

	<i>Metropolitan Airports Commission</i>	Status: Active	No. of Pages:  6
	<i>Human Resources</i>  <i>Policies and Procedures</i>	Origination Date: September 1, 1997  Revision Date: April 15, 2013	
Section 20:  Miscellaneous	Subject:  <b>Code of Ethics</b>		

<b>AUTHORITY</b>	Metropolitan Airports Commission Board of Commissioners Minnesota Statutes 10A.07; 10A.071 Minnesota Statutes 179A.01 to 179A.25
<b>PURPOSE</b>	To establish the process of compliance with the ethical practices required by the Metropolitan Airports Commission and by law resolving potential conflict of interest and regarding the acceptance of gifts.
<b>SCOPE</b>	All Commissioners and employees of the Metropolitan Airports Commission
<b>DEFINITIONS</b>	<p><i>Business:</i> Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal entity that engages either in nonprofit or profit-making activities.</p> <p><i>Confidential Information:</i> Any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or business.</p> <p><i>Private Interest:</i> Any interest, including, but not limited to, a financial interest, which pertains to a person or business, whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of MAC or an employee that is not available to the general public.</p> <p><i>Gift:</i> Any money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.</p>

**POLICY*****I. Ethical Conduct***

All employees and Commissioners are expected to conduct themselves in a manner that reflects positively on the Commission. They should not place themselves in an external business relationship or other activity where their actions are, or could reasonably be, interpreted as not in the best interests of the Commission, without prior disclosure to their Manager and written approval from the Executive Director/Chief Executive Officer or Chair.

***A. Use of Confidential Information***

An employee or Commissioner shall not use Confidential Information to further his or her Private Interest, and will not accept outside employment or involvement in a business or activity that will require him or her to disclose or use Confidential Information.

***B. Use of Commission Property***

An employee or Commissioner shall not use or allow the use of Commission time, supplies or Commission-owned or leased property and equipment for the employee's/Commissioner's Private Interests, or any other use not in the interest of the Commission, except as provided by law.

***C. Conflicts of Interest***

The following actions by an employee or Commissioner will be deemed a conflict of interest and subject to disciplinary action as appropriate:

1. Use or attempted use of the employee's or Commissioner's official position to secure benefits, privileges, exemptions or advantages for their immediate family or an organization with which they are associated, which are different from those available to the general public.
2. Acceptance of other employment or a contractual relationship that will affect independence of judgment in the exercise of MAC work.
3. Actions as an agent or attorney in any action or matter pending before the Commission, except in the proper discharge of MAC work or on the employee's/Commissioner's behalf.
4. The solicitation of a financial agreement for the employee/Commissioner or entity other than the Commission when the Commission is currently engaged in the provision of the services which are the subject of the agreements. This solicitation also pertains to those areas where the Commission has expressed an intention to engage in competition for the provision of the services. The Executive Director/Chief Executive Officer or Chair may waive this requirement.

5. The use for private gain or advantage of Commission time, facilities, equipment, supplies, badge, uniform, prestige or influence.
6. Receipt or acceptance of any money or other thing of value from anyone other than the Commission for the performance of an act which one would be required or expected to perform in the regular course or hours of Commission employment or as part of regular work duties.
7. Employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee or Commission.
8. The performance of an act in other than the employee's or Commissioner's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee or Commission.

*Limits* – This policy is not to be interpreted to apply to any activity protected by Minnesota Statutes 179A.01 to 179A.25 and collective bargaining agreements and practices thereunder. Further, this policy does not prevent a current or former employee from accepting employment with a labor or employee organization representing employees.

## ***II. Acceptance of Gifts or Favors***

Employees and 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 MAC, for any activity related to the duties of the employee or Commissioner unless otherwise provided by law.

For example, items that are considered gifts, and thus may not be accepted, include: (1) food and beverages, (2) entertainment (such as tickets to sporting events), (3) travel and lodging, (4) honoraria, and (5) promises of future employment.

The acceptance of any of the following will *not* be a violation of this policy:

- Gifts of nominal value (approximately \$5), including food, beverage, and services of insignificant monetary value; plaques or mementos of insignificant value (pins, pens, cups, calendars); and informational material of unexceptional value, such as papers, pamphlets and brochures unless the employee or Commissioner is subject to Minnesota Statute 10.071 Certain Gifts By Lobbyists And Principals Prohibited
- Services to assist in the performance of official duties (advice, consultation, information, and communication that assists the employee or Commissioner in the performance of MAC work)

- Food or beverages given in connection with a speech
- Gifts by family members
- Gift provided because of the recipient's membership in a group, a majority of whose members are not MAC employees or Commissioners, and an equivalent gift is given to the other members of the group
- Voluntarily offered reimbursement of expenses related to delivery of consultative services or expert knowledge directly related to MAC work duties
- Food, beverage or other items provided as part of a registration fee for attending a work function such as a seminar
- Attendance and participation at functions that are directly related to MAC business and approved by the Chair, the Executive Director/Chief Executive Officer or the Executive Director/Chief Executive Officer's designee, such as a grand opening event
- Any similar gift that the Chair or Executive Director/Chief Executive Officer determines to be acceptable, consistent with the Policy and interpretations made by the Campaign Finance and Public Disclosure Board

### ***III. Gifts from Lobbyists or Principals***

Minnesota Statute 10A.071 imposes specific gift restrictions on MAC Commissioners and "Local Officials" as defined by statute (presently Vice Presidents, General Counsel, and Executive Vice President): these individuals must not accept gifts from a "lobbyist" or from a "principal" as defined in Minnesota Statutes Chapter 10A. In addition, what constitutes a gift or an exception in these situations may be different from this policy. Contact the MAC Human Resources/Labor Relations Department or Legal Department for further information.

### ***IV. Final Decision Authority***

The Executive Director/Chief Executive Officer has the final decision authority regarding conflict of interest matters involving MAC employees. The Chair is responsible for reviewing policy issues involving Commissioners. Employee violations of this policy are subject to disciplinary action and/or criminal prosecution.

## PROCEDURE

**A. Acceptance of Gifts or Favors**

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| Employee         | 1. Contact a member of the Ethics Committee (Deputy General Counsel or designee; Director, Human Resources and Labor Relations or designee; Human Resources Manager or designee) if there is a question regarding acceptance of gift or favor. |
| Ethics Committee | 2. Evaluate gift or favor offer, document an opinion and communicate opinion to employee. If unable to document opinion, review issue with Executive Director/Chief Executive Officer or Chair for final decision.                             |

**B. Recognition of Potential Conflict of Interest**

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| Employee         | 1. Determines that a potential conflict exists.<br>2. Discusses situation with Department Management.   |
| Management       | 3. Reviews situation with General Counsel or Ethics Committee (described above).  |
| Ethics Committee | 4. Reviews the potential conflict of interest and documents an opinion to the attention of Department Management.<br>5. If disagreement exists, reviews situation with Executive Director/Chief Executive Officer or Chair. |

**C. Conflict of Interest Exists, But Does Not Jeopardize the Best Interests of the Commission**

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| Management | 1. Assigns matter to another person who does not have a conflict of interest.<br>2. If not possible to assign matter to another person without a conflict of interest, notifies interested persons of the conflict and instructs employee to proceed with the assignment. |
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**D. Conflict of Interest Exists and Does Jeopardize the Best Interests of the Commission**

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| Management<br>Department Head   | 1. Promptly notifies department head of conflict of interest.<br>2. Reviews situation and refers the matter to the appropriate Vice President or Executive Director/Chief Executive Officer. |
| Vice President or<br>Executive<br>Director/Chief<br>Executive Officer | 3. May consult with the MAC General Counsel and Ethics Committee prior to responding with a decision.<br>4. Notifies department head of the determination.                                   |

***E. Conflict of Interest or Gift Acceptance Questions Involving Commissioners***

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| Complainant                              | 1. Communicates a concern to the MAC.  |
| MAC Ethics Committee and General Counsel | 2. Discusses concern and communicates issue to Executive Director/Chief Executive Officer and MAC Chair. |
| MAC Chair                                | 3. Resolves concern with Commissioner.   |