

## **POLICY AND PROCEDURE ON GOVERNANCE AND ORGANIZATIONAL LEADERSHIP**

### **I. PURPOSE**

The purpose of this policy is to outline the organization's leadership in planning and demonstrating its efforts for continual improvement in efficiency and effectiveness of Achieve Services, Inc.'s programs. Its purpose is also to describe the general governance practices and processes of the agency.

### **II. APPLICATION**

This policy applies to Achieve Services, Inc.'s Board of Directors and all levels of management.

### **III. POLICY STATEMENT**

It is the policy of Achieve Services, Inc. to provide effective leadership in order to meet the individualized needs of the participants served by this organization. The Board and management shall take part in processes that will continually improve the efficiency, effectiveness and commitment to quality services. In addition, it is the policy of the agency to provide a clear outline of leadership and monitoring of agency processes.

### **IV. LEADERSHIP ROLES AND RESPONSIBILITIES**

1. Achieve Services is governed by a volunteer board of directors. The goal of the Board of Directors is to establish and direct the mission of Achieve Services. ASI Board members will generally manage the affairs of ASI. In addition to these general powers, the Board shall have the following specific powers:

- A. Approve all policies and procedures.
- B. Approve the Agency Strategic Plan and the Achieve Services, Inc. short and long term goals; and make recommendations that will improve the overall efficiency and effectiveness of the organization.
- C. Ensure compliance with operating rules and regulations.
- D. Appoint the Chief Executive Officer (CEO).
- E. Establish major personnel, organization, fiscal, and program policies.
- F. Make final approval of all program proposals and budgets.
- G. Establish bylaws and procedures for the Board.
- J. Select the officers and the executive committees of the Board.

2. The Achieve Board of Directors will be comprised of and have the following roles:

- A. The Board of Directors will be composed of no fewer than nine (9) people. This number may be changed from time to time in accordance with the bylaws but shall not be less than nine (9) members or more than fifteen (15). There shall be no "members" of this corporation other than the directors who shall serve as both members and directors.
- B. The Board membership will strive to be a balanced representation of the community. This may for example include the family, business and educational sectors.

3. All Achieve Services Inc. Board members shall be elected based on their eligibility and willingness to contribute to the achievement of the corporation's goals and objectives. The term of office for all Board members shall be 2 years. The terms of office shall be staggered, so that approximately one-half of the board member terms expire each year. Active participation on one or more committees is encouraged for each Board member. A Board

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member selected to fill a vacancy shall serve the remainder of the term of his or her predecessor in office. The Board shall fill all vacancies as soon as reasonably possible. A Board member may be removed from the Board if the member violates standards of confidentiality, is convicted of a serious crime, fails to act in the best interests of the corporation, has three or more consecutive unexcused absences from Board meetings, or otherwise engages in conduct not becoming a Board member of this corporation. Removal is affected by a majority vote of the members of the Board at any regularly scheduled meeting, provided a fair and impartial hearing is offered to the members and also provided all Board members are given five (5) days notice of the intent to remove a member. The Board members shall not receive any financial compensation for their services as Board members but shall be reimbursed for out-of-pocket expenses as may be authorized by the Board. Officers of the corporation shall consist of a Chairperson, a Vice Chairperson, a Secretary and a Treasurer:

- A. Chairperson: The Chairperson shall preside at all meetings of the Board at which he or she is present. He or she shall sign all official documents of the corporation as authorized by the Board, shall make reports to the Board and shall perform such other duties as are incident to his or her office and are properly expected of him or her by the Board. The Chairperson may serve as the chairperson of the Executive Committee. The Chairperson may co-sign checks in lieu of or in the absence of the Treasurer.
- B. Vice Chairperson: The Vice Chairperson shall, in the absence or disability of the Chairperson, perform the duties and exercise the powers of the Chairperson and shall perform such other duties as the Board shall prescribe.
- C. Secretary: It shall be the duty of the Secretary or his/her duly appointed agent to give notice of and attend all meetings of the corporation and the Board of Directors and of all committees and to keep written minutes of their meeting which shall include a record of votes of all members before the next meeting; to provide a copy of the minutes of any meeting to the public upon request; to make available to the public upon request translations of the minutes to the population that does not speak English; to conduct all correspondence and to carry into execution all orders, votes and resolutions not otherwise committed; to keep a list of the members of the corporation; to notify the officers and members of the corporation of their election; to notify members of their appointment on committees; to furnish the Chairperson of each committee with a copy of the vote under which the committee is appointed, and at his or her request give notice of the meetings of the committee; to prepare, under the direction of the Board of Directors, an annual report of the transactions and condition of the corporation, and generally to devote his or her best efforts to forwarding the business and advancing the interests of the corporation.
- D. Treasurer: The Treasurer shall supervise the safekeeping of the funds and investments of the corporation and shall report periodically to the Board of Directors about the financial condition of the corporation. The Treasurer or his/her representative of the corporation shall keep an account of all monies received and expended for the use of the corporation. The Treasurer or his/her representative shall deposit all sums received in a bank, or banks, or trust Achieve Services, Inc. approved by the Board of Directors and make a report at the annual meeting or if called upon by the Chairperson. The treasurer's annual report shall be submitted to examination and audit by a certified public accountant designated by the Board of Directors. The treasurer's duties shall include serving on the Finance Committee or other equivalent group as may be designated by the Board of Directors whose role it is to assist the ASI Board and/or ASI Management Team in monitoring the financial affairs of the corporation. In case of absence or disability of the Treasurer, a member of the Executive Committee shall perform the duties of the Treasurer.

4. Officers shall be elected at the annual meeting and shall serve both the corporation and the Executive

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Committee in the same capacity. Each officer so elected shall be elected for one year commencing at the next meeting and continuing until his/her successor is elected and qualified. No person may hold two offices at the same time. Any officer elected or appointed by the Board of Directors may be removed by a majority vote of the Board of Directors whenever in its judgment the best interests of the corporation would be served thereby. A vacancy in any office because of death, resignation, removal, disqualification or otherwise may be filled by the Board of Directors for the remaining portion of the term.

5. The Board shall appoint an Executive Committee composed of members of the Board, which shall be authorized to transact all routine and ordinary business with the exception of the establishment of major policy changes. The Chairperson, the Vice Chairperson, the Secretary, and the Treasurer shall, by virtue of his/her office, be members of the Executive Committee. In addition to the officers, the Executive Committee may be composed of other Board Members selected by the Board of Directors at the annual meeting in any number as determined by the Board. The Executive Committee shall report on the actions it takes between meetings at the next meeting of the full Board. The quorum for transaction of business by the Executive Committee or any committee shall be at least 50 percent of the non-vacant seats of the committee.

6. The Board will select committees based on the needs of the organization. The chairpersons and members of the committees shall be appointed by the Board Chairperson for a one (1) year term. The composition of these committees shall fairly reflect the composition of the full Board.

7. If the Board of Directors will appoint a Chief Executive Officer (CEO) to operate the day-to-day affairs of the corporation, it may, by resolution of the Board at its annual meeting, specify the general powers delegated to said Chief Executive Officer, to include the power to execute, on behalf of the corporation, routine documents and contracts which pertain to the ordinary course of business of the corporation. The power to make official policies on behalf of the corporation shall be reserved to the Board of Directors. The CEO is responsible for promotion and compliance in each of the following:

- A. Administering the mission and the direction of the organization
- B. Promoting the value and achievement of outcomes in the programs and services offered
- C. Balancing the expectations of the persons served and other stakeholders
- D. Insuring financial solvency
- E. Complying with insurance and risk management requirements
- F. Insuring ongoing performance improvements
- G. Developing and implementing of corporate responsibilities
- H. Complying with all legal and regulatory requirements

8. The Chief Executive Officer will hire and appoint the Program Director with the formal consent of the Board of Directors. In the absence or disability of the Chief Executive Officer, the Program Director will fulfill the duties of the Chief Executive Officer until his/her return, or the Board of Directors has appointed a permanent replacement.

9. The Chief Executive Officer and the Program Director will hire and appoint Program Manager(s) to supervise and manage the programs assigned to each position.

## V. AGENCY PROCEDURES

1. The ASI Board will approve organizational goals, needs and accomplishments annually after input and recommendations from the Achieve staff. The consumer and customer satisfaction surveys will also be

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incorporated into this document. This will include both short and long range goals and objectives.

2. The ASI Senior Leadership Team will meet weekly to discuss overall agency functions, review of policies for Board approval, and other pertinent topics.

3. The ASI Board will meet at the times and places designated by resolution of the Board of Directors, but in no event shall the Board members meet less often than quarterly to conduct business of the organization. Meeting minutes of these meetings will be kept on file. A meeting of the Board of Directors shall be held annually at a time and place designated by the Board of Directors. All Board members shall receive written notice of meetings. The agenda of the Annual Meeting shall contain, but not be limited to, the following items of business: Chairperson's Annual Report, Financial Review and Board Election. The Secretary shall give notice of annual meetings to the Board members by mail not less than 30 days prior to the date of the annual meeting. Special meetings of the Board of Directors may be called by the Chairperson and must be called by him/her upon the demand of any five (5) members of the Board. Notice of a special meeting shall be given by the Secretary to all Board members and shall include the time and place of such meeting. Notice shall be given not less than five (5) days prior to the date of the meeting. Any Board member may waive notice of any meeting. Attendance of a Board member at any meeting shall constitute a waiver of notice of such meeting, except where the Board member attends the meeting for the express purpose of objecting to any business transaction because the meeting is not lawfully called. A quorum shall consist of one-third of the Board members currently holding office for purposes of the transaction of business at any regular or special meeting of the Board; provided, however, in no event shall a quorum consist of less than 5 Board members. Any required notice of the time and place of a special meeting of the Board of Directors or of any committee of the Board of Directors may be given by mail, email or by telephone. If any meeting of the Board be adjourned, continued, or recessed to another time or place, reasonable efforts will be made to notify all members of the Board of said time and place of meeting. Each Board member, including the Chairperson, shall be entitled to one vote. Board members shall not appoint a personal proxy or vote by proxy. Parliamentary procedures as set forth in *Roberts Rules of Order* may be followed at all meetings.

4. New members will receive an agency orientation from staff. A signed Orientation Checklist will be kept on file. The orientation will include training on all regulatory requirements as well as ASI Policies and Procedures.

5. No Board member or staff member shall use their position, or knowledge gained from the position, in such a manner that a conflict arises between the interest of the organization and the personal interest of the Board member or staff member. Each Board and staff member has a duty to place the interest of the organization foremost in any dealings with the organization. Board members and staff members may not obtain for themselves, their relatives, or their friends a material interest of any kind from their association with the organization unless the following criteria have been met:

- A. Full Disclosure: Board members and staff members in decision-making roles should make known their connections with groups doing business with the organization. If a Board or staff member has an interest in a proposed transaction with the organization in the form of a significant personal financial interest in the transaction or in any organization involved in the transaction, or holds a position as Trustee, Director, or Officer in any such organization, he or she must make full disclosure of such interest before any discussion or negotiation of such transaction.
- B. Abstain by Absence: Any Board or staff member who is aware that they would have potential conflict of interest with respect to any matter coming before the Board or committee shall not be

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present for any discussion or vote in connection with the matter.

- C. **Competitive Open Bidding:** When the Board is aware of any actual or perceived conflict of interest by a Board or staff member, the Board may only consider that member's proposal if submitted as part of an open, competitive bidding process which would select the lowest responsible bidder between at least two other bidders unless it can be shown that the proposal can only be met by a sole source provider. Staff members who have an actual or potential conflict should not be substantively involved in decision making affecting such transactions and should abstain from the decision making process. Volunteer activities, charitable contributions, free goods and pro bono services by Board and staff members are not prohibited by this policy.

6. The ASI CEO develops an agenda and attends all ASI Board meetings. The following order of business shall be observed so far as practical: calling the roll, reviewing and approving minutes of previous meeting, unfinished business, new business, and other items as determined by the Chair. Other management staff may also attend these board meetings at the request of the CEO.

### VI. EXECUTIVE LEADERSHIP DEVELOPMENT AND EVALUATION

1. Board self evaluations are completed annually. Results are shared with the full board. The Executive Committee is responsible for implementing changes based upon the results of this survey.
2. A formal written review of the CEO's performance will be developed by the Board of Directors. This performance review will be completed and presented annually to the CEO by the Executive Committee. This evaluation tool will highlight individual performance expectations as well as agency targets for the coming year.
3. The Executive Committee will make recommendations to the CEO regarding professional development needs, and opportunities for growth. This will also be included in the CEO's written review.
4. The Policy and Procedures – Governance and Organizational Leadership will be reviewed by the Board of Directors annually to assure it remains accurate and in compliance with existing standards.

### VII. EXECUTIVE COMPENSATION

1. It is the philosophy of Achieve Services that the CEO should be compensated in a fair and competitive way in order to attract, motivate and retain the best and most qualified candidates.
2. Determination of the specifics in the CEO's contract is made by the Executive Committee through research.
3. Market based compensation surveys as well as other data may be used as tools to assist the Executive Committee in developing a recommendation for fair and competitive wages for the CEO position. Data from some surveys may specify regions and program sizes. This information can be helpful and may be used to compare executive salaries and benefits from programs of similar size and in the same region of the state.
4. The Executive Committee will determine the contract for the CEO including salary, benefits and compensation package and present this proposal to the board for full approval. The Board of Directors will have the authority to approve the CEO's contract/compensation plan. If there is a conflict of interest for any

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board member to be a part of this discussion, he/she will abstain from formal voting.

5. Approval of the CEO's contract will be recorded in Board meeting minutes. Contracts are negotiated each year, incorporated into the yearly budget and finalized before the end of the calendar year.

## VIII. SUCCESSION PLANNING

1. In the absence of the CEO the Program Director has the authority and background to carry on in all capacities of the CEO.

2. A Search Committee appointed by the Board of Directors will be assigned to the following duties:

A. In the event of a prolonged absence of the CEO, the committee will appoint an interim CEO.

B. In the event the CEO position becomes vacant or is expected to be vacated, the committee will make arrangements to recruit and interview for a new Chief Executive Officer.

3. The succession plan is reviewed yearly by the Executive Committee of the Board of Directors. Approval of the plan is recorded in the Board's meeting minutes.

A "serious crime" is defined as conviction of the following:

- (a) violation of predatory offender registration laws, murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, manslaughter in the second degree, assault in the first or second degree, a felony offense of domestic assault, spousal abuse, child abuse or neglect, or a crime against children; domestic assault by strangulation, great bodily harm caused by distribution of drugs, aggravated robbery, kidnapping, murder of an unborn child in the first degree, murder of an unborn child in the second degree, murder of an unborn child in the third degree, solicitation, inducement, and promotion of prostitution, criminal sexual conduct in the first degree, criminal sexual conduct in the second degree, criminal sexual conduct in the third degree; criminal sexual conduct in the fourth degree, criminal sexual conduct in the fifth degree, criminal sexual predatory conduct, solicitation of children to engage in sexual conduct, incest, a felony offense under, malicious punishment of a child, a felony offense under neglect or endangerment of a child, arson in the first degree, drive-by shooting, , felony-level stalking, shooting at or in a public transit vehicle or facility, subdivision 2, clause (1), or subdivision 3, clause (1) indecent exposure involving a minor; use of minors in sexual performance prohibited; possession of pictorial representations of minors.
- (b) An individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes, permanently disqualifies the individual under section a.
- (c) An individual's offense in any other state or country, where the elements of the offense are substantially similar to any of the offenses listed in paragraph (a), permanently disqualifies the individual under section.

(a) An individual is disqualified under section 245C.14 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a felony-level violation of any of the following offenses: sections 256.98 (wrongfully obtaining assistance); 268.182 (false

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representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.165 (felon ineligible to possess firearm); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.495 (aiding an offender); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree tampering with a witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.562 (arson in the second degree); 609.563 (arson in the third degree); 609.582 (burglary); 609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.687 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty); 624.713 (certain persons not to possess firearms); chapter 152 (drugs; controlled substance); or Minnesota Statutes 2012, section 609.21; or a felony-level conviction involving alcohol or drug use.

(b) An individual is disqualified under section 245C.14 if less than 15 years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) An individual is disqualified under section 245C.14 if less than 15 years has passed since the termination of the individual's parental rights under section 260C.301, subdivision 1, paragraph (b), or subdivision 3.

(d) An individual is disqualified under section 245C.14 if less than 15 years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of the offenses listed in paragraph (a).

(e) If the individual studied commits one of the offenses listed in paragraph (a), but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is disqualified but the disqualification look-back period for the offense is the period applicable to the gross misdemeanor or misdemeanor disposition.

(f) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

## Subd. 3. Ten-year disqualification.

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(a) An individual is disqualified under section 245C.14 if: (1) less than ten years have passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a gross misdemeanor-level violation of any of the following offenses: sections 256.98(wrongfully obtaining assistance); 268.182 (false representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 or 609.222 (assault in the first or second degree); 609.223 or 609.2231 (assault in the third or fourth degree); 609.224 (assault in the fifth degree); 609.224, subdivision 2, paragraph (c) (assault in the fifth degree by a caregiver against a vulnerable adult); 609.2242 and 609.2243 (domestic assault); 609.23(mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.265 (abduction); 609.275(attempt to coerce); 609.324, subdivision 1a (other prohibited acts; minor engaged in prostitution); 609.33(disorderly house); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);609.466 (medical assistance fraud); 609.52 (theft); 609.525 (bringing stolen goods into Minnesota); 609.527(identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.582 (burglary);609.59 (possession of burglary tools); 609.611 (insurance fraud); 609.631 (check forgery; offering a forged check); 609.66 (dangerous weapons); 609.71 (riot); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); repeat offenses under 609.746 (interference with privacy); 609.749, subdivision 2 (stalking);609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor; 617.241 (obscene materials and performances); 617.243 (indecent literature, distribution);617.293 (harmful materials; dissemination and display to minors prohibited); or Minnesota Statutes 2012, section 609.21; or violation of an order for protection under section 518B.01, subdivision 14.

(b) An individual is disqualified under section 245C.14 if less than ten years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

(c) An individual is disqualified under section 245C.14 if less than ten years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraph (a).

(d) If the individual studied commits one of the offenses listed in paragraph (a), but the sentence or level of offense is a misdemeanor disposition, the individual is disqualified but the disqualification lookback period for the offense is the period applicable to misdemeanors.

(e) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

## **Subd. 4. Seven-year disqualification.**

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(a) An individual is disqualified under section 245C.14 if: (1) less than seven years has passed since the discharge of the sentence imposed, if any, for the offense; and (2) the individual has committed a misdemeanor-level violation of any of the following offenses: sections 256.98(wrongfully obtaining assistance); 268.182 (false representation; concealment of facts); 393.07, subdivision 10, paragraph (c) (federal Food Stamp Program fraud); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223(assault in the third degree); 609.2231 (assault in the fourth degree); 609.224 (assault in the fifth degree);609.2242 (domestic assault); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.2672 (assault of an unborn child in the third degree); 609.27 (coercion); violation of an order for protection under 609.3232 (protective order authorized; procedures; penalties); 609.466(medical assistance fraud); 609.52 (theft); 609.525 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen property); 609.535 (issuance of dishonored checks); 609.611 (insurance fraud);609.66 (dangerous weapons); 609.665 (spring guns); 609.746 (interference with privacy); 609.79 (obscene or harassing telephone calls); 609.795 (letter, telegram, or package; opening; harassment); 609.82 (fraud in obtaining credit); 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a minor;617.293 (harmful materials; dissemination and display to minors prohibited); or Minnesota Statutes 2012, section 609.21; or violation of an order for protection under section 518B.01 (Domestic Abuse Act).

(b) An individual is disqualified under section 245C.14 if less than seven years has passed since a determination or disposition of the individual's:

(1) failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which: (i) the final disposition under section 626.556 or 626.557 was substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or

(2) substantiated serious or recurring maltreatment of a minor under section 626.556, a vulnerable adult under section 626.557, or serious or recurring maltreatment in any other state, the elements of which are substantially similar to the elements of maltreatment under section 626.556 or 626.557 for which: (i) there is a preponderance of evidence that the maltreatment occurred, and (ii) the subject was responsible for the maltreatment.

(c) An individual is disqualified under section 245C.14 if less than seven years has passed since the individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota Statutes.

(d) An individual is disqualified under section 245C.14 if less than seven years has passed since the discharge of the sentence imposed for an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in paragraphs (a) and (b).

(e) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

(f) An individual is disqualified under section 245C.14 if less than seven years has passed since the individual was disqualified under section 256.98, subdivision 8.

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Revised and Reviewed by the Achieve Board of Directors July 9<sup>th</sup>, 2015