
- Assist in the development of agency-wide affirmative action hiring goals.
- Monitor agency compliance and work with SmART to fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy and all relevant affirmative action information to employees in the agency.

- Inform the executive director on progress in affirmative action and equal opportunity and report potential concerns.
- Act as the affirmative action liaison between the Board, MMB, and the Governor’s Office.
- Determine the need for affirmative action training within the agency and initiate the development of such training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs and physical accommodations to facilitate affirmative action and equal opportunity.
- Support and participate in the recruitment of protected class persons for employment, promotion and training opportunities.
- Act as the affirmative action liaison for the Board to SmART in human resources matters delegated to SmART under the terms of the interagency agreement.
- Ensure supervisors and managers are making affirmative efforts to recruit and retain protected group candidates and employees.
- Oversee the administration of the Americans with Disabilities Act Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate supervisors, unions, etc. to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.

Accountability

The affirmative action officer is accountable to the executive director for program impacts, ongoing program activities and direction, and other matters pertaining to Affirmative Action and Equal Opportunity.

Name of individual responsible

1. Name: Jodi Pope

Email: jodi.pope@state.mn.ust

Title: Legal/Management Analyst 4

Phone: 651-539-1183

C. Human Resources Designee - SmART; Board Executive Director and Assistant Executive Director

Responsibilities

As stated above, the Board’s human resource function is handled in conjunction with the Department of Administration’s Small Agency Resource Team (SmART). The SmART Human Resources Office is responsible for ensuring equitable and uniform administration of all personnel policies and for assisting

supervisors in human resources management activities. The Board's affirmative action officer is responsible for ensuring timely responses to all Americans with Disabilities Act (ADA) requests for accommodations to remove barriers to equal employment opportunity with the agency. The Board's executive director and assistant executive director perform the human resource functions not handled by SmART.

Staff within the SmART Human Resources Office who work on affirmative action and diversity issues are accountable to the SmART Human Resources Director or designee. The SmART Human Resources Office is accountable to the Board according to the terms of the Board's interagency agreement. The Board's assistant executive director is accountable to the executive director. The executive director is accountable to the Board.

Duties

The duties of the SmART Human Resources team shall include, but not be limited to, the following:

- Maintain effective working relationship with Board management and affirmative action officer.
- Provide guidance to Board management to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principles.
- Provide guidance to Board management in the development and utilization of selection criteria to ensure they are objective, uniform, and job related.
- Provide guidance to Board management in the recruitment and retention of protected class persons and notify executive director of existing disparities.
- Provide guidance to Board affirmative action officer in responding to requests for ADA accommodations.
- Provide guidance to Board management and affirmative action officer in implementing and following an Affirmative Action Pre-hire Review process.
- Complete the Monitoring the Hiring Process Quarterly Reports for the Board.

The duties of the executive director and the assistant executive director in the human resources area shall include, but not be limited to, the following:

- Work with SmART Human Resources and the Board affirmative action officer to ensure personnel decision-making processes adhere to equal opportunity and affirmative action principals.
- Work with SmART Human Resources in the recruitment and retention of protected class persons and respond to reports of existing disparities.
- Work with SmART Human Resources and the Board affirmative action officer to ensure that an Affirmative Action Pre-hire Review process is implemented and followed.

- Work with the Board affirmative action officer to ensure that the reasonable accommodation process is implemented and followed for all employees and applicants in need of reasonable accommodation.
- Include responsibility statements for affirmative action/equal employment opportunity in relevant position descriptions and annual performance objectives.

Accountability

SmART human resources staff are accountable to the SmART Human Resource Directors or designees. SmART Human Resources is accountable to the Board according to the terms of the Board’s agreement with that agency. The Board’s assistant executive director is accountable to the executive director. The executive director is accountable to the Board.

Name of individual(s) responsible

1. Name: Jodie Segelstrom

Email: jodie.segelstrom@state.mn.us

Title: Human Resources Specialist 2

Phone: 651-259-3768

2. Name: Jeff Sigurdson

3. Name: Megan Engelhardt

Title: Executive director

Title: Assistant executive director

Email: jeff.sigurdson@state.mn.us

Email: megan.engelhardt@state.mn.us

Phone: 651-539-1189

Phone: 651-539-1182

D. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for the oversight of the Board’s compliance with the ADA Title I – Employment, in accordance with the ADA - as amended and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title I Coordinator shall include, but are not limited to, the following:

- Provide guidance, coordination, and direction to Board management with regard to the ADA in the development and implementation of Board policy, procedures, and practices to ensure Board employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to Board management and staff on compliance and best practices with regard to hiring and retention of individuals with disabilities as well as the provision of reasonable accommodations to employees and job applicants.

- Track and facilitate requests for reasonable accommodations for job applicants and employees, as well as members of the public accessing agency services, and, in conjunction with SMART, report reasonable accommodations annually to MMB.
- Research case law rules and regulation and update management on evolving ADA issues.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Submit reasonable accommodation reimbursement under the guidelines of the statewide accommodation fund.
- Provide reasonable accommodations to qualified individuals (as defined by ADA) with known physical or mental disabilities, to enable them to compete in the selection process or to perform the essential functions of the job and/or enjoy equal benefits and privileges. The ADA coordinator, in consultation with the employee and supervisor, and other individuals who may need to be involved must:
 - Discuss the purpose and essential functions of the particular job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;
 - Identify the potential accommodations and assess the effectiveness each would have in allowing the employee to perform the essential functions of the job; and
 - After discussion and review, select and implement the accommodations that are appropriate for both the employee and the employer using the Reasonable Accommodation Agreement.

Accountability:

The ADA Title 1 Coordinator is accountable to the executive director.

Name of individual(s) responsible

1. Name: Jodi Pope

Email: jodi.pope@state.mn.us

Title: Legal/Management Analyst 4

Phone: 651-539-1183

E. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible for the oversight of the Board’s compliance with the ADA Title II – Public Services, in accordance with the ADA - as amended and the Minnesota Human Rights Act.

Duties:

The duties of the ADA Title II Coordinator shall include, but not limited to, the following:

- Provide guidance, coordination, and direction to Board management with regard to the ADA in the development and implementation of Board policy, procedures, and practices to ensure Board services and programs are accessible and nondiscriminatory for the public.
- Provide training, technical guidance, and consultation to Board management and staff on compliance and best practices with regards and obligations to members of the public with disabilities as well as the provision of reasonable modifications to visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing Board services, and report reasonable modifications annually to MMB.
- Research case law rules and regulation and update management on evolving ADA issues.
- In conjunction with SmART, ensure compliance with ADA reporting according to state and federal requirements.
- Design and deliver specific ADA training for Board employees assisting ADA modifications for the public.
- Provide reasonable modifications to members of the public (as defined by ADA) with known physical or mental disabilities, to ensure equal access and privileges to programming and services. The ADA Title II coordinator in consultation with the member of the public in need of a modification shall:
 - Discuss the purpose and essential functions of a particular reasonable modification;
 - Identify the potential modifications and asses the effectiveness each request.
 - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the Board. This review shall be documented and reported in the State ADA Annual Report.

Accountability:

The ADA Title II Coordinator is accountable to the executive director.

Name of individual(s) responsible

1. Name: Jodi Pope

Email: jodi.pope@state.mn.us

Title: Legal/Management Analyst 4

Phone: 651-539-1183

F. Senior Managers – Assistant Executive Director

Responsibilities

The assistant executive director is responsible, along with the executive director, for implementing all aspects of the Board Affirmative Action Plan and the Board’s commitment to affirmative action and equal opportunity.

Duties

The duties of the assistant executive director shall include, but not be limited to, the following:

- Alert the executive director and the affirmative action officer to problem areas and barriers that inhibit equal employment opportunity within the agency.
- Assist with the communication of the equal opportunity employment policy and the affirmative action program and plan to all employees.
- Assist the affirmative action officer and SmART Human Resources in conducting periodic audits of hiring and promotion patterns to remove impediments to attaining affirmative action goals and objectives.
- Demonstrate and practice a discrimination and harassment free work environment for all employees.

Accountability

The assistant executive director is accountable directly to the executive director.

G. All Employees

Responsibilities

All employees are responsible for conducting themselves in accordance with the state of Minnesota’s policy of equal employment opportunity by refraining from any actions that would subject any employee to negative treatment on the basis of that individual’s race, creed, color, sex (including pregnancy), national origin, age, marital status, familial status, disability, sexual orientation, gender expression, gender identity, reliance on public assistance, membership or activity in a local human rights commission, religion, political opinions, or affiliations. Employees who believe they have been subjected to such discrimination or harassment are encouraged to use the agency’s complaint procedure.

Duties:

The duties of all employees shall include, but are not limited, to the following:

- Exhibit an attitude of respect, courtesy and cooperation towards fellow employees and the public.
- Refrain from any actions that would adversely affect a coworker on the basis of their race, sex, color, creed, religion, age, national origin, disability, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity, gender expression, or membership or activity in a local human rights commission.

Accountability:

Employees are accountable to their designated supervisor and indirectly to the executive director. Employees are responsible for maintaining an environment free from harassment and discrimination. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

Communication of the Affirmative Action Plan

The following information describes the methods that the agency takes to communicate the Affirmative Action Plan to employees and the general public:

Internal Methods of Communication

- An email detailing the location of the Affirmative Action Plan and the responsibility to read, understand, support, and implement equal opportunity and affirmative action will be sent from the executive director or alternatively, the affirmative action officer, to all nine Board staff on an annual basis.
- The Board's Affirmative Action Plan is available to all employees on the Board's website at <https://cfb.mn.gov/publications/legal/laws-rules-policy/policies-and-guidance/> or in print copy to anyone who requests it. As requested, the Board will make the plan available in alternative formats.
- A physical copy of the Board's Affirmative Action Plan will be available to employees at the following address: 190 Centennial Office Building, 658 Cedar St, St. Paul, MN 55155
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented and accessible to employees.

External Methods of Communication

- The Board's Affirmative Action Plan is available on the Board's public website at <https://cfb.mn.gov/publications/legal/laws-rules-policy/policies-and-guidance/> or in print copy to anyone who requests it. As requested, the Board will make the plan available in alternative formats.

- The Board’s website homepage and job postings will include the statement “an equal opportunity employer” and “women, minorities, and individuals with disabilities are encouraged to apply.”
- Nondiscrimination and equal opportunity statements and posters are prominently displayed and available in areas frequented by and accessible to members of the public. Examples of posters displayed include: Equal Employment Opportunity is the law, Employee Rights under the Fair Labor Standards Act, and the Americans with Disabilities Act Notice to the Public.
- A physical copy of the Board’s Affirmative Action Plan will be available to contractors, vendors, and members of the public at the following address: 190 Centennial Office Building, 658 Cedar St, St. Paul, MN 55155

Appendix

Statewide Harassment and Discrimination Prohibited Policy, HR/LR Policy # 1436

OVERVIEW

Objective

To create a work environment free from harassment and discrimination based on protected class.

Policy Statement

Any form of harassment or discrimination based on protected class is strictly prohibited. Individuals who believe they have been subject to harassment/discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority, as set forth in Section II of this policy.

Any form of retaliation directed against an individual who opposes or reports protected class harassment/discrimination, or who participates in any investigation concerning protected class harassment/discrimination, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

For issues related to sexual harassment, please refer to HR/LR Policy #1329: Sexual Harassment Prohibited. For issues not related to sexual harassment or harassment or discrimination based on protected class, please see HR/LR Policy #1432 Respectful Workplace.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Terms

Complainant: An individual who reports protected class harassment, discrimination, or retaliation.

Third party: Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers

- Customers
- Business partners
- Unpaid interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected class harassment or harassment based on protected class: Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class: Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex* (includes pregnancy and pregnancy-related conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Age: The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

Marital status: Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment or discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Familial status: The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Disability: A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Genetic information: Includes information about an individual's or their family members' genetic tests, family medical history, an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology.

Public service environment: A location where public service is being provided.

Membership or activity in a local human rights commission: Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. § 363A.03, subd. 23.

GENERAL STANDARDS AND EXPECTATIONS

Prohibition of Protected Class Harassment and Discrimination

Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.

Protected class harassment/discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment/discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:

- Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs
- Display or use of offensive objects, drawings, pictures, or gestures
- Physical assaults or threats
- Inappropriate touching of body, clothing, or personal property
- Following, stalking, intimidation
- Malicious interference with work performance
- Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication
- Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication
- Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment

Employee and Third Party Responsibilities and Complaint Procedure

Harassment or discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are strongly encouraged to report all incidents of protected class harassment or discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs. Individuals may report to any of the following:

1. Any of the agency's managers or supervisors
2. The agency's affirmative action officer
3. The agency's human resources office
4. Agency management, up to and including the agency head

If the report concerns an agency head, the complainant may contact Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment/discrimination
2. A description of the incident(s), including the date(s), location(s), and the identity of any witnesses
3. The name(s) of other individuals who may have been subject to similar harassment/discrimination
4. What, if any, steps have been taken to stop the harassment/discrimination
5. Any other information the complainant believes to be relevant

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC), the Minnesota Department of Human Rights (MDHR), or other legal channels.

Manager/Supervisory Responsibility

Managers and supervisors must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Appropriately respond to a report or problem when they receive a report of protected class harassment/discrimination, or when they are otherwise aware a problem exists
4. Immediately report all allegations or incidents of protected class harassment/discrimination to human resources or the agency Affirmative Action Officer
5. Comply with their agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Human Resources Responsibilities

Agency human resources must:

1. Model appropriate behavior
2. Distribute the Harassment and Discrimination Prohibited Policy to all employees, through a method whereby receipt can be verified
3. Treat all reports of protected class harassment/discrimination seriously
4. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan

Affirmative Action Officer or Designees Responsibilities

Agency Affirmative Action Officer/designee must:

1. Model appropriate behavior
2. Treat all reports of protected class harassment/discrimination seriously
3. Comply with the agency's complaint and investigation procedures and/or the agency's Affirmative Action Plan
4. Keep the agency apprised of changes and developments in the law and policy

Investigation and Discipline

State agencies will take seriously all reports of protected class harassment/discrimination or retaliation, and will take prompt and appropriate action. When conducting an investigation, supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures.

State agencies will take prompt and appropriate corrective action when there is a violation of this policy.

Employees who are found to have engaged in conduct in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in conduct in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false report of protected class harassment/discrimination or retaliation will be subject to disciplinary action, up to and including discharge.

Non-Retaliation

Retaliation against any person who opposes protected class harassment/discrimination, who reports protected class harassment/discrimination, or who participates in an investigation of such reports, is strictly prohibited. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment/discrimination or participating in an investigation. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

Complaint Procedure for Processing Complaints Under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy:

The Campaign Finance and Public Disclosure Board has established the following complaint procedure to be used by all individuals alleging harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. Coercion, retaliation, or intimidation against anyone filing a complaint or serving as a witness under this procedure is prohibited.

Who May File:

Any individual who believes that they have been subject to harassment, discrimination, or retaliation in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is encouraged to use this internal complaint procedure.

If the individual chooses, a complaint can be filed externally with the Minnesota Department of Human Rights (MDHR), the U.S. Equal Employment Opportunity Commission (EEOC), or through other legal channels. The MDHR, EEOC and other legal channels have time limits for filing complaints; individuals may contact the MDHR, EEOC, or a private attorney for more information.

Retaliation against any person who has filed a complaint either internally through this complaint procedure or through an outside enforcement agency or other legal channels is prohibited.

Individuals who knowingly file a false complaint will be subject to disciplinary or corrective action.

The following are the procedures for filing a complaint:

1. The individual may, but is not required to, complete the “Harassment and Discrimination Prohibited/ Sexual Harassment Prohibited Policies Complaint Form” provided by the affirmative action officer or designee. Individuals are encouraged to file a complaint within a reasonable period of time after the individual becomes aware that a situation may involve conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. The affirmative action officer or a designee will, if requested, provide assistance in filling out the form.
2. The affirmative action officer, or a designee, determines if the complainant is alleging conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy; or if the complaint instead is of a general personnel concern or a general concern of respect in the workplace.
 - If it is determined that the complaint is not related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, but rather involves general personnel concerns or general concerns of respect in the workplace, the affirmative action officer or designee will inform the complainant, in writing, within ten (10) business days.

- If it is determined that the complaint is related to conduct that would violate the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy, the affirmative action officer or designee will determine whether corrective action may be taken without an investigation. If it is determined that an investigation is necessary, the affirmative action officer or designee shall investigate the complaint. The affirmative action officer may contract with an outside investigator to conduct the investigation.
3. The affirmative action officer or designee shall create a written investigation report of every investigation conducted. If the investigation shows sufficient evidence to substantiate the complaint, appropriate corrective action will be taken.
 4. Within (60) days after the complaint is filed, the affirmative action officer or designee shall provide a written answer to the complainant, unless reasonable cause for delay exists. The complainant will be notified if the written answer is not expected to be issued within the sixty (60) day period. The written answer to the complainant must comply with the data privacy restrictions of the Minnesota Government Data Practices Act.
 5. Disposition of the complaint will be filed with the Commissioner of Minnesota Management and Budget within thirty (30) days after the final determination.
 6. The status of the complaint may be shared with the complainant(s) and respondent(s). All data related to the complaint are subject to the provisions of the Minnesota Government Data Practices Act.
 7. The affirmative action officer or designee shall maintain records of all complaints, investigation reports, and any other data or information the affirmative action officer or designee deems pertinent for seven (7) years after the complaint is closed.
 8. In extenuating circumstances, the employee or applicant may contact the State Affirmative Action Officer in the Office of Equal Opportunity at Minnesota Management and Budget for information regarding the filing of a complaint (for example, if the complaint is against the agency head or the agency affirmative action officer).

Campaign Finance and Public Disclosure Board

Harassment and Discrimination Prohibited/Sexual Harassment Prohibited Policies Complaint Form

Agency Name: Campaign Finance and Public Disclosure Board
Agency Address: 190 Centennial Office Building, 658 Cedar St.
St. Paul, MN 55155-1603
(651) 539-1180

Complainant (You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone
Agency	Division	Manager/Supervisor's Name

Respondent (Person against whom you are filing the complaint)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone
Agency	Division	Manager/Supervisor's Name

The Complaint		
Basis of Complaint (Place an "X" in the box for all that apply):		
<input type="checkbox"/> Race	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender Expression
<input type="checkbox"/> Sex	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Religion
<input type="checkbox"/> Familial Status	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Genetic Information
<input type="checkbox"/> Age	<input type="checkbox"/> National Origin	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Color	<input type="checkbox"/> Creed	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission
<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> Reliance on Public Assistance

Date most recent act of discrimination/harassment in violation of policy took place: _____

If you filed this complaint with another agency, give the name of that agency: _____

Describe, in as much detail as possible, the conduct that you believe violates the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. List dates, locations, and names and titles of people involved. Explain why you believe the conduct was based on the item(s) checked in the "Basis of Complaint" section above. Use additional paper if needed and attach to this form. Attach any documents you believe may be relevant.

Information on witnesses who you believe can support your complaint		
Witness name	Witness work address	Witness work telephone

Additional witnesses may be listed in “Additional Information” or on a separate sheet attached to this form.

This complaint is being filed based on my honest believe that I have been subjected to conduct in violation of the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Signatures	
Complainant signature	Date
Affirmative action officer signature	Date

NON-RETALIATION: Retaliation against any person who reports conduct under the Harassment and Discrimination Prohibited Policy or the Sexual Harassment Prohibited Policy is strictly prohibited and will not be tolerated. If you believe that you have been subjected to retaliation, you are encouraged to report such behavior.

This material is available in alternative formats for individuals with disabilities by contacting Jodi Pope at 651-539-1183; 800-657-3889; by TTY by calling 800-627-3529, or jodi.pope@state.mn.us

Additional information

Statewide Sexual Harassment Prohibited Policy

Statewide HR/LR Policy #1329: Sexual Harassment Prohibited

Objective

To create a work environment free from sexual harassment of any kind.

Policy Statement

Sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment are encouraged to file a complaint with an appropriate authority. Any form of retaliation directed against an individual who complains about sexual harassment or who participates in any investigation concerning sexual harassment is strictly prohibited and will not be tolerated. Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

Scope

This policy applies to all employees of, and third parties who have business interactions with, executive branch agencies and the classified employees in the Office of the Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement Association, and Teachers' Retirement Association.

Definitions and Key Terms

Complainant

An individual who complains about sexual harassment or retaliation.

Public service environment

A location that is not the workplace where public service is being provided.

Sexual harassment

Unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.

Third party

Individuals who are not State employees but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers

- Customers
- Business Partners

Exclusions

N/A

Statutory References

42 U.S.C. § 2000e, et al.
 M.S. Ch. 363A
 M.S. Ch. 43A
 Minn. Rule 3905.0500

GENERAL STANDARDS AND EXPECTATIONS

I. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

- Unwelcome sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
- Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
- Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
- Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
- Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
- Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

II. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment with:

- An agency supervisor;

- The agency's affirmative action officer;
- An agency's human resource office;
- Agency management, up to and including the commissioner.

If the complaint concerns an agency head, the complainant may contact Minnesota Management & Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a complaint of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

- The name, department, and position of the person(s) allegedly causing the harassment;
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
- The name(s) of other individuals who may have been subject to similar harassment;
- What, if any, steps have been taken to stop the harassment;
- Any other information the complainant believes to be relevant.

Individuals are encouraged to use the agency's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR) or other legal channels.

III. Supervisor Responsibility

Supervisors are responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved;
- When a complaint of sexual harassment has been made to the supervisor, or when the supervisor is otherwise aware that a problem exists, the supervisor must appropriately respond to the complaint or problem;
- Immediately report all allegations or incidents of sexual harassment to human resources or the agency Affirmative Action Officer so that prompt and appropriate action can be taken;
- Complying with their agency's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

Supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

IV. Human Resources Responsibilities

Agency human resources offices are responsible for the following:

- Modeling appropriate behavior;
- Distributing the sexual harassment policy to all employees, through a method whereby receipt can be verified;

- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with the agency's complaint and investigation procedures and/or their Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

V. Affirmative Action Officer or Designee Responsibilities

Agency Affirmative Action Officer/designee is responsible for the following:

- Modeling appropriate behavior;
- Treating all complaints of sexual harassment seriously, regardless of the individual(s) or behaviors involved;
- Complying with the agency's complaint and investigation procedures to ensure the prompt and appropriate action in response to complaints of sexual harassment;
- Keeping the agency apprised of changes and developments in the law.

VI. Investigation and Discipline

All complaints of sexual harassment will be taken seriously, and prompt and appropriate action taken. When conducting an investigation, supervisors, human resources, and Affirmative Action Officers must follow their agency's investigation procedures. For a sample investigation procedure, please review the documents available on the [MMB Equal Opportunity, Diversity, and Inclusion website](#), including:

- Agency AAP Planning Guide
- For agencies with more than 25 employees
- For agencies with 25 or fewer employees

Timely and appropriate corrective action will be taken when there is a violation of this policy. Employees who are found to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in sexual harassment in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false complaint of sexual harassment will be subject to disciplinary action, up to and including discharge.

VII. Non-Retaliation

Retaliation against any person who reports sexual harassment or participates in an investigation of such reports is strictly prohibited. Retaliation will not be tolerated. Any employee who is found to have engaged in

retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

RESPONSIBILITIES

Agencies are responsible for:

- Adopting this policy.
- Disseminating this policy to agency employees through a method whereby receipt can be verified.
- Posting this policy in a manner that can be accessed by third parties.
- Including this policy in their Affirmative Action Plan.
- Implementing this policy, including developing:
 - An educational program;
 - A process for reporting complaints; and
 - A procedure under which complaints will be addressed promptly.
 - Enforcing this policy.

MMB is responsible for:

- Ensuring that state agencies carry out their responsibilities under this policy and updating this policy as necessary.

FORMS AND SUPPLEMENTS

See acknowledgement form, below, which can be used to verify receipt by agency employees.

Acknowledgement

I acknowledge that I have received and read the policy, Sexual Harassment Prohibited, and accompanying complaint procedure. I understand that sexual harassment and retaliation are strictly prohibited. I understand that if I engage in conduct in violation of the policy toward any State employee, applicant for employment, vendor, contractor, volunteer, customer, or business partner, I will be subject to disciplinary action, up to and including discharge.

I understand that if I believe that I have been subjected to sexually harassing or retaliatory conduct as defined by this policy by any State employee, applicant for employment, vendor, contractor, volunteer, customer or business partner, I am encouraged to report that behavior. I understand that I can make a report to agency managers/supervisors, agency human resources, or agency management, up to and including the commissioner. I understand that if my complaint concerns an agency head, I may contact Minnesota Management & Budget.

Signed: _____ Date: _____

Employee Name: _____

Statewide ADA Reasonable Accommodation Policy

Statewide HR/LR Policy #1433: ADA Reasonable Accommodation Policy

OBJECTIVE

The goals of this policy are:

- To ensure compliance with all applicable state and federal laws;
- To establish a written and readily accessible procedure regarding reasonable accommodation, including providing notice of this policy on all job announcements;
- To provide guidance and resources about reasonable accommodations;
- To provide a respectful interactive process to explore reasonable accommodations; and
- To provide a timely and thorough review process for requests for reasonable accommodation.

Policy Statement

State agencies must comply with all state and federal laws that prohibit discrimination against qualified individuals with disabilities in all employment practices. All state agencies must provide reasonable accommodations to qualified applicants and employees with disabilities unless to do so would cause an undue hardship or pose a direct threat. Agencies must provide reasonable accommodation when:

- A qualified applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- A qualified employee with a disability needs an accommodation to perform the essential functions of the employee's job; and
- A qualified employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (e.g., trainings, office sponsored events).

Scope

This policy applies to all employees of the Executive Branch and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.

Definitions

Applicant- A person who expresses interest in employment and satisfies the minimum requirements for application established by the job posting and job description.

Americans with Disabilities Act (ADA) Coordinator- Each agency is required to appoint an ADA coordinator or designee, depending on agency size, to direct and coordinate agency compliance with Title I of the ADA.

Direct Threat- A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

The determination that an individual poses a direct threat shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job.

Essential Functions- Duties so fundamental that the individual cannot do the job without being able to perform them. A function can be essential if:

- The job exists specifically to perform the function(s); or
- There are a limited number of other employees who could perform the function(s); or
- The function(s) is/are specialized and the individual is hired based on the employee's expertise.

Interactive Process- A discussion between the employer and the individual with a disability to determine an effective reasonable accommodation for the individual with a disability. To be interactive, both sides must communicate and exchange information.

Individual with a Disability- An individual who:

- Has a physical, sensory, or mental impairment that substantially limits one or more major life activities; or
- Has a record or history of such impairment; or
- Is regarded as having such impairment.

Qualified Individual with a Disability- An individual who:

- Satisfies the requisite skill, experience, education, and other job-related requirements of the job that the individual holds or desires; and
- Can perform the essential functions of the position with or without reasonable accommodation.

Major Life Activities- May include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Medical Documentation- Information from the requestor's treating provider which is sufficient to enable the employer to determine whether an individual has a disability and whether and what type of reasonable accommodation is needed when the disability or the need for accommodation is not obvious. Medical documentation can be requested using the standardized [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#).

Reasonable Accommodation- An adjustment or alteration that enables a qualified individual with a disability to apply for a job, perform job duties, or enjoy the benefits and privileges of employment. Reasonable accommodations may include:

- Modifications or adjustments to a job application process to permit a qualified individual with a disability to be considered for a job; or
- Modifications or adjustments to enable a qualified individual with a disability to perform the essential functions of the job; or

- Modifications or adjustments that enable qualified employees with disabilities to enjoy equal benefits and privileges of employment.
- Modifications or adjustments may include, but are not limited to:
 - Providing materials in alternative formats like large print or Braille;
 - Providing assistive technology, including information technology and communications equipment, or specially designed furniture;
 - Modifying work schedules or supervisory methods;
 - Granting breaks or providing leave;
 - Altering how or when job duties are performed;
 - Removing and/or substituting a marginal function;
 - Moving to a different office space;
 - Providing telework;
 - Making changes in workplace policies;
 - Providing a reader or other staff assistant to enable employees to perform their job functions, where a reasonable accommodation cannot be provided by current staff;
 - Removing an architectural barrier, including reconfiguring work spaces;
 - Providing accessible parking;
 - Providing a sign language interpreter; or
 - Providing a reassignment to a vacant position.

Reassignment- Reassignment to a vacant position for which an employee is qualified is a “last resort” form of a reasonable accommodation. This type of accommodation must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position, with or without reasonable accommodation, unless the employer can show that it will be an undue hardship.

Support Person- Any person an individual with a disability identifies to help during the reasonable accommodation process in terms of filling out paperwork, attending meetings during the interactive process to take notes or ask clarifying questions, or to provide emotional support.

Undue Hardship- A specific reasonable accommodation would require significant difficulty or expense. Undue hardship is always determined on a case-by-case basis considering factors that include the nature and cost of the accommodation requested and the impact of the accommodation on the operations of the agency. A state agency is not required to provide accommodations that would impose an undue hardship on the operation of the agency.

Exclusions

N/A

Statutory References

- [Rehabilitation Act of 1973, Title 29 USC 701](#)

- [Americans with Disabilities Act \(1990\)](#)
- [29 C.F.R. 1630, Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act](#)

GENERAL STANDARDS AND EXPECTATIONS

Individuals who may request a reasonable accommodation include:

- Any qualified applicant with a disability who needs assistance with the job application procedure or the interview or selection process; or
- Any qualified agency employee with a disability who needs a reasonable accommodation to perform the essential functions of the position; or
- A third party, such as a family member, friend, health professional or other representative, on behalf of a qualified applicant or employee with a disability, when the applicant or employee is unable to make the request for reasonable accommodation. When possible, the agency must contact the applicant or employee to confirm that the accommodation is wanted. The applicant or employee has the discretion to accept or reject the proposed accommodation.

The agency must abide by the [Minnesota Government Data Practices Act, Chapter 13](#), in obtaining or sharing information related to accommodation requests.

How to request a reasonable accommodation

An agency applicant or employee may make a reasonable accommodation request to any or all of the following:

- Immediate supervisor or manager in the employee's chain of command;
- Agency Affirmative Action Officer/Designee;
- Agency ADA Coordinator;
- Agency Human Resources Office;
- Any agency official with whom the applicant has contact during the application, interview and/or selection process.

Timing of the request

An applicant or employee may request a reasonable accommodation at any time, even if the individual has not previously disclosed the existence of a disability or the need for an accommodation. A request is any communication in which an individual asks or states that he or she needs the agency to provide or change something because of a medical condition.

The reasonable accommodation process begins as soon as possible after the request for accommodation is made.

Form of the request

The applicant or employee is responsible for requesting a reasonable accommodation or providing sufficient notice to the agency that an accommodation is needed.

An initial request for accommodation may be made in any manner (e.g., writing, electronically, in person or orally).

The individual requesting an accommodation does not have to use any special words and does not have to mention the ADA or use the phrase "reasonable accommodation" or "disability."

Oral requests must be documented in writing to ensure efficient processing of requests.

Agency request forms can be found at: "[Employee/Applicant Request for Reasonable Accommodation Form](#)".

When a supervisor or manager observes or receives information indicating that an employee is experiencing difficulty performing the job due to a medical condition or disability, further inquiry may be required. Supervisors or managers should consult with the agency ADA Coordinator for advice on how to proceed.

When an employee needs the same reasonable accommodation on a repeated basis (e.g., the assistance of a sign language interpreter), a written request for accommodation is required the first time only. However, the employee requesting an accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the agency must make appropriate arrangements without requiring a request in advance of each occasion.

The interactive process entails

Communication is a priority and encouraged throughout the entire reasonable accommodation process. The interactive process is a collaborative process between the employee and/or applicant and the agency to explore and identify specific reasonable accommodation(s). (For information on the Interactive Process see the U.S. Department of Labor, Job Accommodation Network at <http://askjan.org/topics/interactive.htm>). This process is required when:

- The need for a reasonable accommodation is not obvious;
- The specific limitation, problem or barrier is unclear;
- An effective reasonable accommodation is not obvious;
- The parties are considering different forms of reasonable accommodation;
- The medical condition changes or fluctuates; or,
- There are questions about the reasonableness of the requested accommodation.

The interactive process should begin as soon as possible after a request for reasonable accommodation is made or the need for accommodation becomes known.

The process should ensure a full exchange of relevant information and communication between the individual and the agency. An individual may request that the agency ADA Coordinator, a union representative, or support person be present.

The agency ADA Coordinator shall be consulted when:

- Issues, conflicts or questions arise in the interactive process; and
- Prior to denying a request for accommodation.

Agency responsibilities for processing the request

As the first step in processing a request for reasonable accommodation, the person who receives the request must promptly forward the request to the appropriate decision maker. At the same time, the recipient will notify the requestor who the decision maker is.

Commissioner

The commissioner of the agency or agency head has the ultimate responsibility to ensure compliance with the ADA and this policy and appoint an ADA Coordinator.

ADA Coordinator

The agency ADA Coordinator is the agency's decision maker for reasonable accommodation requests for all types of requests outside of the supervisors' and managers' authority. The agency ADA Coordinator will work with the supervisor and manager, and where necessary, with agency Human Resources, to implement the approved reasonable accommodation.

Supervisors and Managers

Agencies have the authority to designate the level of management approval needed for reasonable accommodation requests for low-cost purchases. For example:

Requests for standard office equipment that is needed as a reasonable accommodation and adaptive items costing less than \$100. [Agencies can adjust the dollar amount based on their needs]; and

Requests for a change in a condition of employment such as modified duties, or a change in schedule, or the location and size of an employee's workspace. [Agencies can choose to delegate specific requests to supervisors or managers or require these types of requests to work through the agency ADA Coordinator].

Analysis for processing requests

Before approving or denying a request for accommodation, the agency decision maker with assistance from the agency ADA Coordinator will:

1. Determine if the requestor is a qualified individual with a disability;
2. Determine if the accommodation is needed to:
 - Enable a qualified applicant with a disability to be considered for the position the individual desires;
 - Enable a qualified employee with a disability to perform the essential functions of the position;or

- Enable a qualified employee with a disability to enjoy equal benefits or privileges of employment as similarly situated employees without disabilities;
3. Determine whether the requested accommodation is reasonable;
 4. Determine whether there is a reasonable accommodation that will be effective for the requestor and the agency; and
 5. Determine whether the reasonable accommodation will impose an undue hardship on the agency's operations.

An employee's accommodation preference is always seriously considered, but the agency is not obligated to provide the requestor's accommodation of choice, so long as it offers an effective accommodation, or determines that accommodation would cause an undue hardship.

Obtaining medical documentation in connection with a request for reasonable accommodation

In some cases, the disability and need for accommodation will be reasonably evident or already known, for example, where an employee is blind. In these cases, the agency will not seek further medical documentation. If a requestor's disability and/or need for reasonable accommodation are not obvious or already known, the agency ADA Coordinator may require medical information showing that the requestor has a covered disability that requires accommodation. The agency ADA Coordinator may request medical information in certain other circumstances. For example when:

- The information submitted by the requestor is insufficient to document the disability or the need for the accommodation;
- A question exists as to whether an individual is able to perform the essential functions of the position, with or without reasonable accommodation; or
- A question exists as to whether the employee will pose a direct threat to himself/herself or others.

Where medical documentation is necessary, the agency ADA Coordinator must make the request and use the [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#). The agency ADA Coordinator must also obtain the requestor's completed and signed [Authorization for Release of Medical Information](#) before sending the Letter to, or otherwise communicating with, the medical provider. The employee may choose not to sign the Authorization. However, if the employee chooses not to sign the Authorization, it is the employee's responsibility to ensure that the agency receives the requested medical information.

Only medical documentation specifically related to the employee's request for accommodation and ability to perform the essential functions of the position will be requested. When medical documentation or information is appropriately requested, an employee must provide it in a timely manner, or the agency may deny the reasonable accommodation request. Agencies must not request medical records; medical records are not appropriate documentation and cannot be accepted. **Supervisors and managers *must not* request medical information or documentation from an applicant or employee seeking an accommodation.** Such a request will be made by the agency ADA Coordinator, if appropriate.

Confidentiality requirements

Medical Information

Medical information obtained in connection with the reasonable accommodation process must be kept confidential. All medical information obtained in connection with such requests must be collected and maintained on separate forms and in separate physical or electronic files from non-medical personnel files and records. Electronic copies of medical information obtained in connection with the reasonable accommodation process must be stored so that access is limited to only the agency ADA Coordinator. Physical copies of such medical information must be stored in a locked cabinet or office when not in use or unattended. Generally, medical documentation obtained in connection with the reasonable accommodation process should only be reviewed by the agency ADA Coordinator.

The agency ADA Coordinator may disclose medical information obtained in connection with the reasonable accommodation process to the following:

- Supervisors, managers or agency HR staff who have a need to know may be told about the necessary work restrictions and about the accommodations necessary to perform the employee's duties. However, information about the employee's medical condition should only be disclosed if strictly necessary, such as for safety reasons;
- First aid and safety personnel may be informed, when appropriate, if the employee may require emergency treatment or assistance in an emergency evacuation;
- To consult with the State ADA Coordinator or Employment Law Counsel at MMB, or the Attorney General's Office about accommodation requests, denial of accommodation requests or purchasing of specific assistive technology or other resources; or
- Government officials assigned to investigate agency compliance with the ADA.

Whenever medical information is appropriately disclosed as described above, the recipients of the information must comply with all confidentiality requirements.

Accommodation Information

The fact that an individual is receiving an accommodation because of a disability is confidential and may only be shared with those individuals who have a need to know for purposes of implementing the accommodation, such as the requestor's supervisor and the agency ADA Coordinator.

General Information

General summary information regarding an employee's or applicant's status as an individual with a disability may be collected by agency equal opportunity officials to maintain records and evaluate and report on the agency's performance in hiring, retention, and processing reasonable accommodation requests.

Approval of requests for reasonable accommodation

As soon as the decision maker determines that a reasonable accommodation will be provided, the agency ADA Coordinator will process the request and provide the reasonable accommodation in as short of a timeframe as possible. The time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. If an approved accommodation cannot be provided within a reasonable time, the decision maker will inform the requestor

of the status of the request before the end of 30 days. Where feasible, if there is a delay in providing the request, temporary measures will be taken to provide assistance.

Once approved, the reasonable accommodation should be documented for record keeping purposes and the records maintained by the agency ADA Coordinator.

Funding for reasonable accommodations

The agency must specify how the agency will pay for reasonable accommodations.

Procedures for reassignment as a reasonable accommodation

Reassignment to a vacant position is an accommodation that must be considered if there are no effective reasonable accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other reasonable accommodations would impose an undue hardship.

The agency ADA Coordinator will work with agency Human Resources staff and the requestor to identify appropriate vacant positions within the agency for which the employee may be qualified and can perform the essential functions of the vacant position, with or without reasonable accommodation. Vacant positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors will be considered first. If there are none, the agency will consider vacant lower level positions for which the individual is qualified. The EEOC recommends that the agency consider positions that are currently vacant or will be coming open within at least the next 60 days.

Denial of requests for reasonable accommodation

The agency ADA Coordinator must be contacted for assistance and guidance prior to denying any request for reasonable accommodation. The agency may deny a request for reasonable accommodation where:

- The individual is not a qualified individual with a disability;
- The reasonable accommodation results in undue hardship or the individual poses a direct threat to the individual or others. Undue hardship and direct threat are determined on a case-by-case basis with guidance from the agency ADA Coordinator; or
- Where no reasonable accommodation, including reassignment to a vacant position, will enable the employee to perform all the essential functions of the job.

The explanation for denial must be provided to the requestor in writing. The explanation should be written in plain language and clearly state the specific reasons for denial. Where the decision maker has denied a specific requested accommodation, but has offered a different accommodation in its place, the decision letter should explain both the reasons for denying the accommodation requested and the reasons that the accommodation being offered will be effective.

Consideration of undue hardship

An interactive process must occur prior to the agency making a determination of undue hardship. Determination of undue hardship is made on a case-by-case basis and only after consultation with the agency's ADA Coordinator. In determining whether granting a reasonable accommodation will cause an undue hardship, the agency considers factors such as the nature and cost of the accommodation in

relationship to the size and resources of the agency and the impact the accommodation will have on the operations of the agency.

Agencies may deny reasonable accommodations based upon an undue hardship. Prior to denying reasonable accommodation requests due to lack of financial resources, the agency will consult with the State ADA Coordinator at MMB.

Determining direct threat

The determination that an individual poses a “direct threat,” (i.e., a significant risk of substantial harm to the health or safety of the individual or others) which cannot be eliminated or reduced by a reasonable accommodation, must be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job with or without reasonable accommodation. A determination that an individual poses a direct threat cannot be based on fears, misconceptions, or stereotypes about the individual's disability. Instead, the agency must make a reasonable medical judgment, relying on the most current medical knowledge and the best available objective evidence.

In determining whether an individual poses a direct threat, the factors to be considered include:

- Duration of the risk;
- Nature and severity of the potential harm;
- Likelihood that the potential harm will occur; and
- Imminence of the potential harm.

Appeals process in the event of denial

In addition to providing the requestor with the reasons for denial of a request for reasonable accommodation, agencies must designate a process for review when an applicant or employee chooses to appeal the denial of a reasonable accommodation request. This process:

- Must include review by an agency official;
- May include review by the State ADA Coordinator; and/or
- Must inform the requestor of the statutory right to file a charge with the Equal Employment Opportunity Commission or the Minnesota Department of Human Rights.

Information tracking and records retention

Agencies must track reasonable accommodations requested and report once a year by September 1st to MMB the number and types of accommodations requested, approved, denied and other relevant information.

Agencies must retain reasonable accommodation documentation according to the agency's document retention schedule, but in all cases for at least one year from the date the record is made or the personnel action involved is taken, whichever occurs later. 29 C.F.R. § 1602.14.

RESPONSIBILITIES

Agencies are responsible for the request:

- Adoption and implementation of this policy and development of reasonable accommodation procedures consistent with the guidance in this document.

MMB is responsible for:

- Provide advice and assistance to state agencies and maintain this policy.

Please review the following forms:

- [Employee/Applicant Request for ADA Reasonable Accommodation](#)
- [Authorization of Release of Medical Information for ADA Reasonable Accommodations](#)
- [Letter Requesting Documentation for Determining ADA Eligibility from a Medical Provider](#)

REFERENCES

- [U.S. Equal Employment Opportunity Commission](#), *Enforcement Guidance*
- Pre-employment Disability-Related Questions and Medical Examinations at 5, 6-8, 20, 21-22, 8 FEP Manual (BNA) 405:7191, 7192-94, 7201 (1995).
- Workers' Compensation and the ADA at 15-20, 8 FEP Manual (BNA) 405:7391, 7398-7401 (1996).
- The Americans with Disabilities Act and Psychiatric Disabilities at 19-28, 8 FEP Manual (BNA) 405:7461, 7470-76 (1997).
- Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (October 17, 2002), (clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation and undue hardship).
- Disability-Related Inquiries and Medical Examinations of Employees (explains when it is permissible for employers to make disability-related inquiries or require medical examinations of employees).
- Fact Sheet on the Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964 at 6-9, 8 FEP Manual (BNA) 4055:7371.

The [Genetic Information Nondiscrimination Act \(GINA\) of 2008](#) and [M.S. 181.974](#) prohibit employers from using genetic information when making decisions regarding employment.

[Minnesota Human Rights Act \(MHRA\)](#) prohibits employers from treating people differently in employment because of their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation, or local human rights commission activity. The MHRA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, except when such accommodation would cause undue hardship or where the individual poses a direct threat to the health or safety of the individual or others. The MHRA prohibits requesting or requiring information about an individual's disability prior to a conditional offer of employment.

The [Family and Medical Leave Act](#) is a federal law requiring covered employers to provide eligible employees twelve weeks of job-protected, unpaid leave for qualified medical and family reasons.

[Executive Order 14-14, Providing for Increased Participation of Individuals with Disabilities in State Employment](#), directs agencies to make efforts to hire more individuals with disabilities and report on progress.

CONTACTS

Equal Opportunity Office at Minnesota Management and Budget via ADA.MMB@state.mn.us

Request for Reasonable Accommodation Form

State of Minnesota – Campaign Finance and Public Disclosure Board Employee/Applicant Request for Americans with Disabilities Act (“ADA”) Reasonable Accommodation Form

The State of Minnesota is committed to complying with the Americans with Disabilities Act (“ADA”) and the Minnesota Human Rights Act (“MHRA”). To be eligible for an ADA accommodation, you must be 1) qualified to perform the essential functions of your position and 2) have a disability that limits a major life activity or function. The ADA Coordinator/Designee will review each request on an individualized case-by-case basis to determine whether or not an accommodation can be made.

Employee/Applicant Name:	Job Title:
Work Location:	Phone Number:

Data Privacy Statement: This information may be used by your agency human resources representative, ADA Coordinator or designee, your agency legal counsel, or any other individual who is authorized by your agency to receive medical information for purposes of providing reasonable accommodations under the ADA and MHRA. This information is necessary to determine whether you have a disability as defined by the ADA or MHRA, and to determine whether any reasonable accommodation can be made. The provision of this information is strictly voluntary; however, if you refuse to provide it, your agency may refuse to provide a reasonable accommodation.

Questions to clarify accommodation requested.

What specific accommodation are you requesting? _____

If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore?
YES NO

If yes, please explain.

Questions to document the reason for the accommodation request *(please attach additional pages if necessary)*.

What, if any, job function are you having difficulty performing?

Reasonable Accommodation Request Form, Page 2

What, if any, employment benefits are you having difficulty accessing?

What limitation, as result of your physical or mental impairment, is interfering with your ability to perform your job or access an employment benefit?

If you are requesting a specific accommodation, how will that accommodation be effective in allowing you to perform the functions of your job?

Information Pertaining to Medical Documentation: In the context of assessing an accommodation request, medical documentation may be needed to determine if the employee has a disability covered by the ADA and to assist in identifying an effective accommodation. The ADA Coordinator or designee in each agency is tasked with collecting necessary medical documentation. In the event that medical documentation is needed, the employee will be provided with the appropriate forms to submit to their medical provider. The employee has the responsibility to ensure that the medical provider follows through on requests for medical information.

This form does not cover, and the information to be disclosed should not contain, genetic information. "Genetic Information" includes: Information about an individual's genetic tests; information about genetic tests of an individual's family members; information about the manifestation of a disease or disorder in an individual's family members (family medical history); an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; and genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.

Employee/Applicant Signature: _____

Date: _____

[Employee/Applicant Request for ADA Reasonable Accommodation Form](#)

Evacuation Procedure for Individuals with Disabilities or Otherwise in Need of Assistance

The Board follows the emergency evacuation plan for the Centennial Office Building created by the Department of Public Safety Capitol Security and Department of Employee Relations, revised October 13, 2017.

Each employee is provided with a copy of the emergency evacuation procedures upon employment. A copy of the plan also is available to employees at [Centennial Office Building Emergency Plan August 2017.docx](#). The emergency plan is reviewed with staff, annually, at a staff meeting. Employees are informed that they also have a responsibility to develop their own personal emergency evacuation plan. Employees are informed that if assistance might be needed during an evacuation, they should contact the agency contact below to discuss the type of assistance they may need and to create a plan for ensuring that they will obtain any needed assistance.

Under the building evacuation plan, employees who are mobility or sensory impaired are assigned an individual to assist them in an evacuation. The floor wardens for the building are notified of the number of employees in the agency who will need assistance with evacuation and the type of assistance needed.

Under the building evacuation plan, Capitol Security is responsible for issuing evacuation orders and initially communicating those orders to individuals in the building. Employees with hearing disabilities are notified of evacuation orders by their supervisors/managers or by the individuals chosen to assist them.

Name: Jodi Pope

Title: Legal/Management Analyst 4

Email: jodi.pope@state.mn.us

Phone: 651-539-1183

Evacuation Options:

Individuals with disabilities have four basic evacuation options:

- **Horizontal evacuation:** Using building exit to the orange level of the parking ramp and then exit parking ramp on ground level;
- **Stairway evacuation:** Using steps to reach ground level exits from building;
- **Shelter in place:** Unless danger is imminent, remain in a room with an exterior window, a telephone, and a solid or fire resistant door. If the individual requiring special evacuation assistance remains in place, they should dial 911 immediately and report their location to

emergency services, who will in turn relay that information to on-site responders. The shelter in place approach may be more appropriate for sprinkler protected buildings where an area of refuge is not nearby or available. It may be more appropriate for an individual who is alone when the alarm sounds; and/or

- **Area of rescue assistance:** Identified areas that can be used as a means of egress for individuals with disabilities. These areas, located on floors above or below the building's exits, can be used by individuals with disabilities until rescue can be facilitated by emergency responders.

Evacuation Procedures for Individuals with Mobility, Hearing, or Visual Disabilities:

Individuals with disabilities should follow the following procedures:

- **Mobility disabilities (individuals who use wheelchairs or other personal mobility devices ("PMDs")):** Individuals using wheelchairs should be accompanied to an area of rescue assistance when the alarm sounds. The safety and security staff will respond to each of the areas of rescue assistance every time a building evacuation is initiated to identify the individuals in these areas and notify to emergency responders how many individuals need assistance to safely evacuate.
- **Mobility disabilities (individuals who do not use wheelchairs):** Individuals with mobility disabilities, who are able to walk independently, may be able to negotiate stairs in an emergency with minor assistance. If danger is imminent, the individual should wait until the heavy traffic has cleared before attempting the stairs. If there is no immediate danger (detectable smoke, fire, or unusual odor), the individual with a disability may choose to wait at the area of rescue assistance until emergency responders arrive to assist them.
- **Hearing disabilities:** The agency's building is equipped with fire alarm horns/strobes that sound the alarm and flash strobe lights. The strobe lights are for individuals who are deaf and/or hard of hearing. Individuals with hearing disabilities may not notice or hear emergency alarms and will need to be alerted of emergency situations.
- **Visual disabilities:** The agency's building is equipped with fire alarm horn/strobes that sound the alarm and flash strobe lights. The horn will alert individuals who are blind or have visual disabilities of the need to evacuate. Most individuals with visual disabilities will be familiar with their immediate surroundings and frequently traveled routes. Since the emergency evacuation route is likely different from the common traveled route, individuals with visual disabilities may need assistance in evacuating. The assistant should offer assistance, and if accepted, guide the individual with a visual disability through the evacuation route.

Severe Weather Evacuation Options:

The Board's offices are on the first floor of the building. Individuals in need of assistance during an evacuation have two evacuation options under the building evacuation plan:

- **Horizontal evacuation:** Individuals may move to an interior area of the floor to a designated safe room; and/or
- **Stairway evacuation:** Individuals may move to the basement tunnel level using the stairwell.

Other Relevant Information

There is no other relevant information.

CAMPAIGN FINANCE AND PUBLIC DISCLOSURE BOARD
August, 2018

ACTIVE FILES

Candidate/Treasurer/ Lobbyist	Committee/Agency	Report Missing/ Violation	Late Fee/ Civil Penalty	Referred to AGO	Date S&C Served by Mail	Default Hearing Date	Date Judgment Entered	Case Status
Chilah Brown Michele Berger	Brown (Chilah) for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures Unpaid late filing fee on 10/31/16 Pre- General Election Report	\$1,000 LF \$1,000 CP \$50 LF	3/6/18				
Roxana Bruins	Roxana Bruins for Senate	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	7/28/17	9/6/17	8/17/18		
Brenden Ellingboe	Ellingboe (Brenden) for House	Unfiled 2015 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	11/29/16	5/26/17			Hold by Board
Katy Humphrey, Kelli Latuska	Duluth DFL	Unfiled 2016 Year- End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	3/6/18				
Christopher John Meyer	Meyer for Minnesota	2016 Year-End Report of Receipts and Expenditures	\$1,000 LF \$1,000 CP	7/28/17	9/6/17			Placed on hold by Board

