

## HR/LR Policy #1393

### Solicitations

**Issued** 12/02/2005  
**Revised** 03/10/2015  
**Authority** Labor Relations

#### OVERVIEW

<b>Objective</b>	To clarify state policy on solicitation activities by private vendors of state employees while at work.
<b>Policy Statement</b>	Private vendors are not permitted to conduct individual solicitations of state employees while they are at work.
<b>Scope</b>	This policy applies to employees of executive branch agencies and classified employees in the Office of Legislative Auditor, Minnesota State Retirement System, Public Employee Retirement System, and Teachers' Retirement System.
<b>Definitions</b>	<b>Private vendor:</b> Any organization that wishes to sell its individual product to state employees.
<b>Exclusions</b>	N/A
<b>Statutory References</b>	M.S. 43A.38, subd. 4

#### GENERAL STANDARDS AND EXPECTATIONS

The statewide policy on solicitations was originally established in 1998. Since that time, electronic solicitations to state employees at work have increased. While solicitous email and other electronic forms of solicitous information were not specifically mentioned in the original policy, the policy guidelines also apply in these instances. This amended policy clarifies MMB's policy on solicitations by private vendors.

Minnesota Statutes section 43A.38, subd. 4, governs this issue. It states:

(a) An employee shall not use or allow the use of state time, supplies or state-owned or leased property and equipment for the *employee's private interests or any other use not in the interest of the state*, except as provided by law.

Based on this statute, it is the policy of MMB that private vendors are not permitted to conduct individual solicitations of employees while they are at work. Specifically, private vendors may not go desk to desk, call employees at work, send blanket or broadcast email messages or faxes, send electronic solicitations to employees' mobile or other electronic devices, use employee work time to meet with state employees, or use any other form of communication with employees at work for the purpose of making a solicitation. This prohibition includes calling employees at work during non-work hours and meeting in public facilities such as a cafeteria during scheduled breaks, lunch, etc. for the purpose of making a solicitation.

In addition, private vendors do not have the approval of MMB to distribute literature or broadcast email or fax messages or other electronic information to employees at work, nor may agencies assist in the distribution of literature or electronic information on behalf of private vendors. Private vendors are not permitted to distribute

## GENERAL STANDARDS AND EXPECTATIONS

literature to employees during meetings in public areas of state owned or leased buildings, such as cafeterias.

## RESPONSIBILITIES

<b>Agencies are responsible for:</b>	Enforcing this policy prohibiting private vendors from soliciting state employees while they are at work.
<b>MMB is responsible for:</b>	Setting overall state policy covering solicitation of state employees by private vendors.

## FORMS AND INSTRUCTIONS

<b>Contacts</b>	Enterprise Human Resources/State Ethics Officer
<b>References</b>	M.S. 43A.38, subd. 4