

December 2, 2005

PERSL #1393
Supersedes PERSL #1348

TO: Agency Heads

Cc: Deputy Commissioners
Human Resource Directors/Designees

FROM: Cal R. Ludeman
Commissioner 

RE: **State of Minnesota Policy on Solicitations**

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, it is clear that the policy guidelines would also apply in these instances. This amended policy clarifies our position on solicitations by private vendors.

We believe that Minn. Stat. § 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 position of the Department of Employee Relations that private vendors (any organization that wishes to sell its individual product to state employees) should not be 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 employee's hand-held or other electronic devices, use employee work time to meet with state employees, or use any other form of communication with employees at work. Private vendors may not call employees at work during non-work hours or meet in public facilities such as a cafeteria during scheduled breaks, lunch, etc.

Moreover, private vendors do not have the approval of DOER to distribute literature or broadcast email or fax messages or other electronic information to employees at work, nor should agencies assist in the distribution of literature or electronic information on behalf of private vendors. Private vendors should not be permitted to distribute literature to employees during meetings in public areas of state owned or leased buildings, such as cafeterias.

If you have any questions regarding this policy, please contact Laurie Hansen, HRM Division Manager at (651) 259-3620.

Equal Opportunity Employer

Minnesota Department of Employee Relations