



MINNESOTA SPORTS FACILITIES AUTHORITY MEETING AGENDA
Thursday, September 17, 2020, 8:00 A.M.

Zoom Instruction Can be Found at:

<https://www.msfa.com/df-data/files/minutes/2020-materials/09-2020%20Board%20Meeting%20Agenda.pdf>

Zoom Link: <https://zoom.us/j/91616023020>

Zoom Phone Number: 301-715-8592

Meeting ID/Pass Code: 916 1602 3020

Pursuant to the Governor’s ongoing Emergency Executive Orders, the Minnesota Sports Facilities Authority (MSFA) is holding its previously scheduled **8:00 a.m., September 17, 2020**, Board meeting via Zoom and telephonically consistent with Minnesota Statutes, Section 13D.021. The MSFA Chair has concluded that an in-person meeting is not practical or prudent because of the health pandemic declared under the Emergency Executive Orders and the importance of social distancing and minimizing contact with others pursuant to the Orders. **The public may monitor the meeting by downloading the Zoom video app and using the following website: <https://zoom.us/j/91616023020> If you do not have access to the video app, the public may choose to Dial-In by using the following Zoom phone number: 301-715-8592, with passcode: 916 1602 3020. Should the public want to make a public comment, they must raise their virtual hand during that portion of the meeting. In order to do this, click on the “Participant” button on the bottom of the screen, and then click on the “Raise Hand Button”. The Chair will then call your name in the order it was received. The Agenda and meeting materials will be available at www.msfa.com.**

1. CALL TO ORDER
2. APPROVAL OF PRIOR MEETING MINUTES – August 20, 2020
3. BUSINESS
 - a. Action Items
 - i. Approve Updated MSFA Bylaws
 - ii. MSFA’s Policies and Procedures
 - iii. Communications Agreement between MSFA and ASM
 - b. Reports
 - i. Status of U.S. Bank Stadium
 - ii. Executive Director’s Report
4. PUBLIC COMMENTS
5. DISCUSSION
6. ANNOUNCEMENT OF NEXT MEETING – 8:00 a.m. Thursday, October 15 at Medtronic Club
7. ADJOURNMENT



MINNESOTA SPORTS FACILITIES AUTHORITY
Meeting Minutes – August 20, 2020 at 8:00 A.M.
Zoom Video & Teleconference

1. CALL TO ORDER

Chair Vekich called the meeting of the Minnesota Sports Facilities Authority (“MSFA” or “Authority”) to order at 8:00 A.M.

2. ROLL CALL

Commissioners present via phone: Chair Michael Vekich, Bill McCarthy, Barbara Butts Williams, Angela Burns Finney, and Tony Sertich

3. APPROVAL OF MEETING MINUTES – June 22, 2020. See, Exhibit A.

4. BUSINESS

a. Action Items

i. Authorize Negotiation for the Property Insurance Program

Mr. Farstad, the Executive Director at the MSFA, stated that Willis Towers Watson, the MSFA’s property insurance program broker, is in the process of focusing their efforts on securing coverage for the MSFA’s property insurance program. The renewal strategy is to obtain the best possible terms from the incumbent insurers (AIG and Travelers) and explore options from alternative insurers. The current program has a layered approach whereby AIG provides the primary insurance limit of \$1 billion and Travelers provides the excess layer of \$200 million for a total policy limit of \$1.2 billion. The quotes are not finalized, but it is anticipated that their premium increases may be in the 15% to 25% range. See, Exhibit B.

Commissioner Sertich moved and Commissioner Finney seconded the motion to approve the following recommended motion, which was unanimously adopted:

The MSFA authorizes the Chair and Executive Director to finalize negotiations and enter into contracts for the property insurance program. A full insurance report will be presented at the next MSFA board meeting.

ii. Temporary Team Signage

James Farstad, the MSFA's Executive Director, stated that the Minnesota Vikings have rights to certain sponsorship and advertising revenue from signage under both the Stadium Act and the Use Agreement. The Vikings have requested additional temporary signage within the Stadium bowl during the current NFL season as an accommodation to Team sponsors and advertisers because of the limitations on in-person attendance at Vikings games. See, Exhibit C.

Commissioner Butts Williams asked Mr. Farstad if the MSFA or ASM Global have received requests from sponsors or suite owners to add even more signage than presented, and Mr. Farstad stated that the only signage that is under consideration at the time, is what is presented to the board.

Commissioner Sertich stated that the NBA and the MLB has virtual/electronic signage, and asked Mr. Farstad if the MSFA and the Vikings have considered that type of advertising. Mr. Farstad stated that he is unaware of any requests of this type. John Drum, Interim General Manager at U.S. Bank Stadium, concurred and stated that that type of advertising would be done by broadcasting networks. Steve Poppen, CFO of the Minnesota Vikings, stated that the NFL is standing with their tradition of no electronic signage, and if there were to be any additional advertising, it would be broadcasting signage done by the television networks.

Commissioner Finney moved and Commissioner Butts Williams seconded the motion to approve the following recommended motion, which was unanimously adopted:

The MSFA Board authorizes the Chair and the Executive Director to finalize and execute a temporary agreement with the Minnesota Vikings allowing additional signage in the Stadium during the current NFL season.

b. Report Items

i. Status of U.S. Bank Stadium

John Drum, Interim General Manager of U.S. Bank Stadium, provided the MSFA board with a stadium update. He stated that only essential staff continue to work at the stadium, and that Covid-19 safety precautions are still being enforced upon entry to the building. Mr. Drum noted that stadium staff is diligently planning for the September 13th Minnesota Vikings football game, and that the stadium is in excellent condition for their season opener. Due to the stadium being an indoor facility, Mr. Drum stated that at this time, only 250 people maximum are allowed inside at one time, so the majority of the events have been cancelled, and some rescheduled for the spring. Some upcoming events including the Johnnie/Tommie football game, MSHSL Football Championship, and the holiday boutique have all been cancelled this fall, however; MSHSL Soccer Championships may continue in a very limited form. Mr. Drum then announced that ASM Global is releasing a program called “VenueShield”, which is a reactivation guide that will provide employees with the best practices on how to open the stadium safely in six different categories. Those categories include: Environmental hygiene, Workforce Safety, Food Safety, Technology& Equipment, Customer Journey, and Public Awareness. Although it may take a while for the stadium to return to “normal”, Mr. Drum stated that his staff will be ready when that time comes.

iv. Executive Director Report

Mr. Farstad stated that the progress on the exterior repair project continues on the north and west side of the stadium, and the metal panel installation is proceeding and is nearly completed on the south side. All of the Phase I metal panel material is fabricated and has now been delivered to McGrath’s facility located in Stillwater, MN, and the Phase II metal paneling is currently being fabricated and processed in Wisconsin. Mr. Farstad stated that the hat channel coping installation continues at the roof line, the skybridge repairs are anticipated to be complete in late August, and a draining solution at the stairs near the ticket window have been designed with construction drawings, which are scheduled to be delivered by HKS at the end of August. Mr. Farstad noted that the work crew consists of 20-25 men/women who are on site daily, and to date, there have been no reported safety incidents.

Mr. Farstad stated that Verizon and AT&T have now both completed the installation and testing of 5G antennas and equipment in the Stadium.

Regarding the snow gutter repairs, Mr. Farstad stated that installation crews are now at the stadium, and the construction has begun. Currently, scaffolding and construction materials are being loaded into the gutter, and the removal of existing materials will begin at the end of August. Mr. Farstad noted that once the multi-week removal process is completed, new construction will be underway, with an estimated project completion date of mid-November.

Mr. Farstad then gave a Covid-19 preparedness capital investment update. He stated that as a result of the unforeseen pandemic, a number of investments have been made in the Stadium to ensure that the MSFA is taking appropriate actions in the area of COVID Preparedness. Mr. Farstad then provided a list of recent COVID related capital purchases and their prices, which include the following:

Stadium Capital Procurement:

COVID Preparedness - Headsets	Alpha Video	\$3,143.19
COVID Preparedness - UVC Hygienic System Cleaning	Cleanbox	\$8,031.66
COVID Preparedness-GreenZapr 850	Turf Alliance	\$15,159.32
COVID Preparedness-Video Control Room Partitions	Alpha Video	\$27,218.93
COVID Preparedness - Acrylic Barriers	Innovative Office	\$12,059.78

With these additions, \$134,019.44 remains in the uncommitted dollars from the approved 2020 Stadium Capital Budget.

Concessions Capital Procurement:

COVID Preparedness - Countertop Shields	Versare	\$38,618.94
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With this addition, \$432,269.66 remains in the uncommitted dollars from the approved 2020 Concessions Capital Budget.

Once the full impact of COVID preparedness is understood, Mr. Farstad stated that then the MSFA may request Board approval to increase the 2020 Capital Budgets to accommodate these unforeseen investments.

5. **PUBLIC COMMENTS**

There were no public comments.

6. **DISCUSSION**

There was no discussion.

7. **ANNOUNCEMENT OF NEXT MEETING**

Chair Vekich announced that the next MSFA meeting will be held on Thursday September 17, 2020, at U.S. Bank Stadium in the Medtronic Club at 8:00 A.M., or possibly by teleconference based on the status of the Covid-19 pandemic.

8. **ADJOURNMENT**

There being no further business to come before the MSFA, the meeting was adjourned at 8:40 A.M.

Approved and adopted the 17th day of September 2020, by the Minnesota Sports Facilities Authority.

Tony Sertich, Secretary/Treasurer

James Farstad, Executive Director



MEMORANDUM

To: MSFA Commissioners
From: James Farstad, Executive Director
Date: September 17, 2020
Subject: Bylaws

The Bylaws serve as the primary governing document of the MSFA. They can be amended by you through a simple majority vote. As part of updating of the Policy Manual, which is also on your September 17 agenda, the Bylaws are proposed to be amended in three minor ways:

1. Annual Meeting. The Bylaws currently require election of officers and establishment of an annual regular meeting calendar in January of each year. The proposal revised this to “January or as soon thereafter as reasonably practicable.” This is intended to create flexibility in case the January Board meeting is ever delayed. (See Sections 3.3 and 4.1)
2. Secretary/Treasurer. Currently, the Secretary/Treasurer has very specific duties including being the custodian of all records and MSFA money. As a practical matter, these duties are routinely performed by the Chair, Executive Director or other staff. The proposed language reflects this modern practice and revises the Secretary/Treasurer’s duties to those “assigned by the Board.” (See Section 3.3)
3. Electronic Meetings. During the current pandemic, Board meetings have been held telephonically or via video conference. State law specifically allows this during certain emergency situations. State law also allows meetings to be held electronically, in a non-emergency, as long as all Commissioners are in locations also accessible to the public. The proposed change simply allows future meetings to be held in a manner authorized by law now or in the future. (See Section 4.9)
4. Numerous non-substantive language changes are made throughout the document to use consistent terms like “Chair” and “Commissioners.”

The proposed Bylaws revisions are posted on the MSFA website.

Recommended Motion: *The MSFA authorizes the revisions to the Bylaws presented on September 17, 2020.*



MEMORANDUM

To: MSFA Commissioners
From: James Farstad, Executive Director
Date: September 17, 2020
Subject: Policy Manual

The MSFA has various policies that govern regular operations of the MSFA. These documents have been adopted by the Board at various times. Staff, in coordination with the Chair, have updated, revised and compiled these documents into a single Policy Manual. This has been done to (a) update portions of the policies and (b) to have all policies available in a single, organized document. The proposed Policy Manual (and all proposed revisions to current policies and procedures) has been provided to you and posted on the MSFA website.

The proposed Policy Manual contains the following:

Operations and Capital Improvements Equity Plan
Capital Asset Management Policy
Procurement Policy
Procedures for Planning and Procurement of Capital Enhancements
Investment Policy
Travel and Meeting Reimbursement Policy
Suite Use Policy
Code of Ethics
Political Activities Policy
Personnel Policy Manual
Affirmative Action Plan
Data Retention Procedures for Email and Other Communications
Records Retention Schedule

Most of the revisions are non-substantive to utilize consistent terms throughout all the policies. In addition, the respective roles of the Chair and Executive Director are further clarified to reflect current practices. These changes should be helpful to future governance of the MSFA for years to come.

Here are key substantive revisions (and a page reference to the redlined document provided to you and posted on the website):

Capital Asset Management Policy (PDF p. 16)

Specific language from the Stadium Act is added regarding the statutory nature of the Stadium as a public asset with a uniquely broad public purpose. This is done to reflect that the Stadium



is a government enterprise and, accordingly, has unique authority to operate. This change is proposed to tie a Board-approved policy directly to the statutory authority to operate as a public enterprise.

Procurement Policy (PDF p. 21)

The MSFA's procurement rules are largely governed by State law. During the Stadium construction phase, specific statutory authority applied. Those rules are no longer relevant and are sometimes confusing because they no longer apply. Also, since Stadium opening, you have adopted additional procurement procedures. They are all now in one location. This should be helpful for both internal procurement management and transparency with those looking to do business with the Authority.

Investment Policy (PDF p. 50)

The proposed changes shouldn't result in any significant revision to the MSFA's investment strategy, but they reflect updated statutory authority for certain types of allowed investments. The revisions have been reviewed by your legal counsel, accounting firm and external investment manager.

Travel Policy (PDF p. 59)

The proposed changes address two primary areas. First, language is modernized to allow things like Uber reimbursement while traveling (and not just taxis). Second, because promotion of the State and marketing of the Stadium are key statutory responsibilities of the MSFA, there are legitimate entertainment and similar expenses that meet the Stadium's public purpose. These are clarified and updated in the policy. The process for seeking reimbursement is also modernized and streamlined for efficiency while also maintaining appropriate fiduciary oversight.

Personnel Policy (PDF p. 95)

The current Policy includes very specific language that was related to employees because of the closure of the MetroDome. In particular, if employees were permanently laid off due to closure of the MetroDome, they were eligible for 6 months of severance pay. That benefit also applies broadly to other permanent layoffs that may occur. This may not have been the original intent when this was policy originally adopted by your predecessor agency, the Metropolitan Sports Facilities Commission. The proposed policy now bases severance on years of service and caps the severance benefit at 8 weeks of pay. See the chart on page 97 of Policy Manual for greater detail. All current Authority employees are excepted and would receive the current severance levels if a relevant termination were to occur. Similar changes were made to the amount of accumulated sick leave and vacation pay that can be cashed out or transferred upon termination. Again, all current Authority employees are excepted. These changes are based on a review of current personnel policies for similar public agencies, including the Metropolitan Council. The goal is to make these policies "market" on a move-forward basis, while not depriving current employees of benefits they may have expected.



Recommended Motion: *The MSFA authorizes the revisions to the Policy Manual presented on September 17, 2020.*

Minnesota Sports Facilities Authority



Governance Documents and Policy Handbook

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Section 1 - Bylaws

AUTHORITY BY LAWS (Amended 12/15/2017[insert date of amendment])

Section 1. *NAME*

The Minnesota Sports Facilities Authority established pursuant to Minnesota Minn. Statutes Stat., Section § 473J.07, as amended, (Laws of Minnesota 2012, Chapter 299, Article 1, Section 11) (the "Act"). This body shall be known as the Minnesota Sports Facilities Authority and hereinafter referred to as the Authority.

Section 2. *COMPOSITION OF THE AUTHORITY*

The Authority shall be a five person body composed of a eChair and two members-Commissioners (the "Governor-appointed MembersCommissioners") appointed by the governor and two membersCommissioners (the "Mayor-appointed MembersCommissioners") appointed by the mMayor of the City of Minneapolis. One Governor-appointed Member-Commissioner shall serve until December 31 of the third year following appointment, and one Governor-appointed Member-Commissioner shall serve until December 31 of the fourth year following appointment. Thereafter, the Governor-appointed Members-Commissioner shall serve four-year terms beginning January 1. The eChair shall serve at the pleasure of the eGovernor.

One Mayor-appointed Member-Commissioner shall serve until December 31 of the third year following appointment, and one Mayor-appointed Member-Commissioner shall serve until December 31 of the fourth year following appointment. Thereafter, the Mayor-appointed Members-Commissioners shall serve four-year terms beginning January 1. Mayor-appointed Members-Commissioners may reside within the City of Minneapolis and may be appointed officials of a political subdivision.

Each member-Commissioner shall serve until a successor is appointed and takes office.

~~The members of the Authority shall be called Commissioners.~~ Meetings of the Authority's ~~members~~ shall be called board meetings.

Section 3. *OFFICERS OF THE AUTHORITY*

3.1. Chair

The chairChair shall preside at all meetings of the Authority and shall have such duties and responsibilities as are normally attendant upon that office and as are specifically prescribed by the Act, other relevant laws, and these bylaws. The chairChair shall receive, unless otherwise provided by other law, a salary in an amount fixed by the Authority. The functions of the chairChair shall include, but not be limited to, the following:

3.1.1. Presiding at meetings of the Authority.

3.1.2. Providing notification of regular meetings of the Authority and calling special Authority meetings as appropriate.

3.1.3. Appointing, ~~subject to Authority approval~~, any committees and related chairchair.

3.1.4. Nominating an Executive Director subject to Authority Board approval.

3.1.5. Assuring that the work of the Authority is organized to carry out the duties and

responsibilities of the Authority.

- 3.1.6. Representing the Authority and acting as its official ~~spokesman-spokesperson, where appropriate.~~
- 3.1.7. Performing such other duties as the Authority may direct.
- 3.2. Vice-~~Chair~~Chair
 The ~~V~~vice-chair~~Chair~~ shall be elected from the Authority's membership and shall be elected annually at the first regular meeting in January each year, or as soon thereafter as reasonably practicable, by a majority vote of the ~~Authority members~~Commissioners. The ~~V~~vice-chair~~Chair~~ shall act for the ~~chair~~Chair during the temporary absence or disability of the ~~chair~~Chair.
- 3.3. Secretary/Treasurer
 The Authority shall elect a ~~s~~Secretary/~~t~~Treasurer. The ~~s~~Secretary/~~t~~Treasurer may, but need not be, a ~~member~~Commissioner. The ~~s~~Secretary/~~t~~Treasurer shall be appointed-elected annually at the first regular meeting in January each year, or as soon thereafter as reasonably practicable, by a majority vote of the ~~Authority member~~Commissioners. The ~~S~~ecretary/~~T~~reasurer shall serve at the pleasure of the Authority, subject to the terms of any contract of employment which the Authority may enter into with the ~~s~~ecretary/~~T~~reasurer. The ~~s~~ecretary/~~T~~reasurer shall have duties as assigned by the Board ~~record the minutes of all meetings of the Authority, shall be custodian of all books and records of the Authority, shall be the custodian of all monies received by the Authority, shall be responsible for various financial documents of the Authority,~~ and shall perform all such other duties as are normally attendant upon that office and specified in other applicable laws, regulations, or procedures.
- ~~3.4. Deputy Secretary/Treasurer
 The Authority may appoint a deputy to perform any and all functions of the secretary/treasurer.~~
- 3.45. Executive Director
 An Executive Director shall be nominated by the ~~chair~~Chair and approved by a four-fifths vote of the Authority Board. The Executive Director shall be responsible for the operation and; management ~~and promotion of activities~~ of the Authority; provided, however, that the Executive Director shall not have the power or authority to incur liability or make expenditures on behalf of the Authority without general or specific directions by the Authority, except as provided in the Authority's Procurement Policy; provided further, that all official documents related to any procurements shall be executed by both the ~~chair~~Chair and the Executive Director pursuant to Section ~~6-1~~ herein. The Executive Director, in consultation with the ~~chair~~Chair, shall be responsible for hiring, supervision and dismissal of all other employees of the Authority. The Executive Director may be removed at any time by a majority vote of the ~~Authority member~~Commissioners. The Executive Director's compensation shall be determined by the Authority upon recommendation of the Chair. The Executive Director shall report to the ~~chair~~Chair.
- 3.56. Vacancies
 A vacancy in the office of ~~V~~vice-chair~~Chairman~~ and ~~s~~ecretary/~~t~~Treasurer shall be filled for the duration of the applicable term by a majority vote of the ~~Authority member~~Commissioners at any regular meeting of the Authority following development of a vacancy.

3.67. Removal

A Governor-appointed ~~Member~~Commissioner, other than the ~~chair~~Chair, may be removed by the ~~G~~governor, and a Mayor-appointed ~~Member~~Commissioner may be removed by the ~~m~~Mayor, in each case only for misfeasance, malfeasance, or nonfeasance in office, upon written charges, and after an opportunity to be heard in defense of the charges. The ~~chair~~Chair shall serve at the pleasure of the ~~G~~governor.

Section 4. *MEETINGS OF THE AUTHORITY*

4.1. Regular Meeting

Regular meetings of the Authority shall be held at the Authority offices, pursuant to an annual calendar to be adopted no later than the first meeting of the calendar year or as soon thereafter as reasonably practicable, on the day and at the time designated by resolution of the Authority. Regular meetings of the Authority may be cancelled by the ~~chair~~Chair upon notification of the ~~member~~Commissioners. Notice to ~~Authority member~~Commissioners and public notice of such cancellation shall be provided in such form and manner as is appropriate to the situation.

4.2. Notice of Meetings

Each ~~Authority member~~Commissioner shall be notified in writing at least three days prior to each regular or special meeting of the time and place of the meeting. The tentative agenda for each such meeting shall constitute such notice.

4.3. Special Meetings

Special meetings of the Authority may be held at any time subject to the notice requirements of 4.2 upon the call of the ~~chair~~Chair or any other two ~~member~~Commissioners ~~of the Authority~~. Special meetings may also be held without three days prior written notice at any time as may be established by the ~~chair~~Chair or a majority vote of the Authority at the occasion of a regular meeting or duly called special meeting. No business shall be transacted at a special meeting other than that stated in the notice. Special meetings of the Authority may be cancelled by the ~~chair~~Chair upon notification of the ~~member~~Commissioners, except for those special meetings called by two or more ~~member~~Commissioners ~~of the Authority~~.

4.4. Agendas

The tentative agenda for each regular meeting shall be established by the ~~chair~~Chair.

4.5. Quorum

Three ~~member~~Commissioners ~~of the Authority~~ shall constitute a quorum for the conduct of Authority business. A quorum shall not be necessary for the conduct of public hearings by the Authority. If a quorum is not present on the day fixed for a regular or special meeting, the ~~member~~Commissioners in attendance, though constituting less than a quorum, may recess from time-to-time so as to notify absentees and procure a quorum for such a recessed meeting-

4.6. Voting

Any authorized action may be taken by the Authority or its committees upon a majority vote of any ~~member~~Commissioners present at a meeting duly called and held, except as otherwise specifically provided by law or these bylaws. Voting on any matter shall be by voice vote provided that a roll call vote shall be called and recorded on any issue if requested by one or more ~~member~~Commissioners ~~of the Authority~~. In the case of a tie vote, the question is defeated. There shall be no voting by proxy and each ~~member~~Commissioner shall be entitled to only one vote on any single motion.

4.7. Conduct of Business

~~Authority member~~Commissioners and meetings of its committees shall be governed by *Robert's Rules of Order* as most recently revised to the extent that they are not inconsistent with law or these bylaws.

4.8. Open Meetings

All regular and special meetings of the Authority and all meetings of its committees shall be open to the public. Notice of all meetings shall be given.

4.9. Video Meetings

The Chair or a Commissioner may attend a regular or special meeting of the Authority via interactive television (i.e., Skype or similar technology) so long as: (i) all Commissioners participating in the meeting can hear one another and all discussion at all locations where a Commissioner is present; (ii) members of the public present at the Authority offices can hear and see all discussion and all votes of Commissioners; (iii) at least one Commissioner is physically present at the Authority offices; and (iv) each location where a Commissioner is present is open and accessible to the public. Notice of a Commissioner's remote participation via interactive television must be given at least three days prior to the meeting. The Authority may also conduct a regular or special meeting using interactive television or other remote participation technology in a manner consistent with applicable statutes and regulations.

Section 5. *COMPENSATION AND EXPENSE REIMBURSEMENT*

5.1. Per Diem

Each ~~Authority member~~Commissioner, other than the ~~chair~~Chair, shall be paid per diem compensation of \$55.00 for each day, or part thereof, spent in attending Authority meetings or meetings relating to Authority business as authorized by the ~~chair~~Chair; provided however, that ~~member~~Commissioners that are employees of the State of Minnesota or political subdivisions of the State of Minnesota cannot be paid for time spent on Authority activities that occur during working hours for which they are compensated by the State of Minnesota or a political subdivision.

5.2. Reimbursement of Expenses

Each ~~Authority member~~Commissioner, including the ~~chair~~Chair, shall be reimbursed for all actual and necessary expenses incurred in the performance of his or her duties in the same manner and amount as State employees, more specifically set forth in the Authority Travel and Expense Reimbursement Policy. ~~Member~~Commissioners who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon ~~board~~Chair authorization; provided, however, that ~~member~~Commissioners who are employees of the State of Minnesota or employees of political subdivisions of the State of Minnesota may be reimbursed for child care expenses only for time spent on Authority activities that are outside their working hours.

Section 6. *EXECUTION OF OFFICIAL DOCUMENTS*

~~6.1. Execution of Official Documents~~

All contracts, agreements, and other official instruments to which the Authority is a party, shall be executed by the ~~chair~~Chair and the Executive Director on behalf of the Authority or in the absence of either, by the ~~chair~~Chair or Executive Director and the ~~S~~ecretary/~~t~~reasurer.

Section 7. *AMENDMENTS*

These bylaws may be amended by a majority vote of ~~Authority member~~Commissioners at a

regular meeting of the whole Authority provided that written notice setting forth in detail the contents of the proposed amendment(s) has been given to all ~~Authority-~~
~~member~~Commissioners at least ten (10) days prior to the meeting.

Section 8. *ELECTRONIC MAIL*

Wherever the act of giving written notice is provided for in these bylaws, such notice may be provided by electronic mail to those ~~member~~Commissioners that have indicated consent to receipt by such means, and the provision of notice to a ~~member~~Commissioner's designated electronic mail address shall be deemed to satisfy all notice requirements provided hereunder.

APPROVAL AND REVISION DATES

Original adoption on 08/01/2012

Revised _____, 2020

**Section 2 – Operations and
Capital Improvements Equity
Plan**



**U.S. BANK STADIUM
OPERATIONS AND CAPITAL
EQUITY PLAN**

Section 1. Purpose / Outline – Overall

- 11 **Introduction.** The State of Minnesota created the Minnesota Sports Facilities Authority (“Authority”) to build a state-of-the-art multipurpose facility known as the U.S. Bank Stadium (“Stadium”). The Authority is required by law to promote the involvement of women and members of minority communities in the operation and management of the Stadium, as more completely described in Minn. Stat. § 473J.12. The Authority hereby adopts this Equity Plan for on-going Stadium operations and capital improvement. The purpose of this Equity Plan is to formalize the Authority’s efforts to implement the statutory mandate and be recognized as a community leader in providing equitable opportunities and creating a diverse workforce with inclusive environments.

- 12 **Definitions.** For purposes of this Equity Plan, the following definitions apply:
 - a) “Equity” means everyone has access to the same opportunities. Equity recognizes that advantages and barriers exist and that not everyone starts from the same place. Equity begins by acknowledging this unequal starting place and continues to correct and address the imbalance of opportunities. Equity is not an outcome.

 - b) “Diversity” means the presence of different races, genders, ethnicities, religions, nationalities, and sexual orientation in the stadium. Diversity exists in groups and in relationships with others. Diversity is an outcome.

 - c) “Inclusion” means people with different identities feel valued and welcomed within the Stadium workplace. Inclusion is an outcome.



- d) “Stadium Concessionaire” means any and all entities retained directly or indirectly by the Authority to manage food and beverage operations at the Stadium.
- e) “Stadium Operator” means the entity retained by the Authority to market and operate the Stadium.
- f) “Trade Contractor” means the contractor hired by the Authority to perform construction of capital repairs, improvements or replacements.
- g) “Employment Data” means information including the name of each employer and employee and the name, ethnicity, gender, veteran status, zip code, and total hours worked and pay of each employee.
- h) “Procurement Data” means information regarding goods or services procured by the Authority for the operation of the Stadium, including the business name on the contract, purchase order, or other agreement; date of procurement; total purchase amount; type of business, and MBE/WBE/VBE status or certification.
- i) “Targeted Business Program” means the Authority commits to maximizing contracting opportunities with veteran-owned, women-owned or minority-owned small businesses.
- j) “Workforce Program” means the Authority commits to maximizing employment opportunities of veterans, women and members of minority communities.

13 Commitment to Leadership Equity, Inclusion and Diversity.

Equity is core to the Authority’s Purpose, Mission and Vision.

The Authority is committed to ensure the workforce is representative of the people it serves. The Authority believes diversity drives engagement, innovation and profitability. The Authority values equity, dignity and inclusion for all stakeholders. The Authority is proactive in our outreach to diverse communities and targeted businesses to promote employment and economic opportunities.



The Authority demonstrates leadership through its commitment to workforce diversity and targeted business partnerships.

- 14 Targeted Business and Workforce Programs. The Authority is committed to maximizing employment opportunities for veterans, women and members of minority communities and procurement opportunities with veteran-owned, women-owned or minority-owned small businesses.
- 15 Workforce. The Authority adopted a workforce goal of 32% minority and 6% women.
- 16 MBE. Means a Minnesota based business that meets one or more of the following criteria. Nine percent of work on capital improvement projects and procurement should be with minority owned firms.
 - a) Certified by Minnesota Uniform Certification Program (“MNUCP”) <https://mnucp.metc.state.mn.us/>
 - b) Certified by the Minnesota Department of Administration and classified as a Targeted Group Business (TGB) that can be found: <http://www.mmd.admin.state.mn.us/process/search/>. The business must also have one or more of the following designations: (A), (B), (H), (I) or (E).
 - c) Certified by the Central Certification Program (CERT) as an MBE.
- 17 WBE. Means a Minnesota based business that meets one or more of the following criteria. Eleven percent of capital improvement or procurement should be with women owned firms.
 - a) Certified by Minnesota Uniform Certification Program (“MNUCP”).
 - b) Certified by the Minnesota Department of Administration and as classified as a Targeted Group (TG) business in the directory. <http://www.mmd.admin.state.mn.us/process/search/>. The business also must have the (W) designation.
 - c) Certified by the Central Certification Program (CERT) as an MBE.
- 18 VBE. Means Minnesota based business that meets one or more of the following criteria:
 - a) A VBE firm is a firm certified as a Service-Disabled Veteran Small Business (SDVOSB) or a Veteran Owned Small Business (VOSB) by the United States Department of Veterans Affairs.



- 19 Collection of Data. The Authority will collect Employment and Procurement Data from contractors providing capital improvements, the Stadium Operator and Stadium Concessionaire; and other vendors to the stadium.

- 110 Equity Advisor. The Authority will coordinate the data gathering and reporting processes and may retain an outside advisor to assist in the identification and outreach to key community stakeholders.

- 111 Reporting. The Authority shall make equity reports available via its website (www.MSFA.com) and the Authority may hold quarterly meetings regarding implementation of this Equity Plan.

- 112 Subcontractor. Subcontractor means any entity the Trade Contractor contracts with for any part of a Capital Improvement Project.

- 113 Subcontract. Subcontract means any contract entered into by the Trade Contractor or subcontractor for any part of Capital Improvement Contracts.

- 114 Good Faith Efforts. Good Faith Efforts means the Trade Contractor's good faith effort documentation and efforts to include women and minority owned companies in Capital Improvement Projects.

Section 2. **Current Workforce and Procurement Efforts**

- 21 The Authority recognizes the legislature's mandate that the Authority shall make every effort to employ veterans, women and members of minority communities in the operations, management and capital improvements of the Stadium, as more completely described in Minn. Stat. § 473J.12. The legislature instructs that capital improvements and operations workforce establish workforce utilization goals at least equal to current city of Minneapolis goals. The Authority's current efforts toward meeting the mandate include:
 - a) The Authority has a contract with Summit Academy OIC. Summit Academy has created an employment assistance program to recruit, hire, and retain minorities, women and veterans for employment at the Stadium and maintains a schedule of regularly occurring job fairs.



- b) The Authority, Stadium Operator and Stadium Concessionaire will demonstrate leadership in their commitment to workforce diversity by holding job fairs, advertising employment opportunities, and other community outreach efforts.
- c) As a leader, the Authority intends to be proactive in its outreach to African American, Native American, Latino, Asian, and other diverse groups to recruit candidates for employment opportunities.
- d) The Authority also intends to reach out to community groups, and business associations including: minority, women and veteran entrepreneurs; Metropolitan Economic Development Association (MEDA), veteran organizations, Hmong American Partnership, American Indian OIC, North Central Minority Supplier Development Council (NCMSDC), Minneapolis Urban League, and others to create economic opportunities.
- e) The Authority will maintain a vendor portal for veteran-owned, women-owned, and minority-owned small businesses to maximize and simplify procurement contracting opportunities at the Stadium.
- f) The Authority recognizes the legislature did not establish specific goals for contracting with targeted businesses, but instructs the Authority to follow a percentage at least equal to the minimum used for city of Minneapolis development projects. The Authority will pursue the highest level of inclusion by broadly advertising Requests for Quotes and Proposals on its website and by advertising certain procurement opportunities in the Minnesota State Register.
- g) The Authority intends to gather data as outlined above, report summaries of that data on a quarterly basis, and regularly assess what additional efforts the Authority can take to achieve its goals.
- h) The Authority will host public quarterly meetings where the Stadium Manager, the Stadium Concessionaire, and a select group of their subcontractors will provide an update on their targeted business procurement commitments and workforce employment status.

**Section 3 – Capital Asset
Management Policy
Policy Code No. 001**



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

DRAFT

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Capital Asset Management Policy	<u>001</u>	08/01/2012	N/A[insert]	Page 1 of 4

PURPOSE

The Minnesota Sports Facilities Authority (the “Authority”) recognizes the importance of having readily available and well maintained capital assets in order to ensure the quality and timeliness of its service delivery. The use of the Authority’s capital assets for professional football and a broad range of other civic, community, athletic, educational, cultural, and commercial activities is a public purpose that benefits the State of Minnesota as specified in Minn. Stat. § 473J.01. Furthermore, acquisition of capital assets represents a significant expenditure of public funds, and as such, the Authority acknowledges its fiduciary responsibility to manage and maintain them. The purpose of this policy is to prescribe how the Authority will ensure the availability of well-maintained capital assets.

POLICY

The Authority herein establishes systems for the acquisition, management, periodic evaluation, maintenance, and financial reporting of its capital assets.

MANAGEMENT AUTHORITY AND RESPONSIBILITY

The ~~CEO/Executive Director~~, in consultation with the Chair, (the “Director”) has overall authority and responsibility for the execution of this policy. The Executive Director may assign Authority staff to certain aspects of this policy to facilitate compliance.

IMPLEMENTATION/ACCOUNTABILITY

All employees are responsible for adhering to this policy.

USE OF CAPITAL ASSETS

Capital assets will only be used for the delivery of Authority services.



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

DRAFT

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Capital Asset Management Policy	<u>001</u>	08/01/2012	N/A[insert]	Page 2 of 4

While the Authority generally acquires capital assets through annual revenues, to the extent such assets are acquired through the issuance of tax-exempt obligations, the assets will not be used in a manner that would cause the obligations to lose their tax-exempt status.

GENERAL STATEMENT OF RESPONSIBILITIES

This policy defines two broad areas of responsibility: property management and financial reporting. Property management is a system of acquiring, identifying, evaluating, and maintaining capital assets so they are readily available for use. Financial reporting recognizes the significant and ongoing investment in capital assets by the Authority in communicating its financial condition and the net worth of such assets.

DEFINITION OF CAPITAL ASSETS

A capital asset is a physical asset having an initial cost in excess of \$5,000 and a useful life in excess of three years.

It is recognized that certain capital assets are composites of two or more items, features, components, or other elements of a system, which only in combination are a functioning capital asset. For such capital assets this policy applies to their combined system cost and useful life.

CAPITAL ASSET ACQUISITION

The Authority will make appropriations for capital assets as part of its annual budget process, unless events occur requiring the timely acquisition of such assets outside of the normal budget process. Events could include loss or damage to such assets not recoverable from property insurance proceeds. The Executive Director will include in the recommended budget the requests for capital asset appropriations with such detail as required by the Authority.

The acquisition of capital assets shall follow the requirements of the Procurement Policy.

PROPERTY MANAGEMENT



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

~~DRAFT~~

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Capital Asset Management Policy	<u>001</u>	08/01/2012	N/A[insert]	Page 3 of 4

The Authority establishes the following property management policies:

1. The Executive Director will establish such procedures to ensure the availability and good working order of all capital assets. These procedures will be in compliance with this policy but may extend beyond to such other procedures as the Executive Director determines.
- ~~2. The Director will make a determination of which capital assets shall be covered by property insurance and under what terms.~~
- ~~3.2.~~ Upon acquisition, all capital assets will have an identification device attached.
- ~~4.3.~~ A cataloging system of identification and location of capital assets will be maintained.
- ~~5.4.~~ No less frequently than annually, an inventory of capital assets will be conducted.
- ~~6.5.~~ Either in conjunction with the inventory or as a distinct activity but no less frequently.
- ~~7.6.~~ Then annually, an evaluation of the working order will be conducted. The Executive Director will use the results of this evaluation to direct maintenance and/or replacement.
- ~~8.~~ When a capital asset is no longer of a serviceable nature the Executive Director shall take such steps as required by state statute to dispose of the asset.
- ~~9.~~

~~PROPERTY MANAGEMENT REPORTING~~

~~The Authority and the Director will establish any ongoing reporting requirements on the inventory and condition of capital assets.~~

~~10.7.~~

FINANCIAL REPORTING

For financial reporting capital assets will be included for depreciation and balance sheet presentation. In determining the Authority's net worth/assets for financial reporting purposes, generally accepted accounting principles shall be followed on the ongoing value of capital assets, unless the Authority has a specific business condition that cause it to deviate from such practices.



MINNESOTA SPORTS FACILITIES AUTHORITY
POLICY STATEMENT

DRAFT

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Capital Asset Management Policy	<u>001</u>	08/01/2012	N/A[insert]	Page 4 of 4

Capital assets which remain in use after being fully depreciated shall continue to be included in the Authority's financial statements.

STATE STATUTE COMPLIANCE

No portion of this policy either at inception or over time will be in contradiction to state statute. As changes in state statute occur this policy will adhere to these changes by reference.

ANNUAL REVIEW

This policy shall be reviewed at least annually by the Executive Director. Any policy changes will be reported to the Authority for consideration in a timely manner.

APPROVAL AND REVISION DATES

Original adoption on 08/01/2012

Revised _____, 2020

Section 4 – Procurement Policy

Policy Code No. 002



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Procurement Policy	<u>002</u>	08/01/2012	12/13/2013 <u>insert</u>	Page 1 of 7

PURPOSE

The Minnesota Sports Facilities Authority (the “Authority”) wants to ensure its procurement process complies with all applicable legal requirements; is fair to all participants; is as efficient as possible without eliminating needed controls; is transparent and understandable to all users; provides public confidence in the Authority's procurement procedures; is administratively consistent with other Authority policies and procedures; and maximizes the use of disadvantaged business whenever possible.

POLICY

The Authority will procure goods and services required to meet its needs and fulfill its duties as a public body. The Authority will procure goods and services in an economically feasible and competitive manner that is efficient, straightforward, and consistent with fair and transparent procurement principles. Accordingly, the procurement of goods and services will comply with all applicable federal, state, and local laws and regulations, as well as applicable Authority policies. Solicitations will be specifically tailored for each project to obtain the best value for the Authority and the state, taking into account all factors the Authority determines to be important for a particular procurement, including, without limitation, price, key personnel and staff, schedule, and/or the vendor’s capability to furnish goods or perform work. In furtherance of this policy, the Authority adopts the following procurement principles and procedures.

IMPLEMENTATION/ACCOUNTABILITY

All employees and Authority agents shall adhere to this policy when purchasing goods or services- ~~and Managers~~ shall monitor performance within their areas of authority.

PURCHASING AUTHORITY

The ~~CEO/Executive Director (“Director”)~~ has purchasing power for the Authority. The ~~CEO/Executive Director~~, in consultation with the Chair, may make the following expenditures on behalf of the Authority pursuant to the ~~CEO/Executive Director's~~ duties without obtaining ~~Authority Board~~ approval prior to such expenditure:

(a) ~~CEO/The~~ Executive Director may ~~approve-authorize~~ contracts and change orders for goods and services up to \$250,000; and

~~(a)(b)~~ The Executive Director may authorize change orders for construction expenses up to \$500,000.



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Procurement Policy	<u>002</u>	08/01/2012	12/13/2013 [insert]	Page 2 of 7

- ~~1) The CEO/Executive Director may authorize a construction contract Project Change Order (PCO) from 10% up to \$500,000, whichever is greater, of original value per each PCO.~~
- ~~2) The CEO/Executive Director may authorize construction contract change orders up to \$250,000.~~

~~The Chair and the CEO/Executive Director each have the authority to give necessary approvals as required by the Construction Services Agreement for construction of the new stadium by Mortenson Construction.~~

~~Responsibility for administering purchasing policies and procedures has been delegated to the Authority's Director of Finance. Contracts and change orders authorized by the Executive Director pursuant to the above section must be executed by the Chair and the Executive Director pursuant to Section 6 of the Authority's Bylaws.~~

The Authority must pay its obligations promptly and in accordance with Minnesota's prompt payment act, Minn. Stat. § 471.425.

The Authority shall consider the long-term value of the purchase by taking into account the long-term maintenance, operating costs, and other indirect costs of the purchase. The full lifecycle cost of a good or service should be considered when evaluating price proposals.

Micro Purchases Procurements valued at less than \$25,000 will be considered *Micro Purchases* and can be made either upon quotation or in the open market, ~~in the discretion of the Authority.~~

Authority staff will ensure that the price is fair and reasonable. Procurements will not be split to avoid competition.

If a contract is made upon quotation it shall be based, so far as practicable, on at least two quotations that shall be kept on file for a period of at least one year after their receipt. Alternatively, the Authority may award a contract for construction, alteration, repair, or maintenance work to the vendor or contractor offering the best value under a request for proposals as described in Minn. Stat. § 16C.28, subd. 1, para. (a), clause (2), and para. (c).



MINNESOTA SPORTS FACILITIES AUTHORITY POLICY STATEMENT

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Procurement Policy	<u>002</u>	08/01/2012	12/13/2013 [insert]	Page 3 of 7

Small Purchases

Procurements valued between \$25,000 and \$100,000 will be considered *Small Purchases* and will be made after obtaining two or more quotations, bids, or proposals from qualified sources.

Small Purchases may be made either upon sealed bids or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids.

All quotations shall be kept on file for a period of at least one year after receipt thereof.

As an alternative to the procurement method described above, the Authority may award a *Small Purchase* for construction, alteration, repair, or maintenance work to the vendor or contractor offering the best value under a request for proposals as described in Minn. Stat. § 16C.28, subd. 1, para. (a), clause (2), and para. (c).

Major Purchases

Procurements valued at greater than \$100,000 will be considered *Major Purchases* and will be made by publicly soliciting bids or proposals in accordance with Authority procurement procedures and as required by Minnesota Statutes and Rules.

As an alternative, *Major Purchases* for construction, alteration, repair, or maintenance work may be made to the vendor or contractor offering the best value under a request for proposals as described in Minn. Stat. § 16C.28, subd. 1, para. (a), clause (2), and para. (c).

Professional Services

Unless otherwise determined by the Authority, a competitive process is required when contracting for professional services for more than \$100,000 such as those provided by engineers, lawyers, architects, accountants, and other services requiring technical, scientific, or other professional training.



MINNESOTA SPORTS FACILITIES AUTHORITY POLICY STATEMENT

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Procurement Policy	<u>002</u>	08/01/2012	12/13/2013 [insert]	Page 4 of 7

Best Value Contracting

Best Value Contracting may be considered for awarding construction project contracts. Under this provision, the Authority will consider performance factors with price when awarding construction contracts. The criteria used for the evaluation must be included in the RFP along with the relative weight: of price and other selection criteria.

Pursuant to Minn. Stat, § 16C.02, subd. 4a, best value criteria may include, but are not limited to:

- (1) the quality of the vendor's or contractor's performance on previous projects;
- (2) the timeliness of the vendor's or contractor's performance on previous projects;
- (3) —the level of customer satisfaction with the vendor's or contractor's performance on previous projects;
- (4) —the vendor's or contractor's record of performing previous projects on budget and ability to minimize cost overruns;
- (5) the vendor's or contractor's ability to minimize change orders;
- (6) —the vendor's or contractor's ability to prepare appropriate project plans;
- (7) the vendor's or contractor's technical capacities;
- (8) the individual qualifications of the vendor's or contractor's key personnel; or
- (9) the vendor's or contractor's ability to assess and minimize risks.

~~Stadium Design and Construction~~

~~The Authority will ensure its procurement policy and procedures comply with Minnesota Session Laws 2012, chapter 299, article 1, section 15 (473J.11).~~

Master Contracts

Master Contracts will be created with vendors to allow the Authority to make repetitive purchases of similar types of goods or services on an as-needed basis in an efficient and economical manner. Procurements made through *Master Contracts* will satisfy the Authority's competitive procurement requirements.

Joint Purchasing Agreements

The Authority has the ability to enter into *Joint Purchasing Agreements* with other governmental units as provided for in Minn. Stat. § 471.59.



MINNESOTA SPORTS FACILITIES AUTHORITY POLICY STATEMENT

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Procurement Policy	<u>002</u>	08/01/2012	12/13/2013 [insert]	Page 5 of 7

Procurement's made through *Joint Purchasing Agreements* will satisfy the Authority's competitive procurement requirements.

Responsibility

The Authority reserves the right to determine whether a vendor is responsible.

EXCEPTIONS TO THE SOLICITATION PROCESS

Exceptions may be made to the solicitation process described above under the following circumstances:

- for Micro Purchases, where the total value of the purchase is less than \$25,000
- for the purchase or sale of real property;
- where the Authority has declared an emergency (an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring; a situation that creates an actual or imminent serious threat to the health and safety of persons), in accordance with Authority Policies and Procedures;
- where a Sole Source Justification has been approved because there is clearly and legitimately only a single source for the goods and services, and the Authority determines that the price has been fairly and reasonably established, in accordance with Authority Policies and Procedures; and
- where the procurement is for goods or services not available competitively—such as utilities; subscriptions; professional dues and memberships; insurance; conference and seminar registration; permits and licenses; advertisements in publications; taxes; required federal; state; and local fees and charges; etc.

PURCHASING PREFERENCES

The Authority will utilize businesses owned and controlled by socially and economically disadvantaged individuals in-the procurement of goods and services, and the award of contracts.

The Authority will, with authorization granted by federal regulations, state statute, and-local laws and ordinances, act affirmatively to create a "level playing field" for women-owned, minority-owned, and disadvantaged business enterprises to achieve the goal of equal opportunity.



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

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PROHIBITED INTERESTS IN CONTRACTS

The Authority shall not enter into any contract or purchase order for goods or services in which an Authority member or an Authority employee has an indirect or direct personal financial interest or will personally benefit financially from the contract or purchase order, in accordance with Minn. Stat. § 16C.04. In exceptional cases, and if permitted by applicable law or regulation, this policy may be waived by the Executive Director, in consultation with the Chair, for good cause after consulting with legal counsel.

The Authority will ensure that all employees are aware of this policy and laws relating to conflicts of interest.

The Authority will require that employees disclose a conflict of interest or a potential conflict of interest and the Authority will provide for reassignment of such employee if possible.

DEVIATIONS FROM POLICY

Approval to deviate from this policy must be documented and authorized by the Executive Director, in consultation with the Chair, and in accordance with Authority policies and procedures.

ANNUAL REVIEW

This policy shall be reviewed at least annually by the Executive Director, in consultation with the Chair. Any policy changes will be reported to the ~~Board Authority Board~~ for its consideration in a timely manner.

APPROVAL AND REVISION DATES

Original adoption on 10/01/2012

Revised ~~on~~ 12/13/2013

Revised , 2020

REFERENCES

- ~~Minnesota-Minn. Statute-Stat. §~~ 471.345
- Minn. Stat. Minnesota Statute-§ 471.425



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

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- Minn. Stat. ~~Minnesota Statute-§~~ 471.59
- Minn. Stat. ~~Minnesota Statute-160§~~ 16C.02
- Minn. Stat. ~~Minnesota Statute-§~~ 16C.04
- Minn. Stat. ~~Minnesota Statute-§~~ 16C.28
- Minnesota Session Laws 2012, Regular Session, Chapter 299 - - H.F. No, 2958; Section Sec. 11. [473J.07] Minnesota Sports Facilities Authority

**Section 5 – Procedures for
Planning and Procurement of
Capital Enhancements**

Policy Code No. 003



MINNESOTA SPORTS FACILITIES AUTHORITY
PROCEDURES FOR POLICY COMPLIANCE

<u>SUBJECT:</u>	<u>POLICY CODE NO.</u>	<u>EFFECTIVE DATE</u>	<u>REVISED DATE</u>	<u>PAGE</u>
<u>Procedures for Planning and Procurement of Capital Enhancements</u>	<u>003</u>	<u>03/10/2017</u>	<u>[insert]</u>	<u>Page 1 of 10</u>

PURPOSE

The Minnesota Sports Facilities Authority (the “Authority”) is a public body and political subdivision of the State of Minnesota established pursuant to 2012 Minnesota Laws, Chapter 299 (codified at Minnesota Statutes, Chapter 473d) to construct, finance, and operate a multi-purpose stadium and related infrastructure as a venue for the National Football League and a broad range of other civic, community, athletic, educational, cultural, and commercial activities in the City of Minneapolis, Minnesota. The Board of the Authority (the “Board”) hereby establishes a set of procedures to be used for reviewing and approving the Capital Funding Plan and the resulting procurements for Capital Enhancements. These procedures provide greater detail than the existing Procurement Policy for the Authority previously adopted by the Board. The procurement portion of the procedures set forth herein shall also be used for other, non-capital procurements. The Board anticipates that most of the work of capital planning and procurement shall be carried by its Executive Director (“Executive Director”), employees reporting to the Executive Director, and by a consultant or employee designated by the Executive Director to administer the procurement process (the “Contract Manager”). However, the Board will need to review and approve certain planning and procurement decisions and the Executive Director will need to approve the work of the Contract Manager at various stages. These procedures are meant to create an orderly process for the necessary reviews and approvals. All procurements must comply with applicable law and the Authority’s Procurement Policy, and the steps set forth in these procedures are meant to facilitate compliance with legal requirements and those set forth in the policy. Nothing in this set of procedures should be understood or interpreted so as to contravene the requirements of the Procurement Policy and applicable law. Defined terms have the same meanings as in the Procurement Policy, the Second Amended & Restated Stadium Use Agreement (the “Use Agreement”), and the Food and Beverage, Catering, and Concession Agreement (the “Concession Agreement”), as applicable.

PLANNING

Each November or December, the Board shall have on its agenda the review and approval of the Capital Budget for the following calendar year, the Food Service Capital Budget for the following calendar year, and the Long Term Capital Plan (collectively, the “Capital Funding Plan”). In preparation for those submissions, the staff of the Authority (the “Authority Staff”) and Executive Director shall consult with the Team each summer and obtain from it by September 30 of each year its list of those Capital Improvements for the next calendar year which it is designating for funding pursuant to the Use Agreement as well as any Capital Enhancements which it contends



MINNESOTA SPORTS FACILITIES AUTHORITY
PROCEDURES FOR POLICY COMPLIANCE

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<u>Procedures for Planning and Procurement of Capital Enhancements</u>	<u>003</u>	<u>03/10/2017</u>	<u>[insert]</u>	<u>Page 2 of 10</u>

are NFL-Mandated Amenities. In addition, the Executive Director and the Authority Staff shall obtain from Aramark (the “Concessionaire”) its suggested budget for expenditures which it proposes to have charged against the Capital Replacement Fund pursuant to Section 7.1.2 of the Concession Agreement. The Executive Director and Authority Staff shall also forecast the amount the Concessionaire is likely to contribute to the food service Capital Reserve Fund during the next calendar year and determine the balance in the Capital Reserve Fund. The Executive Director and the Authority Staff shall also consult with SMG (the “Stadium Manager”) each summer and/or fall to determine what projects it believes should be included in the short and long-term capital planning.

Using the information obtained from the Team, the Stadium Manager, and the Concessionaire as well their own information and best judgment, the Executive Director and Authority Staff shall prepare a proposed Capital Budget for the following calendar year, proposed Food Service Capital Budget for the following calendar year, and a proposed Long Term Capital Plan. Preliminary drafts of the budgets and plan constituting the Capital Funding Plan shall be provided to the Team, the Stadium Manager, the Concessionaire, the Contract Manager, and such other persons as the Executive Director may designate by October 15 for review and comment. The Authority Staff shall thereafter make such edits, removals, and additions as the Executive Director deems appropriate. However, the Authority Staff and Executive Director shall not remove or alter the Capital Improvements for the next calendar year included pursuant to the direction provided by the Team in exercising its rights to direct certain Capital Improvements annually for the first five (5) years of the Use Agreement in accordance with the terms of the Use Agreement. At a minimum, the documents of the proposed Capital Funding Plan shall include a description of each proposed Capital Enhancement, an explanation of why the Capital Enhancement is needed or desired, the estimated cost for each item of work proposed, and a proposed timetable for completion of each item of proposed work.

In November or December at the designated meeting, the Executive Director shall present to the Board the budgets and plan constituting the proposed Capital Funding Plan for its review and approval. In addition to approving the Capital Funding Plan, with such additions, removals, and amendments as it shall make, the Board shall also specifically authorize or deny each individual proposed Capital Enhancement which is anticipated to be a Major Purchase scheduled to begin during the next calendar year.



MINNESOTA SPORTS FACILITIES AUTHORITY
PROCEDURES FOR POLICY COMPLIANCE

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The Executive Director shall present the Capital Enhancements submitted for individual approval using the attached Form A, and approvals of such projects should be recorded in minutes of the Board's meetings and also noted on Form A.

PROCUREMENT

A. Micro Purchases

Pursuant to Minn. Stat. §471.345, subd. 5, procurements valued at less than \$25,000 will be considered *Micro Purchases* and can be made either upon quotation or in the open market, in the discretion of the Executive Director. The Contract Manager shall present proposed capital project Micro Purchases to the Executive Director for approval using Form B.

The Contract Manager and Authority Staff will ensure that the price is fair and reasonable. Procurements will not be split to avoid competition.

If a contract is made upon quotation it shall be based, so far as practicable, on at least two quotations that shall be kept on file for a period of at least one year after their receipt. Alternatively, a contract for construction, alteration, repair, or maintenance work may be awarded to the vendor or contractor offering the best value under a request for proposals as described in Minn. Stat. § 16C.28, subd. 1, para. (a), clause (2), and para. (c). The specific procedures for best value procurements are as set forth in the relevant section below.

B. Small Purchases

Pursuant to Minn. Stat. §471.345, subd.4 and 4a, procurements valued between \$25,000 and \$100,000 will be considered *Small Purchases* and will be made after obtaining two or more quotations, bids, or proposals from qualified sources. Small Purchases may be made either upon sealed bids or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids. The Contract Manager and Executive Director shall be responsible for overseeing this process and ensuring it is carried out fairly and reasonably. The Contract Manager shall present proposed Small Purchases to the Executive Director for approval using Form B.

All quotations shall be kept on file for a period of at least one year after receipt thereof.



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As an alternative to the procurement method described above, a *Small Purchase* for construction, alteration, repair, or maintenance work may be awarded to the vendor or contractor offering the best value under a request for proposals as described in Minn. Stat. § 16C.28, subd. 1, para. (a), clause (2), and para. (c). The specific procedures for best value procurements are as set forth in the relevant section below.

C. Major Purchases

Pursuant to Minn. Stat. §471.345, subd. 3 and 3a, procurements valued at greater than \$100,000 will be considered *Major Purchases* and will be made by either (1) publicly soliciting sealed bids in accordance with Authority’s Procurement Policy and these procedures and as required by Minnesota Statutes and Rules or (2) *Major Purchases* for construction, alteration, repair, or maintenance work may be made to the vendor or contractor offering the best value under a request for proposals as described in Minn. Stat. § 16C.28, subd. 1, para. (a), clause (2), and para. (c). This second process is known as “best value procurement.” It is anticipated that best value procurement will be used for many of the capital project Major Purchases. The specific procedures for both best value procurements and the public solicitation of sealed bids are set forth below. *Major Purchases* shall be made through public solicitation of sealed bids unless the best value process is approved by the Executive Director through Form C.

D. Best Value Procurement

1. Development and Approval of the RFP

It is anticipated that best value contracting, as described in the Procurement Policy and Minn. Stat. § 16C.28, subd. 1, para. (a), clause (2), and para. (c), will be used for many of the Major Purchase Capital Enhancement projects. It may also be used for obtaining professional services as determined by the Executive Director.

Once a project has been approved for which best value procurement is appropriate and any design work or other necessary preliminary professional services have been completed, the Contract Manager shall develop a draft Request for Proposals (“RFP”). The draft RFP shall set forth the evaluation criteria that will be used to evaluate proposals along with the relative weight of price and other selection criteria. Each RFP shall also contain a draft contract for the Capital Enhancement. Templates for use in preparing the RFP and draft contracts are included in Exhibit A to this policy.



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Pursuant to Minn. Stat, § 16C.28, subd. 1b, best value criteria may include, but are not limited to:

- (1) the quality of the vendor’s or contractor’s performance on previous projects;
- (2) the timeliness of the vendor’s or contractor’s performance on previous projects;
- (3) the level of customer satisfaction with the vendor’s or contractor’s performance on previous projects;
- (4) the vendor’s or contractor’s record of performing previous projects on budget and ability to minimize cost overruns;
- (5) the vendor’s or contractor’s ability to minimize change orders;
- (6) the vendor’s or contractor’s ability to prepare appropriate project plans;
- (7) the vendor’s or contractor’s technical capacities;
- (8) the individual qualifications of the vendor’s or contractor’s key personnel; or
- (9) the vendor’s or contractor’s ability to assess and minimize risks.

If changes are made to the criteria listed in Minn. Stat, § 16C.28, subd. 1b, the Board will revise its Procurement Policy and these procedures accordingly. Each best value procurement will require the services of a Technical Review Committee made to review proposals. The Contract Manager shall determine the persons he or she proposes to have serve as members of the Technical Review Committee.

The Contract Manager shall submit the draft RFP for a given project along with the names of the persons proposed as members of the Technical Review Committee to the Executive Director for review and approval. The submission shall be made using the attached Form C. The Executive Director, or a person designated by him or her, shall review the draft RFP and the proposed members of the Technical Review Committee and shall then either deny or approve the proposed solicitation. The Executive Director may choose to engage consultants to serve on Technical Review Committees. Any related procurements of professional services must be carried out pursuant to the Procurement Policy and applicable law. The Executive Director’s approvals or denials, and appointment of persons to Technical Review Committees shall be provided on attached Form C.

If a proposed RFP and/or proposed members of a Technical Review Committee are denied, the Contract Manager shall take account of the reasons provided by the Executive Director for such denial and shall revise and resubmit, if appropriate.

2. Solicitation and Review of Responses



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Once an RFP has been approved, the Contract Manager shall solicit proposals from the marketplace by having the RFP posted on the Authority's website and published in the State Register. In addition, the Contract Manager may also publish the RFP in additional sources, such as trade journals or industry websites, and/or he or she may directly contact vendors who may be interested in submitting proposals. All proposals which are received shall be evaluated as set forth in the RFP and as required by the Procurement Policy and applicable law. Once a Technical Review Committee has evaluated all proposals and determined through its scoring which proposal presents the best value, the Contract Manager shall carry out any necessary or appropriate final negotiations regarding contract terms with the proposer which provided the best value proposal.

If the Contract Manager determines after the solicitation process that the price offered by the best value proposer exceeds the budget for the project (or is likely to), then he or she shall notify the Executive Director who shall submit the matter for consideration by the Board at its next regularly scheduled meeting at which time the Board may direct the Executive Director to move forward with the Capital Enhancement after approving an additional funding source, cancel or postpone the Capital Enhancement, or reduce the scale of the Capital Enhancement. If the best value proposal for a Capital Improvement designated by the Team pursuant to the Use Agreement has come in over budget, the matter shall be brought to the Board to either cancel the procurement or approve an additional funding source. Any resolution that does not result in the project proceeding with an approved additional funding source will require the Contract Manager to cancel the solicitation and, if the project is still to move forward in some form, issue a new RFP following the procedures set forth above.

3. Contracting

After completion of any contractual negotiation that followed the best value solicitation process, the Contract Manager shall present the proposed final contract for approval by the Board. If the Board approves the contract, said approval shall be noted in the meeting minutes and by the Board Chair on Form D. The contract for the project shall then be executed by the Executive Director and/or the Chair on behalf of the Authority consistent with the Procurement Policy.

E. Sealed Bidding

1. Development and Approval of Notice



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All notices that the Authority is inviting competitive bids for Major Projects shall be published in both the State Register and on the Authority’s website. In addition, the Contract Manager may also publish in additional sources, such as trade journals or industry websites, and/or directly contact vendors who may be interested in bidding. Each notice of requests for competitive bids shall contain the following:

- A description of the project or purchase being sought.
- The availability and location of specifications.
 - The specifications shall include the requirements for bid bonds, payment and performance bonds, and insurance.
 - The specifications shall also include, or incorporate by reference, any and all requirements resulting from the Authority’s Equity Plan (discussed below).
- Bid requirements (including sealed bids, or any accompanying security).
- Where the bids must be submitted.
- The deadline for submitting bids.
- The time and place of the bid opening.
- Two or more persons who will be present for the opening who may be identified by job title or role.
- As applicable, a statement indicating that the Authority may delay the award until certain events occur.
- A statement indicating that the Authority may waive minor informalities or irregularities.
- A statement indicating that the Authority reserves the right to reject all bids submitted.

The Contract Manager shall prepare a proposed invitation for competitive bids, publication plan, and set of drawings and specifications for each Major Project which is being put out for competitive bidding. The specifications shall contain a proposed contract for the project. Templates for the proposed invitation for bids and the contracts are included in Exhibit A to this policy. The bid materials shall be submitted for approval by the Executive Director using Form E. The Executive Director, or a person designated by him or her, shall review the proposed notice, publication plan, and set of specifications and shall then either deny or approve the proposed solicitation.

If a proposed notice and/or proposed specifications are denied, the Contract Manager shall take account of the reasons provided by the Executive Director for such denial and shall revise and resubmit, if appropriate.



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2. Opening and Tabulation of Bids

The Contract Manager shall bring all sealed bids to the MSFA’s offices and then open them at the time designated in the published notice in the presence of those persons indicated in the published notice, including the Executive Director or his or her designee. After the bids have been opened, the Contract Manager shall review the bids and investigate their compliance with the specifications, the prices quoted, their reasonableness, and the responsibility of the bidders. Determining whether a bidder is responsible includes considerations of financial responsibility, integrity, skill, and the likelihood of performing faithful and satisfactory work, including the likelihood that a bidder will make a good faith effort to comply with the requirements of the Equity Plan discussed below. Promptness can also be considered in determining whether a bidder is responsible. The lowest responsible bidder’s bid must conform to the specifications and no material changes to the bids or specifications may be made once the bids have been opened.

Based on the results of his or her tabulation and investigation, the Contract Manager shall determine which bidder he or she believes provided the lowest responsible bid, and shall report the results of the tabulation and investigation at the next regularly scheduled Board meeting using Form F. If the lowest responsible bid exceeds the budgeted cost for a project, including a Capital Improvement designated by the Team pursuant to the Use Agreement, the matter shall be brought to the Board to either reject all bids or approve an additional funding source.

At the meeting during which the bids are considered, the Board may direct the Contract Manager and Executive Director to either move forward with the Project by contracting with the lowest responsible bidder or to reject all bids. The Board may reach its own conclusion regarding which bidder is the lowest responsible bidder as the question of whether a bidder is responsible requires some consideration of subjective factors. The Board’s decisions shall be recorded in the minutes and also provided on Form F by the Chair.

3. Contracting

No material variations to a draft contract that benefit the bidder are allowed once the bids have been opened. Accordingly, further approval from the Board is not necessary once a lowest responsible bidder has been determined by the Board. The Contract Manager shall communicate with the lowest responsible bidder regarding any minor, non-material changes needed to finalize the contract, and shall then prepare the final contract for signature by the Executive Director and/or Chair on behalf of the Authority. The final contract shall be presented for execution using Form G.



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As noted on Form G, the Contract Manager shall provide a red-lined version comparing the version of the contract presented for execution and the version provided to bidders demonstrating that no material changes have been made.

F. Joint Purchasing Agreements

The Authority has the ability to enter into *Joint Purchasing Agreements* with other governmental units as provided for in Minn. Stat. § 471.59. Procurement's made through *Joint Purchasing Agreements* will satisfy the Authority's competitive procurement requirements, including those set forth above. Under such agreements, a governmental unit solicits bids and/or proposals and then enters into a contract with a vendor under which other parties to the joint purchasing agreement may order. The competitive process used by the other governmental unit to obtain the pricing and terms for the contract in question satisfies the competitive procurement requirements for micro, small, and even major purchases, but purchasing under a Joint Purchasing Agreement may not be allowed by law for certain types of procurements and the Contract Manager should consult with the Authority's legal counsel before beginning a Joint Purchasing Agreement procurement.

If the Purchasing Manager proposes that a major purchase of \$250,000 or less be made through a Joint Purchasing Agreement, rather than by having the Authority itself conducting a sealed bidding or best value process, then the proposed purchase shall be submitted to the Executive Director for approval using attached Form H. If the proposed purchase is going to exceed \$250,000, then it shall be presented to the Board for approval, also using Form H, and such approval shall be noted in the meeting minutes and by the Chair on Form H.

G. Professional Services

A competitive process is required when contracting for professional services for more than \$100,000 such as those provided by engineers, lawyers, architects, accountants, and other services requiring technical, scientific, or other professional training, unless otherwise determined by the Board. . Although it is not required by statute, the Executive Director may determine that the procedures set forth herein for best value procurements shall be followed when contracting for professional services in excess of \$100,000 for Capital Enhancements. Any Small Purchases or Micro Purchases of professional services shall be conducted using the procedures set forth above for those categories.

H. Equity Plan



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Pursuant to Minn. Stat. § 473J.12, in the operation, maintenance, capital repair, replacement, and improvement of the stadium and stadium infrastructure the Authority is required to “make every effort to employ” and cause its vendors “to employ” women and members of minority communities. Accordingly, the Board has adopted an equity plan, a copy of which is attached hereto as Exhibit B and incorporated into these procedures. In carrying out the responsibilities set forth in these procedures, the Executive Director, the Contract Manager, Authority Staff, and all employees, consultants or contractors of the Authority involved in procurement are to comply with the requirements of the Equity Plan.



MINNESOTA SPORTS FACILITIES AUTHORITY

Form A

Individual Capital Projects Requiring Board Approval

Project Title:

Project Description (attach other documents or pages as appropriate):

Need Served by Project (attach other pages as appropriate):

Proposed Budget:

Proposed Project Timeline:

Submitted By:

Executive Director, Minnesota Sports Facilities Authority

Date

Approved by Authority on _____

Chair, Minnesota Sports Facilities Authority



MINNESOTA SPORTS FACILITIES AUTHORITY

Form B

Micro Purchases and Small Purchases

Purchase Title:

Purchase Description (attach any purchase orders or contracts):

Method Used to Obtain Pricing, Quotations, Bids, or Proposals (if Joint Purchase Agreement, note which agreement):

Purchase Amount:

Contract Manager

Date

Proposed Small Purchase or Micro Purchase is Approved or Not Approved

MSFA Executive Director

Date

Reason for any denials:



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Form C

Best Value – RFP Approval Request

Project Title:

Attach complete text of proposed RFP to this form. If some portion of the RFP or exhibits or attachments thereto are too bulky or otherwise inappropriate for attachment, submit such documents on an attached drive or provide a site from which they may be downloaded.

Names of persons proposed as members of the Technical Review Committee:

Provide CVs or resumes of proposed Technical Review Committee members if proposing persons not already known to the Executive Director.

Contract Manager

Date

Draft RFP is Approved or Not Approved

Proposed Technical Review Committee Members are Approved or Not Approved

MSFA Executive Director

Date

Reason for any denials:



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Form D

Best Value – Contract Approval

Project Title:

Attach completed/signed copies of Form A and Form C to show that the capital improvement project was approved by the Authority and the solicitation was reviewed and approved by the Executive Director.

Attach copy of proposed contract.

Submitted by:

Contract Manager

Date

Contract was Approved or Not Approved

Chair, Minnesota Sports Facilities Authority

Date

Reason for any denial:



MINNESOTA SPORTS FACILITIES AUTHORITY

Form E

Sealed Bidding – Approval of Notice of Opportunity to Bid

Project Title:

Attach complete set of proposed specifications and text of proposed notice to this form. If set of specifications is too bulky and/or cannot be appropriately printed (as may be the case, for example, with construction design documents) then provide the specifications on a drive submitted with the form or indicate a secure web location from which the specifications may be downloaded.

Describe plan for providing notice of the opportunity to bid:

Submitted by:

Contract Manager

Date

Proposed specifications, proposed notice, and notice plan are Approved or Not Approved

MSFA Executive Director

Date

Reason for any denials:



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Form F

Sealed Bidding – Lowest Responsible Bidder

Project Title:

Attach summary of results of tabulation and investigation of bids.

Attach copy of form of contract provided with specifications.

The Contract Manager believes the following firm is the lowest responsible bidder:

Submitted by:

Contract Manager

Date

Authority Board determined that _____ is the lowest responsible bidder.

OR

Authority Board has decided to reject all bids.

Chair, Minnesota Sports Facilities Authority



MINNESOTA SPORTS FACILITIES AUTHORITY

Form G

Sealed Bidding – Contract Approval

Project Title:

Attach completed/signed copies of Form A, Form E, and Form F to show that the capital improvement project was approved by the Authority, the bidding process was reviewed and approved by the Executive Director, and the determination of the lowest responsible bidder was made by the Board.

Attach copy of proposed contract and a red-line showing all changes between the version presented with this form and the one provided with the specifications. The red-line should demonstrate that no material changes have been made.

Submitted by:

Contract Manager

Date

Contract has been executed on _____

Executive Director, Minnesota Sports Facilities Authority



MINNESOTA SPORTS FACILITIES AUTHORITY

Form H

Major Purchase Using a Joint Purchasing Agreement

Purchase Title (attach any purchase orders or contracts):

Purchase Description:

Joint Purchase Agreement in Question:

Reason for Using Joint Purchase Agreement:

Purchase Amount:

Contract Manager

Date

Proposed Purchase is Approved or Not Approved (approval must come from the Board if the proposed purchase is in excess of \$250,000, and in such cases the signature below must come from the Chair of the Board)

Executive Director or Chair, Minnesota Sports Facilities Authority

Date

Section 6 – Investment Policy

Policy Code No. 004



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
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PURPOSE

This policy serves as a reference for management of the Minnesota Sports Facilities Authority (~~MSFA~~the “~~Authority~~”) investments.

POLICY

The ~~MSFA~~Authority will invest public funds in a manner which provides for the following in order of importance: Safety; Liquidity; and Yield while complying with all federal, state, and local regulations governing the investment of public funds.

IMPLEMENTATION/ACCOUNTABILITY

The ~~CEO~~Executive Director, in consultation with the Chair, has overall responsibility for the ~~MSFA’s~~Authority’s investments. Responsibility for administering the investment policies has been delegated to the Director of Finance. Individuals who are assigned to perform tasks and consultants who manage or advise on investments must comply with the investment policy. ~~MSFA~~Authority staff responsible for the management of investments are also referred to as investment officers.

INVESTMENT OBJECTIVES:

The ~~MSFA~~Authority shall invest funds in accordance with the following priorities, ranked from highest to lowest:

1. Compliance. All investments shall comply with the rules and regulations of the State of Minnesota and all other applicable governing and regulatory bodies.
2. Safety: Safety of principal is the primary objective of the investment program. Investments shall be purchased and managed in a manner that ensures the preservation of capital in the overall portfolio.
3. Liquidity: To meet its short-term cashflow needs, the investment portfolio will remain sufficiently liquid to enable the ~~MSFA~~Authority to meet anticipated cash requirements without the occurrence of significant investment losses. To meet the ~~MSFA’s~~Authority’s long-term cashflow needs, the average duration of the investment portfolio should match the average duration of liabilities, subject to regulatory requirements.



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4. Diversification: The investment portfolio will be diversified to avoid the risk of losses resulting from an over-concentration of assets in a specific maturity, issuer, or class of securities.
5. Yield: The ~~MSFA~~Authority will seek the highest possible yield on its invested assets (net of expenses) after meeting its objectives for compliance, safety, liquidity and diversification.

PRUDENCE

Investments shall be consistent with these investment policies and procedures and when making any investment the investment officers shall adhere to the “prudent investor” standards set forth in ~~Minnesota Statute~~Minn. Stat. Section § 501B.151 which shall be applied in the context of managing the overall portfolio of ~~MSFA~~Authority. Investment officers acting in accordance with the prudent investor standards and these written investment policies and procedures shall be relieved of personal liability with respect to the investment decisions made on behalf of ~~MSFA~~the Authority.

ETHICS AND CONFLICTS OF INTEREST

Investment officers shall refrain from conducting personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment staff shall annually disclose to the ~~CEO~~Executive Director any material financial interests as required by state statute on an annual Statement of Economic Interest form. Investment officers shall subordinate their personal investment transactions to those of the ~~MSFA~~Authority, particularly with regard to the time of purchase and sales, and shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the ~~MSFA~~Authority.



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AUTHORIZED AND SUITABLE INVESTMENTS

Investment instruments purchased by the MSFA-Authority must comply with Minnesota Statutes 118A, provided MSFA-the Authority may establish requirements that may be more restrictive than state law. The MSFA-Authority will limit its investments to the following:

A. Money Market Funds	Money Market Funds may be held with next day withdrawal capacity to provide for daily liquidity requirements. These money markets must be AA rated and invest in securities with a final maturity no longer than 13 months.
B. <u>Savings/Demand/Time Deposits</u>	<p><u>Funds may be invested in time deposits that are fully insured by the Federal Deposit Insurance Corporation.</u></p> <p>A financial<u>Financial institution</u>Institution that is qualified as a “depository” of public funds of government entities. The <u>MSFA Authority</u> may hold balances in qualified bank deposits. Funds may be held in savings accounts at approved depository banks. If balances are greater than the FDIC limit, collateral <u>(as described in Minnesota StatutesMinn. Stat. ,Section-§ 118A.03)</u> of 110 percent will be held for the excess balances.</p>
C. Bankers Acceptances	Bankers acceptances <u>of United States Banks</u> purchased on the secondary market rated with the highest short-term credit rating of any two Nationally Recognized Statistical Rating Organizations (NRSROs), at the time of purchase. Maximum maturity will be 270 days. If the banker’s acceptance is rated by more than two NRSROs, it must have the highest rating from all the organizations.
D. Commercial Paper	Short-term unsecured debt which has been issued by a United States corporation or their Canadian subsidiaries <u>that is rated in the highest quality category by at least two nationally recognized rating agencies and matures in 270 days or less. Maturities typically range from one day to 270 days.—Only commercial paper with two of the three highest quality ratings of A1, P1, F1 and the underlying issuer of the commercial paper must have a long term debt rating of AA to be utilized.</u>
E. U.S. Treasury Obligations	U.S. Treasury obligations including bonds, notes, Treasury bills, or other securities which are direct obligations <u>or are guaranteed or insured issues</u> of the United States. Instruments sold and issued by the U.S. Government



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	<p>carry the full faith guarantee of the U.S. Government. These instruments provide the highest quality available to purchase and are highly liquid.</p>
<p>F. U.S. Agency Securities GSE's (Government Sponsored Enterprises)</p>	<p>U.S. Agency securities GSE's are instrumentalities, or organizations created by an act of Congress. Government Sponsored Enterprise securities have the implied guarantee of the United States Government and are privileged to certain access to capital and support of government programs. The issuers are generally considered to have the second highest credit quality in the fixed income markets and provided higher yields than U.S. treasury obligations. The ratings on all the agencies that the MSFA can invest are the highest available and include the following specific issuers.</p> <ol style="list-style-type: none"> 1. FHLB: The Federal Home Loan Bank System (FHLB) was created by Congress in 1932 and acts as a source of funds for its nearly 8,000 member banks. FHLB does not purchase home mortgages to the same extent as Freddie Mac and Fannie Mae, but primarily lends money to homeowners through its members financial institutions. FHLB System members include commercial banks, thrifts, credit unions and insurance companies. 2. FHLMC: The Federal Home Loan Mortgage Corporation encompasses Freddie Mac; it is a housing GSE created by Congress in 1970 to provide liquidity and stability in the home mortgage market, thereby increasing the flow of funds available to mortgage borrowers. Freddie Mac purchases mortgages from lenders, thereby allowing them to lend the proceeds to more homebuyers. Freddie Mac is regulated by the Secretary of Housing and Urban Development (HUD) and by the Office of Federal Housing Enterprise Oversight (OFHEO). 3. FFCB: The Federal Farm Credit Bureau is an agency of the federal government set up to supply credit to various classes of institutions and individuals such as farmers and farm cooperatives. 4. FNMA: Federal National Mortgage Association chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of



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	<p>adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA’s securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal.</p> <p>5. Other issuers: There are other GSE issuers, however, they issue fewer securities and are less active in the marketplace.</p>
G. Municipal Securities	<p>Municipal Securities are registered securities of state/county/local and other governmental agencies:-</p> <ul style="list-style-type: none"> • General Obligation <u>of any state or local government with taxing powers</u> rated “A” or better; • Revenue Bonds<u>Obligations of any state or local government</u> rated AA/Aa or better; • <u>General obligation of the Minnesota housing finance agency which is a moral obligation of the state of Minnesota and is rated "A" or better; and</u> • <u>Any security which is an obligation of a school district with an original maturity not exceeding 13 months and (i) rated in the highest category by a national bond rating service or (ii) enrolled in the credit enhancement program pursuant to Minn. Stat. § 126C.55.</u>
H. Repurchase agreements	<p>Repurchase agreements consisting of collateral allowable in Minnesota Statutes, section <u>Section Minn. Stat. § -118A.04 with any of the entities described in Minnesota Statutes section Minn. Stat. § 118A.05, subd. 2.</u></p>
I. Guaranteed Investment Contracts	<p>Specific project monies may be invested in guaranteed investment contracts if they are issued or guaranteed by United States commercial banks, domestic branches of foreign banks, United States insurance companies, or their Canadian subsidiaries, or the domestic affiliates of any of the foregoing. The credit quality of the issuer’s or guarantor’s short and long-term unsecured debt must be rated in one of the two highest categories by a nationally recognized rating agency. <u>Agreements or contracts for guaranteed investment contracts with a term of 18 months or less may be entered into regardless of the credit quality of the issuer's or guarantor's long-term unsecured debt, provided that the credit quality of the issuer's short-term unsecured debt is rated in the highest category by a nationally recognized rating agency.</u> Should the issuer’s or guarantor’s credit quality be downgraded below “A”, the government entity must have withdrawal rights.</p>



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PROHIBITED INVESTMENTS

Prohibited investments include inverse floaters, range notes, interest only strips derived from a pool of mortgages, collateralized mortgage obligations, and any security that could result in a zero interest accrual if held to maturity.

Specifically restricts:

- A. Obligations whose coupon payments are determined largely or entirely by an embedded range accumulation option. For example, range notes; these securities are used primarily to enhance interest rates when an investor is confident in a forecast.
- B. Obligations whose payment represents the principal stream cash flow from underlying mortgage backed securities collateral, for example, Collateralized Mortgage Obligations (CMO).
- C. Obligations that the interest rate and principal repayment adjusts opposite to the changes in the market, for example, inverse floaters.
- D. Obligations that under certain environments may pay no interest, for example, principal only securities.
- E. Obligations that have a maturity that will extend longer than five years under certain rate environments, for example, mortgage backed securities. Additionally, mortgage-backed securities that are defined as high risk or in certificates of deposit secured by letters of credit issued by federal home loan banks are not permissible investments.

SAFEKEEPING AND CUSTODY

Securities purchased shall be held in a segregated account for the ~~MSFA's Authority's~~ benefit at a third party trustee as safekeeping agent. The investment dealer or bank in which the security is purchased shall issue a confirmation ticket to the ~~MSFA-Authority~~ listing the specific instrument, issuer, coupon, maturity, CUSIP number, purchase or sale price, transaction date, and other pertinent information. The investment advisor or financial service provider which executes the transaction on the ~~MSFA's-Authority's~~ behalf shall deliver all securities on a



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delivery versus payment method (DVP) to the designated third party. The DVP is a way of controlling the risk to which securities market participant are exposed. Delivery of securities (i.e. the change in ownership) is done simultaneously with payment. This means that neither the buyer nor the seller is exposed to the risk that the other will default.

Investments, contracts, and agreements may be held in safekeeping with:

- any Federal Reserve Bank
- any bank authorized under the laws of the United States or any state to exercise the corporate trust powers, including, but not limited to, the bank from which the investment is purchased.

INTERNAL CONTROLS

The Director of Finance shall establish a system of internal controls and monitoring procedures. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the ~~MSFA~~Authority. The Director of Finance shall oversee designated staff who manage the portfolio on a day-to-day basis.

INVESTMENT ADVISER

The ~~MSFA~~Authority will engage the services of one or more external investment managers to assist in the management of the investment portfolio in a manner consistent with ~~MSFA's~~Authority's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with the ~~MSFA's~~Authority's Investment Policy. Such Managers must be registered under the Investment Advisers Act of 1940.

The investment manager shall cooperate and comply with periodic audits of and reviews by outside independent consultants.

BANK AND SECURITIES BROKER RELATIONSHIPS



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All banks and brokerage companies doing business with the ~~MSFA~~Authority, whether they are receiving funds as deposits or for investments, must be approved annually by the ~~MSFA~~Authority before they receive ~~MSFA~~Authority funds.

To comply with State Statutes, the ~~MSFA~~Authority, prior to completing an initial transaction with a broker, shall receive from said brokerage company a fully executed “Notification to Broker and Certification by Broker” form. A listing of all Authorized Financial Institutions shall be maintained by the Finance Department.

DIVERSIFICATION

The ~~MSFA~~Authority will reduce the risk of loss resulting from over-concentration of assets in a specific maturity, issuer, institution, or class of securities. Diversification policies and strategies will be established by the ~~MSFA~~Authority with the advice of the MSFA’s Authority’s Investment Advisors.

Due to fluctuations in the value of the portfolio, maximum percentages for a particular investment type may be exceeded at a point in time subsequent to the purchase of maturity of a particular security. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made.

CONCENTRATION OF CREDIT RISK

The ~~MSFA~~Authority will substantially reduce risk of loss resulting from over-concentration of assets in a specific maturity, issuer, institution or class of securities. No more than 50% of the ~~MSFA’s Authority’s~~ total investment portfolio will be invested in a single security type or with a single financial institution, except for the securities of the United States government or an external investment pool. No more than 5% of the overall portfolio may be invested in the securities of a single issuer, except for the securities of the United States government or an external investment pool.

MAXIMUM MATURITIES

- A minimum of 5% will mature within 30 days.
- Funds invested on or after January 31, 2013, will be invested to a maximum maturity of five years.
- Total weighted average maturity will be 3.5 years.



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Exception to the maximum maturity is in reserve funds, which may be invested to a maturity date that coincides as nearly as practicable with the expected use of the funds.

ASSET ALLOCATION

The Intermediate and Long-Term portfolios may be managed by Investment Advisors in order to maximize earnings within the guidelines of this policy. The ~~MSFA Authority~~ will receive recommendations from its Investment Advisors as to the appropriate target portfolio weightings among the various asset classes (e.g., stocks, bonds, alternatives, and cash) and among investment managers. Such recommendations will include a plan for periodic rebalancing of asset weightings and manager weightings. The Cash Equivalent category is expected to be managed by the Finance staff.

BENCHMARKS

The investment portfolio will be managed conservatively. The ~~MSFA Authority~~, based on appropriate current indexes and yields reported by similar entities with similar restrictions on investments, will develop benchmarks to determine whether market yields are being achieved.

REPORTING

On a quarterly basis, the Director of Finance will present to the ~~MSFA Authority Board~~ an investment summary that provides a listing of the securities held, name of broker agent, maturity date, yield percentage of total portfolio by investment type, gains or losses mark to market of all securities, number of investment placed, term, benchmark performance, and other information as requested by the Authority.

ANNUAL REVIEW

This policy shall be reviewed at least annually by the Director of Finance in consultation with the Executive Director and Chair Finance. Any policy changes will be recommended to the Authority Board for its consideration in a timely manner.

APPROVAL AND REVISION DATES

Original adoption on 08/01/2012



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Revised _____, 2020

REFERENCE

- ~~Minnesota Statute~~ Minn. Stat. Ch. -118A

**Section 7 – Travel and
Meeting Reimbursement
Policy**

Policy Code No. 005



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PURPOSE OF POLICY

This policy sets the guidelines for reimbursable expenses as they pertain to authorized and approved travel for Commissioners and employees on behalf of the Minnesota Sports Facilities Authority (the “Authority”). The purpose of the policy is to establish adequate internal controls to satisfy IRS regulations, state laws, and to provide a framework to use as a guide in circumstances that require travel and meeting reimbursements.

The long-term use of U.S. Bank Stadium and the Authority’s other capital assets for professional football and a broad range of other civic, community, athletic, educational, cultural, and commercial activities is a public purpose that benefits the State of Minnesota as specified in Minn. Stat. § 473J.01. In the course of performing Authority work (including engaging with other parties to foster such activities and/or events at U.S. Bank Stadium), Commissioners and employees, from time to time, are required to travel and conduct business in locations other than Authority offices. During the course of this travel they may incur costs related to carrying out their job duties. It is the Authority’s policy to reimburse such expenses according to the guidelines set forth below because such expenses advance the public purpose specified in Minn. Stat. § 473J.01.

Commissioners and employees are expected to utilize the same care when incurring official expenses that a prudent person would utilize if traveling on personal business. All persons conducting official Authority business are expected to show good judgment in the nature and amount of expenses incurred while conducting Authority business.

Falsification of travel documents and expenses or seeking reimbursement for expenses that are not eligible resulting in an overpayment or a violation of this policy may be cause for disciplinary action.

POLICY

The Authority will reimburse Commissioners and employees for authorized travel and meeting expenses incurred while performing official Authority business. Required documentation must be provided as identified within the policy. Commissioners and employees are responsible for submitting business expense reimbursement requests within 60 days of incurring the expense.

~~Expenses will be reimbursed for local travel, defined as any Authority-related travel that does not require an overnight stay.~~



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Use of Private Vehicle Commissioners and employees using private vehicles while performing Authority duties are eligible for expense reimbursement only in the event the private vehicle being used is covered by vehicle insurance meeting the amounts required by state law. The Authority assumes no liability for uninsured vehicles used in violation of this policy. ~~Proof of insurance is subject to audit.~~

Insurance Deductible Actual vehicle insurance deductibles incurred as a result of an accident during travel for Authority business may be reimbursed up to a maximum of \$500.

Mileage Allowance Commissioners and employees will be paid the amount of the standard mileage allowance as determined by the Internal Revenue Service (IRS) for use of their private vehicles in the performance of authorized Authority business. Payment of mileage will be based on the most direct route from the point of departure to the point of destination unless approved in advance.

Travel between Place of Residence and Office The Authority will not pay expenses for routine travel between a place of residence and a primary work location. Employees authorized to travel to an alternate work location will be reimbursed for the mileage in excess of their usual daily mileage traveled between the employee's residence and primary work location, on a round trip basis.

Parking Expenses The Authority will reimburse Commissioners and employees for the actual cost of parking (ramp charges, meter fees, etc.) at destinations other than Authority offices to which Authority business requires them to travel.

Local Business Meals The Authority will reimburse the actual cost of meals when expenses are incurred in the course of official business. Meal reimbursement is eligible for breakfast, lunch, dinner or a banquet meeting if applicable. The amount claimed must be reasonable taking into consideration the location and purpose of the meeting.

Expenses for alcoholic beverages are not reimbursed under any situation or circumstance.



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Personal Use of Authority Vehicles The use of Authority vehicles for personal use is prohibited.

Expenses will be reimbursed for Out of State travel, defined as any approved Authority- related travel that requires an overnight stay.

Authorization for Out-of-State Travel All out-of-state travel must be approved prior to the actual travel date. The Chair ~~of the Authority~~ approves out-of-state travel by ~~Authority members~~ Commissioners and the ~~CEO~~ Executive Director. The ~~CEO~~ Executive Director approves out-of-state travel by all employees and the Chair. ~~Prior authorization for out of state travel must be documented on Authority forms with supporting documentation, including estimated cost information and preliminary schedules.~~ If applicable, conference, seminar, or other brochures shall be attached provided to support the travel request.

Use of Private Vehicle: Vehicle insurance requirements are identical to those required under Local Travel.

When traveling by air, Commissioners and employees are eligible for round-trip mileage reimbursement between their residence and the airport when dropped off at the airport by a personal vehicle. This reimbursement is in lieu of parking a personal vehicle at the airport for the length of the trip.

Commissioners and employees electing to use a private vehicle for out-of-state travel will be reimbursed for actual miles traveled at the standard mileage rate as determined by the IRS or the amount of the least expensive airfare available for the same destination, whichever is less.

In some instances the use of a rental vehicle in lieu of a private vehicle may result in a reduced expense to the Authority. When planning a trip Commissioners and employees are encouraged to consider this alternative option.



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Meals and Incidental Expenses

Commissioners and employees will be reimbursed for actual reasonable expenses full days of travel on a per diem basis for meals and incidental expenses upon submission of actual receipts in an amount not to exceed the Federal Per Diem rates as defined per individual city.

~~“Special”~~Extraordinary meal expenses may be incurred by the Chair and/or the ~~CEO~~/Executive Director in conjunction with official business of the Authority, such as engaging with other parties to foster events and/or activities at U.S. Bank Stadium. Such meal expenses shall be reimbursed upon submission of appropriate expense reports, including identifying the business reason for the meal and actual receipts. ~~Such meal expenses may also be charged directly to the Authority.~~

~~The above per diem allowances include r~~Reimbursement for incidental expenses, including fees and tips for services (i.e. bus fares, taxi, baggage handling expenses) is allowed.

When meals are included in a conference registration fee or as part of airfare, they are not eligible for reimbursement.

~~When authorized out of state travel is made by rental or private vehicle in lieu of air travel, the meal and incidental allowances shall be paid only for the period required if the trip had been made by air.~~

Expenses for alcoholic beverages are not reimbursed under any situation or circumstance.

Lodging Expenses

The Authority will reimburse actual lodging expenses for authorized out-of-state travel, at ~~single~~-rates reasonably comparable to other facilities in the area. When booking the lodging, an inquiry should be made to determine if a government rate is available and applicable to the room rate.



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Common Carrier Travel Provider Expenses:

Commissioners and employees are eligible for reimbursement for the total cost of transportation by airline, railroad or other ~~common carrier transportation provider~~ when traveling to destinations within the state but outside of the metropolitan area and/or out of state. Air charter service may be used where such charter service is more practical than commercial transportation.

Travel must be booked at the most cost-effective rate available, e.g., coach class, “Super Saver”, etc. ~~Railroad accommodations may include lower berth or roomette in case of overnight travel.~~ Any upgrades to seat assignments that may require a payment (e.g. exit row) or to a first class seat are not eligible for reimbursement.

~~Maximum reimbursement shall be for the lesser of the actual cost of the mode of transportation chosen, or the least expensive airfare available.~~

Airline travel credits or benefits from travel paid for by the Authority are the property of the Authority. Commissioners and employees must remit transferable benefits or credits to the Authority upon receipt. If not transferable, any travel benefits or credits earned from or during official Authority business travel (including mileage credits) must be used for official Authority business travel. Examples of these benefits include: cash payments, discount coupons and free tickets to passengers on commercial air carriers who have been delayed or are rewarded for frequent trips with specific airlines. Airline travel benefit information is to be reported on the approved form in the office of the ~~CEO~~/Executive Director.

Vehicle Rental Expenses

Vehicles rented should be the least expensive available based on the number of passengers and the length and conditions of the trip. Authorized travelers will be reimbursed for the actual cost of the approved vehicle rental, including daily rates, mileage and gasoline charges, where the vehicle rental is more economical and efficient than other forms of ~~public transportation or a taxi~~. When renting a vehicle, the collision damage insurance should be waived, unless the person seeking reimbursement does not otherwise have collision damage insurance for rental vehicles. Car rental insurance will not be reimbursed



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by the Authority, unless the person seeking reimbursement does not otherwise have insurance coverage for rental vehicles.

Registration Fees

The Authority will pay registration fees for attendance by an employee at a pre-approved business or professional development function, such as a conference, seminar or workshop.

Other Expenses- Reimbursed

The Authority will reimburse a Commissioner or employee on official authorized business travel for the actual reasonable costs of incidental travel expenses for which a receipt is ordinarily issued, which include, but are not limited to: for the following expenses while on official authorized business travel: baggage handling, toll charges, parking, and transportation fares~~bus fares, and taxi/limousine fares,~~ including tips.

~~If using a personal mobile or cellular device, business telephone calls and reasonable personal telephone calls incurred during overnight travel are reimbursable. When applicable, an authorized Authority mobile device or cell phone should be used for telephone calls.~~ Business expenses related to internet connection and printing and copies from a Business Center are eligible for reimbursement. The business reason for the expense should be noted on the reimbursement form.

Other Expenses- Not Reimbursed

In addition to the limitations on expense reimbursement described elsewhere in this Policy, ~~W~~hen a Commissioner or employee is on official Authority business the following expenses are not eligible for reimbursement:

- Spouse/companion's expenses
- ~~- Flight or car rental insurance~~
- Entertainment, unless for a public purpose, such as marketing or soliciting events and/or activities to occur at U.S. Bank Stadium, as described in more detail above
- Movies in hotel rooms
- Fees to use health clubs
- Personal items such as toothpaste, shampoo, etc.
- Traffic violations
- Dependent care (except that Commissioners may be reimbursed for child care expenses incurred as a result of time spent attending



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board meetings, as specified in Section 5.2 of the Authority's Bylaws)
 – Alcohol

IMPLEMENTATION/ACCOUNTABILITY

All Commissioners and employees are responsible for understanding and complying with this policy. For the purposes of this policy, an “employee” includes the full-time and part-time staff, interns, temporary employees, members of affiliated bodies, and other officially authorized individuals. For purposes of this policy a “Commissioner” refers to those individuals appointed to serve on the ~~Minnesota Sports Facilities Authority~~.

Commissioners will be reimbursed for travel and related expenses incurred in the performance of Authority business and for which proper approvals and expense reports are documented, filed, and approved by the ~~Chair of the Authority~~. For purposes of accountability, the ~~CEO~~/Executive Director will approve the expense reimbursement request of the Chair.

Employees of the Authority will be reimbursed for travel and related expenses incurred in the performance of Authority business and for which proper approvals and expense reports are documented, filed, and approved by the ~~CEO~~/Executive Director, in consultation with the Chair.

In the administration of this policy, exceptions to the provisions are considered rare. However, in the course of business, a situation or event may arise where an exception is needed. To the extent possible, all exceptions should be approved in advance by the Chair and the Executive Director and in writing and also authorized prior to their occurrence. ~~If this is not practical, then reimbursement for an exception to this policy will require approval by both the CEO/Executive Director and the Chair of the Authority. If exceptions are found to occur at a level deemed to be unusual, then consideration of a policy change should be made by the Authority Board. Exceptions to the provisions of this policy may also be approved if necessary to serve an important public purpose, as described in more detail above.~~

CHANGES IN RATES

Both the State of Minnesota and the IRS adjust and change their reimbursement rates from time to time; such changes shall be considered to be incorporated herein by reference. ~~The CEO/Executive Director's Office is required to maintain the official rates.~~

Section 8 – Suite Use Policy

Policy Code No. 006



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Policy and Purpose for Usage of Minnesota Sports Facilities Authority Suites by Authority Board Members, Staff and SMG

I. Background and Legislative Goals for the Authority

The Legislature found in the Stadium Legislation that there is a public purpose for the Minnesota Sports Facilities Authority (the “Authority”) to conduct events for professional football and a broad range of other civic, community, athletic, educational, cultural, and commercial activities. The Legislature specifically tasked the Authority to achieve two main goals in operating and maintaining the facility:

- 1) Maximizing access for public and amateur sports, community and civic events as well as other public events in type and on terms consistent with those held at the previous stadium,¹ and;
- 2) Operating the facility “in a first-class manner, similar to and consistent with other comparable NFL stadiums.”² In addition, the Board has tasked staff to develop short and long term Capital Plans to ensure that the facility stays in good repair and that necessary improvements such as technology upgrades or acquisition of additional stadium infrastructure should be foreseen and properly budgeted.

Successful marketing is a key component of reaching these goals. The Authority finds that in order to meet the twin goals of community and amateur sports access at affordable rates, as well as keeping the facility in a first class and competitive state, requires an aggressive and on-going marketing effort to attract and retain commercial spectator events as well as mega-events such as the Super Bowl and NCAA Men’s Final Four that will maximize revenues. The Authority is responsible for ensuring that the facility is wisely managed and effectively marketed, to allow for the maximum return and public benefit of the Minnesota taxpayers’ significant investment into the facility.

II. The Authority’s Opportunity to Use Suites to Further Legislative Goals

Through its Use Agreement with the Minnesota Vikings and other relevant agreements, the Authority has control of two suites – at no cost to the Authority or the public – whose purpose is to enable the Authority and SMG to successfully market the facility to potential and current

¹ Minn. Stat. § 473J.13, subd. 3.

² Minn. Stat. § 473J.13, subd. 1.



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commercial events. In addition, the Authority will need to market to other mega events as well as community and amateur sports entities during NFL and other significant events.

Consistent with their obligations to effectively manage and market the facility and achieve a maximum return on Minnesota taxpayers' substantial investment in this facility, the **MSEA Authority** Board, staff, and SMG staff will actively participate in such marketing activities and efforts during Authority events.

The Authority recognizes that there are a limited number of individuals or groups that may book the stadium for a particular type of event, such as a high-attendance sporting event. However, the Authority believes that certain aspects of the facility – including its infrastructure, ~~concessionaire~~ **concessionaire** services, day-of-event services (such as security, etc.), and other aspects – remain relatively constant even when the type of event varies. As such, the Authority has determined that use of the suites is a critical tool in its marketing plan, whether the potential user plans to host a high-attendance sporting event or some other type of event (such as a concert).

III. Restrictions on Suite Access for Marketing Purposes

The Authority's suites are to be used to fulfill its Legislatively-assigned purposes, including effective marketing of the facility and overseeing operation of the facility in a first-class manner. When distributing tickets for the suite, these purposes must be kept in mind.

Depending upon the circumstances, it may be appropriate to invite the following people to attend an event in one of the Authority's suites:

Authority board members and executives. Authority board members and executives may use the suite to actively participate in marketing activities with external invitees. While attending the game, the Authority board member or executive must observe the operation of the stadium and must pay attention to any facts or issues that would allow the Authority to better fulfill its purpose, including: operations, crowd management, facilities, upkeep, staffing, and opportunities for alternative uses or improvement. He or she must communicate any concerns or suggestions, based on his or her observations at these games, to Authority staff and/or the Authority Board.

Other Authority personnel and SMG personnel. In certain situations, it may be appropriate for other Authority personnel to attend to further support this marketing role by, for example, assisting with hosting external invitees and/or acting as a resource of information about the region, community or facility to further the marketing goal. It may also be appropriate for certain SMG staff to attend to assist in this marketing effort.



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Users and potential users of the facility. As has been the historical practice, Authority and SMG staff are strongly encouraged to invite potential users to observe the operation of the facility to allow the potential user to see the capabilities and operations of the facility during an event individuals or groups considering whether to book the facility for an upcoming event. In limited circumstances, it may be appropriate to invite individuals/groups who have already entered an agreement to host an event at the facility if (1) allowing the individual to observe the operation of the facility during an event would to resolve specific, significant challenges or issues related to the upcoming event, or (2) the Authority board member or executive has reasonably determined that allowing the individual to observe the operation of the facility for this specific event would assist in efforts to convince the individual to book additional upcoming events at the facility.

Community member groups. Certain local coordinator or community member groups – such as the Convention Bureau, Meet Minneapolis and others – can also substantially further the Authority’s public goals of effective marketing of the facility. These groups are dedicated to the success of the Twin Cities, including success as a destination for large events drawing crowds from around the county. Allowing these groups to observe the operation of the facility and connect with potential users of the facility could be a significant component in encouraging outside groups to book the facility, or in providing the groups with sufficient information to allow them to refer outside users to the facility as a potential venue.

Public officials. Authority board members and executives should be sensitive that various legal and perception issues may limit the willingness of public officials to attend marketing events within the Authority suites. It is, however, appropriate under Minnesota law (specifically, the Campaign Finance and Public Disclosure statute, Minnesota Statutes, Chapter 10A) for Authority board members or executives to invite public officials to Authority suites if attendance otherwise meets the requirements of this policy.

Other. This is not intended to be an exclusive list, and Authority board members or executives may identify additional groups whose inclusion may also foster the Legislatively-established purposes of the Authority.

IV. Procedure for Use of Suites for Marketing

The Authority adopts the following procedures, in order to ensure that the Authority suites are being used for the maximum possible benefit.

Access to Tickets. Tickets for each event will be available to Board Members and the ~~CEO~~ Executive Director for marketing purposes. The Authority will work with SMG to invite potential and recurring users to the event, along with mega-event customers and community users



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as well. Should either the ~~CEO~~ Executive Director or an individual Board Member not be able to personally attend an event then their ticket(s) will be returned to the Authority for re--distribution.

Maintaining a Record of Attendees. The Authority will maintain a list of the individuals who use the Authority’s suites. This list shall include: the date and type of event, the name of the individual attending, the individual’s employer or organization, the Authority board member or employee who issued the invitation, and the public purpose for that individual’s presence. By way of example only, below is a sample of entries that could be maintained:

Event	Invitee	Company	Host	Public purpose
12/1/16	Board Member 1	MSFA	n/a	Marketing
12/1/16 Vikings Game	John Smith	XYZ Events Co.	Board Member 1	Potential user of the facility
12/1/16 Vikings Game	Jane Doe	Minneapolis Civic Tourism Group, LLC	Board Member 2	Provide regional and city background and assist in marketing the facility to XYZ Events Co.

Responsibility of Board or Staff Member Using Suite. Each time an Authority board member or executive uses the suite, he or she must individually assess – using his or her background, experience, and knowledge about the marketing goals – whether his or her use of suite tickets serves a public purpose, keeping in mind the public purposes described in this policy and in the Stadium Bill. Each individual must think through the goals outlined for the Authority, and make clear in his or her own mind the public purpose that would be served. In particular, the authorized person must consider the individuals to whom it extends an invitation to use one of the tickets allocated to each member, and determine that inviting that person serves a public purpose. Any member or executive who has questions or wants counsel as to whether a particular use is appropriate should contact ~~Jay Lindgren~~, the Authority’s General Counsel.

V. Expenditures for Food and Beverage During Events

Although the Authority is entitled to access the suites free of charge, pursuant to certain contracts, any provision of food or beverages in the suite requires an additional expenditure. Expenditure of funds for food serves important public goals. One characteristic of U.S. Bank Stadium that makes it particularly attractive to events is its world-class catering, and the participation of local chefs and restaurants. Aramark, the Authority and the Vikings have worked to establish a partnership with “Minnesota’s top chefs and premier restaurants [that] will establish U.S. Bank Stadium as a leader in dining experience within the Minnesota sports landscape and across the sports and



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entertainment industry.”³ Showcasing the unique food options available at the facility is a crucial component to an effective marketing plan.⁴ Providing food also serves a public purpose by supporting the goal of the meeting. The events often occur around mealtimes and it is not possible to reschedule the marketing event to a different time. Providing food allows the marketing meeting to continue without interruption and demonstrates the capabilities of the stadium to individuals and entities considering booking future events at the stadium.

Of course, food expenditures must be reasonable; excessive food expenses do not serve a public purpose. Any member or employee who has questions or wants counsel as to whether a particular expenditure is appropriate should contact ~~Jay Lindgren~~, the Authority’s General Counsel. Alcoholic beverages cannot be reimbursed by the Authority and a process will be established for user reimbursement or purchase of these beverages similar to the practices implemented at the Metrodome.

VI. Implementation of This Policy

This policy has been adopted to ensure that the Authority’s suites are used in a manner that will allow for the maximum return and public benefit of the Minnesota taxpayers’ \$500 million investment into the facility. Any member or executive who has questions or wants counsel as to whether a particular use is appropriate should contact ~~Jay Lindgren~~, the Authority’s General Counsel.

³ “Vikings, Aramark and MSFA Unveil Culinary Roster for U.S. Bank Stadium, May 24, 2016, available at <http://www.vikings.com/news/new-stadium/article-1/Vikings-Aramark-and-MSFA-Unveil-Culinary-Roster-for-US-Bank-Stadium/60273a7f-916e-431d-9290-e1a6f9b2203c> (Aramark President describing effort to “design an unprecedented and innovative dining experience at U.S. Bank Stadium that showcases the distinctive tastes and flavors of Minnesota and the very best from its burgeoning restaurant scene” and MSFA chair stating partnership with “Minnesota’s top chefs and premier restaurants will establish U.S. Bank Stadium as a leader in dining experience within the Minnesota sports landscape and across the sports and entertainment industry” and noting that “[t]hese Minnesota partnerships are an integral component of the stellar dining program being developed by Aramark, to complement the world-class status of the new stadium”).

⁴ See, e.g., “Inside the Vikings Stadium’s Medtronic Club,” *Finance & Commerce*, July 12, 2016, available at <http://finance-commerce.com/2016/07/inside-the-vikings-stadiums-medtronic-club/> (news outlet describing in detail the food offerings at U.S. Bank Stadium); “U.S. Bank Stadium’s World-Class Dining Experience to Showcase Minneapolis-St. Paul’s Premier Local Brands and Small Businesses,” July 12, 2016, available at <http://www.usbankstadium.com/news/detail/us-bank-stadiums-world-class-dining-experience-to-showcase-minneapolis-st-pauls-premier-local-brands-and-small-businesses> (““The unique line-up of local partners contributing to the food and beverage offerings at U.S. Bank Stadium fits directly into our vision of providing the best overall customer experience for our guests through all aspects of our operations,” said Patrick Talty, SMG General Manager at U.S. Bank Stadium.”).



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APPROVAL AND REVISION DATES

Original adoption 12/2016

Revised _____, 2020

Section 9 – Code of Ethics

Policy Code No. 007



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
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DRAFT

PURPOSE

The Minnesota Sports Facilities Authority (~~“MSFA”~~ or “Authority”) was created by Minnesota Laws 2012, Chapter 299 (“Act”). The Authority controls, operates and is responsible for the management of U.S. Bank Stadium (“Stadium”).

The purpose of this policy is to comply with the State of Minnesota’s executive branch *Code of Ethics* to ensure that ~~MSFA Members-Commissioners~~ and Authority staff-employees do not receive any benefits or privileges due to their affiliation with the Authority.

POLICY - CODE OF ETHICS

A. Acceptance of Gifts or Favors

Authority Employees and ~~Members of the MSFA~~Commissioners, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service, or promise of future employment, or other future benefit from any source, except the ~~MSFA~~Authority, for any activity related to the duties of the employee or ~~Member-Commissioner~~ unless otherwise provided by law.

Notwithstanding the foregoing, the acceptance of any of the following shall not be in violation of this policy:

1. Gifts or textbooks of nominal value may be accepted pursuant to Minn. Stat. § 43A.38 and § 15.43.
2. Plaques or similar mementos recognizing service.
3. Reimbursement of expenses for travel or meals, not to exceed actual expenses incurred, that are not otherwise reimbursed by the ~~MSFA~~Authority and that have been approved in advance by the ~~MSFA~~Executive Director or ~~MSFA~~the Chair as part of the employee’s or ~~Member’s~~Commissioner’s work assignment.
4. Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees or ~~MSFA Members-Commissioners~~ on their own time for which they are not compensated by the ~~MSFA~~Authority. Employees and ~~MSFA Members~~



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Commissioners who qualify as local or public officials under the *Ethics in Government Act* must comply with the gift prohibition provision of Minn. Stat. § 10A.071.

B. Falsification or Misrepresentation of Information

No MSFA-Authority employee or applicant for employment, and no Member of the MSFA Commissioner, shall intentionally provide information he/she knows to be false to the MSFA Authority, its employees or agents, or members of the public.

C. Use of Confidential Information

An employee or Member of the MSFA Commissioner shall not use confidential information to further his/her private interest, and shall not accept outside employment or involvement in a business or activity that will require the disclosure or use of confidential information.

For purposes of this policy, “confidential information” is defined as any information obtained under government authority that has not become part of the body of public information and that, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.

D. Data Practices

The MSFA-Authority collects creates, receives, maintains and disseminates government data in accordance with the *Minnesota Government Data Practices Act*. MSFA-Authority employees and MSFA Members Commissioners may have access to public or non-public data on individuals. MSFA Members Commissioners and employees are prohibited from using data on individuals for personal benefit, and from providing access to others who are not properly authorized. Violation of this policy may result in disciplinary action.

E. Use of State Property

MSFA-Authority employees and MSFA Members Commissioners shall not use, or allow the use of, the Authority’s MSFA’s time, supplies or property/equipment for the individuals’ private interest, or any other use not in the interest of the MSFA Authority, except as may be provided by law.



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F. Conflicts of Interest

Attending an event at the Stadium in the ~~MSFA-Authority~~ employee's or ~~Member's-Commissioner's~~ official capacity is not a conflict of interest.

The following actions by an ~~MSFA-Authority~~ employee or ~~Member-Commissioner~~ shall be deemed a conflict of interest, and may be subject to disciplinary action:

1. Use or attempted use of the individual's official position to secure benefits, privileges, exemptions, or advantages for the individual or his/her relative(s), or an organization with which he/she is associated that are different from those available to the general public.
2. Acceptance of other employment or a contractual relationship that will affect the individual's independence of judgment in the exercise of the his/her official duties.
3. Acting as an agent or attorney in any action or matter pending before the ~~MSFA-Authority~~, except in the proper discharge of his/her official duties or on the employee's or ~~Member's-Commissioner's~~ own behalf.
4. ~~MSFA-Authority~~ employees and ~~MSFA-Members-Commissioners~~ who qualify as local or public officials under the *Ethics in Government* Act must comply with the conflict of interest provisions of Minn. Stat. §10.A.07.

G. Determination of Conflict of Interest

When an employee or ~~Member-Commissioner~~ believes the potential for a conflict of interest exists, it shall be his/her responsibility to avoid the situation and immediately notify ~~MSFA's-the~~ Executive Director or ~~MSFA-the~~ Chair. A conflict of interest shall be deemed to exist when a review of the situation by the employee, ~~Member-Commissioner~~, Executive Director or Chair, determines any of the following conditions are present:

1. The use for private gain or advantage of ~~MSFA-Authority~~ time, facilities, equipment or supplies, or prestige or influence of his/her ~~MSFA-Authority~~ office or employment.
2. Receipt or acceptance by an employee or ~~Member-Commissioner~~ of money or other item of value from anyone other than the ~~MSFA-Authority~~ for the performance of an act that the employee or ~~Member-Commissioner~~ would be required or expected to



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perform in the regular course or hours of ~~MSFA-Authority~~ employment or as part of his/her official duties.

3. Outside employment by a business that is subject to the direct or indirect control, inspection, review, audit, or enforcement by the ~~MSFA~~Authority.
4. The performance of an act in other than the ~~Member's Commissioner's~~ or employee's official capacity that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by the ~~MSFA~~Authority.

H. Resolution of Conflict of Interest

If the employee, ~~Member~~Commissioner, Chair or Executive Director determines that a conflict of interest exists that can be eliminated by reassigning responsibility for a particular matter, that matter will be assigned to another person who does not have a conflict of interest. If it is not possible to assign the matter to someone who does not have a conflict of interest, interested persons shall be notified of the conflict and the conflicted employee or ~~Member~~Commissioner may proceed with the assignment.

I. Lobbyist Registration

~~MSFA Members~~Commissioners and employees who devote more than 50 hours in any month to influence administrative or legislative action related to the operation of the ~~MSFA~~Authority must register with the State Campaign Finance and Public Disclosure Board as a lobbyist within five (5) days after becoming a lobbyist.

Lobbyist activities include direct communication or urging others to communicate with public or local officials, including time spent monitoring legislative or administrative action, and related research, analysis and compilation and dissemination of information relating to legislative or administrative policies in Minnesota.

J. Acceptance of Advantage by ~~MSFA Members~~Commissioners and Employees; Prohibited Interests in Contracts

No ~~MSFA Member~~Commissioner or employee who is in direct contact with suppliers or potential suppliers to the ~~MSFA~~Authority, or who may directly or indirectly influence a purchasing decision by establishing specifications, testing products, evaluating contracted services, or otherwise has official involvement in the purchasing or contracting process may:



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1. Have any financial interest or personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, purchased by, or furnished to the [MSFA Authority](#); or
2. Accept directly or indirectly from a person, firm, or corporation to which a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value or promise, obligation, or contract for future reward.

K. Statement of Economic Interest

Under Minn. Stat. § 10A.09, individuals who are appointed to positions that qualify those individuals as “public officials” or “~~foea~~local officials” must file a statement of economic interest. Public officials must file their statements with the Campaign Finance and Public Disclosure Board. Local officials must file their statements with the governing body of the official’s political subdivision. Copies of statements of economic interest for ~~MSFA Members~~ Commissioners and the Executive Director shall be maintained on file at the [MSFA Authority](#).

Minn. Stat. § 10A.09, subd. 6 states in part: “*Each individual who is required to file a statement of economic interest shall file a supplementary statement on April 15 of each year that the individual remains in office if information on the most recently filed statement has changed.*”

**Section 10 – Political
Activities Policy
Policy Code No. 008**



MINNESOTA SPORTS FACILITIES AUTHORITY

POLICY STATEMENT

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DRAFT

Minnesota Sports Facilities Authority (“Authority”) ~~MSFA~~—employees and ~~MSFA Members Commissioners~~ may exercise their individual rights as citizens to participate in the activities of their community, except where due to their public employment, conflicting interests may exist.

A. Permissible Political Activities

~~MSFA Authority~~ employees and ~~MSFA Members Commissioners~~ may:

1. Express opinions on political subjects and candidates (*e.g.*, wear badges or buttons, or display stickers or posters on their car or house).
2. Take an active part in political management and political campaigns, but not on regular paid ~~MSFA Authority~~ time or premises (*e.g.*, perform volunteer work for a partisan candidate, campaign committee or political party; attend political meetings or rallies; originate, circulate and/or sign petitions for candidates in a partisan election). When working for or endorsing candidates engaging in political activities, ~~MSFA Authority~~ employees and ~~MSFA Members Commissioners~~ do so as private citizens and shall not use their official job titles, or the fact that they are affiliated with the ~~MSFA Authority~~ in a manner that implies ~~MSFA Authority~~ endorsement or support for candidates or political causes. Regular paid ~~MSFA Authority~~ time does not include vacation leave, other leave time or compensatory time off.
3. Be a candidate for a political party office even where such office is voted on in a partisan election (*e.g.*, committee member or convention delegate).
4. Be a candidate for public office in a partisan or nonpartisan election provided that (i) no conflict exists in accordance with this ~~Code Policy~~; and (ii) the candidacy in a partisan election is permitted under the federal *Hatch Act*.
5. Make financial contributions to a political party or organization, and solicit and collect voluntary political contributions so long as the employee does not coerce, command or advise another ~~Authority~~ employee or ~~MSFA Member Commissioner~~ to make such contributions, and so long as such solicitations or contributions are not made during work hours.



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B. Prohibited Political Activities

~~MSFA-Authority~~ employees and ~~MSFA-Members-Commissioners~~ shall not:

1. Directly or indirectly solicit or receive funds for political purposes during his/her work hours or on ~~MSFA-Authority~~ premises.
2. Use his/her official authority or influence to compel another ~~MSFA-MemberCommissioner~~ -or ~~Authority~~ employee to:
 - i. Apply for membership in, or become a member of any political organization.
 - ii. Pay or promise to pay an assessment, subscription, or contribution to any political organization.
 - iii. Take part in any political activity.
3. Use the ~~MSFA-MemberCommissioner~~'s or ~~Authority~~ employee's official authority or influence for the purpose of interfering with, or affecting the result of, an election or nomination for office.
4. Use his/her official job title, or the fact he/she is associated with the ~~MSFA-Authority~~, when working for or endorsing candidates or when running for public office, when the use of job titles or employment status implies ~~MSFA-Authority~~ endorsement or support of a candidate.
5. Use or cause others to use ~~MSFA-Authority~~ facilities, equipment, computer and e-mail systems, supplies, or premises for political activities.

C. Public Office

An ~~MSFA-Authority~~ employee or ~~MSFA-Member-Commissioner~~ may be a candidate for partisan or nonpartisan public office provided:

1. He/she shall not campaign for such office during work hours; and
2. The candidacy does not violate the federal *Hatch Act*.



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An ~~MSFA-Authority~~ employee or ~~MSFA Member Commissioner~~ who is a candidate for public office shall immediately notify the Executive Director or ~~MSFA-the~~ Chair in writing upon becoming a candidate. The Executive Director ~~or-and~~ ~~MSFA-the~~ Chair shall determine if a conflict exists with ~~MSFA-Authority~~ responsibilities and shall determine if the individuals' candidacy is subject to federal *Hatch Act* restrictions.

An ~~MSFA-Authority~~ employee elected to or appointed to a public office shall be permitted time off from his/her regular employment to attend meetings required by reason of the public office. The time off may be without pay or made up with other hours, as agreed in advance between the employee and the ~~MSFA-Authority~~. When an employee takes time off without pay, the ~~MSFA-Authority~~ will make an effort to allow the employee to make up the time with other hours if there is no adverse impact on the employee's fulfillment of his/her job responsibilities.

The federal *Hatch Act* (Title 5, United States Code, §§1501-15138) prohibits government employees from becoming candidates for elective partisan office. The *Hatch Act* applies to ~~MSFA's-Authority~~ employees whose principal employment involves an ~~MSFA-Authority~~ activity that is financed in whole or in part by loans or grants made by the United States or a federal agency. The federal *Hatch Act* does not apply to an employee who exercises no functions in connection with a federally-financed activity, or to an employee who is a candidate in any nonpartisan election. Any employee covered by the *Hatch Act*, shall resign from ~~MSFA-Authority~~ employment upon becoming a candidate for elective partisan office.

Section 11 – Personnel Policy Manual

Policy Code No. 009



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~~_____ , 2012 Revised February _____ , 2020~~



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~~WELCOME TO THE MINNESOTA SPORTS FACILITIES AUTHORITY~~

~~Ted Mondale~~

~~CEO/Executive Director~~

INTRODUCTION

The Minnesota Sports Facilities Authority (the “Authority”) was created by Minnesota Laws 2012, Chapter 299 (the “Act”). The Authority controls, operates, and has responsibility over the professional football stadium constructed under the Act and any other sports facility constructed or acquired by the Authority.

The purpose of this employee handbook is to provide Personnel Policies to govern the Authority employees. To the extent that any matter is not addressed under the Personnel Policies, an employee may ~~submit a request in writing to the~~contact their supervisor or manager or the CEO/Executive Director with any questions or concerns.

DISCLAIMER

The contents of this employee handbook are compiled for informational purposes only. This handbook is not a contract of employment and shall not be regarded as a promise to provide specific terms and conditions of employment. Nothing contained in this handbook shall be construed as a guarantee of continue employment. Nothing contained in this handbook is intended to create or imply a contract for employment or for the provision of any employment benefit. All employees are employed on an at-will basis. At-will employment means that either the Authority or the employee can terminate the employment relationship at any time, with or without prior notice, for any reason not prohibited by law.

The Authority reserves the right to change, suspend or eliminate any or all matters contained in this handbook and all other policies, rules, and procedures at any time without prior notice. The Authority retains the sole discretion to interpret the provisions of this handbook and to depart from those provisions or any other company policies, rules, or procedures if the Authority determines that such action is appropriate.

The provisions of this handbook supersede the provisions of all other previous handbooks, manuals, policies, rules, and procedures that address the subjects covered in this handbook or are



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inconsistent with this handbook. All such previous handbooks, manuals, policies, rules, and procedures are expressly revoked.

~~Excludes Represented Employees~~

~~Employees covered by formal collective bargaining agreements with the Authority shall be exempt from those provisions of this manual which are in conflict with labor contract provisions and such employees shall be limited to the benefits provided in such agreements.~~

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

This statement affirms the Authority's policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Opportunity ~~Affirmative Action~~ laws, directives and regulations of federal, state, and local governing bodies or agencies.

The Authority will not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, membership on a local human rights commission, protected veteran status, or any other protected characteristic.

The Authority prohibits the harassment of any employee or applicant for employment because of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, membership on a local human rights commission, protected veteran status, or any other protected characteristic.

The Authority also prohibits retaliation, including intimidation, threats, or coercion, because an employee or applicant has objected to discrimination or harassment or has otherwise sought to obtain his/her legal rights under any local, state, or federal Equal Employment Opportunity law.

~~The Authority will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action. Employees or subcontractors not complying with applicable equal employment opportunity / affirmative action laws may be subject to appropriate action by the Authority, including but not limited to disciplinary action, termination of employment, and termination of a contract.~~

The Authority has appointed an EEO Coordinator to manage the Equal Employment Opportunity Program: Mary Fox-Stroman. If you feel you have been a victim of discrimination ~~or wish to~~



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~~review the Authority's Affirmative Action Plan~~, please contact Mary Fox-Stroman (612-335-3311).

DEFINITIONS OF EMPLOYMENT STATUS

The Authority maintains standard definitions of employment status and classifies employees for purposes of personnel administration and related payroll transactions according to the following definitions:

Exempt – Salaried employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and state law and who are exempt from the overtime pay requirements of the Act.

Non-Exempt – Hourly paid employees whose positions do not meet Fair Labor Standards Act exempt tests and who are paid a multiple of their regular rate of pay for overtime work, as required by federal and state law.

Full-time - Employees scheduled to work year round not less than 40 hours per week. An employee, that has been given the status of a “regular” employee, who is hired for a position which normally requires the employee’s services for the entire normal workweek.

~~Fluctuating part time – Employees generally scheduled to work less than 40 hours per week and will not be scheduled to work more than 20 hours per week on a consistent week-to-week basis. Fluctuating part-time employees will not accrue most of the benefits available to either full-time employees or regularly-scheduled part-time employees.~~

Regularly-scheduled part-time – Employees generally scheduled to work less than 40 hours per week and will be scheduled to work more than 20 hours per week on a consistent week-to-week basis. Regularly-scheduled part-time employees will be eligible to receive 50% of many of the benefits provided to full-time employees as described later in this handbook.

STAFFING COMPLEMENT

~~The total number of permanent positions authorized by the Authority in its budget document may, from time to time, be amended by the Authority upon recommendation of the CEO/Executive Director. Unless through promotion of an employee, all vacant positions must be filled with competitive recruitment. Selection of the qualified applicant will be determined by the appropriate~~



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~~supervisor/director and with the approval of the CEO/Executive Director. Fluctuating part-time, regularly scheduled part-time, and temporary positions shall not be included in the complement.~~

Nepotism

Relatives of Authority members or employees may not be employed or otherwise be engaged to perform services, where one relative will, or may, exercise direct supervision or may otherwise directly influence the recruitment, employment, salary, fee or performance of another relative. A relative shall be defined as: immediate family, i.e., parents, parent-in-law, spouse, sister, sister-in-law, brother, brother-in-law or children of employee.

SEPARATION POLICY

SEPARATION BY THE EMPLOYEE

If an employee wishes to terminate employment, a written letter of resignation is requested. We would expect he/she to notify their supervisor two (2) weeks prior to the final requested day of employment. Any additional notice given would be appreciated by the Authority.

Any employee who is absent from work for three days without having notified his/her immediate supervisor of the absence or the reason for it will be considered as having resigned with forfeiture of any separation benefits.

SEPARATION BY MINNESOTA SPORTS FACILITIES AUTHORITY

The ~~CEO/Executive Director~~ reserves the right to terminate employment, if in his or her discretion and in consultation with the Chair, the welfare or business needs of the Authority require such action.

The ~~CEO/Executive Director~~, in his or her ~~sole~~-discretion and in consultation with the Chair, will determine when an employee's conduct will result in termination. Such conduct may include, but is not limited to: misconduct, unsatisfactory job performance, absenteeism, tardiness, harassment, adverse behavior, criminal conduct, or violation of the Authority's published policies or other directives.

LAYOFF

~~After fourteen calendar days prior written notice, the CEO/Executive Director may temporarily or permanently lay off employees because of shortage of work, due to lack of funding, abolition of~~



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~~positions, or for other reasons. The CEO/Executive Director may lay off fluctuating part-time, regularly scheduled part-time, and temporary employees with no prior notice. Regular employees will not be laid off while there are temporary employees serving in the same position for which “regular” employees are qualified, eligible and available.~~

ALL TERMINATIONS

All records, documents and items obtained through work such as keys, this employee handbook, work manuals, customer lists, etc., belong to the Authority. They must be returned to the employee’s supervisor prior to leaving, along with any copies. Customer information, employee information and other data owned by the Authority may not be used by former employees.

BENEFITS OF TERMINATED EMPLOYEES

Employees who are hired prior to the date of adoption of this Revised Personnel Policy Manual leaving the Authority for any reason will receive earned but unused holiday and vacation pay. Such employees will also receive pay for each day worked after the last regular pay period computed at their current pay rate.

Employees who are hired after the date of adoption of this Revised Personnel Policy Manual leaving the Authority for any reason will receive earned but unused ~~holiday and~~ vacation pay. Such employees will also receive pay for each day worked after the last regular pay period computed at their current pay rate.

Employees who are hired prior to the date of adoption of this Revised Personnel Policy Manual and terminating their employment in good standing, i.e., those who have not been discharged from their employment, shall be paid twenty percent of their unused sick leave benefits which will be paid at the first regular pay period following termination. Such employees leaving the Authority, due to retirement under a state pension plan or at age 62, and employees who are permanently laid off due to a change in building operations or building closure shall have fifty percent of their unused sick leave benefits deposited into their Minnesota State Retirement System (MSRS) health care savings plan account at the first regular pay period after their termination.

Employees who are hired after the date of adoption of this Revised Personnel Policy Manual and who leave the Authority~~Employees terminating employment, in good standing, i.e., those who have not been discharged from their employment, shall be paid twenty percent of their unused sick leave benefits which will be paid at the first regular pay period following termination. Employees leaving the Authority,~~ due to retirement under a state pension plan or at age 62, ~~and employees~~



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~~who are permanently laid off due to a change in building operations or building closure~~ shall have fifty percent of their unused sick leave benefits deposited into their Minnesota State Retirement System (MSRS) health care savings plan account at the first regular pay period after their termination.

~~Full time employees who are permanently laid off due to a change in building operations or closure shall have an amount equivalent to six months of single medical and dental insurance coverage under the Authority's Benefit Plan, in existence at the time of termination, deposited into their MSRS health care savings plan account at the first regular pay period after their termination.~~

Employees may elect to continue their health, dental and life insurance for eighteen (18) months after termination under the applicable federal Consolidated Omnibus Budget Reconciliation Act (COBRA) law. If the option is elected, the terminating employee is responsible for the total cost of the premium. Premium payments must be arranged with and paid to the Authority's Benefit Plan provider.

~~Fluctuating part time and regularly scheduled part time employees who have worked a minimum of 1,040 hours in the previous twelve month period and are permanently laid off due to a change in building operations or building closure shall be eligible for a lump sum severance payment of \$5,000 at the first regular pay period after termination.~~

SEVERANCE COMPENSATION

For employees who are hired prior to the date of adoption of this Revised Personnel Policy Manual, in the event of a change in building operations or building closure, severance pay shall be paid to such full-time regular employees who are terminated involuntarily due to permanent layoff. Severance pay shall not be paid in cases where the termination of employment is voluntary or such employees have been discharged for misconduct or poor performance of job duties. The amount of severance pay for such employees shall be twenty-six weeks of pay at the employee's salary or wage rate at the time of termination.

For employees who are hired after the date of adoption of this Revised Personnel Policy Manual, in the event of a change in building operations or building closure, severance pay shall be paid to such full-time regular employees who are ~~employed as of May 21, 2009 and are subsequently~~ terminated involuntarily due to permanent layoff. Severance pay shall not be paid in cases where the termination of employment is voluntary or such employees have been discharged for misconduct or poor performance of job duties. The amount of severance pay for such employees



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shall be determined according to the following schedule: ~~twenty-six weeks of pay at the employee's salary or wage rate at the time of termination~~

<u>Length of Employment</u>	<u>Severance Pay</u>
<u>Less than 2 years</u>	<u>2 weeks</u>
<u>2 – 3 years</u>	<u>3 weeks</u>
<u>3 – 4 years</u>	<u>4 weeks</u>
<u>4 – 5 years</u>	<u>5 weeks</u>
<u>5 – 6 years</u>	<u>6 weeks</u>
<u>6 – 7 years</u>	<u>7 weeks</u>
<u>7 or more years</u>	<u>8 weeks</u>

Exceptions to the above severance pay schedule may be granted with approval of the Authority Board.

BENEFITS OF RETIRED EMPLOYEES

Upon attaining retirement age and/or eligibility, employees will be notified of all benefits they will be eligible for under Authority and state retirement plans. Retired employees are eligible to apply for any employment at the Authority when a job vacancy exists. However, all hiring decisions, including the decision to re-hire a retiree, are within the sole discretion of the Authority.

HEALTH CARE SAVINGS PLAN

The Authority has authorized the establishment of a post employment health care savings plan (HCSP) as established under Minnesota Statute § 352.98 and outlined in the Minnesota State Retirement System's Trust and Plan documents. All funds collected by the employer on behalf of the employee will be deposited into the employee's post employment health care savings plan account. In the event of retirement ~~or permanent layoff of full-time employees due to a change in building operations or building closure~~, the Authority will deposit into the HCSP on behalf of employees the following contributions: fifty percent (50%) of accrued and unused sick leave benefits, plus 50% of accrued and unused vacation leave benefits. ~~Full-time employees who are permanently laid off shall also have six month's of single medical and dental premiums deposited into the employee's HCSP account.~~



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POLICY AGAINST DISCRIMINATION, HARASSMENT, AND OFFENSIVE BEHAVIOR

It is the Authority's policy and commitment to maintain a workplace environment that is free from discrimination; harassment; offensive, degrading or discriminating remarks or actions; and any unwelcome conduct that is based on an individual's race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, membership on a local human rights commission, protected veteran status, or any other protected characteristic. Offensive behavior prohibited by this policy includes, but is not limited to, requests for any employee to engage in illegal, immoral or unethical conduct. Offensive, harassing, discriminatory or any otherwise intimidating behavior by any employee or other person performing services for the Authority, including any supervisor, manager, coworker, sub-contractor, vendor, client or customer will not be tolerated by the Authority and is prohibited. The Authority will not tolerate retaliation or intimidation of any kind against anyone making a report or complaint of harassment, discrimination, or offensive behavior or participating in an investigation of such complaint.

Harassment consists of unwelcome conduct, whether verbal, written, physical or visual that is based on a protected group status. The Authority will not tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another's work performance, or that creates an intimidating, offensive, or hostile work environment.

Sexual harassment is one specific form of offensive behavior. Sexual harassment includes but is not limited to:

- Unwanted and unwelcome physical contact of any kind including sexual advances, requests for sexual favors and other physical, verbal, written or visual conduct of a sexual nature that affects hiring or employment decisions, interferes with an individual's work performance or otherwise creates an intimidating, hostile or offensive working environment.

If any Authority employee is subjected to offensive behavior of any kind, employees are strongly encouraged to object to the behavior and should immediately report it to their respective supervisor or other designated person(s) identified in the Authority's harassment policy.

Allegations of discrimination, offensive behavior, harassment, and/or retaliation will be promptly and thoroughly investigated by the Authority in as objective and confidential manner as possible. The facts discovered by the investigation will determine the response to each incident reported.



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Any employee found to have violated the Authority's Policy Against Discrimination, Harassment, and Offensive Behavior may be disciplined up to and including termination from employment. Retaliation or any other intimidation toward anyone reporting offensive behavior, harassment or discrimination will not be tolerated by the Authority.

Harassment Policy

It is the Authority's policy to provide all individuals with a work environment that is free from disruptive elements such as sexual harassment and any other type of harassment. The Authority recognizes that harassment undermines morale and interferes with productivity and will not be tolerated by the Authority. This policy is intended to allow all Authority employees to work in an environment free from all forms of harassment. Employees are expected to comply with this policy not only at their regular work locations but in all situations where they are representing the Authority, are attending Authority-sponsored events or any other related activities.

Harassment as any other offensive behavior can be based on race, color, creed, gender, age, religion, national origin, sexual orientation, marital or public assistance status, pregnancy, disability, protected veteran status, or any other status or characteristic protected by law. Harassment can occur in a single incident or through a pattern of behavior; it does not need to be deliberate or intentional to constitute a violation of this Policy.

Harassment can result from a broad range of actions that could include but are not be limited to, the following:

- Unwanted Sexual Advances or Requests for Sexual Favors (whether directed toward a person of the opposite or same sex) May Be:
 - Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, patting, pinching or brushing against another person's body.
 - Sexual oriented "kidding" or "teasing", practical jokes and obscene printed visual or graphic material, including e-mail.
 - Explicit sexual propositions.
 - Sexist remarks about a person's body, sexual activities or gestures.
 - Unwanted staring or leering.
- Requesting Sexual Favors Accompanied By Implied or Overt Threats Concerning an Individual's Employment



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- Granting Employment Benefits or Opportunities Because of an Individual's Submission to a Supervisor's or Manager's Sexual Advances or Requests for Sexual Favors
- Racial or Ethnic Insults or Derogatory Remarks or “Jokes”
- Religious “slurs”

Reporting Procedure:

Every employee is expected to avoid any behavior or conduct that could be reasonably interpreted by an ordinary person as prohibited discrimination or harassment. Everyone is also expected to inform any person in the workplace whose conduct the employee finds unwelcome or offensive.

The Authority Harassment Policy applies to each and every employee of the Authority. All employees have a personal responsibility to conduct themselves in compliance with this policy and to report any observations of conduct inconsistent with the policy. Anyone who has questions regarding the policy should contact the Director of Finance.

If an employee feels harassed or offended by another employee, by a supervisor, by a manager, by a customer, or by any other person whom the employee may encounter in the course of employment, whether the opposite sex or same sex, and if the employee does not feel able to confront the offending person directly, she/he should report the incident to her/his direct supervisor or the Director of Finance. It is NOT SUFFICIENT to merely discuss a complaint with any person other than your supervisor or the Director of Finance as a means of reporting it to the Authority.

AN EMPLOYEE MUST NOTIFY HER/HIS SUPERVISOR OR THE DIRECTOR OF FINANCE.

Non-Retaliation

The Authority will not tolerate retaliation or intimidation of any kind against anyone making a report or complaint of harassment, discrimination, or offensive behavior or participating in an investigation of such complaint. No employee who reports a violation of this Policy in good faith will be subject to any adverse employment action because of the reporting. Retaliation is prohibited against an employee because he or she has opposed discriminatory practices including complaining of discrimination or harassment through the internal complaint procedures; filing a charge of discrimination with any municipal, state, or federal equal employment opportunity agency; or participating in an investigation of a charge or complaint of discrimination or workplace harassment. Such retaliation and intimidation is prohibited.



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Disability Accommodation

As a part of the Authority's commitment to Equal Employment Opportunity for all, ~~we have the Authority has made a specific effort to ensure that a person's disability is not a factor~~s in recruitment, selection, promotion, transfer, termination, or participation in training. The following activities are undertaken to ensure disability status is not used as a basis for employment decisions:

1. An employee is encouraged to discuss his or her disability with the EEO Coordinator so that together they can determine whether the disability can be accommodated. The Authority is committed to implementing reasonable accommodations requested by the employee, except where the requested accommodation would cause undue hardship on the conduct of the Authority's operationsour business.
2. We not discriminate against any qualified applicant or employee because of disability in implementing the policy concerning non-discrimination.

Religion and National Origin Discrimination and Accommodation for Religious Observance and Practice

As a part of the Authority's commitment to Equal Employment Opportunity for all, we have made a specific effort to ensure that national origin and religion are not factors in recruitment, selection, promotion, transfer, termination, or participation in training. The following activities are undertaken to ensure religion and national origin are not used as a basis for employment decisions:

1. Recruitment resources are informed of our commitment to provide equal employment opportunity without regard to national origin or religion.
2. Our employees are informed of our policy and their duty to provide equal opportunity without regard to national origin or religion.
3. Employment practices exist and are reviewed to ensure that we implement equal employment opportunity without regard to national origin or religion.
4. The religious observances and practices of our employees are accommodated, except where the requested accommodation would cause undue hardship on the conduct of our business.
5. We do not discriminate against any qualified applicant or employee because of race, color, creed, disability, age, sex, sexual orientation, marital status, or status with regard to public assistance in implementing the policy concerning non-discrimination based on national origin or religion.



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PROBLEM RESOLUTION POLICY

~~In any organization, dissatisfaction may arise because an employee does not know, understand, or agree with certain policy interpretations or management decisions. Such dissatisfactions are commonly referred to as grievances. At the Authority, we believe that if any employee has a grievance concerning his/her wages, hours of work, or other terms or conditions of employment, the matter should receive consideration of all concerned.~~

~~An employee who feels aggrieved is urged to take the matter up immediately with his/her supervisor. Your supervisor is required to investigate your grievance and provide you a response or decision within a reasonable period of time. This investigation may consist of, but is not limited to, gathering information from other employees involved, reviewing Authority policy, and any other action necessary to become familiar with the situation.~~

~~If you are not satisfied with the response/decision from your immediate supervisor, you are encouraged to go to the next level of supervision, both orally and in writing. This next level of supervision will also have a reasonable period of time in which to investigate the issue and respond to you in writing.~~

~~If, after these steps are taken, you believe inadequate action has been taken to resolve your complaint, contact the Director of Finance. It is the policy of the Authority to respond to any reasonable complaint and take the necessary actions to settle the issue.~~

~~There will be no adverse action taken against a complaining employee as a result of making the complaint, regardless of the outcome of the investigation.~~

~~If you have a problem which is more specifically addressed by the Anti Harassment Policy, please follow the procedure described there.~~

OPEN-DOOR POLICY

The Authority desires to maintain an environment in which each employee who feels the need to discuss with management a personal, job-related problem or question will not hesitate to do so on an informal basis. The employee should first go to their immediate supervisor and if not able to resolve the issue, the employee should go to the next level of management.



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SAFETY AND SECURITY

It is the policy of the Authority to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment free from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state, or local law.

SAFETY

Immediate supervisors will inform employees of any safety regulations which may pertain to specific jobs. The following items will be recognized by all employees:

- Personal Safety: Employees are to use any tools, machines or equipment properly and conscientiously for their own safety and for the safety of their co-workers.
- Facility Safety: Employees are to keep their working area neat and orderly. Observing all emergency detection/warning systems and reporting potentially dangerous conditions to their supervisor.
- Reporting an injury: All work related injuries must be reported to the supervisor and the Director of Finance immediately so that the employee can be provided with proper first aid or medical attention. Failure to report a work-related illness or injury may result in difficulty obtaining any benefits due to the employee.

Any injury occurring on personal time must also be reported to the supervisor so necessary precautions can be made to prevent aggravation of the injury at work.

SECURITY

The Authority will make reasonable efforts to provide security for its property, its employees and authorized visitors to its premises and is not responsible for lost or stolen, damaged property.

Employees are expected to know and comply with the Authority's security procedures and are expected to report any violations or potential problems to the ~~CEO~~ Executive Director. Employees violating security procedures will be subject to discipline up to and including termination. In addition, illegal acts committed by employees may be reported to law enforcement authorities.



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COMPUTER AND EQUIPMENT USE

The integrity of the Authority's computer, facilities, including central computers, terminals, printers and all associated equipment, is critical to our mission in providing the highest quality, personalized service to our customers. Accordingly, all employees having access to the Authority's computer equipment are required to comply with this policy.

GUIDELINES

- Information stored on the Authority's computers may not be disclosed or distributed to any person outside the Authority except where authorized by the ~~CEO~~ Executive Director or his or her designee, in consultation with the Chair. Use or distribution of such information, other than in the course of employment, is not permitted by the Authority and may also be prohibited by federal and state law.
- Use of the Authority's computers for non-Authority work is not permitted unless authorized by a supervisor.
- Employees are not permitted to reproduce computer software or related documentation, unless authorized by the software developer and the Authority.
- All computer software must be used only in accordance with applicable license agreements.
- Employees may not copy, rename, modify, examine or change file protection or visibility without permission from a supervisor to do so. Password or otherwise protected files may not be accessed without authorization. Lack of protection on a file does not imply right of access.
- Employees are not permitted to load software or otherwise use a computer in a manner which wastes computer resources, including but not limited to processor, memory, disk storage or in/output services.
- Distributing a computer virus or other deceptive procedures that operate in a destructive or deceptive manner or interferes in any way with the services available to a user is a violation of this policy. It is the responsibility of the user when browsing the Internet to ensure that computer viruses are not downloaded into the company's computers. Accessing Internet sites which are not directly related to the business operations of the Authority is strictly prohibited.



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ELECTRONIC COMMUNICATIONS

- The Authority's employees communicate with each other and non-employees in a variety of ways including, but not limited to E-Mail and communication systems such as faxes, Internet and telephone conferencing. The Authority provides these systems for business use to employees during the course of their employment. Excessive use of such electronic communication systems for personal business is not permitted. In addition, personal use shall not occur during the work time of the employee. Electronic communications systems are the Authority's property and communications sent and/or received using such systems may constitute business records. Such communications are not private and may be monitored, observed, tracked or otherwise accessed by the Authority at any time, with or without notice at the sole discretion of management in accordance with applicable laws.
- Electronic communications may be stored and otherwise used or forwarded as determined by the Authority. The Authority retains the sole right to implement and execute data retention and deletion systems. Employees shall not delete data unless specially authorized to so do.
- All electronic communications should be kept professional in style and content.
- Nonpublic, not public, confidential or proprietary information may not be sent through electronic communications systems outside the Authority or to employees outside the scope of their employment.
- The Authority's Equal Employment Opportunity Policy, Policy Against Discrimination, Harassment, and Offensive Behavior, and Solicitation Policy apply to **all** forms of communication, including the use of all electronic communication systems. The use of electronic communication systems to send data or other information that may violate these policies is prohibited.
- Employees are not permitted to override personal passwords or other protective devices without his or her supervisor's authorization.

BULLETIN BOARDS

The Authority will post important messages relating to its employees, including messages relating to employment benefits or compensation, and position openings. Employees are urged to take notice of these messages whenever they appear. Inappropriate material is not allowed and subject to removal from the posting area by management.



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SOCIAL MEDIA POLICY

At the Authority, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, the Authority has established these guidelines for appropriate use of social media. This policy applies to all Authority employees.

GUIDELINES

In the rapidly expanding world of electronic communications, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Authority, as well as any other form of electronic communication.

The same principles and guidelines found in the Authority's policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved.

Do not post any information that is considered nonpublic or nonpublic under the Minnesota Government Data Practices Act and also do not post any confidential or trade secret information that you become privy to as a result of your employment with the Authority. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects our customers, suppliers, people who work on behalf of the Authority or the Authority's legitimate business interests may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines, the Policy against Discrimination, Harassment, and Offensive Behavior, the Conduct Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.



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Be respectful

Always be fair and courteous to fellow employees, customers, suppliers or people who work on behalf of the Authority. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Authority policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Authority, co-workers, customers, suppliers, people working on behalf of the Authority, or competitors.

Post only appropriate and respectful content

- Maintain the confidentiality of the Authority's nonpublic and not public information, trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related communications that contain nonpublic or not public information.
- Do not create a link from your blog, website or other social networking site to the Authority's website without identifying yourself as an Authority employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for the Authority. If the Authority is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the Authority, co-workers, customers, suppliers, or people working on behalf of the Authority. If you do publish a blog or post online related to the work you do or subjects associated with the Authority, make it clear that you are not speaking on behalf of the Authority. It is best to



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include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the Authority.”

Using social media at work

Refrain from using social media while on work time or on equipment the Authority provides, unless it is work-related as authorized by your supervisor or consistent with the Computer and Equipment Use Policy. Do not use the Authority email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation is prohibited

The Authority prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

PERSONNEL RECORDS AND PRIVACY

Personnel files and other personnel information maintained by the Authority on its employees is available for review only as authorized and permitted by the provisions of the Minnesota Government Data Practices Act. Employees must make a **written** request to the Finance Department to review the contents of their own personnel record, and may do so only once in a six-month period. Terminated employees may review the contents of their own personnel record once in the first year after termination.

Upon receipt of a proper written request, the Authority will provide employees, or their personally authorized representative(s), with the opportunity to review the contents of their own personnel record within seven working days. Materials/information that can be reviewed include:

1. Application for employment
2. Wage/Salary History
3. Fringe Benefit Information
4. Notices or letters of commendation
5. Warnings
6. Disciplinary actions
7. Terminations
8. Leave Records



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9. Authorization for a deduction or withholding

In response to external inquiries, the Finance Department will verify dates of employment, and job title only. No other information will be provided unless required by law or, in certain circumstances, with the employee's written authorization.

Confidential personnel information is not released to anyone without written authorization, or unless required by statute or an appropriate court order, summons, subpoena, or search warrant.

~~LIFE-THREATENING ILLNESSES~~

~~POLICY~~

~~The Authority is committed to providing equal opportunity to all employees, including those who have life threatening illnesses. The Authority is also committed to providing a safe work environment that meets or exceeds state and federal regulations. Consequently, employees who have a life threatening illness will be treated like other employees as long as they meet performance standards, and medical and other evidence indicates that their condition is not a threat to themselves or others.~~

~~PROCEDURE~~

~~A.— Confidentiality and Sensitivity. If an employee has a life threatening illness, or if an employee discovers a fellow worker has a life threatening illness, all reasonable efforts should be exercised to ensure that this information remains private and confidential. All employees should treat employees with a life threatening illness with compassion and understanding.~~

~~B.— Working with Terminally Ill Employees. The Authority will allow employees who have a life threatening illness to continue to work as long as they continue to meet performance standards and where continued employment is not a threat to them or others. The Authority will attempt to reasonably accommodate such employees whenever practicable.~~

~~C.— Disability. If an employee is unable to work due to a terminal illness, the employee may use the Authority's accumulated sick days, accumulated vacation days and will be eligible for Long Term Disability benefits under the Authority's benefit plan.~~

CONDUCT POLICY

The Authority expects its employees:



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- to conduct themselves in a mature, reasonable and professional manner appropriate to the workplace
- to be present at work when scheduled and on time
- to perform their duties in a safe and competent manner
- to be courteous and respectful toward supervisors, co-workers, customers and other persons in the workplace
- to be honest
- to be careful when responsible for the Authority's equipment and property

The Authority expects employees to give their best efforts to their jobs and to treat their jobs as an important part of their lives.

Occasionally, employees have difficulty meeting their obligations. The ~~CEO~~Executive Director and the employee's supervisor will deal with work-related conduct and performance problems on an individual basis. The Authority's action will be based on its review of all the circumstances involved. Depending on considerations such as severity, nature, and other circumstances of an employee's offense, the disciplinary procedure may initiate with any of the disciplinary measures.

The following circumstances are examples of behavior which may result in discipline, up to and including termination. Discipline may include any or all of the following: oral warning, written reprimand, suspension, probation, demotion or dismissal. This list is by no means inclusive:

- Poor job performance
- Excessive absenteeism or absence without notice
- Tardiness
- Not representing the Authority in a professional manner
- Violating the Authority's policies, safety rules, or work rules
- Other circumstances that reflect poorly on the Authority

The following are examples of actions, which, if substantiated, will generally result in immediate termination without prior warning:

- Dishonesty, theft, illegal conduct or fraudulent conduct
- Insubordination
- Conviction of a felony offense
- Violation of the Ethics in Government Act or similar applicable laws
- Violence that includes power, intimidation, harassment and/or the threatened or actual



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- Use of force which results in or has a high likelihood of causing fear, injury, suffering or death.

GRIEVANCE/APEALS PROCEDURE

~~Grievances may be presented by employees where employees believe the provisions of the Authority's Personnel Policy have been violated. Grievances must be presented in writing and they must state the nature of the concern; the facts upon which it is based; the alleged violation of any policy or provision of the personnel policy and the remedy requested. Grievances will be processed as follows:~~

~~Step 1: Within 21 calendar days after the event giving rise to the concern, the employee must present the written grievance to his or her immediate supervisor. The supervisor will meet with the employee within 10 calendar days following receipt of the grievance and will respond, in writing, within 10 working days. If the dispute has not been resolved satisfactorily, the employee may appeal, in writing, within 10 working days after the receipt of the supervisor's response to Step 1 to the next highest level supervisor at Step 2.~~

~~Step 2: The supervisor at Step 2 will meet with the employee within 10 calendar days following receipt of the appeal and shall respond to the employee, in writing, within 10 working days following the meeting. The employee may appeal the decision received at Step 2 to the CEO/Executive Director, in writing, within 10 working days after receipt of the Step 2 response.~~

~~Step 3: The CEO/Executive Director will review all information presented and will make a Determination within 10 working days following receipt of the appeal. The employee and the supervisors involved shall be notified, in writing, of the CEO/Executive Director's decision. The CEO/Executive Director may or may not hold a hearing to discuss the dispute. The decision of the CEO/Executive Director will be final except where the CEO/Executive Director has been asked to review his or her own conduct or action. Such unresolved grievances may be submitted to grievance mediation as described below.~~

GRIEVANCE MEDIATION

~~Where a grievance remains unresolved after the CEO/Executive Director's response at Step 3 of the grievance procedure, and where the matter has arisen out of the CEO/Executive Director's own~~



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~~conduct or action, the employee may request grievance mediation assistance from the Bureau of Mediation Services, State of Minnesota. The Authority will cooperate with the Bureau in resolving any such unresolved grievance.~~

MEMBERSHIPS

The Authority will support active memberships of employees restricted to professional and trade organizations which serve to strengthen the Authority's ability to conduct its business or maintain its image in the community.

These memberships will be provided to those employees having key functional responsibilities that require these memberships.

ELIGIBILITY

In order for the Authority to consider payment of membership dues for employees, the following criteria must first be met:

1. Does the membership benefit the Authority?
2. Will the employee be an active participant in the organization?
3. Are membership dues and other expenses within reason?

If an employee has an interest in pursuing a membership in an organization which meets the above requirements and would like to request that the Authority pay for the membership and other expenses involved with the membership, the employee must obtain approval from the ~~CEO~~Executive Director and the Chair.

Payments by the Authority are limited to initiation fees, annual dues, and the cost of a lunch or dinner in connection with local meetings. Special approval must be received from the ~~CEO~~Executive Director and the Chair before the Authority pays fees and travel expenses to out-of-town conferences.

OUTSIDE EMPLOYMENT

The Authority has an excellent reputation for conducting its business activities with integrity and in accordance with the highest ethical standards. The Authority expects all employees to protect its integrity of information, products and services.



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All employees are expected to conduct their private business and personal activities in a manner that avoids conflict of interest either with the Authority or its customers.

A conflict ~~of~~ interest is:

- Any situation where an individual has two or more duties or interests that are mutually incompatible.
- Any situation which may create a business involvement where the employee or family member may obtain personal benefit or potential personal benefit or which may serve as a detriment to the Authority monetarily or to its public image because of the use of information or personal contact normally not attainable except through employment with the Authority.
- Any outside activity by any employee which may be viewed as competing with the products or services normally offered by the Authority.
- Any outside activity which may interfere with the operation of the Authority.
- Any outside employment which may have a negative impact on an employee's performance or work schedule.

SOLICITATIONS

In the best interest of its employees the Authority wants to prevent overburdening employees with financial requests. The Authority prohibits sales or solicitations for charitable organizations and from distributing literature in working areas without special permission provided by the ~~CEO~~ Executive Director in consultation with the Chair.

An exception to this policy will be the annual United Way Campaign, which is considered a valuable contribution to the community.

CONFIDENTIAL INFORMATION

As a result of your employment at the Authority, you will acquire and have access to nonpublic and not public data, as those terms are defined by the Minnesota Government Data Practices Act. You will also have access to confidential information of a special and unique nature and value, relating to such matters as the Authority's personnel and compensation information; procedures; manuals; contracts; accounting and bookkeeping practices; office policies and practices; financial



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information; data; records and reports; business plans, general and specific; prospect names and lists; existing and potential business opportunities; confidential reports; customer lists and contracts; litigation and other legal matters.

None of the Authority's data, materials, files or information may be divulged or disclosed to any person outside the Authority, except where authorized by the ~~CEO~~/Executive Director or his or her designee, in consultation with the Chair.

SMOKE FREE ENVIRONMENT

The Authority has implemented a no-smoking policy that is based on the Minnesota Clean Indoor Air Act. It provides our employees and visitors with a clean, healthy environment. Smoking is permitted in designated areas only.

PROHIBITION ON FIREARMS AND OTHER WEAPONS

The Authority bans guns on its premises. Employees are not permitted to bring firearms and other weapons~~guns~~ into any building operated or controlled by the Authority.

PERSONAL APPEARANCE

We are in the business of servicing the needs of visitors/tenants of the Authority. The professional appearance of our employees is important to the safety of the employees of the Authority and important to our visitors/tenants.

Favorable personal appearance and proper maintenance of work areas, is an ongoing requirement of employment at the Authority.

Employees are expected to observe these standards:

- Employees should dress in a professional manner that is normally acceptable in business establishments.
- Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length. Sideburns, mustaches, and beards should be neatly trimmed. Good personal hygiene should be maintained at all times, including moderate makeup, moderate jewelry and lightly scented cologne.



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Supervisors along with the ~~CEO~~/Executive Director are responsible for seeing that employees are appropriately attired at all times. An employee may be sent home to change in the case of inappropriate attire. If an employee has questions or concerns regarding the definition and specifics of business attire, he or she should speak with their supervisor or the ~~CEO~~/Executive Director.

GUEST/TENANT SERVICE

All employees must be service oriented and treat all staff and guest/tenants in a courteous and respectful manner at all times.

Employees must understand that the guest/tenants come first, are the primary source of our income and are the ultimate source of each employee's job security and income. All employees have an obligation to represent the Authority in a positive fashion and to make guests/tenants feel as comfortable as possible in dealing with the Authority.

Employees with guest/tenant contact are expected to know the Authority's products and services and to learn the wants and needs of guest/tenants. Employees should attempt to educate guest/tenants about the use of our services and should seek new ways to serve the guest/tenant.

Employees are encouraged to report recurring guest/tenant-related problems to their supervisor or the ~~CEO~~/Executive Director and/or make suggestions for changes in the Authority's policies or operating procedures to solve problems.

Employees should be prepared to listen carefully to guest/tenant inquiries and complaints and then deal with them in a responsive, professional manner. If a controversy arises, the employee should attempt to explain the Authority's policy in a clear, yet deferential manner.

If a guest/tenant becomes unreasonable or abusive and the employee cannot resolve the problem the guest/tenant should be referred to the employee's supervisor or the ~~CEO~~/Executive Director.

DRUG FREE WORKPLACE

In accordance with Federal Law, the Authority has adopted the following policy on drugs in the workplace:

A. Employees are expected and required to report to work on time and in appropriate mental and physical condition. It is the Authority's intent and obligation to provide a drug-free, safe and secure work environment.



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B. The unlawful manufacture, distribution, possession, or use of a controlled substance on Authority property or while conducting Authority business is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

C. The Authority recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use their health insurance plans, as appropriate.

D. Employees must, as a condition of employment, abide by the terms of this policy and must report any conviction under a criminal drug statute for violations occurring on or off work premises while conducting Authority business. A report of the conviction must be made within five (5) days after the conviction as required by the Drug-Free Workplace Act of 1988.

DRUG AND ALCOHOL TESTING

Policy Statement. Abuse of drugs and alcohol poses risks to the health and safety of employees of the Authority and to the public. This policy establishes standards concerning pre-employment drug and alcohol testing, which all job applicants for positions covered by this policy must meet, as well as standards for testing of any current employees.

This drug and alcohol testing policy is intended to conform to the provisions of the Minnesota Drug and Alcohol Testing in the Workplace Act (Minnesota Statutes, §§ 181.950 to 181.957), as well as the requirements of the federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and related federal regulations.

The ~~CEO~~/Executive Director or a designee, in consultation with the Chair, is directed to oversee the ongoing maintenance of this policy and to establish testing procedures to ensure that the standards listed in this policy are met.

Positions Covered. This policy covers drug and alcohol pre-employment testing for positions that meet one or more of the following criteria:

- a) A Driver's License is a minimum qualification; or
- b) Access to drugs and alcohol; or
- c) Access to premises after business hours; or
- d) Operation of heavy and/or motorized equipment; or
- e) Direct interaction with children or vulnerable adults; or



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- f) Dispatches or responds to life-threatening emergencies; or
- g) Handles cash, cash equivalents, checks, securities, or has access to bank or investment accounts.

Any position that meets one or more of the above criteria will require drug and alcohol testing. It is possible that not all positions within a job classification will be subject to drug and alcohol testing.

Persons Subject To Testing. Job applicants for positions covered by this policy are subject to pre-employment drug and alcohol testing. However, no job applicant will be tested for drugs or alcohol under this policy without the job applicant's consent. Current employees are subject to drug and alcohol testing under the circumstances outlined later in this policy.

Circumstances For Drug Or Alcohol Testing. The Authority may request or require a job applicant to undergo drug and alcohol testing if: (1) the job applicant has been given a job offer contingent on providing a “valid sample with a certified result” as that term is defined below and passing drug and alcohol testing; and (2) the same test is requested or required of all job applicants conditionally offered employment for that position. The ~~CEO~~Executive Director or a designee, in consultation with the Chair, will determine if drug and alcohol testing will be required for a position.

Refusal To Undergo Testing

- a) Right to Refuse - Job applicants have the right to refuse to undergo drug and alcohol testing. If a job applicant refuses to undergo drug and alcohol testing requested or required by the Authority, no such test shall be given.
- b) Consequences of Refusal - If any job applicant refuses to undergo drug and alcohol testing requested or required by the Authority, the Authority may withdraw the job offer that was conditional upon passing drug and alcohol testing.

Procedure For Testing

- a) Notification Form - Before requesting a job applicant to undergo drug and alcohol testing, the Authority shall provide the individual with a form on which to (1) acknowledge that the individual has seen a copy of the Authority's Pre-Employment Drug and Alcohol Testing Policy, and (2) indicate consent to undergo the drug and alcohol testing.
- b) Testing - Testing will be performed in accordance with the Minnesota Drug and Alcohol Testing in the Workplace Act.



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Rights Of Job Applicants and Employees. Within three (3) working days after receipt of the test result report from the testing laboratory, the Authority or its agent shall inform a job applicant or employee who has undergone drug and alcohol testing, in writing, of:

- a) A negative test result on an initial screening test or of a negative or positive test result on a confirmatory test;
- b) The right to request and receive from the Authority a copy of the test result report;
- c) The right to request in writing within five (5) working days after notice of a positive test result a confirmatory retest of the original sample at the job applicant's expense at the original testing laboratory or another licensed testing laboratory. Within three (3) working days after receipt of the written notice from the job applicant, the Authority or its agent shall notify the original testing laboratory that the job applicant has requested the laboratory to conduct the confirmatory retest or transfer the sample to another licensed laboratory to conduct the confirmatory retest. The confirmatory retest must use the same drug or alcohol threshold detection levels as used in the original confirmatory test. If the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test may be taken against the job applicant;
- d) The right to submit information to the medical review officer within three (3) working days after notice of a positive test result to explain that result; to indicate any over-the-counter or prescription medications that the job applicant is currently taking or has recently taken; and to provide any other information relevant to the reliability of, or explanation for, a positive test result; and
- e) The right not to have a job offer withdrawn based on a positive test result from an initial screening test that has not been verified by a confirmatory test.

Action After Test. The Authority will not discriminate against a job applicant solely on the basis of a positive test result from an initial screening test that has not been verified by a confirmatory test. When there has been a positive test result in a confirmatory test/confirmatory retest, unless the job applicant has furnished a valid medical reason for the positive test result, the Authority will withdraw the job offer that was contingent on passing drug and alcohol testing. If the job offer is withdrawn based on a positive test result that has been verified by a confirmatory test and in any confirmatory retest, the Authority shall inform the applicant of the reason for the job withdrawal.

For current employees, in the event there was a positive test result on a confirmatory test and this was the first such result for the employee on a drug or alcohol test requested by the Authority, the employee will be given the opportunity to participate in either drug or alcohol counseling or a rehabilitation program, whichever is more appropriate. If an employee refuses to participate in the



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counseling or rehabilitation program or fails to successfully complete the program, this will result in discipline up to and including termination.

Data Privacy. The purpose of collecting a body component sample of blood, breath, or urine is to test that sample for the presence of drugs and alcohol. A sample provided for drug and alcohol testing will not be tested for any other purpose. The name, initials and social security number of the person providing the sample may be requested so that the sample can be identified accurately but confidentially. Information about medications and other information relevant to the reliability of, or explanation for, a positive test result is requested to ensure that the test is reliable and to determine whether there is a valid medical reason for any drug and alcohol in the sample. All data collected, including that in the notification form and the test report, is intended for use in determining the suitability of the applicant for employment. The job applicant may refuse to supply the requested data; however, refusal to supply the requested data may affect the job applicant's job offer.

A laboratory may only disclose to the Authority or its agent test result data regarding presence or absence of drugs, alcohol, or their metabolites in a sample tested. The Authority, its agent, or laboratory may not disclose the test result reports and other information acquired in the drug and alcohol testing process to another employer or to a third-party individual, governmental agency, or private organization without the written consent of the person tested, unless permitted by law, court order, or subpoena. Evidence of a positive test result on a confirmatory test may be: (1) used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under Minnesota Statutes, Chapter 43A or other applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding; (2) disclosed to any federal agency or other unit of the United States government as required under federal law, regulation, or order, or in accordance with compliance requirements of a federal government contract; and (3) disclosed as required by law, court order, or subpoena. Positive test results may not be used as evidence in a criminal action against the employee or applicant tested.

Current Employee Testing

Current employees may be tested under the following circumstances:

1. **Reasonable Suspicion Testing.** When there exists cause to believe that an employee is in possession of drugs or alcohol, or is engaged in the trafficking, distribution or use of a prohibited substance on Authority property while on duty, or outside of the stadium property while on or off duty, or where reasonable suspicion exists (where for example, the employee smells of alcohol or marijuana; has swollen, or



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bloodshot eyes; acts confused; speaks incoherently or demonstrates other signs of on-duty impairment; chronic absenteeism or tardiness; and decreased job performance) the employee may be tested.

2. Post Accident Testing. Where an employee has sustained a personal injury or an employee was involved in an accident where another employee sustained a personal injury as defined under Minnesota State Statute 176.011, the employee may be tested.
3. Physical Examination Testing. As part of job application physical examination or application for a different position with the Authority that requires testing upon a conditional offer of employment.
4. Treatment Program Testing. For a two-year period following completion of any prescribed chemical dependency treatment program employees may be tested.

All testing of current employees shall be performed by a licensed, accredited, or certified laboratory and shall be in accordance with the Minnesota Drug and Alcohol Testing in the Workplace Act.

Definitions

- a) **Confirmatory Test and Confirmatory Retest** means a drug or alcohol test that uses a method of analysis allowed by the Minnesota Drug and Alcohol Testing in the Workplace Act to be used for such purposes.
- b) **Drug** means a controlled substance as defined in Minnesota Statute §152.01, subd. 4.
- c) **Drug and Alcohol Testing, Drug or Alcohol Testing, and Drug or Alcohol Test** mean analysis of a body component sample approved according to the standards established by the Minnesota Drug and Alcohol Testing in the Workplace Act, for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
- d) **Job Applicant** means a person who applies to become an employee of the Authority and includes a person who has received a job offer contingent on the person passing drug and alcohol testing.
- e) **Employee** means a person who performs services for the Authority for compensation, in whatever form.
- f) **Initial Screening Test** means a drug or alcohol test which uses a method of analysis allowed by the Minnesota Drug and Alcohol Testing in the Workplace Act to be used for



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such purposes. An alcohol breath test is not an initial screening test; however, an alcohol breath test may be used to determine if an initial screening test of urine or blood will be performed.

- g) **Positive Test Result** means a finding of the presence of alcohol, drugs, or their metabolites in the sample tested in levels at or above the threshold detection levels as determined by the Authority in accordance with the Minnesota Drug and Alcohol Testing in the Workplace Act.
- h) **Valid Medical Reason** means (1) a written prescription, or an oral prescription reduced to writing, which satisfies the requisites of Minnesota Statute §152.11, and names the job applicant as the person for whose use it is intended; and (2) a drug prescribed, administered and dispensed in the course of professional practice by or under the direction and supervision of a licensed doctor, as described in Minnesota Statute §152.12; and (3) a drug used in accordance with the terms of the prescription. Use of any over-the-counter medication in accordance with the terms of the product's directions for use shall also constitute a valid medical reason.
- i) **Controlled Substance** means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statute §152.02.
- j) **Valid Sample with a Certified Result** means a body component sample that may be measured for the presence or absence of drugs, alcohol, or their metabolites.

PERFORMANCE REVIEW

Factual and objective appraisals of employees and their work performance serve as aids to future advancement. A review of employee's strengths and improvement areas will enable them to evaluate their efforts in such a way that they and the Authority can capitalize on their favorable qualities. This program is essential to the development of a well-qualified staff.

Review of new hires will generally be held shortly after the completion of 6 months. All other employees will normally be reviewed once a year. However, performance reviews may be scheduled at any time throughout the year based on individual circumstances and performance improvement plans. Performance reviews are conducted by the Executive Director in conjunction with the Chair.



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SALARY ADMINISTRATION

SALARY RANGES

Each position will be assigned to a grade and a salary range in accordance with the salary administration plan. If an employee has a question about their salary range, they should see their supervisor for that information.

SALARY RATES AND LIMITS

Salaries paid to individual employees shall be within the salary range for the position. An employee's salary rate may not exceed the maximum of the salary range, except as may be approved by the ~~CEO~~/Executive Director in consultation with the Chair under unusual or extraordinary circumstances.

PERFORMANCE BASED SALARY INCREASES

Employees may advance through the salary range in accordance with the Authority's system of pay-for-performance. All performance increases will be based on the employee's performance review, and will be effective at a time determined by Authority action.

COMPENSATION

Compensation adjustments in addition to salary increases may be awarded in a form and manner determined by the ~~CEO~~/Executive Director in consultation with the Chair.

PAYROLL AND TIME CARDS

Non-exempt Employees are required to keep a record of their time worked each day. Time worked will not necessarily be the same as our normal business hours; therefore, actual time worked must be recorded. Time card/sheets are to be completed for each day showing the total hours worked for that day and week, excluding lunch/meal time. Absences due to illness, vacation, doctor/dentist appointment, holidays, meal breaks, etc. must be noted and attached accordingly on timecards and timesheets.

Employees will be paid for actual time worked, excluding any lunch/meal time.

Each employee completing timecards and timesheets must complete and sign his or her own time card and is responsible for the honesty and accuracy of the reported working hours. Discrepancies



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between reported and actual working hours may lead to disciplinary action up to and including termination.

Dated, completed, and signed timecards and timesheets should be turned in promptly at the end of the bi-weekly period. The Authority will be as helpful as possible in making changes as may be necessary in the withholding of federal and state taxes or voluntary deductions from your paychecks. The Finance Department should be notified immediately of a change in exemptions, marital status, or change of address. Voluntary deductions should be changed only when absolutely necessary.

Employees are paid bi-weekly. A workweek begins Sunday morning and ends Saturday night.

Employee attendance at lectures, meetings and training programs will be considered hours of work if such attendance is required by management.

Employees' pay may be directly deposited into a checking account or savings account, whichever the employee prefers. Employees will receive a deposit notification slip each payday; the deposit notification slip will show (1) the gross wages received, and (2) all deductions from gross wages (e.g. deductions for federal and state income tax, social security (FICA) and any other deductions authorized by the employee).

OVERTIME

It is the Authority's policy to avoid overtime as much as possible with flexible department scheduling designed to meet the employee's and the department's needs. When this is not possible, overtime will be paid to non-exempt employees at the rate of one and one-half times the employee's hourly rate for time worked over forty hours in a work week. Supervisory approval is required prior to working overtime hours.

Overtime will only be paid for hours actually worked in excess of 40 hours; paid time off, such as sick days, holidays and vacation is not counted as hours actually worked. During a week when employees are granted a holiday or other paid time off, straight time will be paid for that week. If the employee actually worked more than 40 hours without including one of the above days, the employee will then be paid overtime.



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WORKING HOURS

Established office hours of operation are 8:30 a.m. to 5:00 p.m., Monday through Friday. Working hours are determined according to the needs of each department by the department supervisor or the ~~CEO~~/Executive Director in consultation with the Chair. Individual schedules may vary according to the needs of the department and may be changed or adjusted as necessary and with your supervisor's approval. Employees are expected to be punctual. The normal workweek for full-time, non-exempt employees is 40 hours. Non-exempt employees working less than 40 hours will result in pay for actual time worked.

NORMAL WORK YEAR, DAY AND WEEK

2,080 hours shall constitute a normal work year, eight hours of work shall constitute a normal workday and forty hours a normal workweek for full-time employees. The ~~CEO~~/Executive Director, in consultation with the Chair, shall prescribe the actual hours of employment for all employees of the Authority.

COMPENSATORY TIME

Employees in the exempt classification of the Authority are generally not eligible for compensatory time. However, the ~~CEO~~/Executive Director, in consultation with the Chair, may grant compensatory time off for exempt classified employees if, in his/her discretion, the workload has been unusually demanding.

ATTENDANCE AND PUNCTUALITY

Regular attendance is an essential condition for employment. In order to provide quality service to our visitors/tenants and to lessen the adverse impact on the employees who must cover the absentee's job, the Authority expects every employee to report to work each regularly scheduled workday. Exceptions include being disabled by illness or absent with prior approval of the supervisor. Failure to meet this requirement may result in disciplinary action, up to and including termination.

ADDITIONAL ATTENDANCE AND PUNCTUALITY POLICIES

- Employees should notify their supervisor as far in advance as possible (no later than the employee's regular start time) when they are unable to report for work, know they will be late, or must leave early. Such notification should include a reason for the absence and an



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indication of when the employee can be expected to return to work. If the supervisor is unavailable, the ~~CEO~~Executive Director should be notified and given the same information.

- If an absence continues for more than one working day the employee should report daily to their supervisor regarding their status.
- Absence and tardiness become a part of the employee's record and are factors in evaluating performance, considering salary adjustments and promotions. Excessive or improperly explained absence or tardiness are considered a basis for disciplinary actions up to and including termination.

LUNCH PERIODS AND BREAKS

Employees scheduled to work at least 8 hours will be eligible for a lunch period. For non-exempt employees, lunch periods generally consist of 30 minutes of unpaid time.

Full-time non-exempt employees may take additional breaks twice per workday for 15 minutes each, as scheduled by their supervisor. In some departments taking breaks as needed is allowed. These breaks should not conflict with lunch hours. A 15 minute paid break is allowed within each 4 consecutive hours of work for fluctuating part-time and regularly-scheduled part-time employees.

TRAVEL POLICY

It is the policy of the Authority that business travel must be approved in advance and should be engaged in and reimbursed according to the Authority's Travel and Meeting Reimbursement Policy, which is available in the Policies Manual.

INCLEMENT WEATHER

Each employee is expected to come to work during inclement weather conditions unless management has declared an emergency closing. Each employee, however, should use his or her own best judgment about his or her personal safety on days an emergency closing has not been declared.



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OFFICE CLOSING

In the event an emergency situation exists at the start of a workday or continues from the previous day and the office is closed for all or part of the day, all employees scheduled to work during the period of closing will receive their regular pay. When the office is open, employees who do not report for work will not be paid unless they are able to work from home. However, at the employee's request the day or days may be paid with unused vacation time rather than unpaid time.

EARLY CLOSING

If the emergency situation develops or worsens during the workday, management may decide that the workday should end at an earlier time than normal. The following will be observed when this occurs:

- Employees who are at work and are excused for the balance of the day will be paid for the full workday.
- Employees who choose to leave work prior to the designated dismissal time are paid only for the hours worked.
- Employees who are absent for the entire workday for any reason will be charged with the designated paid time off for the entire normal workday.
- Supervisors are responsible for establishing procedures for notifying employees regarding office closing.

EMPLOYEES REQUIRED TO REMAIN ON THE JOB

Some employees may be required to remain on the job or to report even when the office is closed. The supervisor making this decision is authorized to grant equal time off to compensate. Such time off must be scheduled and authorized by supervisors and noted accordingly on attendance records.

SICK LEAVE POLICIES

Full-time and regularly-scheduled part-time employees become eligible to take paid sick leave immediately upon employment. [Consistent with Minneapolis and Minnesota laws,](#) sick leave may be used for personal illness, while the employee cares for a sick child or serious illness in the



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immediate family. Immediate family means parents, parent-in-law, spouse, children, sister, brother, sister-in-law or brother-in-law of the employee.

For full-time employees, a total of 96 hours will be accrued each year. Full-time employees may accrue up to a maximum of 800 hours at year-end. Sick leave will be accrued and earned on a bi-weekly basis.

For regularly-scheduled part-time employees, a total of 48 hours will be accrued each year. Regularly-scheduled part-time employees may accrue up to a maximum of 400 hours at year-end. Sick leave will be accrued and earned on a bi-weekly basis.

Fluctuating part-time and temporary employees ~~are not eligible for paid sick time~~ shall accrue paid sick leave as required by Minneapolis's Sick and Safe Time Ordinance.

After the completion of six months of regular full-time employment, sick leave without pay may be granted by the ~~CEO~~/Executive Director, in consultation with the Chair, for an entire period of disability.

In all cases requiring sick leave, with or without pay beyond 3 days, verification from a medical doctor will be required. Failure to comply with this policy may result in termination. The Authority reserves the right to request verification of illness by a doctor at any time.

Personal medical appointments should be scheduled outside of regular working hours whenever possible. If an appointment does need to be scheduled during working hours, it should be scheduled as early or as late in the day as possible to miss a minimum amount of time from work and must be pre-approved by the employee's supervisor. The employee should also notify his/her supervisor of the scheduled appointment as far in advance as possible. The time spent away from the Authority for personal medical appointments can be deducted from the employee's sick days.

Excessive absenteeism may result in disciplinary action up to and including termination.

The maximum number of hours for the calculation of sick leave benefits for full-time employees shall be 800 hours and for regularly-scheduled part-time employees shall be 400 hours.

FUNERAL POLICY

In the event of a death in the employee's immediate family (which is defined as parents, parent-in-law, spouse, significant other, domestic partner, children, brothers, sisters, brother-in-law,



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sister-in-law, grandparents, grandparents-in-law and grandchildren of the employee), employees will be granted leave with pay up to but not exceeding three days. Employees may take additional leave as a deduction from accumulated vacation days, or without pay upon the approval of the ~~CEO~~ Executive Director, in consultation with the Chair.

VACATION LEAVE POLICIES

The Authority recognizes that all employees need and deserve leisure time each year for fun and relaxation. Vacation time is earned for this purpose.

Full-time and regularly-scheduled part-time employees become eligible for vacation time immediately upon employment.

For full-time employees, vacation time can be accumulated up to a maximum of ~~280~~400 hours at year-end. For regularly-scheduled part-time employees, vacation time can be accumulated up to a maximum of ~~140~~200 hours at year-end. Any hours in excess of this amount must be used by December 31 or they will be forfeited.

For full-time employees, the maximum amount of vacation time accrued each year is as follows:

Years of Service	No. of Days	Hours Per Year
0-3 Years	10 days	80 hours
4-6 Years	16 days	128 hours
7-9 Years	18 days	144 hours
10-15 Years	20 days	160 hours
16 Years or More	22.50 days	180 hours

For regularly-scheduled part-time employees, the vacation benefits will be 50% of the figures in the No. of Days and Hours Per Year columns above. Vacation time will be accrued and earned on a bi-weekly basis.

All vacation leave must be approved by each employee's supervisor.

- A new employee, upon starting employment with the Authority, may be given credit for prior equivalent work experience in determining the accrual rate initially used for that employee. The extent of any credit for work experience shall be determined by the ~~CEO~~ Executive Director in consultation with the Chair. The ~~CEO~~ Executive Director has



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the discretion, in consultation with the Chair, to authorize vacation time to be used prior to it being fully earned/accrued under special circumstances.

- Employees using earned vacation leave or sick leave shall continue to accumulate additional vacation time.
- Employees under suspension, layoff, or leave without pay, will not accumulate additional vacation time.
- Full-time employees who voluntarily or involuntarily terminate their employment will not be paid for any earned, but unused vacation in excess of 280-400 hours. Regularly-scheduled part-time employees who voluntarily or involuntarily terminate their employment will not be paid for any earned, but unused vacation in excess of 140-200 hours.
- Full-time employees and regularly-scheduled part-time employees who retire or are permanently laid off due to a change in building operations or building closure shall have fifty percent of their unused vacation leave benefits deposited into their MSRS health care savings plan account and fifty percent of their unused vacation leave benefits will be paid to the employee at the first regular pay period after termination.

HOLIDAYS

Full-time and regularly-scheduled part-time employees are eligible for holiday pay immediately upon employment. Full-time employees will receive a full day of holiday pay for the following holidays and regularly-scheduled part-time employees will receive a half day of holiday pay for the following holidays. The holidays that may be observed each year are:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day following Thanksgiving Day
- Christmas Eve afternoon
- Christmas Day
- New Year's Eve Afternoon



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ADDITIONAL HOLIDAY POLICIES

- If any of the holidays fall on Sunday, the following Monday will be the holiday. If any of these holidays fall on Saturday, the preceding Friday will be considered the holiday.
- Holiday pay for full-time employees will be equal to the employees' normal scheduled hours and earnings excluding overtime
- Time paid for holidays observed during the regular workweek, but not actually worked, will not be included as hours worked in the computation of overtime.
- If the holiday falls during an employee's time paid in accordance with the vacation policy, another paid day is provided at the time of the employee's approved request.
- Any employee on a leave of absence without pay from the Authority is not eligible for holiday pay.
- For non-exempt employees required to work on a day when the Authority is observing a holiday in accordance with the above policy, non-exempt employees will receive their holiday pay plus pay at their regular hourly rate for the hours worked that day.
- For exempt employees required to work on a day when the Authority is observing a holiday in accordance with the above policy, they may bank the holiday and take the paid time off at a later date with approval from their supervisor.

RELIGIOUS HOLIDAYS

Every effort will be made to accommodate an employee who requests time from work to celebrate religious services and holidays. This does require advance notice and approval by the employee's supervisor. If a religious holiday is other than those outlined above, the employee may be paid for that time off in accordance with the vacation policy.

FAMILY AND MEDICAL LEAVE

Although the Authority is not a covered employer for purposes of FMLA and Minnesota Parenting Leave Act requirements, it voluntarily adopts the leave entitlements for its employees.

In compliance with the Family and Medical Leave Act of 1993 (FMLA), the Authority's Family and Medical Leave Policy allows eligible employees to take up to 12 work weeks of unpaid leave



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for various family and medical reasons. Eligible employees may be entitled to take up to 26 work weeks of unpaid leave to care for a Covered Service Member in a single 12-month period.

An “eligible employee” is defined as an employee who has been employed by the Authority for at least 12 months (not necessarily consecutive) and who has worked at least 1,250 hours during the 12 months preceding the leave.

Family and Medical Leave will be granted to eligible employees for the following reasons:

1. Leave for the birth of the employee’s child; or
2. Leave for the placement of a child with the employee for adoption or foster care; or
3. Leave to care for a spouse, child (who is under 18 or is incapable of self-care because of a mental or physical disability), or parent with a serious health condition;
4. Leave due to the employee’s own serious health condition that makes the employee unable to perform the functions of his or her own job;
5. Leave because of a qualifying exigency arising out of the fact that the employee’s spouse, child (of any age), or parent is on or has been notified of an impending call or order to Covered Active Duty; or
6. Leave to care for a Covered Service Member with a serious injury or illness if the employee is the spouse, child, parent (of a child of any age), or next-of-kin of the covered service member (26 weeks during single 12-month period, as explained below).

A. Serious Health Condition

“Serious health condition” means an illness, injury, impairment, or physical or mental health condition that involves inpatient care in a hospital, hospice, or residential medical care facility for any period of incapacity or continuing treatment by a health care provider. Continuing treatment includes a period of incapacity of more than three consecutive days, any period of incapacity due to pregnancy, and a period of incapacity or treatment for such incapacity due to a chronic serious health condition. Further information regarding eligibility can be obtained from your supervisor.



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B. Covered Service Member

A “Covered Service Member” includes: (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty; and (b) a veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness if that veteran was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which he/she undergoes such treatment, recuperation, or therapy. A serious injury or illness is an injury or illness incurred or aggravated in the line of duty on active duty. In the case of a member of the Armed Forces, the illness or injury is one that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

C. Covered Active Duty

“Covered Active Duty” includes duty during the deployment to a foreign country of a member of a regular component of the Armed Forces and duty during the deployment to a foreign country of a member of a reserve component of the Armed Forces under a call or order to active duty.

D. Qualifying Exigency

A “qualifying exigency” in connection with the Covered Active Duty status or call to Covered Active Duty of a covered family member may include any of the following, which are related to, arise from, or are necessitated by the active duty status or call to active duty of the covered family member: (1) a “short-notice” deployment calling a covered military member to service within seven or fewer days notice; (2) attendance at military events and related activities (e.g., official ceremony, program, informational briefings); (3) arrangement of childcare and school activities; (4) making of financial or legal arrangements; (5) attendance at counseling; (6) time to spend with person on short-term, temporary rest and recuperation leave (up to five days for each instance of rest and recuperation); (7) post-deployment activities; and (8) some additional activities. If you have questions about what may qualify as a “qualifying exigency,” please contact Human Resources.

E. Amount and Timing of Leave

Except with respect to FMLA leave taken to care for a Covered Service Member, an eligible employee is entitled to up to 12 weeks of unpaid FMLA leave in the aggregate, during a 12-month



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period, for one or more of reasons numbered 1-4 listed above. However, if a husband and wife are both employed by the Authority they are entitled to a combined total of 12 weeks of unpaid FMLA leave for the same reason (e.g., the birth of a child, the placement of a child for adoption or foster care, or to care for a parent). Except with respect to FMLA leave taken in connection with caring for a Covered Service Member, the Authority calculates FMLA entitlement on a “rolling 12-month” basis. The 12-month period is measured back from the date an employee wishes to begin a particular FMLA leave. In other words, the leave entitlement is any balance of the 12 weeks that has not been used during the immediately preceding 12 months.

FMLA leave taken due to the birth of a child or placement of a child for adoption or foster care must be concluded within 12 months after the birth or placement and must be taken in consecutive days. FMLA leave taken to care for a spouse, child, or parent with a serious health condition, to care for a Covered Service Member, or because of the employee’s own serious health condition may be taken intermittently or on a reduced leave schedule if such intermittent or reduced schedule leave is medically necessary.

Employees taking leave to care for a Covered Service Member may be entitled to up to 26 weeks in a single 12-month period. The 12-month period for leave taken for this reason is not a “rolling 12-month period.” Rather, the 12-month period for leave taken for this reason begins on the first day that the employee takes leave and ends 12 months later. Employees may be entitled to one 26-week period of leave total to care for a single Covered Service Member and for that Covered Service Member’s serious illness or injury; additional weeks of leave (in a new “single 12 month period”) can only be taken to care for a different illness or injury of the service member or to care for a different service member.

F. Notice and Procedures for Requesting a Leave

An employee must give the Authority notice of the request for FMLA leave by completing and submitting a “Request for Leave of Absence” form to his or her supervisor or manager. This form must be submitted no less than 30 days before the leave is to begin if the leave is foreseeable and as soon as practicable if the leave is not foreseeable. Additional requirements may apply to requests for intermittent and reduced schedule leave. Consult your supervisor or manager.

G. Certification for FMLA Leave

An employee requesting FMLA leave must present the Authority with a certification completed by the appropriate parties. The appropriate certification form may be obtained from your supervisor or manager and must be returned to your supervisor or manager within 15 days of your



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receipt of the form. The Authority will not determine if a leave qualifies as FMLA leave until the certification form is received and reviewed. The Authority may require an employee on FMLA leave to provide re-certifications and/or report periodically on his or her status or intent to return while on leave.

H. Use of Paid Leave

Employees must substitute accumulated paid time off for any type of FMLA leave. The period of time during which paid leave is substituted for unpaid leave will be counted against the 12-week (or 26-week, as applicable) FMLA entitlement. After using any paid time off for the FMLA leave, the balance of the FMLA leave will be provided without compensation. Any Workers' Compensation, Short-Term Disability, and Long-Term Disability time off will be counted against the employee's FMLA entitlement.

I. Health Care Coverage

An employee may elect to continue coverage under the Authority's health care plan for the duration of the FMLA leave at the same level and under the same terms and conditions as if he or she was not on leave. An employee who elects coverage is required to continue making contributions toward the cost of his or her own premium to the Authority in order to maintain health insurance benefits while the employee is on leave. Failure to make the premium payments when due will result in a loss of coverage. Whether or not the employee elects to continue medical coverage during the FMLA leave, when the employee returns to employment, he or she will be reinstated to the same coverage as he or she had before the leave. Under some circumstances, the employee may be liable for the payment of health insurance premiums paid by the employer during the employee's unpaid FMLA leave if the employee fails to return to work.

J. Reinstatement

Most employees who take FMLA leave according to this policy are entitled, upon return, to resume their previous position or to be placed in an equivalent position with equivalent employment benefits and pay. If an employee takes FMLA leave due to his or her own serious health condition, the employee must present the Authority with a fitness-for-duty certification completed by the employee's health care provider prior to returning to work.



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SCHOOL CONFERENCE AND ACTIVITIES LEAVE

Minnesota law allows employees up to 16 hours per year of unpaid leave to attend school conferences or school-related activities related to the employee's children, provided the conferences or school-related activities cannot be scheduled during non-work hours. If the employee's child receives child care services or attends a pre-kindergarten regular or special education program, the employee may use the leave time provided in this section to attend a conference or activity related to the employee's child, or to observe and monitor the services or program, provided the conference, activity, or observation cannot be scheduled during non-work hours. When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to disrupt the operations of the Authority.

An employee may use accrued paid time off for any part of the special school leave.

COURT SERVICE AND JURY DUTY LEAVE

COURT SERVICE

When employees are called for court service on other than Authority business under subpoena, they will not receive pay. To qualify for this time off, court service must be substantiated by a photocopy of the subpoena.

JURY DUTY

Because the Authority does not want its employees to suffer any financial penalty because they are asked to serve on a jury, they will continue to receive regular pay while on jury duty. Conversely, serving on a jury should not be considered a financial windfall; and because the Authority is continuing regular pay as a condition for receiving regular pay while on jury duty, employees are required to reimburse the Authority whatever they are paid by the Local, State or Federal courts for jury service. If the employee is excused from jury duty for a major portion of the day, they are expected to report back to work.

To qualify for this time off, jury duty must be substantiated by a photocopy of the summons.

VOTING LEAVE

Every employee who is eligible to vote in a regularly scheduled state primary election, general election, election to fill vacancy in state legislature or U.S. Congress, or presidential primary has



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the right to be absent from work for the purpose of voting during the morning of the day of that election for a period of up to two hours, without penalty or deduction from wages because of the absence. Employees should notify his/her supervisor in advance of the need to use this time. Employees are also encouraged to vote during non-working hours, if possible.

MILITARY ACTIVE DUTY LEAVE

An employee who enters the U.S. Armed Forces whether by draft or activation is placed on military leave of absence in accordance with [applicable state and](#) federal law.

MILITARY TRAINING DUTY LEAVE

Employees will be granted time off with pay not to exceed 15 working days in any calendar year to satisfy Military reserve training obligations in accordance with applicable state and federal law. Employees will continue to accrue vacation and sick days during military leave of absence.

BONE MARROW DONATION LEAVE

An employee who works 20 or more hours per week may take a paid leave of absence (not to exceed a total of 40 hours) in connection with a bone marrow donation. A physician's verification regarding the purpose and length of each leave request may be required at the Authority's request.

JOB POSTING

The Authority strives to provide a system by which employees may investigate, apply and be considered for open positions along with outside applicants.

The Authority supports the practice of promoting from within when appropriate. It also believes the employees have the primary responsibility for their own career development. To assist in both of these processes, management may post open positions at the same time that outside recruitment sources are notified.

It is the practice of the Authority to generally hire employees for entry-level positions and to encourage employees to strive for promotion to higher level positions when there are appropriate opportunities to do so. When job vacancies above the entry-level occur, employees may be given the opportunity to apply for such positions before outside recruitment is utilized. Management retains sole discretion to hire new employees whenever and in whatever manner required.



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- The supervisor or outside source may conduct screening interviews with internal applicants and recommendations may be made by the appropriate supervisor.
- When an employee is selected to fill a posted vacancy, the two departments involved will normally confer and agree on a suitable transfer date.
- The Affirmative Action Equal Employment Officer/Coordinator will be notified of all openings prior to the selection being made.

POLITICAL ACTIVITY

Employees may exercise their individual rights as citizens to participate in activities within their communities. Employees may not use the influence of their positions for the purpose of interfering with or affecting the result of an election or a nomination for elective office. Employees may not use the influence of their position to directly or indirectly, coerce, command, or persuade others to pay, lend, or distribute anything of value to a political party, political committee or organization, agency, or person for a political purpose. ~~Furthermore, employees may not be a candidate or hold office won through partisan election.~~

Any employee intending to become a candidate for partisan elected office shall notify the CEO/Executive Director or the Chair in writing prior to the day of filing so that the CEO/Executive Director and the employee or the Chair and the employee can determine together whether there is any conflict of interest or such candidacy is otherwise prohibited by applicable law. ~~resign from Authority employment upon filing for partisan elective office, or shall request a leave of absence without pay which the CEO/Executive Director may grant if it is deemed that such leave would not be detrimental to the best interest of the Authority.~~

Any employee intending to become a candidate for non-partisan elected office shall notify the CEO/Executive Director or the Chair in writing prior to the day of filing. Upon assuming an elected non-partisan or appointed public office, an employee shall notify the CEO/Executive Director or the Chair in writing. If the holding of a non-partisan public office necessitates service which interferes with the performance of the employee's Authority duties, the employee shall be terminated or put on leave of absence without pay at the discretion of the CEO/Executive Director in conjunction with the Chair.



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TUITION REIMBURSEMENT

The Authority encourages you to improve your work-related skills and abilities through training and development. The Authority requires you to receive prior approval of the ~~CEO~~ Executive Director and restricts training to those sessions that will be applicable to your present position.

BUSINESS AND JOB RELATED COURSES

- Supervisor must approve the class before course registration is complete.
- Unsuccessful completion of the class will require you to reimburse the Authority for the cost of tuition. Books, tapes and other additional expenses related to the class will not be reimbursed.

SEMINARS

- Staff members who feel they need to attend a seminar pertinent to their job, must submit a request to their supervisor. If their supervisor supports the request, he or she will submit the request to the ~~CEO~~ Executive Director.
- Employees will be allowed to attend seminars during company hours after supervisory approval.

OUT-OF-TOWN SEMINARS/SCHOOLS

The Authority may request that an employee attend an out-of-town seminar or school. The Authority will pay for all registration, meal expense as well as provide transportation and necessary housing.

ELIGIBILITY

- All employees are eligible for tuition reimbursement using the guidelines stated above.
- Only courses started while employed and finished while employed will be considered for reimbursement.

Please see your supervisor for any further questions.



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EMPLOYEE BENEFITS

In addition to a direct salary, full-time employees receive compensation through participation in the Authority's benefit program immediately upon employment. Group hospital/medical care, dental care, group life insurance and long-term disability insurance provisions will be paid by the Authority for full-time employees and their dependents. The Authority will pay 50% of the cost of group hospital/medical care, dental care, and long-term disability insurance provisions for regularly-scheduled part-time employees and their dependents. Regularly-scheduled part-time employees are ineligible for group life insurance. Fluctuating part-time and temporary employees are generally ineligible for benefits. Some fluctuating part-time employees may be eligible for pension benefits under their collective bargaining agreement.

These are the benefit programs that are currently provided by the Authority. Contact the Finance Department for enrollment and detailed information:

- Hospitalization, Medical Care
- Life Insurance
- Long-Term Disability Insurance
- Retirement/Survivor Benefits
- Dental Insurance
- Deferred Compensation Program
- Flex Plan
- Minnesota State Retirement System (MSRS) pension plan
- MSRS Post Employment Health Care Savings Plan

ELIGIBILITY

Employees working on a full-time basis are eligible for all Authority sponsored benefits. Regularly-scheduled part-time employees are eligible for some Authority sponsored benefits as described above. Contact the Finance Department for eligibility requirements.

Employee benefits offered by the Authority are designed to be competitive with those offered in the industry. Leave plans, insurance coverage and other benefits listed in this handbook represent significant additional compensation to the employee. These benefits are subject to change at the discretion of the Authority. Any questions about employee benefits should be directed to the employee's supervisor or the Director of Finance.



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SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Personnel Policy Manual	<u>009</u>		[insert]	Page 57 of 58

ADDITIONAL EMPLOYEE BENEFITS

When employment is terminated or an employee's hours are reduced below the number required for enrollment, the employee and his or her dependents may be eligible to continue group insurance coverage at their own expense, as provided by law.

Unemployment compensation insurance is provided, as required by law. Unemployment compensation is for the benefit of qualified individuals who become unemployed through no fault of their own and provides economic security for displaced employees in the event of a layoff due to lack of work. The entire cost of this protection is paid by the Authority.

Workers' compensation insurance, paid entirely by the Authority, pays for certain medical expenses and lost earnings related to illnesses and injuries arising out of or in the course of employment.

The Authority also contributes to Social Security on behalf of all the employees. Employees may be entitled to a monthly income when they retire at a certain age, or in the case of long-term disability.

MINNESOTA STATE RETIREMENT SYSTEM

The Authority participates in the Minnesota State Retirement System (MSRS) to provide pension benefits for its eligible employees. The Authority and the eligible employee contribute to MSRS each pay period as determined by state law.



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Personnel Policy Manual	<u>009</u>		[insert]	Page 58 of 58

RECEIPT FOR PERSONNEL POLICY MANUAL

I have received a copy of the Minnesota Sports Facilities Authority Personnel Policy Manual dated _____, ~~2012~~2020.

I understand this manual is the sole property of the Authority and that I may not copy or give any part of it to anyone outside the Authority.

I further understand that I must return the manual in its entirety at such time as I leave the employment of the Authority.

I further understand that this policy manual is an overview and summary of the Authority's policies and procedures which are in effect as of _____, ~~2012-2020~~ and supersedes all other manuals, letters, memoranda and understandings. As policies and benefits are revised, changes will be communicated to me through standard communication channels and will become part of this manual. Advance notice may not always be possible.

I further understand that the policies and procedures contained in this manual constitute guidelines only. These policies do not constitute part of an employment contract, nor are they intended to make any commitment to any employee concerning how individual employment action can, should, or will be handled.

I further understand that the Authority reserves the right to access, monitor, and retrieve e-mails, computer files, Internet records, and any other information created, sent, received, or stored through or on any of the Authority's electronic data and communications systems, including the Authority's computer network, e-mail and voice mail systems, and the Internet at any time at the Authority's sole discretion.

Employee Signature

Date

Employee print name

**Section 12 – Affirmative
Action Plan
Policy Code No. 010**



Minnesota Sports Facilities Authority

July 1, 2020 – June 30, 2022 Affirmative Action Plan

Minnesota Sports Facilities Authority

1005 4th Street South

Minneapolis, MN 55415

Phone: #612 335-3315

MN Relay TTY: 1 800 627-3529

Website: www.MSFA.com

Email: James.Farstad@msfa.com

As requested by Minnesota Statute 3.197: This report cost approximately \$2,315 in time, printing and mailing expenses.

To request an alternative format of this document, please contact:

Mary Fox-Stroman, email: mary.fox-stroman@msfa.com

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Statement of Commitment

This statement reaffirms the **Minnesota Sports Facilities Authority** (hereafter “the Authority” or “MSFA”) 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 Authority 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. We will provide reasonable accommodation to employees and applicants with disabilities.
- This Authority will continue to actively promote a program of affirmative action, wherever females, racial/ethnic minorities, and individuals with disabilities are underrepresented in the workforce, and work to retain all qualified, talented employees, including protected group employees.
- This Authority will evaluate its efforts, including those of its directors, managers, and supervisors, in promoting equal opportunity and achieving affirmative action objectives contained herein. In addition, this Authority will expect all employees to perform their job duties in a manner that promotes equal opportunity for all.

It is the Authority’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.



James Farstad, Executive Director
Minnesota Sports Facilities Authority

Date Signed: August 25, 2020

Organizational Profile

In May 2012, the Minnesota legislature established the Authority as a public body and political subdivision of the state. Per Minnesota Statutes, 473J.07, Subd. 2 the Authority is comprised of five board members who serve four-year terms. The governor of the state of Minnesota appoints the chair and two additional members, and the mayor of the city of Minneapolis appoints two members.

The Governor appointed Michael Vekich as the Chair of the Authority in July 2017. Tony Sertich and Angela Burns Finney were also appointed to the board by the Governor. The Mayor of the City of Minneapolis appointed Barbra Butts Williams and William McCarthy as board members. On May 18, 2018 the board appointed James Farstad as its Executive Director. The board sets policy for the administration of the Authority and the Executive Director directs the Authority's operations and carries out the policies established by the board.

When the Authority was created its mission was to provide for the construction, financing and long-term use of the stadium and the related stadium infrastructure as a venue for professional football and a broad range of other civic, community, athletic, educational, cultural and commercial activities. Construction of U.S. Bank Stadium began in 2013 and during construction the Authority acted as the stadium's developer and was responsible for construction oversight and management. When construction was completed and U.S. Bank Stadium opened in July 2016 the Authority's mission began to change as it now had oversight responsibility for stadium operations. It hired ASM Global to manage and operate the stadium and Aramark Sports and Entertainment Services was hired to provide the stadium's premium catering service in the six clubs and the suites, and food and beverage service in the concession stands, the various bars, portable carts and various vending locations.

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. Annually, the Executive Director reports the Authority's progress in meeting its affirmative action goals and objectives to the Commissioner of MMB.

Duties

The duties of the Executive Director include, but are not limited to:

- Appoint the Affirmative Action Officer or designee and include accountability for the administration of the Authority'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 Authority's commitment to affirmative action and equal employment opportunity and ensure the statement is shared with all employees.
- Make decisions and changes in policies, procedures or physical accommodations as needed to implement effective affirmative action in the Authority.
- Actively promote equal employment opportunity and incorporate diversity and inclusion principles in annual business plans, strategic plan, and Authority's mission.
- Notify all contractors and sub-contractors of their affirmative action responsibilities.
- Enforce equal employment opportunity in affirmative and non-affirmative hiring decisions reviewed in the hiring process.
- Notify all Authority directors, managers, and supervisors to include responsibility statements for the supporting affirmative action, equal opportunity, diversity, and/or cultural responsiveness in their position descriptions and annual objectives.
- Comply with the Authority's anti-discrimination and anti-harassment policies.

Accountability

The Executive Director is accountable directly to the Chair of the Authority who is accountable to the Governor and indirectly to the Commissioner of MMB for affirmative action matters.

Name of individual(s) responsible

Name: James Farstad

Email: James.Farstad@msfa.com

Title: Executive Director

Phone: (612) 335-3315

B. Affirmative Action Officer

Responsibilities

The Affirmative Action Officer is directly responsible for developing, coordinating, implementing, and monitoring the Authority's affirmative action program.

Duties

The duties of the Affirmative Action Officer include, but are not limited to:

- Develop and administer the Authority's Affirmative Action Plan.
- Monitor compliance and fulfill all affirmative action reporting requirements.
- Disseminate the affirmative action policy to all employees.
- Inform the Executive Director on progress on affirmative action and equal opportunity goals and report potential concerns.
- Act as the affirmative action liaison between the Authority, MMB, and the Governor's Office.
- Determine the need for affirmative action training for management and staff within the Authority in implementation of the plan and coordinate the development of the training programs with the assistance of internal and external resources, as necessary.
- Review and recommend changes in policies, procedures, programs, and physical accommodations to implement affirmative action and equal opportunity.
- Develop innovative programs to attract and retain individuals from protected groups in the Authority.
- Support and participate in the recruitment of individuals of protected groups for employment, promotion, and training opportunities.
- Manage the Authority's pre-hire review process.
- Review requests for non-affirmative non-justified hires in the Monitoring the Hiring process and refer unresolved issues to the Executive Director for a final decision.

- Ensure supervisors and managers are making affirmative efforts to recruit and retain candidates and employees from protected groups.
- Oversee the administration of the Americans with Disabilities Act (ADA) Title I and Title II.
- Receive requests for ADA accommodations and work with appropriate directors to approve or deny the request, or provide alternative accommodations.
- Maintain records of requests for reasonable accommodations.
- Oversee the administration of the Authority’s Diversity Recruitment program.
- Comply with the state-wide and Authority’s anti-discrimination and anti-harassment policies.

Accountability

The Affirmative Action Officer (AAO) is accountable to the **Executive Director** for program impacts and for ongoing program activities and direction. The Affirmative Action Officer oversees the administrator of ADA Title II, administrator of Diversity and Inclusion, and other equal opportunity related administrators. In addition, the AAO ensures that aggregated data and trends of complaints of illegal discrimination in hiring are provided and shared with the Executive Director.

Name of individual(s) responsible

Name: Mary Fox-Stroman

Email: Mary.Fox-Stroman@msfa.com

Title: Director of Finance

Phone: (612) 335-3311

C. Americans with Disabilities Act Title I Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title I Coordinator is responsible for ensuring the agency’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 include, but are not limited to:

- Provide guidance, coordination, and direction to Authority Executive Director on the ADA. The Authority develops and implements policies, procedures, and practices to ensure Authority employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to Authority staff on compliance and best practices for hiring and retaining 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 Authority services.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering specific ADA training for targeted groups.
- 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, perform essential functions of the job, and/or enjoy equal benefits and privileges. The ADA Coordinator must:
 - Discuss the purpose and essential functions of the job and complete a step-by-step job analysis;
 - Determine the precise job-related limitations;
 - Identify potential accommodations and assess the effectiveness each would have in allowing the employee to perform 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.
- Comply with the state-wide and Authority anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title I Coordinator is accountable to **the Executive Director**.

Name of individual(s) responsible

Name: Mary Fox-Stroman

Email: Mary.Fox-Stroman@msfa.com

Title: Director of Finance

Phone: (612) 335-3311

D. Americans with Disabilities Act Title II Coordinator

Responsibilities

The Americans with Disabilities Act (ADA) Title II Coordinator is responsible ensuring the Authority'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 include, but are not limited to:

- Provide guidance, coordination, and direction to Authority management on the ADA. The Authority develops and implements policies, procedures, and practices to ensure employment practices and programs are accessible and nondiscriminatory.
- Provide training, technical guidance, and consultation to the Authority's 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 for visitors.
- Track and facilitate requests for reasonable modifications for members of the public accessing Authority services.
- Research case law rules and regulation and update Executive team on evolving ADA issues.
- Ensure compliance with ADA reporting according to state and federal requirements.
- Assist the Affirmative Action Officer in designing and delivering training for Authority 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 will consult with the member of the public in need of a modification and:
 - Discuss the purpose and essential functions of the reasonable modification.
 - Identify the potential modifications and assess the effectiveness of each request.
 - After discussion and review, select and implement the modifications that are appropriate for both the member of the public and the Authority.
- Comply with the state-wide and Authority anti-discrimination and anti-harassment policies.

Accountability:

The ADA Title II Coordinator is accountable to the Executive Director.

Name of individual(s) responsible

Name: Mary Fox-Stroman

Email: Mary.Fox-Stroman@msfa.com

Title: Director of Finance

Phone: (612) 335-3311

E. All Employees

Management and executive team leaders are responsible for implementing all aspects of the agency Affirmative Action Plan and the agency's commitment to affirmative action and equal opportunity.

Responsibilities

All employees are responsible for conducting themselves in accordance with the State of Minnesota's policy of equal employment opportunity. This includes refraining from any actions that would subject any employee to negative treatment on the basis of 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 Authority's complaint procedure.

Duties:

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

- Exhibit an attitude of respect, courtesy, and cooperation toward colleagues and the public.
- Refrain from any actions that would adversely affect a colleague on the basis of their 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.
- Comply with the state-wide and Authority anti-discrimination and anti-harassment policies.

Accountability:

Employees are accountable to the Authority's Executive Director. All employees are responsible for conducting themselves in accordance with the Affirmative Action Plan.

F. Communication of the Affirmative Action Plan

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

1. Internal Methods of Communication

- **Internal memorandum.** The Affirmative Action Officer will send an internal memo to employees each year. This message identifies the location of the Affirmative Action Plan and the employee's responsibility to read and understand it. It also indicates the employees' responsibility to support and implement equal opportunity and affirmative action.
- The Authority's Affirmative Action Plan is available to all employees on its website at **www.msfa.com** and in print to anyone who requests it. As requested, the Authority will make the plan available in alternative formats.
- **Printed copy.** A physical copy of the Authority's Affirmative Action Plan is available to employees at the following address:

Minnesota Sports Facilities Authority
1005 4th Street So., Minneapolis MN 55415
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in areas frequently used by employees.

2. External Methods of Communication

- **Public website.** The Authority's Affirmative Action Plan is available on its website at **www.msfa.com**. Printed copies are available to anyone who requests it. As requested, the Authority will make the plan available in alternative formats.
- **Equal opportunity employer language.** The Authority's website homepage, letterhead, publications, and all job postings, includes the statement "**the Minnesota Sports Facilities Authority** is an equal opportunity employer."
- **Signage.** Nondiscrimination and equal opportunity statements and posters are prominently displayed in common public areas. 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 Agency's Affirmative Action Plan is available to contractors, vendors, and members of the public at the following address:

G. Policies, Procedures, and Notice

1. EQUAL EMPLOYMENT OPPORTUNITY POLICY

This statement affirms the Authority's policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Opportunity / Affirmative Action laws, directives and regulations of federal, state, and local governing bodies or agencies.

The Authority will not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, membership on a local human rights commission, protected veteran status, or any other protected characteristic.

The Authority prohibits the harassment of any employee or applicant for employment because of race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, membership on a local human rights commission, protected veteran status, or any other protected characteristic.

The Authority also prohibits retaliation, including intimidation, threats, or coercion, because an employee or applicant has objected to discrimination or harassment or has otherwise sought to obtain his/her legal rights under any local, state, or federal Equal Employment Opportunity law.

The Authority will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action. Employees or subcontractors not complying with applicable equal employment opportunity / affirmative action laws may be subject to appropriate action by the Authority, including but not limited to disciplinary action, termination of employment, and termination of a contract.

The Authority has appointed an EEO Coordinator to manage the Equal Employment Opportunity Program: Mary Fox-Stroman. If you feel you have been a victim of discrimination or wish to review the Authority's Affirmative Action Plan, please contact Mary Fox-Stroman (612-335-3311).

2. POLICY AGAINST DISCRIMINATION, HARASSMENT, AND OFFENSIVE BEHAVIOR

It is the Authority's policy and commitment to maintain a workplace environment that is free from discrimination; harassment; offensive, degrading or discriminating remarks or actions; and any unwelcome conduct that is based on an individual's race, color, creed, religion, national origin, ancestry, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, membership on a local human rights commission, protected veteran status, or any other protected characteristic. Offensive behavior prohibited by this policy includes, but is not limited to, requests for any employee to engage in illegal, immoral or unethical conduct. Offensive, harassing, discriminatory or any otherwise intimidating behavior by any employee or other person performing services for the Authority, including any supervisor, manager, coworker, sub-contractor, vendor, client or customer will not be tolerated by the Authority and is prohibited. The Authority will not tolerate retaliation or intimidation of any kind against anyone making a report or complaint of harassment, discrimination, or offensive behavior or participating in an investigation of such complaint.

Harassment consists of unwelcome conduct, whether verbal, written, physical or visual that is based on a protected group status. The Authority will not tolerate verbal or physical conduct by any employee that harasses, disrupts or interferes with another's work performance, or that creates an intimidating, offensive, or hostile work environment.

Sexual harassment is one specific form of offensive behavior. Sexual harassment includes but is not limited to:

- Unwanted and unwelcome physical contact of any kind including sexual advances, requests for sexual favors and other physical, verbal, written or visual conduct of a sexual nature that affects hiring or employment decisions, interferes with an individual's work performance or otherwise creates an intimidating, hostile or offensive working environment.

Complaint Procedure

If any Authority employee is subjected to offensive behavior of any kind, employees are strongly encouraged to object to the behavior and should immediately report it to their respective supervisor or other designated person(s) identified in the Authority's harassment policy.

Allegations of discrimination, offensive behavior, harassment, and/or retaliation will be promptly and thoroughly investigated by the Authority in as objective and confidential manner as possible. The facts discovered by the investigation will determine the response to each incident reported. Any employee found to have violated the Authority's Policy Against Discrimination, Harassment, and Offensive Behavior may be disciplined up to and including termination from employment. Retaliation or any other intimidation toward anyone reporting offensive behavior, harassment or discrimination will not be tolerated by the Authority.

Sexual Harassment Policy

It is the Authority's policy to provide all individuals with a work environment that is free from disruptive elements such as sexual harassment and any other type of harassment. The Authority recognizes that harassment undermines morale and interferes with productivity and will not be tolerated by the Authority. This policy is intended to allow all Authority employees to work in an environment free from all forms of harassment. Employees are expected to comply with this policy not only at their regular work locations but in all situations where they are representing the Authority, are attending Authority-sponsored events or any other related activities.

Harassment as any other offensive behavior can be based on race, color, creed, gender, age, religion, national origin, sexual orientation, marital or public assistance status, pregnancy, disability, protected veteran status, or any other status or characteristic protected by law. Harassment can occur in a single incident or through a pattern of behavior; it does not need to be deliberate or intentional to constitute a violation of this Policy.

Harassment can result from a broad range of actions that could include but are not be limited to, the following:

- Unwanted Sexual Advances or Requests for Sexual Favors (whether directed toward a person of the opposite or same sex) May Be:
 - Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, patting, pinching or brushing against another person's body.
 - Sexual oriented "kidding" or "teasing", practical jokes and obscene printed visual or graphic material, including e-mail.
 - Explicit sexual propositions.
 - Sexist remarks about a person's body, sexual activities or gestures.
 - Unwanted staring or leering.
- Requesting Sexual Favors Accompanied By Implied or Overt Threats Concerning an Individual's Employment
- Granting Employment Benefits or Opportunities Because of an Individual's Submission to a Supervisor's or Manager's Sexual Advances or Requests for Sexual Favors
- Racial or Ethnic Insults or Derogatory Remarks or "Jokes"
- Religious "slurs"

Reporting Procedure:

Every employee is expected to avoid any behavior or conduct that could be reasonably interpreted by an ordinary person as prohibited discrimination or harassment. Everyone is also expected to inform any person in the workplace whose conduct the employee finds unwelcome or offensive.

The Authority Harassment Policy applies to each and every employee of the Authority. All employees have a personal responsibility to conduct themselves in compliance with this policy and to report any observations of conduct inconsistent with the policy. Anyone who has questions regarding the policy should contact the Director of Finance.

Complaint Procedure

If an employee feels harassed or offended by another employee, by a supervisor, by a manager, by a customer, or by any other person whom the employee may encounter in the course of employment, whether the opposite sex or same sex, and if the employee does not feel able to confront the offending person directly, she/he should report the incident to her/his direct supervisor or the Director of Finance. It is NOT SUFFICIENT to merely discuss a complaint with any person other than your supervisor or the Director of Finance as a means of reporting it to the Authority. The employee must notify his/her supervisor or the director of finance and submit a Complaint of Discrimination/Harassment Form. This form is available in Appendix A. A copy of this document will be provided to all employees.

Non-Retaliation

The Authority will not tolerate retaliation or intimidation of any kind against anyone making a report or complaint of harassment, discrimination, or offensive behavior or participating in an investigation of such complaint. No employee who reports a violation of this Policy in good faith will be subject to any adverse employment action because of the reporting. Retaliation is prohibited against an employee because he or she has opposed discriminatory practices including complaining of discrimination or harassment through the internal complaint procedures; filing a charge of discrimination with any municipal, state, or federal equal employment opportunity agency; or participating in an investigation of a charge or complaint of discrimination or workplace harassment. Such retaliation and intimidation are prohibited.

Religion and National Origin Discrimination and Accommodation for Religious Observance and Practice

As a part of the Authority's commitment to Equal Employment Opportunity for all, we have made a specific effort to ensure that national origin and religion are not factors in recruitment, selection, promotion, transfer, termination, or participation in training. The following activities are undertaken to ensure religion and national origin are not used as a basis for employment decisions:

1. Recruitment resources are informed of our commitment to provide equal employment opportunity without regard to national origin or religion.
2. Our employees are informed of our policy and their duty to provide equal opportunity without regard to national origin or religion.
3. Employment practices exist and are reviewed to ensure that we implement equal employment opportunity without regard to national origin or religion.
4. The religious observances and practices of our employees are accommodated, except where the requested accommodation would cause undue hardship on the conduct of our business.
5. We do not discriminate against any qualified applicant or employee because of race, color, creed, disability, age, sex, sexual orientation, marital status, or status with regard to public assistance in implementing the policy concerning non-discrimination based on national origin or religion.

3. Notice Under the Americans with Disabilities Act

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the Minnesota Sports Facilities Authority will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Minnesota Sports Facilities Authority does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Minnesota Sports Facilities Authority will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Minnesota Sports Facilities Authority’s programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Minnesota Sports Facility Authority will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the Minnesota Sports Facilities Authority offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Minnesota Sports Facilities Authority, should contact Mary Fox-Stroman at Mary.Fox-Stroman@msfa.com as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Minnesota Sports Facilities Authority to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Requests for Accommodation

Requests for reasonable accommodation for programs, services, or activities of the Minnesota Sports Facilities Authority should be directed to Mary Fox-Stroman at Mary.Fox-Stroman@msfa.com. A request form is available in Appendix B - Request for ADA Reasonable Accommodation Form. A copy of this document will be provided to all employees.

The Minnesota Sports Facilities Authority will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

4. The Minnesota Sports Facilities Authority Grievance Procedure Under Title II of the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Minnesota Sports Facilities Authority. The Statewide ADA Reasonable Accommodation policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

**Minnesota Sports Facilities Authority
1005 4th Street So., Minneapolis, MN 55415
Attn. Mary Fox-Stroman, Director of Finance and ADA Coordinator**

Within 15 calendar days after receipt of the complaint, Mary Fox-Stroman or her designee will meet or communicate with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting or communication, Mary Fox-Stroman or her designee will respond in writing, and where appropriate, in a format accessible to the complainant. The response will explain the position of the Minnesota Sports Facilities Authority and offer options for substantive resolution of the complaint.

If the response by Mary Fox-Stroman or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Executive Director or his designee.

Within 15 calendar days after receipt of the appeal, the Executive Director or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Executive Director or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Mary Fox-Stroman or her designee, appeals to the Executive Director or his designee, and responses from these two offices will be retained by the Authority for at least three years.

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

The Minnesota Sports Facilities Authority follows the procedures developed by ASM Global that describe in detail building evacuation and shelter-in-place procedures for use in the event of emergencies. This procedure which includes the ADA Evacuation Plan is explained below:

PROCEDURES FOR U.S. BANK STADIUM EVENT EMERGENCIES (INCLUDING SHELTER-IN-PLACE & EVACUATION)

An emergency or crisis can happen any time of the day, any time of year, and the U.S. Bank Stadium/ASM Global Emergency Response Plan has been developed with flexibility to be activated whenever an emergency occurs. An emergency that occurs during a sellout Minnesota Vikings game may appear very different from one taking place overnight during the off-season; however, the underlying emergency management and Incident Command System principles and actions described in this plan will apply to both.

This Plan has been designed as "all hazards," able to be applied to wide range of emergency incidents occurring at U.S. Bank Stadium in any of the following general types of operation:

- Overnights, weekends, or holidays (no games or events): Assumes a minimum group of employees is at the facility, and all major decision makers are off-site.
- Normal business day (no games or events): Covers the day-to-day operations of U.S. Bank Stadium/ASM Global, during normal business hours when there are no events being held. Employees will be working in both the offices and stadium.
- Private events (including weddings, conferences, etc.): Assumes U.S. Bank regular office operations, as well hosting limited-use event(s) in defined portions of the stadium.
- NFL event: NFL/Vikings event occurring in the stadium, to include pre-, post-, and regular-season play, including NFL special events such as the Super Bowl.
- Other Stadium event: Any major event that is expected to draw attendance similar to a football game, such as concerts or non-NFL sports events. Such events would typically occur during the NFL offseason (for example, the NHL Stadium Series, NCAA Frozen Four, high profile performer concert, etc.).

STADIUM SHELTER-IN-PLACE [SIP]

Shelter-in-place is the mandatory movement of some or all patrons from their ticketed seating area to another location within the facility. There are two categories of shelter-in-place at U.S. Bank Stadium:

- Partial Shelter-In-Place - patrons from a specific stadium location will be directed to areas for which they already have ticketed access, such as the concourses.

Minnesota Sports Facilities Authority - 2020-2022 Affirmative Action Plan

- Full Shelter-In-Place - some or all patrons will be escorted to more secure, fully sheltered locations within the facility for which they would not normally have ticketed access, such as the service level, club areas, etc.

Partial or Full shelter-in-place activation may be implemented immediately, without activating the other; or Partial SIP may be activated first, with Full SIP following if the emergency escalates.

Shelter-In-Place procedures are divided into actions occurring before, during and after SIP activation.

Before SIP:

- The decision to implement any shelter-in-place action will be made by the U.S. Bank Stadium Incident Commander, after notification to and consultation with the Public Safety Officials.
- The Incident Commander will determine which part(s) of the stadium will shelter. Prior to a shelter-in-place on game or event days, an announcement will be made via radios (not over the PA) to all Usher and Event Staff, advising them to proceed to their emergency post.
- On non-game or non-event days, the public address system as well as radio and electronic messaging will be used to alert Floor Marshals of a shelter-in-place.
- The U.S. Bank Stadium Security Manager will ensure that any dangerous or impassable areas are well marked.
- If the shelter-in-place will be more complex than simply moving fans to the concourses directly behind them, designated U.S. Bank Stadium employees may be posted to facilitate crowd safety in bottlenecks, sharp or blind turns, near permanent obstacles, and at other potential problem areas.
- If a Full Shelter-In-Place is being considered in response to a tornado threat, all doors to interior spaces must be opened, to equalize the air pressure

During Shelter-in-Place (Partial or Full):

- Once the decision to shelter-in-place has been made, the Incident Commander will initiate notifications; if necessary, the Crisis Management Team Leader will communicate to appropriate internal and external stakeholders.
- During events or games, all persons in the stadium will be notified via public address system, scoreboard and ribbon boards of the shelter-in-place, with prerecorded messages.
- U.S. Bank Stadium Ushers and Event Staff will ensure that patrons in their seating sections are moved to the nearest shelter area, or other designated shelter area as determined by the Incident Commander; this will be done in an orderly fashion and at a quick pace (guests should never be rushed).
- If a guest refuses to comply with instructions, Ushers and Event staff will advise the Security Manager or a Law Enforcement Officer who will speak to the individual and either obtain compliance or consider other options.
- In the event that a patron is unable to move to a designated shelter-in-place destination due to physical limitation, Ushers and Event staff will assist the patron or notify a supervisor, who will alert additional staff to assist.

- If concessions and merchandise staff are instructed to suspend operations for a Full SIP, they will secure their area by:
 - a. Shutting down cooking equipment
 - b. Shutting off gas where applicable
 - c. Locking cash drawers
 - d. Locking doors/gates
 - e. Secure cash with supervisory personnel present.

Following these steps, staff will move to the designated concourse areas, assisting with patron, visitor and guest questions or concerns.

- If utilizing non-ticked areas of the stadium in a Full SIP, the Incident Commander will assign staff to control access and prevent occupancy from exceeding maximum capacity.
- A Public Address announcement will be issued at least once every 10 minutes, if only to announce no change in status.
- All supervisors will stand by with radios for further instruction.

During Shelter-in-Place (considerations for Full SIP only):

- 1) If possible, in the office or suite areas, one person will record the names of everyone present and report to Security for use in accounting for people.
- 2) If indicated, Facilities staff will turn off all heating, ventilating and air conditioning systems. The systems that automatically provide for exchange of inside air with outside air, in particular, will be turned off, locked, or disabled.
- 3) If instructed, employees will use duct tape and plastic sheeting, such as heavy-duty plastic garbage bags, to seal all cracks around the door(s) and any vents and windows into all shelter areas.
- 4) Once guests and employees are sheltered, and depending on the nature of the emergency, U.S. Bank Security and Operations staff may remain in the exposed areas of the stadium to maintain security and situational awareness
- 5) Once patrons and employees have been sheltered, U.S. Bank Operations Staff will stay with the crowd to answer questions to the best of their ability and maintain calm.
- 6) Security staff will prevent relocated patrons from causing injury to themselves or others, or damaging stadium property.

After-Shelter-in-Place:

- 1) The Incident Commander will determine when the shelter-in-place can be ended, and whether the game/event can resume.
- 2) The Public Address system, scoreboard and ribbon boards will be utilized to coordinate the orderly return of the crowd to its seats or to the exits.

3) Notification and information distribution to the media, public, and internal and external stakeholders will be approved by the Crisis Management Team and distributed by the U.S. Bank Stadium Media Relations personnel.

Stadium Evacuation

Evacuation refers to the mandatory movement of some or all patrons, visitors and guests and employees from inside U.S. Bank Stadium to locations outside of the facility to protect their safety. The primary goal is to provide an orderly and safe exit from the facility in the event an emergency presents a threat to lives or property.

The U.S. Bank Stadium evacuation procedures apply to all evacuations, whether for some or all occupants of the facility.

First Aid Stations: Any patron who cannot evacuate for any reason will be taken to the nearest First Aid Station, which are identified as Areas of Rescue.

Unaccompanied Minors Locations: These are the locations where unaccompanied minors will be brought. In order to avoid confusion or excessive concern by parents or guardians, these locations must be in constant radio communication.

Evacuation Routes: Evacuation routes will be shared with public safety responders so they can respond to any care needs after the evacuation, coordinate entry and exit of emergency vehicles, and coordinate services to ensure that evacuating patrons will not be at risk or impede emergency operations.

Fire Alarm Condition: This mode will cause a held open door position to close upon an alarm from the respective building fire alarm system, i.e. an alarm from the ramp fire alarm system will cause the ramp horizontal door to close. An alarm from the stadium fire alarm system will cause the stadium horizontal door to close.

Mass Casualty Areas: Although public safety agencies will oversee any necessary mass care, it may be necessary for U.S. Bank Stadium to establish triage and mass care areas prior to the arrival of Minneapolis area emergency medical responders. These locations will be determined based on the emergency event, but will avoid areas of activity, including areas of heavy pedestrian exiting and areas of heavy emergency vehicle activity.

Evacuation procedures are divided into actions occurring before, during and after an evacuation.

Before Evacuation:

- The decision to evacuate any portion or all of U.S. Bank Stadium will be made by the U.S. Bank Stadium Incident Commander, after consultation with the public safety officials.

- Prior to evacuation on game or event days, an announcement will be made via portable radios (not over the PA) to all Usher and Event Staff, advising them to proceed to their emergency post.
- On non-game or event days, the public address system as well as radio and electronic messaging will be used to alert U.S. Bank Stadium employees of an evacuation.
- The Operations and Security Managers, supported by staff, will check exit doors and move any obstructions that might block evacuation. Areas that are dangerous or impassable will be cordoned.
- Designated security and operations staff will be assigned to fixed positions to facilitate crowd safety in bottlenecks, near permanent obstacles, and at other potential problem areas.

During Evacuation:

- The Security Manager will check that evacuation paths do not conflict with emergency vehicle routes or staging areas outside the stadium. If needed, security and operations staff will deploy to support public safety partners and to direct pedestrian traffic as patrons exit the stadium.
- Once the decision to evacuate has been made, the U.S. Bank Stadium Incident Commander will initiate notifications.
- If indicated, the U.S. Bank Stadium Crisis Management Team/Policy Group Leader will communicate to appropriate internal and external stakeholders
- During events or game times, the Public Address system, scoreboard and ribbon boards will alert all persons in the stadium of the evacuation (Appendix C.).
- Guest Experience and Stadium Event staff will ensure that seating sections, clubs, and suites are evacuated to the nearest safe exit, which may not be the way the patrons, visitors and guests entered. Ushers will maintain an orderly and quick pace, but guests should not be rushed.
- Patrons, visitors and guests will not be evacuating through the loading dock, as this will be the access point for Minneapolis Fire Department trucks. Gates from the stadium to the loading dock will remain closed and patrons, visitors and guests will be directed to the adjacent ramps to avoid impeding the access of Fire Department personnel.
- If a guest refuses to comply with instructions, Security or Law Enforcement will obtain compliance or consider other options.
- If a guest has special mobility needs, ushers or event staff will request assistance from available employees, or other guests.
 - Ushers will always ask the guest to identify the best form of assistance - never assume.
 - If a mobility-impaired guest is likely to significantly impede the movement of guests, it will be safer to keep them out of the crowd flow until it is clear.
 - If it is unsafe to evacuate a guest from the facility, they will be brought to one of the First Aid Stations and staff at that location will be notified.
- Injured patrons will be taken by Ushers, Event Staff or Security to the nearest First Aid Station.
- Unaccompanied minors will be taken to the Main Guest Services Location. Unaccompanied minors must be formally delivered to a supervisory staff person; they cannot be left at a location without supervision.
- Staff in the First Aid Station will notify the Operations Section Chief with non-evacuee headcounts not less than every 15 minutes

- The Operations Section Chief will assign U.S. Bank Stadium employees to assist with the evacuation of First aid stations and other holding areas and inform arriving external first responders of the locations to facilitate their evacuation.
- All concession and merchandise staff should make their area safe and secure by:
 - Shutting down cooking equipment
 - Shutting off gas where applicable
 - Locking cash drawers
 - Locking doors/gates
 - Securing cash in the presence of supervisory personnel

Following these steps, staff will evacuate to their Assembly Areas. While evacuating, staff will always respond to patron/guest questions or concerns.

- Stadium Floor Marshalls will ensure the evacuation is complete in their areas of responsibility by searching the area:
 - Levels are searched beginning with the top and moving downward.
 - Each level is searched East to West.
 - If time and conditions allow, each search should be performed three times
 - As each section or area is cleared, it will be reported to the Operations Section Chief, and secured.
- Office Floor Marshals will ensure that their front office locations are searched and evacuated.
- Minnesota Vikings officials will assist players, coaches and owners, and their families, in making their way to buses or private vehicles for evacuation; once safety outside the facility, but prior to releasing any players and coaches, and their families, Vikings officials will account for all Vikings personnel and guests and report this to the Incident Commander. The same procedure will apply for all other sports organizations and concert/performance personnel.
- The U.S. Bank Stadium crisis Media Relations Team will assist media in evacuating, and after exiting the stadium they will be directed to the Media Briefing Area (identify location). The Media Relations Team Leader will advise the Incident Commander of the status of evacuated media representatives.
- All U.S. Bank Stadium department leaders and contractor supervisors will ensure their direct reports have evacuated to the assigned external employee assembly area (the 511 Building parking lot), and then search their assigned areas for any remaining people.
- After completing their responsibilities, all remaining U.S. Bank Stadium staff and contractors will exit the facility and proceed to the designated employee assembly area, the 511 Building parking lot. Department leaders will account for employees and report any missing employees to the U.S. Bank Stadium Incident Commander.
- If staff or contractors are missing, contact will be attempted over radio or cell phone. The unaccounted for status will be given to the Operations Section Chief every 15 minutes. This information will be relayed to arriving first responders to facilitate searches.
- The U.S. Bank Stadium Incident Commander will receive confirmation from all direct reports validating the completion of the evacuation to verify that the facility is cleared; all Stadium Operations Center staff will then depart.

- The Operations Section Chief will be responsible for bringing the following documentation out of the building to assist emergency personnel:
 - Facility blueprints
 - U.S. Bank Stadium and key external partners telephone contact list
 - A copy of this Emergency Response Plan
- The U.S. Bank Stadium Incident Commander will coordinate with public safety officials and Security to ensure the continued physical security of the evacuated facility.
- The U.S. Bank Stadium Incident Commander will be the last member of the US Bank Stadium staff to exit the facility.

After - evacuation:

- 1) The U.S. Bank Stadium Incident Commander will coordinate with and support City of Minneapolis representatives, in the Unified Command Center, to facilitate the safe and orderly dispersal of the crowd, and to provide information and direction to evacuated persons.
- 2) The Media Relations Team and Crisis Management Team Leader will coordinate information distribution to the media, public, internal and external stakeholders in cooperation with public safety agency Public Information Officers.

EMERGENCY ACTION PLANS FOR SPECIAL EVENT LOCATIONS

Special Event Locations:

- Field level - Delta 360 Club; Turf Suites; Touchdown Suites; Field Club
- Medtronic Club/Valhalla Suites
- Upper Medtronic Club
- Polaris Club/Redzone Seats
- Mystic Lake Club Purple
- FMP Club
- Little Six's Club Gold

Shelter in place will take place inside each of the above Special Event location. The only area in the building that will need to move to shelter is an on-field event. Field event guests will be moved to the Delta 360 club, located on field level, south side of the stadium.

- 1) The U.S. Bank Stadium Incident Commander will coordinate with and support City of Minneapolis representatives, in the Unified Command Center, to facilitate the safe and orderly dispersal of the crowd, and to provide information and direction to evacuated persons.
- 2) The Media Relations Team and Crisis Management Team Leader will coordinate information distribution to the media, public, internal and external stakeholders in cooperation with public safety agency Public Information Officers.

STADIUM ADA EVACUATION POLICY AND PROCEDURE

This Guide will serve as an outline to emergency evacuation of ADA persons at U.S. Bank Stadium. Once the plan is complete, it should be practiced to ensure that it can be implemented appropriately or to identify problems. Copies of this plan should be filed in appropriate locations for easy access and given to Guest Experience and Security Managers/supervisors as well as to staff that are directly involved with ADA service. Additional copies should also be filed in building management plans.

Planning for every situation that may occur in every type of an emergency is impossible, but being as prepared as possible is important. One way to accomplish this is to consider the input of various people from executive management, human resources, and employees with disabilities.

For purposes of this emergency evacuation document, consideration was in two primary categories:

1. Way finding: Where is the way out?
2. Assistance: What kind of assistance might be needed?

Individuals with mobility disabilities may use one or more devices, such as canes, crutches, a power or manually operated wheelchair, or a three-wheeled cart or scooter. People who use such devices during an emergency evacuation could face problems including maneuvering through narrow spaces, going up or down steep paths, moving over rough or uneven surfaces, and steps or changes in level at the entrance/exit point of a building. Generally speaking, if a person cannot physically operate some part of a standard building egress system, like stairs or doors, then that person has a mobility impairment that affects his or her ability to evacuate in an emergency unless alternatives are provided.

All stadium entry gates have ADA door capabilities that can open with standard ADA door push buttons. These are accessible as follows:

1. Legacy Gate- Main Concourse, Level 1 West Side. After exiting, patrons/staff can accessibly use the plaza to cross Chicago Ave into the DTE plaza continuing to move away from the stadium.
2. Upper Pentair Gate- Main Concourse, Level 1 South Side. After exiting, patrons/staff can accessibly head west toward Chicago Ave and cross continuing to move away from the stadium.
3. Verizon Gate- Main Concourse, Level 1 East Side. After exiting, patrons/staff can accessibly use a ramp outside the gate to reach street level (11th Ave) and cross the street continuing to move away from the stadium.

4. Polaris Gate- Main Concourse, Level 1 North West corner. After exiting, patrons/staff can turn left and accessibly use a ramp that leads to street level of 4th street or if necessary follow along the stadium into the legacy plaza to then cross 4th street continuing to move away from the stadium.
5. Ecolab Gate- Lower Club, Level O North Side. After exiting, patrons/staff can cross 4th street continuing to move away from the stadium.
6. Lower Pentair Gate- Lower Club, Level O South Side. After exiting, patrons/staff can accessibly cross 6th street continuing to move away from the stadium.
7. Admin/Player/Media Entrances- Lower Club, Level O. After exiting, patrons/staff can accessibly move along the stadium toward either 6th street or 11th Ave and cross, continuing to move away from the stadium.
8. Skyway Gate- Upper Club, Level 2 North West corner. After exiting, patrons/staff cross the sky bridge accessing the garage and continuing to move away from the stadium.
9. Pedestrian Ramp- Accessibility to these gates when not on the corresponding level/side of the stadium could be difficult during an emergency evacuation. A primary service source for mobility disabilities will be the pedestrian ramp located on the Northeast corner of the stadium. During emergencies, stadium elevators will be non-operational, and this is important for all staff and stadium officials to know for effective emergency egress direction.

Clear directions to and through the pedestrian ramp will be critical and clear exit signs already exist along this route. Additional direction to the pedestrian ramp during an emergency should include verbal instructions from staff and live/prerecorded instructions via the public address system. Entry into the pedestrian ramp can be accessed on all levels and depending on the circumstances of the emergency, the best exit point from the ramp inside the stadium to the outside will be through the team member entrance located directly on the pedestrian ramp route. However, if necessary, an individual can go to the bottom event level and exit the stadium by going out the loading dock ramp. It is important for stadium operation to ensure that both the pedestrian ramp and loading dock ramp remain clear and unobstructed at all times in case of an emergency.

All stadium exit points are clearly marked with exit signs and should be located by staff upon deployment so they are aware of the various available options. In addition, simple floor plans of the building that show the locations and routes should be available. Building personnel, particularly those staffing entrance locations, should be trained in all the building evacuation systems for people with disabilities and be able to direct anyone to the nearest accessible point. An additional factor to be aware of are any stadium locations that act as an 'area of refuge' which can serve as a temporary safe area from the effects of an emergency. Finally, the plans should take into account not only evacuating the person, but their means of mobility as well.

Otherwise, the person with the mobility impairment will no longer have independent mobility once he or she is out of the emergency situation.

The type of assistance stadium staff and personnel should be prepared to provide include:

1. Guidance- explaining how and where the person needs to go to get to the pedestrian ramp or out the closest accessible exit.
2. Escorting- staff should be prepared to escort the person to the pedestrian ramp or nearest accessible exit.
3. Limited Physical Effort- this can include offering an arm to assist the person with their movement or holding open necessary doors to limit the physical effort of the mobility impaired individual.
4. Major Physical Effort- this option should be considered a last option among stadium staff. It is a focus of first responders to assist in situations that require physically carrying or moving a mobility impaired person; however, staff should be aware of their personal limitations if the situation calls for this type of assistance.
5. Waiting for First Responders - with the person with the impairment for first responders would likely be a last choice when there is an imminent threat to people in the building. While first responders do their best to get to a site and the particular location of those needing their assistance, there is no way of predicting how long any given area will remain a safe haven under emergency conditions. This topic should be discussed further amongst guest service and security departments.

The importance of continual discussion and practicing the execution plan cannot be overemphasized. Practice solidifies everyone's grasp of the plan and can help bring awareness to identify any weaknesses in the plan. While standard drills are essential, everyone should also be prepared for the unexpected. Building management should conduct unannounced as well as announced drills and vary the drills to pose a variety of challenges along designated evacuation routes.

Directors, managers, and supervisors should review the emergency evacuation procedures with staff, including informing all staff that if additional assistance may be needed, and individuals with disabilities should contact Mary Fox-Stroman at Mary.Fox-Stroman@msfa.com to request the type of assistance they may need.

APPENDIX – Exhibit A

Complaint of Discrimination/Harassment Form

Minnesota Sports Facilities Authority (MSFA)

1005 4th Street South
Minneapolis, MN 55415
(612) 335-3311

PLEASE READ BEFORE COMPLETION OF FORM

Any complaint of discrimination/harassment is considered confidential data under Minnesota Statute 13.39, Subd. 1 and 2. This information is being collected for the purpose of determining whether discrimination/harassment has occurred. You are not legally required to provide this information, but without it, an investigation cannot be conducted. This information may only be released to the Affirmative Action Officer, the complainant, the respondent and appropriate personnel.

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

Respondent (Individual Who Discriminated Against/Harassed You)		
Name	Job Title	
Work Address	City, State, Zip Code	Telephone
Agency	Division	Manager/Supervisor's Name

Respondent (Individual Who Discriminated Against/Harassed You)		
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"/> Sexual Orientation
<input type="checkbox"/> Sex (Gender)	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Status with Regard to Public Assistance
<input type="checkbox"/> Age	<input type="checkbox"/> National Origin	<input type="checkbox"/> Membership or Activity in a Local Human Rights Commission
<input type="checkbox"/> Color	<input type="checkbox"/> Creed	<input type="checkbox"/> Religion

Date most recent act of discrimination or harassment took place:

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

Describe how you believe that you have been discriminated or harassed against (names, dates, places, etc.). Use a separate sheet of paper if needed and attach to this form.

Information on Witnesses Who Can Support Your Case		
Name	Work Address	Work Telephone
1.		
2.		
3.		
4.		
5.		

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

This complaint is being filed on my honest belief that the MSFA has discriminated against or harassed me. 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

APPENDIX – Exhibit B

Request for ADA Reasonable Accommodation Form

MINNESOTA SPORTS FACILITIES AUTHORITY (MSFA)

1005 4th Street South
Minneapolis, MN 55415
(612) 335-3311

The MSFA 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 Affirmative Action Officer 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 the MSFA Affirmative Action Officer, MSFA legal counsel, or any other individual who is authorized by the MSFA 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, the MSFA may refuse to provide a reasonable accommodation.

Questions to clarify accommodation requested.

1. What specific accommodation are you requesting?

2. If you are not sure what accommodation is needed, do you have any suggestions about what options we can explore.
 - a. If yes, please explain.

**Minnesota Sports Facilities Authority
Reasonable Accommodation Request Form, Page 2**

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

1. What, if any job function are you having difficulty performing
2. What, if any employment benefit are you having difficulty accessing?
3. What limitation as result of your physical or mental impairment is interfering with your ability to perform your job or access an employment benefit?
4. 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 Affirmative Action Officer 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 authorization 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:
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**Section 13 – Data Retention
Procedures for Email and
Other Communications**

Policy Code No. 011



MINNESOTA SPORTS FACILITIES AUTHORITY

PROCEDURES FOR POLICY COMPLIANCE

SUBJECT: Data Retention Procedures for Email and Other Communications	POLICY CODE NO. <u>011</u>	EFFECTIVE DATE [insert]	REVISED DATE N/A	PAGE Page 1 of 3
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PURPOSE OF PROCEDURES

The purpose of these procedures is to set forth guidelines for how employees and Commissioners of the Minnesota Sports Facilities Authority (the “Authority”) must comply with the Authority’s Records Retention Schedule, [which is attached hereto as Appendix A](#), with regards to specific categories of email correspondence and other communications.

PROCEDURES

The three steps to these procedures are: (1) determining whether an email is a “record”; (2) categorizing the email correctly and determining the applicable retention period; and (3) proper disposal or retention of the email.

A record is any data related to the business of the Authority in any format regardless of the location where it is stored or how it is created. *See* Minn. Stat. § 138.17. The definition of a record excludes personal documents or emails related not related to the business of the Authority and duplicate copies of records.

The Authority’s Records Retention Schedule outlines eleven (11) different major categories of records, with subcategories for each one. For purposes of these procedures, Authority employees and Commissioners should pay close attention to the following categories of email: Incidental (Retention Policy 1W); Historical (Retention Policy 1U); Construction Project (Retention Policy 2E); and General Correspondence (Retention Policy 1V). The categories discussed in these procedures are among the most common types of records that Authority employees and Commissioners may encounter. However, Authority employees and Commissioners are responsible for complying with the applicable retention period for all categories of records, as established in the Authority’s Records Retention Schedule.

Non-Record and Incidental

Incidental records include transitory messages, email, social media, or phone messages of short-term interest which are considered incidental and non-vital correspondence and do not otherwise relate to transactions of Authority business. If an employee of the Authority or a Commissioner appropriately determines that an email is incidental or does not qualify as a record, it may be deleted after being read. To delete an email, the individual must press “Delete” or move the email to the “Deleted Items” folder.

Historical



MINNESOTA SPORTS FACILITIES AUTHORITY

PROCEDURES FOR POLICY COMPLIANCE

SUBJECT:	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
Data Retention Procedures for Email and Other Communications	<u>011</u>	[insert]	N/A	Page 2 of 3

Historical records include correspondence to and from Authority officers and Board members and official correspondence that documents important events or major functions of the office. Historical records usually deal with a specific topic, issue, organization, or individual. If an employee of the Authority or a Commissioner appropriately determines that an email is a record and that it has historical value, it must be retained permanently. To retain an email permanently, the individual must move the email to the “Permanent” folder.

Construction Project

Construction Project records include project-related correspondence, whether with local, state, and federal agencies or between the Authority and contracting parties or internal Authority communications. If an employee of the Authority or a Commissioner appropriately determines that an email is a record and that it is Construction Project correspondence, it must be retained for six (6) years. To retain an email for six (6) years, the individual must move the email to the “Construction Project” folder.

General Correspondence

General Correspondence records include any correspondence held by the Authority otherwise not listed on the Records Retention Schedule. If an employee of the Authority or a Commissioner appropriately determines that an email is a record and that it qualifies as General Correspondence, it must be retained for three (3) years. To retain an email for three (3) years, the individual may leave the email in the “Inbox” folder, or may move it to any user-created folder.

RECORDS WITH ARCHIVAL VALUE

Some categories of records have archival value and must be transferred to the Minnesota Historical Society after the retention period expires. For purposes of these procedures, the Historical and Construction Project categories both have archival value and must be transferred (i.e., these records may not be deleted after the retention period expires). The Authority’s Information Technology provider is responsible for archiving the “Permanent” and “Construction Project” folders and transferring the contents of those folders to the Minnesota Historical Society.

NON-AUTHORITY EMAIL COMMUNICATIONS

Authority employees and Commissioners should refrain from using text messaging or other mobile messaging applications to communicate regarding Authority business. In the event that Authority employees or Commissioners use a messaging platform other than their official Authority email to communicate



MINNESOTA SPORTS FACILITIES AUTHORITY

PROCEDURES FOR POLICY COMPLIANCE

SUBJECT: Data Retention Procedures for Email and Other Communications	POLICY CODE NO.	EFFECTIVE DATE	REVISED DATE	PAGE
	<u>011</u>	[insert]	N/A	Page 3 of 3

regarding Authority business, they should take steps to comply with the Authority's Records Retention Schedule. This may be accomplished by taking a screenshot of the relevant record, emailing it to oneself, and retaining it for the appropriate period of time.

APPLICABILITY

These procedures apply to all Authority employees and Commissioners, including the Chair, Executive Directors, and other appointees of the Authority.

**Section 13, Appendix A –
Records Retention Schedule**

1. Schedule Number 014-020		Date 9/13/2013		2. New <input checked="" type="checkbox"/>	Revision of	MINNESOTA RECORDS RETENTION SCHEDULE		
3. Agency Minnesota Sports Facilities Authority ("MSFA")				4. Division/Section N/A		6. Page 1 of 13		
5. Address 900 South 5th Street Minneapolis, MN 55415						See attached page(s) for records description		
7. For Use By Records Panel Only								
AUTHORIZATION: Under the authority of M.S. 138.17, it is hereby ordered that the records listed on this application be disposed per approved schedule.				Notice: This retention schedule has been reviewed by the State Records Disposition Panel in accordance with Minnesota Statutes 138.17. The records listed on this schedule have been reviewed for their historical, fiscal, and legal value.				
8. Agency Records Management Officer (signature) Mary Fox-Stroman			Date 9/11/13		11. Minnesota Historical Society, Director Charles G. Rodgers			Date 19 Sept 2013
9. Type Name / Phone Mary Fox-Stroman / (612) 335-3311				12. Legislative or State Auditor Jim Piche				Date 9/26/13
10. Agency Head or Designee (signature) Ted Mondak			Date 9/11/13		13. Attorney General Patricia Notte			Date October 13, 2013

Original-State Records Disposition Panel

Copy 1-Agency (after approval)

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 2 of 13
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14. Item No.	15. Record Series Title and Description	16. Retention Instructions	17. Statute	18. Vital? (Yes/no)	19. Archival? (Yes/no)
1	ADMINISTRATIVE RECORDS				
1A	Articles of Incorporation, Bylaws, Governing Documents (any governing documents and filings establishing MSFA)	Permanent		Yes	yes
1B	Administrative Polices/Procedures, Organizational Charts, MSFA-Generated Publications (including documentation of the policies and procedures of the MSFA and MSFA-generated brochures, booklets, and informational pamphlets)	Until superseded		Yes	yes
1C	Resolutions and Agenda Packets (agenda packets including resolutions and complete record of information relevant to Board or committee meetings)	Permanent		Yes	yes
1D	Minutes (of MSFA Board meetings and various committees, commissions, and subcommittees)	Permanent		Yes	yes
1E	Affidavits and Notice of Meetings (affidavits of mailing, affidavits of publications of general notices, public notices provided for MSFA meetings)	6 years	13D.04	No	NO
1F	Recordings of non-closed public meetings (audio/video recordings)	3 months after minutes are approved		No	NO
1G	Recordings of closed public meetings (audio/video recordings)	Security Information 4 years; Purchase or sale of real property 8 years; Labor Negotiations 3 years after contract signed; all other topics 3 years	13D.03, 13D.05, 13.37	No	NO
1H	Public Hearing Records (related to subject or action)	Can be destroyed after recorded in minutes; if not recorded in minutes, then retain 6 years		Yes	yes

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 3 of 13
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1I	Official Reports (reports may include special committee reports, departmental reports, and other significant reports of the organization and may be comprised of minutes, policies, studies, and correspondence)	Permanent; monthly/semi-annual departmental reports 1 year		Yes	yes
1J	Appointment Files (lists appointments of individuals by MSFA Board to various committees)	2 years after appointed period; 1 year if not appointed	13.43, Subd. 3	Yes	NO
1K	Oaths of Office (signed oaths by elected or appointed officials to the board, commissions, and committees)	10 years after termination of service of elected/appointed position		Yes	NO
1L	Permits and Licenses (does not include building permits listed under Section 5, but includes all other permits and licenses and related records including, but not limited to, electrical permits, dance/parade/public gathering permits, excavation/right-of-way permits, fireworks permit & license, food establishment license, liquor license, plumbing permits, sign permit, street use permit, wrecking permit and inspection records of licensed facilities)	6 years after expiration		Yes	Minn. R. 7515.0440, Subd. 5 (liquor license) NO
1M	Press Releases and Proclamations (including proclamations related to subject or action)	1 year after release to press or recordation/filing of action, unless having historical value, then Permanent		No	yes
1N	Complaints from Citizens (regarding the use of real property, general MSFA services, maintenance, or repair)	7 years for complaints related to the use of real property; 1 year after action completed for other general complaints	13.44	No	NO
1O	Copyrights & Patents (copyrights or patents held by MSFA)	Until expired		Yes	yes
1P	Titles, Abstracts, and Certificates for Equipment and Vehicles (For real property records, see Section 5)	Length of Ownership		Yes	NO

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 4 of 13
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1Q	Telephone System (correspondence, service reports, working papers)	Until superseded		No	NO
1R	Miscellaneous video/audio (including entertainment, training, and project-related recordings)	Until superseded or project no longer retained		No	NO
1S	Newsletters, Newspaper Clippings, Scrapbooks	Permanent		No	YES
1T	Historical Media (video and audio recordings, photographs, and other media documenting official action or events, or otherwise having historical value)	Permanent		Yes	YES
1U	Correspondence—Historical (Correspondence to/from MSFA officers and board members. Official correspondence that documents important events or major functions of the office. Usually deals with a specific topic, issue, organization, or individual.)	Permanent	13.601	Yes	YES
1V	Correspondence—Generally (any correspondence held by MSFA otherwise not listed on the Records Retention Schedule)	3 years		No	NO
1W	Correspondence—Incidental (Transitory messages, e-mail, social media, or phone messages of short-term interest which are considered incidental and non-vital correspondence and do not otherwise relate to transactions of MSFA business.)	Until read		No	NO
1X	Agreements and Contracts--Generally (agreements and contracts not otherwise listed in this Records Retention Schedule, including with any entities doing business with, or providing services to, MSFA and including all related bid documents, specifications, contracts, agreements, and supporting papers related to services and supplies agreements)	10 years after paid and audited		Yes	NO

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 5 of 13
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1Y	Agreements and Contracts— Equipment Contracts (contracts to lease or use equipment as part of MSFA operations or at MSFA facilities)	Length of ownership and after audit		Yes	NO
1Z	Agreements—Trust (documents relating to property the MSFA has acquired through donations or wills)	Permanent		Yes	NO
2	CONSTRUCTION PROJECT RECORDS				
2A	Construction Project Files (construction-related documents, including accepted and approved bids and quotations and accompanying documents)	Permanent	13.37, Subd. 2	Yes	YES
2B	Agreements and Contracts— Construction-Related (including development agreements and documents related to bids and specifications for capital improvement, such as documents, specifications, contracts, agreements, and supporting papers)	Permanent	13.37	Yes	YES
2C	Final Construction Blueprints, Plans, and Specifications (all architectural documents related to approved construction of stadiums, facilities, and other real property and similar documents related to land development)	Permanent	13.37	Yes	YES
2D	Bids & Quotations—Not Accepted and Other Bid-Related Documents (including specifications and supporting papers)	6 years	13.37	No	NO
2E	Construction Project Correspondence (project-related correspondence, whether with local, state, and federal agencies or between MSFA and contracting parties or internal MSFA communications)	6 years or subject to state or federal requirements		No	YES

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 6 of 13
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3	FINANCIAL RECORDS				
3A	Finance-Related Records (including account reports, accounts ledgers and journals, audit reports, bank statements, bankruptcy records, billing statements, invoices, purchase orders, receipts and receipt books, investment documents, income sales tax returns/receipts, monthly budget, expenditure, and revenue reports, budget workpapers, cash register tapes, records of disposal of property/assets, including accompanying property and asset records, travel expense records, unclaimed property records, work orders)	7 years	13.37	Yes	NO
3B	Final Budgets and Reports (record copies of MSFA budgets and departmental budgets; annual and semi-annual budget, expenditure, and revenue reports; general journals and ledgers maintaining records of all MSFA accounts; comprehensive annual financial reports)	Permanent		Yes	yes
3C	Budget-Related Documents (including supporting/working papers and drafts)	2 years		No	NO
3D	Bills of Sales (records documenting the official transaction between the MSFA and the buying party)	6 years		Yes	NO
3E	Checks (including check registers; canceled, voided, or bad checks; or accounts receivable checks)	Check registers Permanent; Canceled/Voided/Bad checks 6 years; Checks (accounts receivable) 7 days	13.37, 13.43	No	NO
3F	Bonds (any municipal bonds issued by MSFA)	6 years after termination or completion of contract		Yes	NO
3G	Grants (miscellaneous grant programs and stipulations)	Consult issuing agency. Typically 3 years after audit State CFR 24.42, 6 years after audit Federal 28 U.S.C. § 2415(b)	13.35	Yes	NO

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 7 of 13
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3H	Liens (liens related to MSFA property or otherwise attached)	10 years		Yes	NO
4	LEGAL RECORDS				
4A	Attorney Files (including general attorney correspondence, research, and notes and correspondence that relate to the legal review of MSFA functions, including, but not limited to, bond issues, insurance, liability, Data Practices Act compliance, resolutions, government compliance, contracts and grants, claims for damages, investigations)	6 years after matter is no longer active	13.39	Yes	NO
4B	Attorney Opinions—Official Copy (official legal opinions of MSFA legal counsel and related correspondence)	Permanent	13.393, 13.39	Yes	yes
4C	Civil Litigation Files (Documents related to civil actions by or against the MSFA including claims and suits. Includes work papers, copies of court documents, and correspondence)	20 after last court activity	13.39	No	NO
5	REAL PROPERTY RECORDS				

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 8 of 13
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5A	Real Property/Address Files (Files may include, but are not limited to, documents involving land acquisitions, condemnations, land sales, lawsuits related to property platting, registration, proceedings subsequent, title issues, assessments, land use issues, development agreements, variances and approvals, easements, deeds, site plan files, surveys, plat files, and zoning/rezoning files. Files will include correspondence, agenda items, deeds, titles, affidavits, death certificates, sale appraisals, court documents, research, attorney's opinions, abstracts, and photographs)	Permanent		Yes	NO
5B	Building Inspection Records and Notices (records and notices related to building and related inspections, including electrical, fire, heating/ventilation, code compliance, plumbing, and signs)	Permanent		Yes	NO
5C	Building Permits (including applications, summary data, etc.)	Permanent	13.37	Yes	NO
5D	Building Plans (including architectural, design specifications, blueprints, structural, and utility plans not otherwise classified as construction-related plans under Section 2)	15 years, or until superseded with complete set.	13.37, Subd. 1b.; 541.051	Yes	YES
5E	Certificates Related to Real Property (including Certificate of Occupancy and Certificate of Survey)	Permanent		Yes	NO
5F	Lease Agreements (documents related to property leased or rented from or by MSFA, including copies of lease, payment record, etc . . .)	10 years after expiration of lease	13.51, Subd. 2f	Yes	NO
5G	Fire-Related Documents (Fire plans, policies, procedures, and standards; fire investigations and reports)	Permanent		Yes	NO

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 9 of 13		
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5H	Real Property Bids & Estimates (bids and estimates and associated documents, including appraisal report, certificates, etc.)	20 years after disposal of property		Yes	NO
6	SECURITY RECORDS				
6A	Security Records (log sheets, contracts and agreements for security, health, or emergency services, incident reports, billing records, policies and procedures, periodic/routine reports)	10 years	13.82	Yes	NO
6B	Annual Security Reports (annual reports detailing security matters and related statistics, data, and program descriptions)	Permanent		Yes	yes
6C	Security Training Records/Reports (examples include first aid, firearm training, advanced driving, crime scene processing, report writing, etc.; summary report of each officer's training history may be filed in officer's personnel file)	5 years after termination or retirement	13.43	Yes	NO
6D	Prosecution/Law Enforcement Files (any files related to criminal acts allegedly committed or actually committed against the MSFA or its property, or any criminal matters involving the MSFA)	Permanent		Yes	NO
6E	Health Emergency, Paramedic, and Ambulance Services Records (all related documentation, accident/incident reports)	10 years		Yes	NO
6F	Emergency Plans (plans, policies, and procedures for evacuation, protection, and prevention related to natural disasters or human-caused attacks on facilities and operations of the MSFA)	Until superseded	13.37	Yes	yes

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 10 of 13
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6G	Security-Related Photographs (photographs routinely collected or as related to particular incidents)	Except as related to prosecution/law enforcement files under Section 6, photographs are retained in accordance with the item they relate to in the MSFA Records Retention Schedule		No	NO
6H	Security Recordings (audio or video recordings, whether captured from routine surveillance or incident-related)	Recordings are retained in accordance with the item they relate to in the MSFA Records Retention Schedule (e.g., recordings may be related to prosecution/law enforcement files under Section 6; recordings which hold no value to the MSFA, state, city, citizens, security officers, or any other party may be re-used or disposed of after the end of the daily shift.	13.82	No	NO
7	MAINTENANCE RECORDS				
7A	Maintenance Records (for MSFA buildings and MSFA equipment such as vehicles, heavy equipment, and office equipment—including repair records for all MSFA facilities and equipment, maintenance agreements, contracts, bids, and correspondence with contracting entities regarding waste removal, cleaning and janitorial services, or other goods and services, as well as instructions and maintenance manuals for office equipment)	10 years; Equipment maintenance records length of ownership and after audit; instructions and manuals until removed or superseded		Yes	NO

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 11 of 13
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7B	Environmental Assessments, Reports, and Other Documents (including Environmental Impact Statements, Environmental Assessment Worksheets, evaluations of development and redevelopment sites, hearing documents, meeting minutes and resolutions of findings, records of releases and spills, notices, MSDS, disposal records, waste manifests, transport information, testing results, reclamation agreements, notifications and reports and correspondence provided to or received from governmental agencies)	30 years; certain types of records require 30 years after termination, expiration, disposal, or submission	19 C.F.R. 1910.20, Minn. R. 7045.0294, Minn. R. 7045.0294, 40 C.F.R. 263.20	Yes	yes
8	RECORDS MANAGEMENT				
8A	Records Management Documents (including records management policies and procedures, inventories and reports, manuals, training materials, record retention schedules, general records guidelines)	Until Superseded		Yes	No
8B	Records Disposition Authorization (Internal list of records that have been authorized for destruction and are listed on a state-approved retention schedule)	Permanent		Yes	NO
8C	Authority to Dispose of Records State Form (PR-1) (Used to approve destruction of records not on an approved retention schedule)	Permanent		Yes	NO
9	PAYROLL RECORDS				

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 12 of 13
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9A	Payroll Records (including, but not limited to, authorization cards, cafeteria plan records, canceled payroll checks, garnishments (not to be retained in personnel file), insurance premium report, monthly payroll reports and worksheets, pension & retirement reports, State Form MW-1, original time sheets, W-2, W-3, Workers Comp proof of payment, 1099)	10 years	13.43	Yes	NO
9B	Payroll Reports (payroll history card, annual payroll journal, payroll ledger, PERA reports, other annual or overarching reports)	Permanent	13.43	Yes	NO
9C	Change Form (Payroll Copy) (Original retained in personnel file: salary, position, grade level, address, leave of absence, etc . . .)	1 year	13.43	No	NO
9D	W-4 Form—Originals	Until replaced	13.43	Yes	NO
10	INSURANCE RECORDS				
10A	Claims (filed by or against the MSFA)	6 years after final settlement except those involving a minor, save until minor turns 19	13.43	Yes	NO
10B	Insurance Records (including, but not limited to, applications for insurance, certificates of insurance, employee dishonesty/surety bonds, insurance agents' service agreement, long term and short term disability claims, insurance policies)	6 years after expiration/final settlement	13.43	Yes	NO
10C	Workers' Compensation Claims (injury reports and correspondence dealing with injuries, first report of injury)	20 years (if infectious disease retain 30 years)	176.151, 176.231	No	NO
10D	Workers' Compensation Claim Register (list of all filed workers' compensation claims related to the MSFA)	Permanent	176.231	Yes	NO

1. Schedule No.	3. Agency Minnesota Sports Facilities Authority ("MSFA")	4. Division/Section:	6. Page 13 of 13
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11	HUMAN RESOURCES RECORDS				
	As to Human Resources records, MSFA incorporates by reference and adopts as applicable to the operations of the MSFA the General Records Retention Schedule for Minnesota Cities, including the record series, titles, descriptions, and retention periods. A copy of the most recent version of the Human Resources section of this schedule is attached hereto.				

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	CLASSIFICATION	STATUTE
HUMAN RESOURCES	HRS 00100	AFFIDAVIT OF PUBLICATION FOR JOB OPENING	2	Public	MS 13.43
HUMAN RESOURCES	HRS 00200	AFFIRMATIVE ACTION FILES Sexual harassment & discrimination.	Permanent	Public/Private/ Confidential	MS 13.43, MS 13.39
HUMAN RESOURCES	HRS 00300	AFFIRMATIVE ACTION RECRUITMENT FORM Supplemental personnel data from job applications.	1	Public/Private/ Confidential	MS 13.43, MS 13.39
HUMAN RESOURCES	HRS 00400	AFFIRMATIVE ACTION REPORTS Copies of reports sent to Human Rights Commission.	5	Public/Private/ Confidential	MS 13.43, MS 13.39
HUMAN RESOURCES	HRS 00500	APPLICATIONS FOR EMPLOYMENT-NOT HIRED	1	Public	
HUMAN RESOURCES	HRS 00600	APPLICATIONS FOR PERSONS ON ELIGIBILITY LIST Applications, resumes, letters of recommendation, police background investigations, etc. If hired, application etc becomes part of employee personnel file.	2 or length of eligibility if longer	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 00700	ARBITRATION DECISIONS	Permanent	Public	
HUMAN RESOURCES	HRS 00750	BENEFITS ENROLLMENT FORMS Employees' medical, dental, deferred compensation, etc. election forms.	Superseded or 5 after coverage lapses.	Private	MS 13.43
HUMAN RESOURCES	HRS 00800	BENEFITS PLAN Includes insurance, health care, deferred compensation, etc.	Until superseded or 5y after coverage lapses	Public	
HUMAN RESOURCES	HRS 00900	CERTIFICATION OF TEST/EXAMINATION RESULTS From tests administered to applicants.	2	Public	
HUMAN RESOURCES	HRS 01100	CLASSIFICATION STUDIES Studies which describe job duties and may rank individual city positions. See also: pay equity.	Until superseded	Public	
HUMAN RESOURCES	HRS 01150	COMPENSATION PLAN	Permanent	Public	

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	CLASSIFICATION	STATUTE
HUMAN RESOURCES	HRS 01200	CONTRACTS/AGREEMENTS - LABOR UNIONS Contracts between city management & various labor unions including correspondence, salary schedule & personnel policies.	6	Public	
HUMAN RESOURCES	HRS 01300	ELIGIBILITY REGISTER A list of job applicants who have qualified on required examination, ranked in order of test score or a list of employees applying for promotion, ranked in order of test score.	2 after job has been filled.	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 01500	EMPLOYEE RECOGNITION & AWARDS PROGRAM Correspondence, working papers, nominations, etc. Letters of commendation should be retained in employee's personnel file.	2	Public	
HUMAN RESOURCES	HRS 01600	EMPLOYEE SUGGESTION FORM	2	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 01650	DRUG AND ALCOHOL TESTING RESULTS Includes commercial drivers licenses (cdl's), controlled substance test results, drivers evaluations, etc.	1 for records of negative and canceled drug tests, records of alcohol tests with a result below .02 bac (49CFRss382.401). 5 for alcohol test results greater than .02 bac verified positive controlled substance test results, documentation of refusal to test, calibration documentation, driver evaluations and referrals.	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 01700	EQUAL EMPLOYMENT OPPORTUNITY REPORTS/SUMMARY DATA (EEO REPORTS) Reports sent to Federal Government.	3	Public	29 CFR 1602.30
HUMAN RESOURCES	HRS 01800	EXAMINATION FILE Completed exams administered to applicants, & promotional exams administered to employees.	2 y Eligible; 1y Not Eligible.	Private	MS 13.43
HUMAN RESOURCES	HRS 01850	FAMILY MEDICAL LEAVE DOCUMENTS (FMLA) Should be retained in the medical file rather than employee personnel file.	3 (29 CFR ss825)	Private	MS 13.43
HUMAN RESOURCES	HRS 01900	GRIEVANCE FILES Formal written employee grievance and/or complaint filed under a labor agreement or personnel rules, and received by city. Should not be retained in employee personnel file.	5 years after employee's termination	Public/Private	MS 13.43

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	CLASSIFICATION	STATUTE
HUMAN RESOURCES	HRS 02000	EMPLOYMENT ELIGIBILITY VERIFICATION/I-9 FORM Verifies status of citizenship or naturalization.	3 after date of hire, or 1 after employment is terminated, whichever is later. Should not be retained in employee personnel file	Private	MS 13.43
HUMAN RESOURCES	HRS 02200	JOB/POSITION DESCRIPTIONS Personnel department retains a position description history on the various positions within the city.	Until superseded	Public	
HUMAN RESOURCES	HRS 02300	LABOR UNION - DISPUTES Between union and city or government agency.	Permanent	Public	
HUMAN RESOURCES	HRS 02400	LABOR UNIONS - NEGOTIATING DATA	6	Public	
HUMAN RESOURCES	HRS 02700	PAY EQUITY IMPLEMENTATION REPORT State mandated report filed with Dept of Employee Relations consisting of pay and job class information.	Until superseded	Public	
HUMAN RESOURCES	HRS 02800	PAY EQUITY PROFILES	Until superseded	Public	
HUMAN RESOURCES	HRS 02900	PAY EQUITY QUESTIONNAIRE BOOKS Questionnaires used to rank individual positions.	3	Public	
HUMAN RESOURCES	HRS 03000	PAY EQUITY PLAN/SUMMARY	Permanent	Public	
HUMAN RESOURCES	HRS 03100	PAY EQUITY WORKPAPERS	Until superseded	Public	
HUMAN RESOURCES	HRS 03200	PENSION FILES Form letters & reports.	Permanent	Public	

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	CLASSIFICATION	STATUTE
HUMAN RESOURCES	HRS 03300	PERSONNEL FILES Only relevant records on each employee such as applications, references, performance evaluations, job performance appeals, job descriptions, reprimands, resignation letters, exit interviews, etc. Should be retained in the employee personnel files: Certain records should NOT be retained in employee personnel files: medical records, health insurance information, I-9 forms, child support obligation records, investigations, or any other record which, in its presence, may raise an inference of discrimination. Duplicate personnel files should not be retained by individual departments; all originals are to be maintained by personnel department or responsible department.	5 after termination or separation from city. Destruction approval is contingent upon retention of master copy of Payroll register or record.	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 03400	POLICIES & PROCEDURES/RULES & REGULATIONS For human resource function, includes annual leave program, hiring procedure file, etc.	Permanent	Public	
HUMAN RESOURCES	HRS 03500	RECRUITMENT FILES Records that relate to posting, recruitment, selection & appointment to each city position.	2	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 03600	REPRIMANDS/DISCIPLINARY ACTION	5 after employee's termination.	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 03700	REQUISITIONS FOR PERSONNEL	1 after job is filled or requisition is canceled.	Public	
HUMAN RESOURCES	HRS 03750	SALARY DETERMINATION FOR NON-UNION EMPLOYEES Annual salary schedule for all non-union employees.	6 after expiration.	Public	
HUMAN RESOURCES	HRS 04000	UNEMPLOYMENT CLAIMS/COMPENSATION	6	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 04050	VETERANS PREFERENCE ELECTION FORM Veterans Preference Act.	1 if not hired. 5 after termination if hired.	Public	MS 13.43, Subd. 3.
HUMAN RESOURCES	HRS 04100	WAGE ASSIGNMENTS Letters, correspondence, etc.	6	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 04200	EMPLOYEE MEDICAL RECORDS Any information concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel, or technician, including medical & employment questionnaires or histories, medical exams, medical opinions, descriptions of treatments and prescriptions, and employee medical complaints.	5 years after separation from city	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 04400	INFECTIOUS DISEASE & OCCUPATIONAL EXPOSURE FILES Files on each employee dealing with safety & training on diseases such as hepatitis & AIDS. Should not be kept in employee personnel file.	30 after separation.	Public/Private	MS 13.43

GENERAL RECORDS RETENTION SCHEDULE FOR MINNESOTA CITIES

SECTION	CODE	TITLE & DESCRIPTION	RETENTION PERIOD	CLASSIFICATION	STATUTE
HUMAN RESOURCES	HRS 04500	OSHA - CITATIONS OF PENALTY Notifications of Violations by the City.	2 after violation has been corrected.	Public	
HUMAN RESOURCES	HRS 04600	OSHA REPORTS Incident Reports and Annual Summary	5 after accident	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 04700	OSHA - EMPLOYEE EXPOSURE RECORDS Any information concerning employee exposure to toxic substances or harmful physical agents.	30 after termination or retirement.	Public/Private	MS 13.43
HUMAN RESOURCES	HRS 04800	SAFETY COMMITTEE AGENDA & MINUTES	Permanent	Public	
HUMAN RESOURCES	HRS 04900	SAFETY MANUAL	Until superseded	Public	
HUMAN RESOURCES	HRS 05100	SIGN UP SHEETS List of employees participating in each training program.	5	Public	
HUMAN RESOURCES	HRS 05200	TRAINING MANUAL	Until Superseded	Public	
HUMAN RESOURCES	HRS 05300	TRAINING MATERIALS Reference & class material including articles, transparencies, handouts used in each training session.	Until superseded or 5 years after training program becomes obsolete.	Public	
HUMAN RESOURCES	HRS 05400	TRAINING RECORDS - FOR EACH INDIVIDUAL Records on training that may be retained in employee personnel file.	5 after separation from city	Public	
HUMAN RESOURCES	HRS 05500	TRAINING RECORDS-RIGHT TO KNOW	5 after separation from city	Public	
HUMAN RESOURCES	HRS 05600	TRAINING RECORDS - SEXUAL HARASSMENT	5 after separation from city	Public	



September 17, 2020

MEMORANDUM

TO: MSFA Commissioners

FROM: James Farstad, Executive Director

SUBJECT: Approve ASM Global Contract

ASM Global leadership team and staff have been very effective in supporting MSFA since September 2019, and the MSFA would like to continue this practice on a going forward basis. If approved, ASM Global will continue to serve as the source of communications representation for both MSFA and ASM Global at U.S. Bank Stadium. This representation includes:

- Communication Strategy
- Media Relations/Inquiries
- Crisis Communications
- Marketing And Branding

Due to their intimate knowledge and hands on day to day management of stadium communications, MFSA recommends that ASM Global continues to provide these services for the MSFA. Staff requests approval for the Chair and Executive Director to renew the contract agreement from September 1, 2020 through August 31, 2021 with ASM Global in an amount not to exceed \$120,000.

Recommended Motion: *The MSFA authorizes the Chair and Executive Director to the contract agreement with ASM Global in an amount not to exceed \$120,000.*