

Minnesota Attorney General: Administrative Rules Proceedings

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STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : ARTHUR E. NOOT
Commissioner
Department of Public Welfare

DATE: 12/12/79

FROM : LEE E. SHEEHY
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the ~~Proposed~~ Adoption of Temporary Rules Relating to the Department of Public Welfare's Merit System

The above-captioned temporary rules have been approved by this office.

While the statute does not require it, this office recommends that an Order of Adoption and a copy of the Rules as Adopted be filed with the Secretary of State. It is the department's responsibility to comply with the Notice provisions of Minn. Stat. § 15.0412, Subd. 5.

If you have any questions, do not hesitate to contact me.

LES/bw
cc: Duane Harves
Susan Robertson
James A. Jorgensen

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE
CENTENNIAL OFFICE BUILDING
ST. PAUL, MINNESOTA 55155

OFFICE OF THE
COMMISSIONER
612/296-2701

GENERAL
INFORMATION
612/296-6117

December 4, 1979

J. Michael Miles
Assistant Attorney General
Department of Administration
Room 625 - State Administration Bldg.
St. Paul, Minnesota 55155

Dear Mr. Miles:

Enclosed for your review pursuant to Minn. Stat. § 15.0412, subd. 5, please find a copy of proposed temporary rules published in 4 S.R. 759 (November 12, 1979). These temporary rules are intended to amend existing Department of Public Welfare ("Department") Merit System rules to conform to statutory enactments which modified the county welfare system. Specifically, the Community Social Services Act ("CSSA") (Ch. 324, Laws 1979), which became effective July 1, 1979, changed the employer of certain county employees from the county welfare board or human service board to the county board. This change is reflected in CSSA language which required the county board to assume responsibility for community social services programs, and; provided the county board with an option to designate itself as responsible for income maintenance programs.

In order to ensure existing county employees would remain under the protection of the Merit System and to ensure the counties continued receipt of federal financial participation in administrative and program costs, it was necessary for the Department to expand existing rule definitions of employer to include county boards.

The director of community social services is proposed to be exempt from the Merit System rules due to CSSA language that requires this person to serve "at the pleasure of" the county board.

Due to the fact that CSSA is already in effect, it was impossible for the Department to timely adopt the necessary rules changes through the permanent rulemaking procedures.

No comments were received during the statutory 20-day comment period following publication in the State Register. Thus it is the Department's intent to adopt the enclosed temporary rules without any modification.

Sincerely,

Arthur E. Noot
Commissioner

AEN/klm
Enc.
cc: Ralph Corey
Merit System Supervisor

Department of Public Welfare

Proposed Temporary Rules Governing the Minnesota Merit System

Request for Public Comment

Notice is hereby given that the Department of Public Welfare has proposed the following temporary rules amending current rules 12 MCAR § 2.490 and 12 MCAR § 2.491 for the purpose of implementing the provisions of Laws of 1979, ch. 324, § 5, pertaining to the Community Social Services Act. The proposed temporary rules shall be designated 12 MCAR § 2.490a and 12 MCAR § 2.491a.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the *State Register* by writing to Ralph Corey, Minnesota Merit System, Department of Public Welfare, 4th Floor, Centennial Office Building, Saint Paul, Minnesota, 55155. The temporary rule 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 rule.

October 23, 1979

Arthur E. Noot
Commissioner of Public Welfare

12 MCAR § 2.490a Definitions.

A. The following definitons apply throughout these rules, unless the context clearly requires another meaning.

A.2. "Appointing authority" means the county board, county welfare board, human service board or officer authorized by statute or lawfully delegated authority to make appointments to positions under the Merit System.

A.3. "Board" means the county board, county welfare board, or human service board.

A.7. "County agency" means the organization created by the county board, county welfare board or the human service board to carry out the functions and policies of the board with regard to community social service or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration.

A.15. "Employee" means any person in the employ of a county board, county welfare board, or human services board, exclusive of its members, who occupies a position covered by these rules and who is paid a salary or wage.

A.43. "County welfare board" means the county welfare board, county board or human service board.

12 MCAR § 2.491a Statement of policy and means of effecting policy.

D. Positions covered by these rules.

1. These rules shall apply to all positions ~~created~~ and employees in these positions under the jurisdiction of ~~the Minnesota county welfare boards~~ appointing authorities engaged in the administration of community social service or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel management except duly appointed or elected members of these boards, ~~and~~ all employees of institutions, sanatoria, and hospitals under the jurisdiction of ~~county welfare~~ such boards, and the director of community social services. These rules shall be applicable to such positions until such time as the counties adopt and maintain rules and regulations affecting classification and compensation, examination, and certification of eligibles and other personnel standards acceptable to the Commissioner.

Department of Public Welfare
Social Services Division

Proposed Amendment of Foster Care for Children Rule and Proposed Adoption of a New Child Protective Services Rule

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4, in the Centennial Office Building, Room A, Fourth Floor, 658 Cedar Street, St. Paul, Minnesota on December 13, 1979 commencing at 9:00 a.m.

All interested or affected persons will have an opportunity to participate concerning the rules captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to George Beck, Hearing Examiner, Office of Hearing Examiners, 1745 University Ave., St. Paul, Minnesota 55104 (612) 296-8108, either before the hearing or within five (5) working days after the close of the hearing. The hearing examiner may keep the record open for a longer period not to exceed 20

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."