



Mille Lacs Band of Ojibwe
Department of Cannabis Regulation
Cannabis Regulations

EMPLOYEE LICENSING

Document No. CR – 3

Effective: *Date*

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1. PURPOSE

The purpose of this regulation is to set forth the standards, processes, and procedures by which: (1) applicants may seek non-transferable Employee Licenses for the privilege of participating in Commercial Cannabis Activity under the laws and regulations of the Band, and (2) the Department shall review and process Employee License applications, including determinations of an applicant's suitability to possess a License, consistent with the requirements under 15 MLBS §§ 1201-1225 (hereinafter referred to as the "Code").

2. EMPLOYEE LICENSES REQUIREMENTS AND ELIGIBILITY

2.1. Persons Required to Possess an Employee License

2.1.1. An individual is required to be in possession of a current and valid Employee License if he or she is an Employee of a Licensee, subject to the exception provided under Section 2.1.2.

2.1.2. An Employee of a Licensee may undertake their employment duties for a limited period without holding an Employee License upon the Executive Director providing written notice under Section 2.4.3 that the Employee has submitted a Complete Application and is authorized to undertake employment duties pending the Board's decision on the Employee's Complete Application.

2.2. Persons Eligible to Possess an Employee License

2.2.1. To be eligible for an Employee License, an applicant must:

- a. submit an application for an Employee License;
- b. be determined suitable to possess an Employee License by the Department in accordance with Sections 2.3 and 2.4; and
- c. pay all required Employee License application fees.

2.2.2. All employees with a valid Employee License must keep the Department apprised of their current contact information and agree to receive Department communications by email, including denials and revocations. If the name, address, or email address of an Employee changes after an Employee License is issued, the Employee shall notify the Department within fourteen (14) days of the change.

2.2.3. All applications and renewals for an Employee License shall include at least the following information in a Department-approved format:



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- a. Name, address, and Social Security number of the applicant;
- b. A government-issued photo identification that confirms the age of the applicant is over twenty-one (21) years of age;
- c. A copy of a written offer or confirmation of employment from a Licensee.

2.3. Suitability Determination Criteria for Employee License Applicants

- 2.3.1. The Department shall find an Employee suitable to hold an Employee License only if such Employee demonstrates to the satisfaction of the Department, in its sole discretion, all criteria under this Subsection 2.3.
- 2.3.2. The Employee must submit a complete application.
- 2.3.3. The Employee must pass a Background Check showing they have not been convicted of a disqualifying offense consistent with the requirements under Section 3.3.
- 2.3.4. The Employee must not be unsuitable by default pursuant to the criteria in Section 2.5.
- 2.3.5. The Department may require the submission of any additional documents, materials or information, and may conduct interviews of any Persons associated with the Employee, it deems reasonably necessary to make a suitability determination.

2.4. Suitability Determination Procedure

- 2.4.1. Upon submission of an application for an Employee License, the Executive Director shall first review the application for completeness and shall provide notice to the applicant of whether the application is complete or incomplete with fourteen (14) calendar days of submission of the application to the Department.
- 2.4.2. If an application is incomplete, the Executive Director shall provide the applicant with notice and a reasonable opportunity to remedy any deficiencies. If the applicant fails to remedy all identified deficiencies within 60 calendar days of receipt of notice of such deficiencies by the Executive Director, the Executive Director shall deny the application.
- 2.4.3. If the application is complete, the Executive Director shall provide the applicant with notice and shall prepare, or facilitate the preparation of a Background Check Report, which along with the application shall be the basis for the



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Executive Director to determine whether to recommend that the Employee is suitable for an Employee License. Additionally, absent evidence on the face of the Employee's Complete Application calling into question the Employee's suitability for an Employee License, the Executive Director shall include in the notice a statement that the Employee may undertake their employment duties without an Employee License pending the Board's decision on the Employee's application.

- 2.4.4. The Executive Director shall submit their recommendation to grant or deny the application to the Board for approval.
- 2.4.5. The Board shall consider the Executive Director's recommendation and may approve it, approve it subject to modifications or conditions, or reject it. The Board's decision on the Employee License application shall be made within 30 calendar days of the applicant's submission of all required documentation to the Department.
- 2.4.6. If the Board determines that an applicant is suitable for an Employee License, it shall inform the applicant by letter, with a copy of its approved Employee License enclosed. The Employee License shall be effective on the date of approval by the Board.
- 2.4.7. If an applicant is deemed unsuitable by the Board, the Board shall inform the applicant by letter of its decision, retain the application fee, and provide notice of the Department's Forgiveness Policy as required under Section 4.
- 2.4.8. The Department may require the submission of any additional documents, materials or information, and may conduct interviews of any Persons associated with the applicant, it deems reasonably necessary to make a suitability determination.

2.5. Employee License Ineligibility; Default Unsuitability

- 2.5.1. An Employee shall be deemed unsuitable and its application for an Employee License shall be denied if:
 - a. The Employee:
 - i. has knowingly made a false statement of a material fact or purposefully omitted a material fact in an Employee License application;



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- ii. has an outstanding arrest warrant or a felony criminal matter that has not been adjudicated;
 - iii. is either openly associated with, or reasonably suspected to be associated with, any Illicit Organization;
 - iv. is under twenty-one years of age;
 - v. is not eligible to work in the United States;
 - vi. owes any fees to the Department; or
 - vii. owes any taxes or other debt to the Band.
- b. granting the Employee an Employee License:
- i. places the Band in violation of applicable Band law, grant or funding conditions, or inter-governmental compacts;
 - ii. poses a threat to the public interest or health and welfare of the Band and its communities;
 - iii. poses a threat to the effective regulation of cannabis within the Band's Tribally Regulated Land; or
 - iv. authorizes the sale of cannabis in a casino or in an establishment physically attached to a casino.

2.6. Form of Employee Licenses

- 2.6.1. Employee Licenses shall be in the form of a badge.
- 2.6.2. Employee Licensees shall have the capacity to be digitally accessed by Employees using a smart phone or other appropriate electronic device at any time the Employee is physically present on the Licensee's premises.

2.7. Display of Employee Licenses

- 2.7.1. As provided by the business, employees must wear their identification badges in plain view and above the waist at all times in a Licensee's facilities. Employees must also have a government-issued photo ID or Tribal ID on their person at all times while the identification badge is visible.
- 2.7.2. The identification badge provided by the Licensee must include, at a minimum:
 - a. the Employee's name;



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- b. the Employee's License number; and
- c. the expiration date of the Employee's License.

2.8. Employee License Renewals

- 2.8.1. Employee Licenses must be renewed every two years.
- 2.8.2. Not less than 30 days and no more than 60 days prior to the expiration of the Employee License, the Employee shall submit to the Department an application for renewal of the Employee License on a form provided by the Department for that purpose. The form shall require the Employee to certify that the Employee has not been convicted of any disqualifying offenses outlined in Section 3.3, include instructions for the Employee to submit any changes to the Employee's status and information, state that failure to declare any such changes in status is a violation of Department Regulations subject to fine, suspension or revocation, and provide instructions for payment of renewal application fees to the Department if fees are required.
- 2.8.3. If the Department determines that the Employee remains suitable for licensure based on the information provided on the application for renewal, the Department shall notify the Employee that the Employee License is renewed, identify the updated expiration date of the Employee License, and facilitate the delivery of any updated identification badge, as needed.

3. BACKGROUND CHECKS FOR EMPLOYEE LICENSE APPLICANTS

3.1. Conduct of Background Checks

- 3.1.1. The Employee or the Licensee that employs the Employee must facilitate the completion of a Background Check of the Employee using the criteria outlined in this Section 3, through a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act and accredited by the Professional Background Screening Association. The Department may publish a list of approved third-party consumer reporting agencies and background screening companies for use by applicants.
- 3.1.2. In conjunction with submission of an Employee License application, the Employee shall submit all required and completed Background Checks on the Employee to the Department using instructions provided by the Department for secure transmission of the Background Checks.



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3.2. Scope of Background Checks

3.2.1. The Background Check completed by the third party shall cover all jurisdictions where the Employee has lived and worked (company headquarters and physical location) for the past seven years, and must include:

- a. Address and social security number trace.
- b. County criminal searches.
 - i. All jurisdictions provided and developed.
 - ii. All names provided and developed (include aliases).
 - iii. Minnesota county searches to be searched directly with public access terminals.
- c. Statewide criminal searches.
 - i. Minnesota Judicial Branch, Minnesota Court Records Online on all applicants.
 - ii. New York Office of Court Administration required if applicant lived and/or worked in New York state for the past seven years.
- d. Federal criminal searches.
 - i. All jurisdictions provided and developed.
 - ii. All names provided and developed (include aliases).
 - iii. Minnesota federal on all applicants.
- e. A Mille Lacs Band Tribal Court criminal search.
- f. Nationwide criminal database (multijurisdictional).
 - i. All names provided and developed (include aliases). Reporting requirements must include primary source validation in courts or record of origin.

3.2.2. For any Employee applying for an Employee License, the Department may:

- a. verify, question, and interview any Person listed as a reference by the Employee in the application;
- b. conduct a financial and credit check; and



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- c. conduct any other investigation deemed necessary or appropriate by the Department.

3.3. Background Check Standards

- 3.3.1. A disqualifying offense for an Employee includes any of the following crimes that would constitute a felony if committed in any jurisdiction for which a full pardon or similar relief has not been granted:
 - a. human trafficking;
 - b. noncannabis controlled substance crimes in the first or second degree;
 - c. labor trafficking;
 - d. fraud;
 - e. embezzlement;
 - f. extortion;
 - g. money laundering; or
 - h. insider trading.

3.4. Background Check Reports

- 3.4.1. Once the Background Check is submitted by the Employee, the Department shall produce a Background Check Report for the Employee.
- 3.4.2. A Background Check Report shall include:
 - a. the results of the Background Check;
 - b. a statement about whether the Employee has satisfied the applicable standards outlined in Section 3.3;
 - c. the conclusions reached based on the results of the Background Check; and
 - d. the justifications for such conclusions.
- 3.4.3. The Background Check Report shall be made available to the Board for use in making suitability determinations.

3.5. Prior Obtained Backgrounds



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3.5.1. Background Check Reports shall be valid for 90 days.

3.5.2. The Department may use all relevant materials from such Background Check Reports in making additional suitability determinations

4. FORGIVENESS POLICY

4.1. Purpose

The purpose of this Section 4 is to provide the Department the discretion to waive certain disqualifications for applicants seeking a License, based on good cause, and in recognition of the national trend toward felony forgiveness, particularly with regard to cannabis-related felonies, as a form of social equity.

4.2. Criteria for a Forgiveness Waiver

4.2.1. The Department may grant a forgiveness waiver forgiving a disqualifying offense(s) to an Employee who has committed a disqualifying offense under Section 3.3.1 that would otherwise render an applicant ineligible for the Employee License, if the Employee can prove, to the reasonable satisfaction of the Department:

- a. That they satisfy all other eligibility criteria for an Employee License, as applicable, and the only reason the Department would deny licensure is because of a disqualifying offense.
- b. The number of disqualifying offenses for which the Employee was convicted do not demonstrate a propensity or pattern of engaging in unlawful behavior.
- c. The amount of time that has passed since the offense or completion of the sentence, including the age of the Employee at the time the offense was committed, is sufficient to demonstrate rehabilitation, and that it is unlikely the Employee will commit another offense while in possession of a License or in the employment of a Licensee.
- d. All circumstances related to the disqualifying offense, including mitigating circumstances or social conditions surrounding the commission of the crime, suggest that the offense was not representative of the Employee's character.
- e. The Employee has provided sufficient evidence to the Department to demonstrate he or she is fit to comply with applicable law and discharge



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the responsibilities and privileges of holding a License without posing a risk to the health and safety of the public or the integrity of Commercial Cannabis Activity. Evidence of suitability may include personal and professional references, demonstrated patterns of good behavior, community service, self-reflection activities, honorable discharge from the armed forces, a release order from a local, state, or federal jurisdiction, evidence showing that since release from incarceration there have been no subsequent convictions, compliance with all terms of probation or parole, record of discharge showing completion of probation or parole, post-conviction employment history, and post-conviction education and/or training.

4.3. Department Procedure for Granting a Forgiveness Waiver

- 4.3.1. If the Department discovers that an Employee has a disqualifying offense under Section 3.3.1 during review of a License application, it shall:
- a. Direct the Employee to this Forgiveness Policy and the criteria set forth herein.
 - b. Advise the Employee that cooperation with this Section 4 is a condition of being considered for employment with the Licensee.
 - c. Advise the Employee that records and other documentation of the disqualifying offense and rehabilitation and other mitigating factors must be provided to the Department within two (2) weeks of request by the Department, and that extensions of that time are available upon request for an Employee actively seeking to gather the records and documents who require additional time.
 - d. Advise the Employee that the Department is available to answer any questions about what additional records and documentation they may need to provide.
 - e. Advise the Employee that the Department will consider the criteria herein, and the records and other documentation they provide, to determine whether granting them a forgiveness waiver would be appropriate.

5. MISCELLANEOUS LICENSING MATTERS

5.1. Conditional Licenses



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The Department may, at its discretion and based on the totality of the circumstances, issue a Conditional License, not to exceed 120 days, to a Person that the Department has determined violated the Code or these Regulations, but desires to allow the Licensee to continue to engage in Commercial Cannabis Activity under certain conditions to ensure compliance.

5.2. Licensee Continuing Duties

- 5.2.1. Holders of Employee Licenses have a continuing duty to disclose information required by the Department and to fully cooperate in any investigation conducted by or on behalf of the Department.
- 5.2.2. If any information provided by an Employee to the Department at any time changes or becomes inaccurate or outdated in any way (including but not limited to information provided during the original Background Check, renewal, or subsequent investigation) so that updates become necessary, the Employee shall promptly provide written notification to the Department.