

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

468 - Band Width Certification Program
Dept of Personnel

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 9-19-78 Temporary Rule Yes

Resubmitted and Received _____

DUE DATE 9-26-78

a. Returned to Agency w/o filing w/Secy of State _____
b. Approved 9-26 Date Sent Back to Agency _____

- -

1. Rules as Adopted _____
2. Rules as Proposed _____
3. Certificate of Board's Authorizing Resolution, where applicable _____
4. Order for Hearing _____
5. Notice of Hearing _____
   (i) Sufficiency _____
6. Secretary of State's List _____
7. Certificate of Acquisition of Secretary of State's List _____
8. Affidavit of Mailing _____
   (i) At least 30 days prior to hearing _____
9. Statement of Need and Evidence _____
10. Hearing Examiner's Report _____
11. Agency's Findings of Fact _____
12. Certificate of Board's Resolution Adopting Rules, where applicable _____
13. Order Adopting _____
14. Report of Chief Hearing Examiner _____
    (i) Finding of No Substantial Change _____
    (ii) Permission to Incorporate by Reference, where applicable _____
15. Certificate of Compliance with Rulemaking Procedures _____
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable _____
17. Petition by Public, where applicable _____.

Our File No. 4608

Attorney General

Barbara Lindsey Sims
Special Assistant
Attorney General

September 26, 1978

Lee E. Sheehy
Special Assistant
Attorney General

296-1288

Proposed Temporary Rules Governing the Band Width Certification Program

The above-captioned rules have been approved by this office pursuant to Minn. Stat. § 15.0412, Subd. 5 (1977 Supp.).

Attached hereto are the agency's copy of relevant documentation.

LES:mb

Attachment

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL - 307 Space Cntr. Personnel

TO : Lee Sheehy
Special Assistant Attorney General

DATE: September 18, 1978

FROM : Barbara Lindsey Sims
Special Assistant Attorney General

PHONE: 6-4349

SUBJECT: Proposed Temporary Rules Governing the Band Width Certification Program

Attached for your review and approval are the proposed temporary rules of the Department of Personnel, 2 MCAR §§2.300-2.305, governing the bandwidth certification program. The following documents are enclosed:

1. Request for Public Comment,
2. Rules as published in the State Register on August 7 at 3 S.R. 178,
3. Public comments received (1) and the response of the Department of Personnel thereto,
4. Order adopting temporary rules,
5. Laws of 1978 Ch. 734 §17.

The rules as adopted are identical to the rules proposed and as published at 3 S.R. 178.

Laws of 1978, Ch. 734, §17 established an experimental bandwidth certification program and directed the Commissioner of Personnel to adopt temporary procedural rules to implement the program.

BLS:dag
Enclosures

RECEIVED
SEP 19 1978
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

5 MCAR § 1.0113

cation requirements of Minn. Stat. § 144A.61 (Supp. 1977).

1. Nursing assistants who began employment in a nursing home on or before December 31, 1978, and who continue employment in the same nursing home in which they were employed on December 31, 1978.

2. Nursing assistants who have successfully completed, since January 1, 1976, a training program for nursing assistant employed in nursing homes, which utilized a program endorsed by the state Department of Education, unless employment has been interrupted for greater than two consecutive years.

3. Nursing assistants who have successfully completed a state approved nursing education program which prepares an individual for licensure as a registered nurse or licensed practical nurse if completion occurred no more than two (2) calendar years prior to employment.

4. Persons who have successfully completed the individual oral/written test and performance evaluation, even though the course has not been taken.

5. Registered nurses or licensed practical nurses holding current licensure in the state of Minnesota.

6. Nursing assistants who began employment in a supplemental nursing service on or before December 31, 1978 and who continue employment in that same nursing service in which they were employed on December 31, 1978, and who have worked a minimum of twelve (12) hours per week for that same supplemental nursing service in a nursing home prior to December 31, 1978.

5 MCAR ~~§ 1.0113~~ 5 MCAR § 1.0114 No change, except rule number.

5 MCAR ~~§ 1.0114~~ 5 MCAR § 1.0115 No change, except rule number.

5 MCAR ~~§ 1.0115~~ 5 MCAR § 1.0116 No change, except rule number.

5 MCAR ~~§ 1.0116~~ 5 MCAR § 1.0117 No change, except rule number.

5 MCAR ~~§ 1.0117~~ 5 MCAR § 1.0118 No change, except rule number.

Department of Personnel

Proposed Temporary Rules Governing the Band Width Certification Program

Request for Public Comment

Notice is hereby given that the Department of Personnel has proposed the following temporary rules for the purpose of implementing the provisions of Minn. Laws 1978, ch. 734, § 17, the band width certification program.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the *State Register* by writing to Julie Vikmanis, Manager of the Examining and Referral Division, Department of Personnel, 3rd Floor, Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101. The temporary rules may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rules.

Clarence E. Harris
Commissioner of Personnel

July 24, 1978

Temporary Rules as Proposed

2 MCAR § 2.300 Conduct of band-width certification experiment. Pursuant to Minn. Laws 1978, ch. 734, § 17, the commissioner has authority to temporarily adopt band-width certification procedures based on the reliability of selection processes in order to determine the appropriateness of permanently adopting such procedures for all certifications which would otherwise be made under the provisions of Minn. Stat. § 43.18. This experiment will be conducted in accordance with the following rules.

2 MCAR § 2.301 Selection of job classes. The commissioner shall designate at least ten classifications for inclusion in the experimental band-width certification program. The classifications to be included shall be selected to make the experiment as representative of actual conditions as possible to determine the utility, practicality, and overall effect of band-width certification procedures for filling classified positions. In making the selection of classes to be included in the experiment the commissioner shall consider the following factors:

1. The number of incumbents in the classification with emphasis on large classes.

2. The number of anticipated appointments to be made from competitive eligible lists with emphasis on frequently filled classes.

3. The number of anticipated applicants with emphasis on classes eliciting high levels of competition.

4. The range of different selection processes used alone or in combination to screen candidates including one each of classes where selection is based on written test only, experience and training rating only, written test combined with oral examination, and experience and training rating combined with oral examination.

5. The number of departments and the number of appointing authorities utilizing the classification with emphasis on classes widely dispersed throughout the state service.

6. Selection of at least one class in each of the A, B, and C salary schedules.

7. Selection of at least one class used in departments governed by collective bargaining agreements and at least one class used in departments not governed by collective bargaining agreements.

8. Selection of at least one class used in departments governed by United States Civil Service Merit System Standards.

2 MCAR § 2.302 Public notice. The commissioner shall give public notice of the classes selected for the band-width certification experiment by including a list of those classes to which band-width certification procedures shall apply in the bi-monthly announcement of openings of competitive examinations published by the Department of Personnel and shall include a brief explanation of the program when announcing individual classes included in the program as open to competition.

2 MCAR § 2.303 Determination of the width of the band to be certified for each class. The commissioner shall determine the band-width to apply to certifications for each class selected for the experiment basing that determination upon the statistical reliability of the selection instruments used for the classes. Reliability calculations shall be based upon scientifically accepted statistical methods.

2 MCAR § 2.304 Certification procedures. The following certification procedures will apply to certifications made for the selected classes from competitive eligible lists and

shall supersede the certification requirements of Minn. Stat. § 43.18, but shall not apply where the provisions of Minn. Stat. § 43.15, subd. 5 expand the appointment list beyond the number which application of these procedures would provide.

The commissioner shall prepare appointment lists for vacant positions in the selected classes consisting of all eligibles within the reliability based certification band, randomly ordered. In determining which eligibles fall within the band, the commissioner shall select the highest final score on the eligible list without veteran's preference points and subtract from it the number derived by the calculation of the band-width to determine the lowest score to be certified. The names of all eligibles with final scores including veteran's preference points equal to or higher than that lowest score shall be included on the appointment list. Standard considerations of candidate location and employment condition availability will prevail. If the number of eligibles placed on the appointment list in accordance with the above is less than ten, as many additional names as necessary will be added from the eligible list in the order established by 2 MCAR § 2.048 and certified for appointment to bring the total number of eligibles on the appointment list to ten. In such instances all candidates with scores tied with the tenth name so selected will also be certified. In all cases the names of all eligibles certified will be randomly ordered.

If contact with the eligibles on the appointment list shows one or more candidates to be no longer available for employment, the appointing authority may contact the certification unit of the Department of Personnel to determine whether the unavailability of that candidate or candidates would result in an appointment list with additional candidates. If so, and the appointing authority desires a new appointment list from a band-width certification based on the scores of the remaining available candidates, or if fewer than ten candidates are determined to be available, the appointing authority may return the initial appointment list to secure a new appointment list to be certified under the procedures outlined above.

2 MCAR § 2.305 Record keeping and evaluation of band-width experimental program.

A. Record keeping. The commissioner shall maintain a record of the results of the reliability-based band-width certification experiment, which shall include the following:

1. The statistical reliability of all selection instruments used for the classes included in the experiment.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

2 MCAR § 2.305

2. The band-width determination for each class based upon the statistical reliability and the calculations outlined in 2 MCAR § 2.303.

3. An analysis of all certifications made to classes selected for the experimental program showing the number of eligibles who would have been certified under the provisions of Minn. Stat. § 43.18, the number of eligibles who would have been certified using only the band-width calculation, the number of eligibles who would have been certified using the band-width calculation and the requirement to expand to at least ten candidates and those tied with the tenth score, the number which would have been certified under Minn. Stat. § 43.15, subd. 5 and the number who were actually certified under which applicable statute or procedure.

4. A list of all appointments made under the band-width experimental procedures and the rank of the appointees on the eligible list at the time the appointment was made.

B. Program evaluation. The commissioner shall require the appointing authority to complete an evaluation of the band-width certification procedure when making an appointment to a vacancy in one of the selected classes from a certification prepared under the band-width procedures. Such an evaluation shall include an explanation of factors considered in determining which candidates to contact for interviews and which candidate to appoint to the position. The evaluation shall also include comments about the utility, practicality and overall effectiveness of the program based on the use of the certification report made under the program. A summary of such evaluations and of comments and evaluations presented by applicants and others who may be effected by the program shall be included with the Personnel Commissioner's report to the legislature about the program.

S.F.No. 1864
CHAPTER No. 734

AN ACT

Distributed By
Secretary of the SENATE
Room 231, State Capitol
St. Paul, 296-2343

relating to state employees; improving testing procedures; tightening provisions relating to provisional appointments; providing for a pilot reliability-based band width certification program; altering certain requirements for appointment and benefit eligibility; establishing special procedures for filling certain positions; providing for modified reimbursements of costs; providing notification of appeal rights; appropriating money; amending Minnesota Statutes 1976, Sections 43.13, Subdivision 1, and by adding a subdivision; 43.14, Subdivision 1; 43.18; 43.19, Subdivision 1; 43.20, Subdivisions 2, 3, 5, and by adding a subdivision; 43.24, Subdivision 1; 43.32, Subdivision 11; 43.327, Subdivisions 1 and 2; 43.491, by adding a subdivision; and Chapter 43, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 43.13, Subdivision 1, is amended to read:

43.13 [EXAMINATIONS.] Subdivision 1. [FAIR TESTS; RECORDS.] All examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to efficiently discharge the duties of the ~~office or employment~~ position sought by them. Each applicant in an oral examination shall be rated individually by each examiner who

participate at his own expense in the hospital benefits coverage and medical benefits coverage provided for other state employees by sections 43.42 to 43.50. The retired employee may also, at his own expense, continue hospital benefits coverage and medical benefits coverage for his dependents who meet the general dependent eligibility requirements for those coverages. The coverage shall be coordinated with relevant health insurance benefits provided through the federally-sponsored medicare program. Within 30 days after the effective date of this section or within 30 days after the effective date of his retirement, whichever day is later, the employee shall notify the commissioner or his designee of his intention to continue the coverage. The commissioner shall establish forms and procedures for exercise of the option provided by this section and for payment of necessary premiums.

Sec. 17. [RELIABILITY-BASED BAND WIDTH CERTIFICATION.] Subdivision 1. [SELECTION OF CLASSES.] Notwithstanding the provisions of Minnesota Statutes, Section 43.18 or any other law to the contrary, the commissioner of personnel shall designate job classes in the state classified civil service to be filled according to the reliability-based band width certification procedure specified in this section. The commissioner shall designate classes covering a broad spectrum of types of employment and shall designate classes which include positions under the jurisdiction of the greatest possible number of state agencies.

Subd. 2. [DEFINITION.] As used in this section, reliability-based band width certification shall mean a process for the preparation of a list of certified eligibles for filling vacant positions within a job class, based upon the statistical reliability of the examination. The list

shall be composed of those persons who received a passing score and whose scores fell within that top range of scores which the reliability determination reveals to be substantially indistinguishable. In no event shall a list of certified eligibles prepared under the band width certification procedure contain less than ten names unless fewer than ten persons received passing scores, in which case all persons who received passing scores shall be placed on the list. Names of certified eligibles on a list prepared under this section shall be placed in random order and shall not be ranked when delivered to an appointing authority. This section shall not be deemed to be inconsistent with other laws which would expand the size of an eligible list beyond the size provided for in this section.

Subd. 3. [PROCEDURES.] The commissioner shall establish uniform procedures for the implementation of this section. The procedures shall be adopted as temporary rules and, notwithstanding the limitations of Minnesota Statutes, Section 15.0412, shall be effective for the duration of the band width certification program unless superseded, repealed or amended by temporary or other rule. When a list of certified eligibles prepared pursuant to this section is supplied to an appointing authority, the list shall be accompanied by an explanation of the program and a copy or summary of applicable rules.

Subd. 4. [MONITORING; REPORT.] No later than January 1, 1980, the commissioner shall provide the governor and the legislature with a report giving the procedures, results, costs and evaluations of the program and the substance of comments received from affected persons. In the report he shall recommend whether to continue the program and what

changes may be necessary. Periodically throughout the duration of the program he shall advise the governmental operations committees of the senate and the house of representatives and the legislative audit commission on the progress of the program and his evaluation to date.

Sec. 18. [APPROPRIATIONS.] $244,700 is appropriated from the general fund in the state treasury to the commissioner of personnel for the period ending June 30, 1979, to be used for personnel technical services, revision and mailing of job announcements, establishment of a toll free telephone service to assist potential applicants, determination of applicant availability and any other activity authorized by this act.

The authorized complement of the department is increased by ten persons.

Sec. 19. [EFFECTIVE DATE.] This act is effective the day following final enactment. Section 17 expires June 30, 1980. Procedures relating to examinations announced prior to May 1, 1978, shall be completed pursuant to law in effect on the day prior to the effective date of this act. Certifications of eligibles in force on May 1, 1978, shall remain effective pursuant to law in effect on the day prior to the effective date of this act.

State of Minnesota

DEPARTMENT OF PERSONNEL
3rd Floor Space Center
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2616

September 18, 1978

Bernard L. Brommer, Executive Director
AFSCME Council 6, AFL-CIO
236 East Plato Blvd.
St. Paul, MN. 55107

COPY

Dear Mr. Brommer:

This letter is in response to your letter of August 24, 1978 commenting on the proposed temporary personnel rules governing bandwidth certification. Your comments will be addressed point by point.

1. 2 MCAR 2.301 (7). The bandwidth project was proposed by the Legislature as an experiment to determine the impact of the procedures on various types of job classes. It is essential, in an experiment such as this, that all distinct subgroups of job types be represented. Classes covered by collective bargaining agreements are distinct from classes not covered by collective bargaining agreements in that seniority may, by the agreement, be a deciding factor in the hiring decision for a covered class. Inclusion of at least one class in each of these subgroups is essential to the meaningful analysis of the experimental data. The rule serves an important function and cannot be deleted.

2. 2 MCAR 2.302. It would be very difficult to explain the technical aspects of bandwidth list construction to the general public and such an attempt would likely be more confusing than enlightening. A non-technical explanation would be included in the announcements of affected classes. This does not require a change in the rule, however.

   The possibility of informing applicants of bandwidths and reliabilities will be taken under consideration. It will typically be impossible to include these data in the announcement because the prerequisite information is usually unknown until the test is administered. It may be possible, however, to include this data in score notices.

3. 2 MCAR 2.304. Your comments on this point indicate a basic misunderstanding of the bandwidth procedure. The bandwidth is the distance apart in score points two scores have to be before we are willing to say that chances are less than one in twenty (odds typically accepted by the scientific community) that the applicants obtaining the two scores are equally capable at performing tasks required by the test. This means that if we have two applicants of equal ability and administer the test to them, we would have to repeat this twenty times in order to expect a score difference as great as one bandwidth to occur. What we want to ensure with the bandwidth procedure is that we have less than one chance in twenty of missing the most capable eligible available. To do this, we certify the highest scoring eligible and all who fall within one bandwidth of his/her score. There is only one band on any given certification. We considered the division of the 70 to 100 point score range into bands of three points as you seem to suggest but concluded that this was a procedure of little theoretical or practical merit in achieving the goals implicit in bandwidth certification.

In response to your specific suggestions:

A. Bandwidth certification procedures will not be applied to certifications for which the list is expanded to meet affirmative action goals.

B. There is no second band.

C. Although there is theoretical merit to interviewing all candidates on the list, it is impractical to expect an appointing authority to interview 100 eligibles for a single position.

D. Again, there is no "next" band.

E. As mentioned above, our goal is to ensure that the most capable eligible is certified. Making the band a function of the highest possible test score (i.e., 100) would only ensure that scores of all eligibles certified were indistinguishable from perfect scores, which is not our goal.

You are correct in saying that if 97 is indistinguishable from 94, then 96 is indistinguishable from 93. But if the bandwidth was 3, that is as far as the arguement would go. A score of 75, being 20 points distant from a score of 95, would not be considered within the 3 point bandwidth of 95 and would, therefore, be considered statistically distinguishable from the score of 95.

Furthermore, we do not say that a score at the bottom of the band is as good as the a score at the top of the band. All that statistical indistinguishability means is that, statistically, the chances are more than one in twenty that the individuals obtaining the two scores are equally capable. On any test more valid than a roll of dice, a score of 97 always indicates (on the average) higher ability than the score of 94, regardless of the bandwidth.

4. 2 MCAR 2.305.

   A. This is a comparison with other existing certification procedures and the other procedures must be performed as they normally are. Rule of 10 certification procedures certify eligibles tied with the tenth score.

   B. Appointing authorities may show a preference for the first of the list. To evaluate this tendency, it is essential that we know from which portion of the list an appointee came.

   C. See comments, part 3C.

Thank you for your comments.

Sincerely,

James W. Fritze, Assistant Commissioner
Department of Personnel

JWF:DV:jp

MINNESOTA STATE EMPLOYEES UNION

AFFILIATED WITH
THE AMERICAN FEDERATION OF STATE
COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO

COUNCIL NO. 6
236 EAST PLATO BOULEVARD
SAINT PAUL, MINNESOTA 55107

AREA CODE 612
TELEPHONE 291-1020

August 24, 1978

Ms. Julie Vikmanis
Manager of the Examining and Referral Division
Department of Personnel
3rd Floor Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101

This letter constitutes the comments of the Minnesota State Employees Union, AFSCME Council No. 6, AFL-CIO, on the proposed temporary rules governing the Band Width Certification Program as published in the State Register dated August 7, 1978.

1) 2MCAR 2.301. The Union objects to making coverage of a class under a collective bargaining agreement a criteria for selection. The employer has taken the position that the construction of eligible lists is outside the collective bargaining process. Now, however, the Department of Personnel proposes to make coverage by a collective bargaining agreement a criteria for constructing the lists. This is believed to be an inconsistency. In any event, the choice of populous high turnover classes will ensure that the new procedure will be used for classes covered by our contract. The deletion of 2MCAR 2.301 (7) is urged.

2) 2MCAR 2.302. The public notice section should be expanded to include publication of a more detailed description of how the determination of band widths takes place. It is not suggested that such technical material be made part of the rules. However, it would be advisable to let applicants and candidates know what reliability of the exam means, what a band width is, how the lists will be constructed, and how it will be determined which candidates are reachable.

   In addition, it is suggested that the Department publish the reliability of each exam and the band widths for each class selected for the program. The exam announcement should state that the reliability of the exam for a particular class is 0.85 and consequently each band width will span "x" number of points. Applicants should know beforehand whether a score of 90 will place them in the first band or in the tenth band.

3) 2MCAR 2.304. The Union finds the rule as proposed to be inadequate. The following suggestions are made:

A) Where the list must be lengthened beyond the first band to meet affirmative action goals, the requirements of M.S. 43.15, subd. 5 should be met by adding bands to the certification until a sufficient number of protected group candidates are certified to the appointing authority. It is inconsistent to use band widths for the first ten names and then revert to the current system of ranking for all names beyond that.

B) If there are not ten names in the first band, the department should then certify all names in the second band and continue adding bands until ten names are certified. All names in the band containing the tenth name would be certified.

C) The rule should provide that the appointing authority must contact all names on the eligible list. 2MCAR 2.305 B. implies that the appointing authority need not do this. It should be clearly stated that appointing authorities must interview all candidates whose names are certified, whether the list has 10 or 100 names.

D) In lieu of the third paragraph, it is suggested that the rule state that if the unavailability of candidates reduces the list of names to less than ten, the appointing authority may request the certification of the next band or bands to bring the number of available candidates back up to at least ten.

E) In determining the point spread of the band, it is suggested that the scores contained in each band be based on the reliability of the exam alone. The scores of the applicants should be measured against the exam, not against each other. The point scores contained in each band should be determined against the exam and not be a function of the applicant scores. A band width of three points is valid because it recognizes that the exam itself generates the errors which make it impossible to distinguish between scores. To start the first band width with the highest passing score, say 97, instead of the highest possible passing score, 100, seems to confuse the "quality" of a particular group of applicants with the reliability of the exam. The band width method is sufficiently difficult to understand without adding a new factor of confusion. If the point scores to be contained in each band width depend upon the highest passing score, it will be more difficult to justify the cutoff point between bands. If it is not possible to distinguish between the scores of 97 to 94, it could be argued that it is then not possible to distinguish between scores

96 to 93, 95 to 92, and so forth. At some point, an applicant could argue that a score of 75 is as good as a score of 95 using the above rationale. In summary, it is suggested that the point scores to be placed in each band starting with the highest possible passing score and not the highest actual passing score.

4) 2MCAR 2.305. The Union objects to parts A. 3 and 4 and to part B.

   A) A.3 should be changed as follows: delete the reference to expanding the lists to those tied with the tenth name per our comments under 3 (A) and 3 (B) above.

   B) A.4 is unnecessary since rank will be determined by random order of all names within the band.

   C) B. implies that an appointing authority need not interview all candidates whose names are sent over. All candidates should be interviewed.

Consideration of the matters addressed herein is appreciated.

Bernard L. Brommer

Bernard L. Brommer,
Executive Director
AFSCME Council 6, AFL-CIO

BLB/slo

cc: Marti Burt - Legislative Audit Commission

STATE OF MINNESOTA

DEPARTMENT OF PERSONNEL

IN THE MATTER OF THE PROPOSED TEMPORARY RULES GOVERNING THE BAND WIDTH CERTIFICATION PROGRAM

REQUEST FOR PUBLIC COMMENT

Notice is hereby given that the Department of Personnel has proposed the following temporary rules for the purpose of implementing the provisions of Minn. Laws 1978, Ch. 734, § 17, the band width certification program.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the State Register by writing to Julie Vikmanis, Manager of the Examining and Referral Division, Department of Personnel, 3rd Floor, Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101. The temporary rules may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rules.

Dated: 1/24/78

Clarence E. Harris
Commissioner of Personnel

STATE OF MINNESOTA

DEPARTMENT OF PERSONNEL

In the Matter of The Proposed Temporary Rules Governing The Band Width Certification Program

ORDER ADOPTING TEMPORARY RULES

Notice of intent to adopt as temporary rules 2 MCAR §§2.300-2.305 and inviting all interested persons to comment was duly published in the State Register on August 7, 1978 at 3 S.R. 178 as required by Minn. Stat. §15.0412, subd. 5 (1977 Supp.) and authorized by Minn. Laws 1978, Ch. 734 §17.

After affording interested persons an opportunity to present written data, statements and arguments, having considered all the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria and having confirmed the need for the above captioned rules and the reasonableness thereof,

NOW THEREFORE, IT IS ORDERED that these temporary rules identified as 2 MCAR §§2.300-2.305 as published at 3 S.R. 178 are adopted this 18th day of September, 1978 pursuant to authority vested in me by Minn. Stat. §§43.05, subd. 2(2)(1976), 15.0412, subd. 5(1977 Supp.) and Laws of 1978, Ch. 734 §17.

Clarence E. Harris
Commissioner of Personnel