

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 402

TEMP

RULE REVIEW CHECKLIST

9/26 Heckt: requested to send notice, aff. mailing, cert.

DATE RULE RECEIVED 9-21
DATE FOR REVIEW
DATE DUE 9-28

Adopted w/a hearing
Adopted w/o hearing
Temporary rule ✓

Approved ____ Disapproved ____ Returned to Agency ____

Resubmitted ____ Due ____
Approved ____ Disapproved ____ Returned to Agency ____

Date filed w/Secretary of State ____ Revisor approved 9/22/8 disapproved ____

___✓___ Rule as Adopted

___✓___ Rule as Proposed

___✓___ Order Adopting 9.19.83 Date

___N/A___ Notice of Intent to Solicit Outside Opinion

___✓___ Order for rulemaking
N/A date of Hearing

___N/A___ Certificate of Board's Authorizing Resolution

_____ Notice of rulemaking
_____ Sufficiency

___?___ Affidavit of Mailing Notice or rulemaking — date of mailing is a Sunday — unlikely ?
8.28.83 At least ~~30~~ 20 days prior to ~~hearing~~/adoption

___?___ Mailing list Certificate - date is Sunday

___✓___ Publication in State Register
8.29.83 At least ~~30~~/20 days prior to ~~hearing~~/adoption

___N/A___ Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

_____ Agency's Findings of Fact

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

_____ Order Approving Incorporation by Reference

_____ Statement of Need and Reasonableness

_____ Petition for Adoption of a Rule

_____ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

_____ Certificate of Compliance w/Rulemaking Procedures

___N/A___ Affidavit of Mailing Notice of Submission to Attorney General

_____ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JUDITH WEHRWEIN
Legal Assistant
Department of Administration

DATE: September 27, 1983

FROM : PAUL N. HECKT PNH
Special Assistant
Attorney General

PHONE: 7-3864

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the Definition of Economically Disadvantaged in Laws, 1983, Chapter 312, Article 6, Section 2.

Pursuant to our telephone conversations on September 26, 1983, I am enclosing the original certificate (Exhibit E) and an affidavit of mailing (Exhibit F) in the above-entitled matter.

If you have any questions or comments, please call me or contact Caroline Robinson (6-3679).

PNH/kts
Enclosures

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : LARRY STARNS
Special Assistant
Attorney General
Department of Administration

DATE: September 21, 1983

FROM : PAUL N. HECKT PNH
Special Assistant
Attorney General

PHONE: 7-3864

SUBJECT:

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the Definition of Economically Disadvantaged in Laws, 1983, Chapter 312, Article 6, Section 2.

Pursuant to Minn. Stat. § 14.32 (1980), please find enclosed the proposed temporary rules of the Grants Management Office, Office of Budget Management, Department of Economic Security. This submission includes the following documents:

1) Temporary Rule As Proposed. (One original plus four copies, one of which is for the Revisor's Office.)

2) Order Adopting Temporary Rules. (Exhibit H-3). (Original plus two copies.)

3) Rule As Published In State Register. (One copy).

4) Certification Of Compliance. (Exhibit J.) (One original.)

5) Order For Publication Of Temporary Rule. (Exhibit B-3). (One original.)

Please be advised that no written comments were received by the agency and there were no changes between the rules as proposed and as finally adopted.

If you have any questions or comments, please call me or contact Caroline Robinson (6-3679).

PNH/kts
Attachments

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Barbara Beerhatter

DATE: 9/28/83

Attn: PAUL HECKT
Special Assistant Attorney General

FROM : TED A. MARTINEZ TAM
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the definition of "economically disadvantaged" in Laws 1983, Chapter 312, Article 6, Section 2.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.
TAM/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Economic Security

Adopted Temporary Rule Governing the Definition of "Economically Disadvantaged" in Laws 1983, chapter 312, article 6, section 2.

Temporary Rule as Adopted

8 MCAR S 4.0102 [Temporary] Opportunities industrialization centers; job training.

A. Purpose. The purpose of this rule is to define "economically disadvantaged" for the purpose of job training and related services through opportunities industrialization centers according to Minnesota Statutes, section 268.61.

B. Economically disadvantaged, defined. The term "economically disadvantaged" means an individual who:

1. receives, or is a member of a family which receives, cash welfare payments under a federal, state, or local welfare program;

2. has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of the poverty level determined in accordance with criteria established by the director of the Office of Management and Budget, or 70 percent of the lower living standard income level;

3. is receiving food stamps pursuant to the Food Stamp Act of 1977;

4. is a foster child on behalf of whom state or local government payments are made; or

5. in cases permitted by regulation of the Secretary of the Department of Labor, is an adult handicapped individual whose own income meets the requirements of 1. or 2., but who is a member of a family whose income does not meet those requirements.

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD401T

Agency: Department of Economic Security

Division:

Agency Contact: Caroline Robinson 296-3669

Rule Numbers: 8 MCAR S 4.0101

Title: Employment; job training for economically disadvantaged

Type of Rules: Temporary

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

APPROVED AS TO LEGALITY
9/28 19 83
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

Steven C. Cross
Revisor of Statutes

John C. Fuller
Assistant Deputy Revisor
Phone: 296-0955

Date: August 11, 1983

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT - 6 1983
Joan Anderson Growe
Secretary of State
3:20 P.M.

Persons interested in this rule shall have 20 days to submit comments in writing on the proposed temporary rule. The proposed temporary rule may be modified if the modifications are supported by the data and views submitted to the agency.

Persons who wish to submit written comments should submit such comments to:

Caroline Robinson
Office of Budget and Management
Minnesota Department of Economic Security
390 North Robert St.
St. Paul, Minnesota 55101

Authority for the adoption of this temporary rule is contained in Laws 1983, chapter 312, article 6, section 2.

The proposed temporary rule as published, with any modifications, will be delivered to the Attorney General for review as to its legality, and form to the extent form relates to legality.

As required by the Administrative Procedure Act, this temporary rule will be effective for 180 days upon approval by the Attorney General.

A copy of the proposed temporary rule is attached to this notice.

Barbara Beerhalter
Commissioner

Temporary Rule as Proposed (all new material)

8 MCAR § 4.0102 [Temporary] Opportunities industrialization centers; job training.

A. Purpose. The purpose of this rule is to define "economically disadvantaged" for the purpose of job training and related services through opportunities industrialization centers according to Minnesota Statutes, section 268.61.

B. Economically disadvantaged, defined. The term "economically disadvantaged" means an individual who:

1. receives, or is a member of a family which receives, cash welfare payments under a federal, state, or local welfare program;

2. has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of inemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of the poverty level determined in accordance with criteria established by the director of the Office of Management and Budget, or 70 percent of the lower living standard income level;

3. is receiving food stamps pursuant to the Food Stamp Act of 1977;

4. is a foster child on behalf of whom state or local government payments are made; or

5. in cases permitted by regulation of the Secretary of the Department of Labor, is an adult handicapped individual whose own income meets the requirements of 1. or 2., but who is a member of a family whose income does not meet those requirements.

Department of Public Welfare
Bureau of Income Maintenance

Proposed Temporary Rules Governing the General Assistance Program and Notification and Referral to the Minnesota Emergency Employment Development Act Program

Notice of Intent to Adopt Temporary Rules

The State Department of Public Welfare proposes to adopt the above-entitled temporary rules to implement Laws of Minnesota 1983, chapter 312, article 8, sections 3, 8, 10 and 11.

KEY: 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." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed
Adoption of Temporary Rule of
The State of Minnesota
Governing the Definition of
"Economically Disadvantaged" of
Laws 1983, Chapter 312, Article 6, Section 2.

ORDER FOR PUBLICATION
OF TEMPORARY RULE

IT IS ORDERED this 15 day of August, 1983 that the proposed temporary rule in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

Barbara Berhalter

Commissioner of Department of Economic Security

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the definition of "economically disadvantaged" in Laws 1983, Chapter 312, Article 6, Section 2.

ORDER ADOPTING TEMPORARY RULES

The above-entitled matter was published in the State Register on August 29, 1983, as a proposed temporary rule pursuant to Minnesota Statutes sections 14.29 to 14.36. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that these rules identified as the definition of "economically disadvantaged" in Laws 1983, Chapter 312, Article 6, Section 2 are adopted this 19th day of September, 1983, pursuant to authority vested in me by Minnesota Statutes section 268.021.

STATE OF MINNESOTA

Barbara Beerhalter

1. Following placement in a job reasonably compatible with the individual's skill level and using the same corrective steps as the employer would normally use with other employees in order to improve performance, the employer determines that the individual is unable to carry out tasks required in the job obtained through the Minnesota Emergency Employment Development program; or

2. The individual presents medical evidence from a licensed medical authority that the individual is temporarily or permanently unable to carry out the tasks required in the job obtained through the Minnesota Emergency Employment Development program.

J. Unlikely to secure job. As used in Minnesota Statutes, section 268.80, an individual will be considered "unlikely to secure a job" through the jobs program because of conditions including, but not limited to, the following:

1. The individual has inadequate preparation or job experience for the jobs available through the Minnesota Emergency Employment Development program; or

2. Minnesota Emergency Employment Development jobs are unavailable in locations which, for a one-way trip under normal commuting circumstances, are accessible to the individual within one hour.

K. Application process. As used in Minnesota Statutes, section 268.80, "application process" means the procedure through which an individual makes a formal request to the commissioner of the Department of Economic Security for services under the Minnesota Emergency Employment Development jobs program.

Persons found eligible for the Minnesota Emergency Employment Development program must be referred to an employment administrator for program services. The referral must be in writing and include the address of the employment administrator to which the applicant is being referred.

If a person contests a finding by the Department of Economic Security of the ineligibility for the cash allowance or the amount of the allowance, the person's application will be referred to an official designated by the commissioner of economic security for a redetermination of eligibility. If the individual is then found eligible, payment of the cash allowance provided under Minnesota Statutes, section 268.81, if any, shall be computed to cover the time period starting with the date of application to the Department of Economic Security, or if the applicant was not eligible on that date, the subsequent date on which the applicant first became eligible.

Appeals resulting from a redetermination of eligibility will be handled in accordance with procedures under Minnesota Statutes, section 256D.10.

L. Allowance. As used in Minnesota Statutes, section 268.81, "allowance" means the cash amount paid by the commissioner of the Department of Economic Security to individuals satisfying the eligibility standards in Minnesota Statutes, section 256D.01 to 256D.21, who are accepted for participation in the Minnesota Emergency Employment Development jobs program.

The commissioner of the Department of Economic Security shall pay allowances to persons referred by the local agency in accordance with the assistance standards established by the commissioner of public welfare for the general assistance program. The initial allowance from the commissioner of the Department of Economic Security will be paid upon the expiration of the period covered by the one month grant from the local agency. The payments must be made within ten working days following the recipient's acceptance into the Minnesota Emergency Employment Development program provided that in accordance with the foregoing sentence, in no case will the payment be made before the expiration date of the one month grant from the local agency. Subsequent payments will be made at one month intervals.

The Department of Economic Security must make eligibility determinations pursuant to the standards of Minnesota Statutes, sections 256D.01 to 256D.21, for individuals applying to the Department of Economic Security for services under the Minnesota Emergency Employment Development program who were not referred by the local agency. Persons satisfying the eligibility standards set forth in Minnesota Statutes, sections 256D.01 to 256D.21 and accepted for participation in the Minnesota Emergency Employment Development program must be paid a cash allowance by the commissioner of the Department of Economic Security. The allowance will be paid in accordance with the assistance standards established by the commissioner of public welfare for the general assistance program.

Department of Economic Security

Proposed Temporary Rule Governing the Definition of "Economically Disadvantaged" in Laws 1983, chapter 312, article 6, section 2

Notice of Intent to Adopt Temporary Rule

Notice is hereby given that the State of Minnesota proposes to adopt the above-entitled temporary rule pursuant to Minnesota Statutes § 268.021.

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the definition of "economically disadvantaged" in Laws 1983, Chapter 312, Article 6, Section 2.

AFFIDAVIT OF MAILING

STATE OF MINNESOTA
COUNTY OF RAMSEY

Caroline Robinson, being first duly sworn deposes and says:

That on the 28 day of August, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Temporary Rules by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State of Minnesota for the purpose of receiving notice of the proposed adoption of rules by this Department of Economic Security. A copy of the proposed temporary rules was also included.

Caroline Robinson

Caroline Robinson
Office of Budget and Management
Department of Economic Security

Subscribed and sworn to before me
this 28 day of August, 1983.

D E Kelly
Notary Public - Ramsey County
My Commission expires August 12, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Governing the definition of "economically disadvantaged"
in Laws 1983, Chapter 312, Article 6, Section 2.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 14.30, that their names be placed on file with and maintained by the State of Minnesota for the purpose of receiving notice of the proposed adoption of rules by this Department of Economic Security is accurate and complete as of 9:00 A.M., this 28 day of August, 1983.

Michael Fratto

Department of Economic Security

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Governing the definition of "economically
disadvantaged" in Laws 1983, Chapter 312
Article 6, Section 2.

STATEMENT OF COMPLIANCE
WITH RULEMAKING PROCEDURES

I, Paul N. Heckt, do hereby declare that I have examined the rule and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Paul N. Heckt

Special Assistant
Attorney General

State of Minnesota
Department of Economic Security

September 21, 1983