


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
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Our File No. 424

TEMP

# RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-26
DATE FOR REVIEW _____
DATE DUE 10-10-83

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 _____ disapproved _____

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✓ Rule as Adopted

_____ Rule as Proposed

✓ Order Adopting 9.23.83 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
8.25.83 At least ~~30~~ 20 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ 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 ? on AFDC FofF - see my comment

N/A 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 : Leonard Levine, Commissioner

DATE: 10/3/83

Attn: GAIL OLSON, 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 Temporary Rules Governing the General Assistance Program (12 MCAR §§ 2.05501-2.05510, Temporary) and Governing Notification and Refferral to the Minnesota Emergency Employment Development Act Program (12 MCAR § 2.04422, Temporary).

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 .05501

Temporary Rules as ~~Proposed~~ adopted (all new material)

12 MCAR S 2.05501 [Temporary] Authority and applicability.

A. Authority.

1. Laws of Minnesota 1983, chapter 312, article 8, section 3 authorizes the commissioner to establish minimum standards of assistance for the general assistance program.

2. Laws of Minnesota 1983, chapter 312, article 8, section 3 authorizes the commissioner to adopt rules concerning eligibility for the emergency assistance program under aid to families with dependent children to the extent permitted by federal law to require the use of the emergency program under aid to families with dependent children as the primary financial resource when available.

3. Laws of Minnesota 1983, chapter 312, article 8, section 8 authorizes the commissioner to provide by rule or temporary rule for situations in which vouchers or vendor payments may be used by local agencies.

4. Laws of Minnesota 1983, chapter 312, article 8, section 10 authorizes the commissioner to adopt rules and temporary rules governing:

a. reasonable periods of disqualification from general assistance for a recipient who fails to comply with the registration and work requirements of 12 MCAR S 2.05504 [Temporary] ~~A. and B.~~; FF 1

b. the use of vouchers or vendor payments rather than cash grants for the family of a person disqualified; and

c. local agencies' written notices to recipients about job registration, search and acceptance requirements, and the periods of disqualification that will be imposed for noncompliance with those requirements.

5. Laws of Minnesota 1983, chapter 312, article 8, section 11 grants temporary authority to the commissioner to refer nonexempt adult recipients to the commissioner of economic security for services under the Minnesota Emergency Employment Development Act upon issuance of a one-month grant, and to terminate assistance following referral.

6. Minnesota Statues, section 256D.03 requires local agencies to administer general assistance according to law and rules promulgated by the commissioner, including those to establish administrative and fiscal procedures.

7. Minnesota Statutes, section 256D.04 requires the commissioner to supervise administration of the program by local agencies and to promulgate rules to assure uniform administration and to enforce the standards of the law.

~~8. Minnesota Statutes, section 268.74, subdivision 5 authorizes the commissioner to adopt rules including temporary rules to inform applicants for, and recipients of, aid to families with dependent children of the availability of the MEED program, and to refer persons required to register for the work incentive program to the MEED program.~~ FoFF1

B. Applicability. Rules 12 MCAR SS 2.05501-2.05509 [Temporary] establish the rights and responsibilities of the Department of Public Welfare, local welfare agencies, and recipients of general assistance concerning registration and work requirements, participation in the Minnesota Emergency Employment Development Act program, establishes standards of assistance, and authorizes local agencies to enter into a contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance, and shall be read together and with 12 MCAR S 2.055 for purposes of administering the general assistance program. To the extent that 12 MCAR SS 2.05501-2.05509 [Temporary] conflict with 12 MCAR S 2.055, 12 MCAR SS 2.05501-2.05509 [Temporary] shall prevail.

~~Rule 12 MCAR S. 2.04422 [Temporary] establishes the responsibility of the Department of Public Welfare to notify recipients of aid to families with dependent children of the benefits of the MEED program and the responsibility of the Department of Economic Security to coordinate MEED services with the work incentive program.~~ FF1

12 MCAR S 2.05502 [Temporary] Definitions.

The terms defined in this section have the meanings given them unless otherwise provided or indicated by the context.

A. Advanced age. "Advanced age" means a ~~person~~ recipient who is:

1. age 55 or above whose recent work history shows a marked deterioration compared to that prior to age 55, as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment; or

2. who has been evaluated by a vocational specialist or expert as having significant limitations to his or her ability to obtain or retain suitable employment due to advanced age.

B. Applicant. "Applicant" means a person who has filed an application for general assistance with a local agency.

C. Assistance standard. "Assistance standard" means the consolidated amount established by the commissioner which is deemed to provide for an assistance unit's shelter, fuel, food, clothing, utilities, necessary household supplies, and personal need items.

D. Assistance unit. "Assistance unit" means the individuals sharing living arrangements who are eligible ~~for~~ for General Assistance. An assistance unit includes only responsible relatives and the children of either of those individuals who are eligible for general assistance.

E. Child. "Child" means an individual who is under the age of 18.

F. Commissioner. "Commissioner" means the commissioner of public welfare or his designee.

G. Countable income. "Countable income" means net earned and unearned income that is not exempt or disregarded and which is subtracted from the assistance standard to establish a grant payment.

H. Department. "Department" means the Department of Public Welfare.

I. Employment-related education program. "Employment-related educational program" means training which:

1. is taken subsequent to establishing a vocational goal; and

~~2. shall not exceed 24 consecutive months in duration;~~ 2. has a course of study that does not exceed 24 consecutive months in duration; and

~~2.~~ 3. will cause the trainee to be employable upon completion; and

? inserted material does not "track" with initial sentence of "A"

F of F 2 A

3. the local agency shall inform the recipient of services provided by the division of vocational rehabilitation of the department of economic security, and, upon request, shall refer the recipient to that agency.

~~3.4.~~ is for an occupation for which it is anticipated that job openings shall exist upon completion of training; and

~~4.5.~~ shall lead to employment in a location to which the trainee is willing to reside or travel if the employment is not available within the trainee's location; and

~~5.6.~~ requires the trainee to be a full-time student; and

~~6.7.~~ is within the trainee's physical and mental capabilities; and

~~7.8.~~ shall lead to earnings greater than the assistance standard; and

~~8.9.~~ is located in Minnesota or, if not located in Minnesota, the training has been approved by the director of the local agency or his or her designee; and

FofF; I.9

~~9.10.~~ is undertaken to develop employment skills; and

~~10.11.~~ is provided through an institution or facility licensed or accredited by ~~the~~ a state commissioner of ~~the Department of Education~~, or is provided by a state agency or its designee which provides education or employment services; or

FofF 2. I.9

~~11.~~ includes high school education. FofF 2 I.12

J. Full-time student. "Full-time student" means: ~~attending training:~~

1. attending training for a minimum of 25 hours per week if the training does not involve shop practice and for a minimum of 30 hours per week if the training involves shop practice for a high school or a trade or technical student; or

2. registering for and ~~completing~~ passing 12 semester hours per semester or 12 quarter hours per ~~semester or~~ quarter ~~for a college student~~.

K. Good cause. "Good cause" means circumstances beyond the recipient's control, such as, but not limited to: illness, illness of another family member which requires the recipient's presence, a ~~household~~ family emergency, or ~~lack of~~ the inability to obtain transportation. FofF 2K

L. Local agency. "Local agency" means the county welfare boards in the several counties of the state except that it ~~may~~ also includes any ~~multicounty~~ multi-county welfare boards or departments where those have been established in accordance with law.

M. MEED program. "MEED program" means the Minnesota Emergency Employment Development Act, Minnesota Statutes, sections 268.60-268.77.

N. Mentally ill. "Mentally ill" describes a person with a

psychological disorder resulting in behavior that severely limits him or her from obtaining, performing, or maintaining suitable employment.

O. Mentally retarded. "Mentally retarded" describes a person who, during his or her developmental period, demonstrated below average intelligence and adaptive behavior which severely limits him or her from obtaining, performing, or maintaining suitable employment.

P. Negotiated rate. "Negotiated rate" is a general assistance payment which includes room and board and which is either set by the state or local agency or is negotiated by one of those agencies with a party not included in the assistance unit. Such set or negotiated rates are deemed to provide for an assistance unit's shelter, fuel, food, utilities, and household supply need items. The rate shall contain only those items. It shall not include payments for foster care, child welfare services, medical care, dental care, hospitalization, nursing care, drugs or medical supplies, program costs, or other social services.

FofF 2P

OP. Recipient. "Recipient" means a person who is currently receiving assistance under the general assistance program.

RQ. Responsible relative. "Responsible relative" means a person who has financial responsibility for another. Financial responsibility exists between spouses and by parent for child.

SR. Suitable employment. "Suitable employment' means a job that:

1. meets existing health and safety standards; and

2. a person can physically and mentally perform; and

3. pays at least the minimum wage prescribed by state or federal law and provides more than 60 hours of work per month; and or

FofF 2R

4. is provided through the Minnesota Emergency Employment Development Act, Minnesota Statutes, section 268.60-268.77.

12 MCAR S 2.05503 [Temporary] Payments.

A. State standard. The state assistance standard ~~shall be~~ the combined minimum standards for shelter and basic needs which were in effect on February 1, 1983, for ~~persons or families~~ assistance units who secure their own housing in the community.

~~1.~~Except as set forth in ¶ 2, the assistance standards ~~are~~ is the minimum amounts used to determine a monthly grant and to determine the amount of state participation. The following table is the ~~grant~~ state assistance standard:

STATE ASSISTANCE STANDARDS

| Assistance Unit Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|---|
| ~~Grant~~ assistance | | | | | | | | | | |

Amount $199 $260 $305 $343 $381 $424 $452 $488 $519 $548

Over 10 - add $28 per person

~~32.~~ The ~~assistance unit and~~ assistance amount shall be based on the ~~number of general assistance recipients who are legally responsible relatives sharing a residence~~ size of the assistance unit. The general assistance grant is paid in an amount equal to the difference between the applicable assistance standard and countable income. The local agency shall not ~~alter~~ reduce the amount of the grant in relation to living arrangements except as in B.

B. Clothing and personal needs standard. Recipients residing in facilities with negotiated rates shall be eligible for a clothing and personal needs allowance equal to that which is provided to medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 7.

FofF 3B+C

~~C~~B. Payments for recipients living in facilities with negotiated rates and emergency general assistance. ~~that have been set or negotiated by the state or local agency.~~ State participation is available for payments of negotiated rates and for payments of emergency general assistance made pursuant to Minnesota Statutes, section 256D.06, subdivision 2, and 256D.07.

~~In addition to the negotiated rate, the local agency shall determine grant amounts based upon the following:~~

~~1. Recipients who obtain only shelter from a provider with whom there is an established rate shall receive a grant for basic needs.~~

~~2. Recipients who obtain shelter and some basic needs, such as utilities or food, from a provider with whom there is an established rate, shall receive a grant for basic needs less any items covered under the established rate. The reduction from the basic needs allowance shall be in the amounts in effect on February 1, 1983.~~

~~3. In no event shall the recipient receive less than the personal needs allowance paid under the medical assistance~~

FofF 3B+C

.05504

~~program.~~

~~C. Clothing and personal needs allowance. Recipients assisted under local agency negotiated room and board rates shall be eligible for a clothing and personal needs allowance equal to that which is provided to medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 7.~~

F of F 3 B+C.

D. Local ~~standards~~ payments. Local agencies may establish ~~standards~~ payment levels in excess of the state assistance standards, ~~or~~ and may provide special need items. These costs are not eligible for state participation.

12 MCAR S 2.05504 [Temporary] Registration and work requirements.

A. Requirement. Unless exempt, the local agency shall refer all adult recipients who are unemployed or who are employed ~~but whose countable income is less than the state assistance standards or a higher standard~~ payment level ~~established by the local agency~~ to the Department of Economic Security for registration and employment assistance.

B. Referrals. Referrals to the Department of Economic Security by the local ~~county~~ agency shall be made on a form prescribed by the commissioner of public welfare, and shall include:

1. the date of referral;

2. the date by which the registration with economic security must be completed;

3. the date by which the local agency must receive verification of the registration;

4. the address and telephone number of the office that the recipient is being referred to;

5. a notice of recipient rights and responsibilities regarding registration and work;

6. a notice of actions to be taken if the recipient does not comply with the registration and work requirements of C. and E.; and

7. a notice of exemption or nonexemption from the registration and work requirements of C. and E.

C. Registration requirement. Recipients who are referred by the local agency for employment assistance are required to register for employment services with the Department of Economic Security. Verification of the registration must be returned to the local agency by the recipient within 15 calendar days of the date on which the grant is issued in order to continue general assistance payments for which he or she would otherwise be eligible.

Registration for employment services must be maintained to continue general assistance eligibility. The recipient must obtain and provide verification as part of the local agency's redetermination of eligibility.

D. Failure to meet registration requirements. If the local

agency has not received verification within 15 days, it shall contact the Department of Economic Security to determine if the ~~person~~ recipient has ~~not~~ registered. If the Department of Economic Security verifies that the ~~person~~ recipient has registered, the ~~person~~ recipient shall be considered to have met the registration requirement. If the Department of Economic Security verifies that the recipient has not registered, ~~the~~ that department shall provide a written statement indicating that the recipient has not registered. Such a statement will establish the recipient's failure to comply with the registration requirement and the local agency shall provide the recipient with timely notice of termination from assistance. Appeals regarding failure to register without good cause will be heard by the Department of Public Welfare ~~,~~ pursuant to Minnesota Statutes, section 256.045.

FoF 4D

E. Work requirements. Recipients who are referred to the Department of Economic Security for employment assistance are required to comply with work requirements established by the Department of Economic Security, including, but not limited to, the requirements to:

1. be available for work;

2. comply with reporting and job search requirements; and

3. accept and maintain any offer of suitable employment.

F. Failure to meet work requirements. The Department of Economic Security shall determine whether or not a recipient complies with the work requirements of that department. If the commissioner of the Department of Economic Security certifies that the recipient has failed to meet the work requirements, the local agency shall provide the recipient with timely notice of termination from assistance.

Hearings held regarding compliance with the work requirements shall be heard by the Department of Economic Security. Neither the local agency nor the recipient may appeal the A final determination of noncompliance ~~shall be binding upon the local agency~~ to the commissioner of public welfare.

FoF 4F

G. Disqualification. A recipient who has not complied with the registration or work requirements of C. ~~and~~ or E. shall be disqualified from receiving general assistance. General assistance medical care may continue without separate application during the period of disqualification.

H. Notice of disqualification. The local agency shall give the recipient timely, advance notice of any planned grant

reduction, suspension, or termination due to noncompliance. The notice must:

1. be in writing on a form prescribed by the commissioner;

2. be provided to the recipient not later than ten days before the effective date of the action; and

3. clearly ~~state~~ in plain and easily understood language what action the local agency intends to take, the reasons for the action, the right to appeal the action, and the conditions under which assistance can be continued pending an appeal. FoF F4 H3

I. Appeal of disqualification. A recipient who is being disqualified from receiving general assistance because he or she has not complied with the registration ~~or work~~ or work requirements of C. ~~and~~ and E. may appeal the decision by submitting a written request for a hearing to the department or the local agency pursuant to Minnesota Statutes, section 256.045. A recipient who appeals the disqualification shall, if otherwise eligible, continue to receive ~~monthly grants~~ general assistance until the final determination is made, if the hearing request is submitted on or prior to the effective date of the ~~determination~~ disqualification. FoF 4I

J. Period of disqualification. A recipient who~~, without good cause,~~ has not complied with the registration ~~and~~ or work requirements of C. ~~and~~ or E. shall be disqualified from receiving general assistance for the periods specified in 1.-5.

1. Thirty days for the first occurrence.

2. Ninety days for ensuing occurrences if it occurs within ~~one calendar year~~ 12 months from the end of any prior disqualification period. If a subsequent disqualification occurs more than ~~one calendar year~~ 12 months from the end of ~~first~~ any prior disqualification period, the disqualification shall be treated as a first occurrence. FoF 4J

3. Effective dates. The disqualification period begins on the effective date of the notice required in H. unless the recipient appeals on or prior to that date. If the recipient appeals and assistance is continued but the recipient is not upheld, the period of disqualification begins with the first full month following the final determination of noncompliance.

4. A person who has been disqualified and who applies for

general assistance during the period of disqualification shall be considered a recipient for purposes of G.

5. If a recipient complies with the registration or work requirements and verifies that compliance after receiving a notice of adverse action and on or prior to its effective date, assistance shall be continued without a period of disqualification.

? "and" should be deleted.

If otherwise eligible, a ~~person~~ recipient who complies with, or becomes exempt from, the registration or work requirements during a ~~first~~ disqualification period may receive general assistance as of the date that the agency receives verification of compliance or exemption. The disqualification is counted if there is a subsequent occurrence of noncompliance.

FofF J.5

K. Vouchers and vendor payments. The local agency shall use vouchers and/or vendor payments to meet the financial needs of eligible family members of a ~~person~~ recipient who is disqualified subject to G. The grant amount provided to the family shall be based upon the remaining number of eligible family members in the assistance unit.

L. Exemptions from registration and work requirements. A recipient shall be exempt from the registration and work requirements of C. and E. if he or she is a person:

1. who is suffering from a permanent or temporary illness, injury, or incapacity which is both medically certified and prevents the person from obtaining or retaining suitable employment for a period of at least 15 days; and, if it is a temporary condition, the person is following a plan for rehabilitation as recommended in the medical certification; or

FofF 4L.

2. whose presence in the home on a substantially continuous basis is required because of ~~the~~ a medically certified illness, injury, or incapacity, or the advanced age of

a. another member of the assistance unit; or

b. another member of the household who is not a member of the assistance unit, if such exemption is approved by the local agency.

FofF 4L.2

The physician's statement must indicate that the person requiring care is unable to care for himself or herself, or

F&F 4L.2.

~~household;~~

3. who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by

the local agency through its director or designated representative; or

4. who resides in a shelter facility for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3;

5. who is or may be eligible for displaced homemaker services, programs, or assistance under Minnesota Statutes, section 4.40, but only if enrolled as a full-time student; or

6. who is not described in 1. or 3. and who is diagnosed by a licensed physician or licensed consulting psychologist as mentally retarded or mentally ill, to the extent the person cannot obtain or retain employment; or

7. who has executed an interim assistance authorization agreement pursuant to Minnesota statutes 256D.06, subdivision 5, and who: FoF 4L.7

a. has an application pending for the social security disability program or the supplemental security income program; or

b. who has applied to those programs and who is appealing the denial of his or her application; or

c. who has been terminated from those programs and has an appeal pending; or

8. who is of advanced age and unable to obtain or retain suitable employment because his or her advanced age significantly affects his or her ability to seek or engage in substantial work; or

9. who has been referred to, has applied for, or is in a work training, work experience, vocational rehabilitation, or other employment related educational program. A ~~person is~~ recipient shall be exempted pursuant to this clause:

~~a. for not more than 24 consecutive months; or~~

a. ~~b.~~ for not more than 3 consecutive months if the recipient is a part time high school student; or FoF 4L.9

b. ~~c.~~ while awaiting acceptance into the program for no more

than two months, including the month of application; or

10. who is an adult member of a ~~family~~ an assistance unit with children ~~in a household~~ in which another responsible relative is employed full time or has registered for employment services with the Department of Economic Security or has been accepted in a ~~work training program;~~ an employment related educational program; or

11. who has been certified as unemployable by the commissioner of economic security. For such a person:

a. The local agency shall review the reasons for the finding of unemployability to determine if the recipient should

be included in another exemption category.

b. If the recipient is not covered by one of the other categories of exemption, the local agency shall ~~develop and implement a plan which addresses~~ assess the conditions which preclude employment. ~~All available resources shall be considered in developing this plan.~~ and, if appropriate, develop and implement a plan to address those conditions. The recipient must ~~cooperate~~ participate developing in ~~the development of~~ such a plan and must comply with the terms agreed upon in the plan. A recipient who does not comply is subject to the disqualification provisions of G-K.

M. Appeals of status. A recipient may appeal the local agency's determination of his or her exemption status by submitting a written request for a hearing to the department or local agency pursuant to Minnesota Statutes, section 256.045.

N. A ~~person~~ recipient who is referred to the Department of Economic Security pursuant to 12 MCAR S 2.05505 [Temporary] must ~~register with~~ apply to the Department of Economic Security to obtain MEED program services, but need not return verification to the local agency. Future assistance for such a person is defined in 12 MCAR S 2.05505 [Temporary] B.

12 MCAR S 2.05505 [Temporary] Referral to the Minnesota Emergency Employment Development program (MEED).

A. Information. The local agency shall inform all adult applicants for and recipients of general assistance of the MEED program and shall provide each with a description, in plain and easily understood language, of the program.

B. Mandatory referrals.

1. Unless exempt, the local agency shall refer all adult recipients to the commissioner of the Department of Economic Security for allowances and services under the MEED program. The referral shall be made at the time that the local agency issues a grant of general assistance, shall be made on a referral form prescribed by the commissioner, and shall include:

a. the recipient's name, address, telephone number if any, and local agency and case number;

b. the ~~amounts of the~~ assistance unit's ~~recipient's~~ most

recent assistance standards, income, and grant;

c. the beginning and ending dates of the ~~recipient's~~ assistance unit's most recent grant of assistance;

d. the date of referral;

e. a statement indicating that the recipient must

apply for services through the Department of Economic Security at least 15 days before the end of the grant period in order to receive a timely allowance from economic security;

f. the address and telephone number of the Department of Economic Security office to which the recipient is being referred to;

g. a statement of the recipient's rights and responsibilities regarding this referral; and

h. instructions to the recipient to return to the local ~~county~~ agency if he or she is found ineligible for the MEED program by the Department of Economic Security and he or she wishes further assistance.

2. ~~Recipients~~ Assistance units shall, at a minimum, receive a one-month grant from the local agency. The grant shall be issued within 15 calendar days of the date of application or the subsequent date when all eligibility conditions are met. If the local agency is unable to issue the grant within that 15-day period, the grant shall be issued to cover the period from the date of application or from the subsequent date when all eligibility conditions are met plus 15 days. The total period covered shall not be less than 30 days. Notwithstanding the provisions of Minnesota Statutes, section 256D.09, subdivision 1, the grant shall be issued in one payment without regard to the beginning or ending date of the month.

3. The assistance unit shall be eligible for general assistance medical care benefits for no less than the month during which general assistance eligibility begins and the following month. The local agency must inform the assistance unit of its right to apply for GAMC when GA is terminated. F&F 5B3

4. After completing the referral and issuing the grant, the local agency shall suspend payments to the assistance unit for a 30-day period following the period for which a grant was issued. If the recipient does not return to the local agency within the 30-day suspension period, eligibility will be terminated. Grants shall not be terminated when negotiated rate payments require a supplement to the employment allowance received pursuant to 8 MCAR S 4.0101. F&F 5B.2

The assistance unit shall be eligible for additional grants of assistance from the local ~~county~~ agency if the recipient returns to the local agency with a written certification from

the commissioner of economic security that:

a. the ~~person~~ recipient is ineligible for services from the MEED program; or

b. the ~~person~~ recipient is unlikely to secure a job through the MEED program; or

c. the ~~person~~ recipient is unable to successfully perform a job available through the MEED program; or

d. the ~~person~~ recipient is unemployable; or

e. the MEED program has been discontinued; or

f. the ~~MEED program~~ employment allowances allocation has been depleted.

5. In order to comply with the registration and work requirements in 12 MCAR S 2.05504 [Temporary] C. and E., a recipient must register with the Department of Economic Security for the MEED program, comply with its reporting and job search requirements, be available for work, and accept any offer of suitable employment. Determinations of compliances, notices, appeals, and disqualifications are governed by 12 MCAR S 2.05504 [Temporary] D.-K. If any member of an assistance unit is disqualified from the receipt of ~~an~~ employment allowance pursuant to these sections, the other eligible members of the assistance unit may receive general assistance vouchers or vendor payments as provided for in said sections.

F&F B.5

C. Exemptions from referral.

1. A recipient shall be exempt from referral to the MEED program if;

a. the commissioner of the Department of Economic Security certifies that the recipient meets one or more conditions of B.4.; or he or she

b. ~~they are~~ is covered by 12 MCAR S 2.05504 [Temporary] L.; or

c. ~~they were~~ was a ~~eligible on~~ recipient on September 30, 1983~~,~~, and whose assistance has not terminated since that date; or

F&F 5C

d. has not been a resident of Minnesota for 30 days or longer; or

e. is eligible for or receiving unemployment compensation or worker's compensation; or

f. is employed.

2. A recipient may contest the local agency determination of his or her exemption status pursuant to Minnesota Statutes, section 256.045.

3. The local agency shall continue to provide assistance to those recipients who were ~~eligible~~ recipients on September 30, 1983, and whose assistance has not terminated since that date, and to recipients who are otherwise exempt from referral to the MEED program, until such time as eligibility conditions are no longer met.

FofFCI

D. Requested services. An exempt applicant or recipient may request services from the MEED program. If requested by the applicant or recipient, the local agency shall refer these persons to the Department of Economic Security using the form mentioned ~~procedures~~ in B.

E. ~~MEED program~~ Employment allowances. ~~A MEED~~ Employment allowances provided by the Department of Economic Security shall be paid in accordance with 12 MCAR 2.05503, section A., and ~~is~~ are unearned income for purposes of determining eligibility for and the amount of general assistance, including emergency general assistance, and the payments for persons in facilities with rates established or negotiated by the state or the local agency. Eligibility for emergency general assistance pursuant to Minnesota Statutes, section 256D.06, subdivision 2~~1~~ 1. is not precluded by receipt of an employment allowance; or 2. does not require eligibility for a general assistance grant based upon the state standard of assistance.

12 MCAR S 2.05506 [Temporary] Appeal of ~~MEED program~~ employment allowance determinations.

A. Local agency review. If a person contests a finding by the Department of Economic Security that he or she is ineligible for ~~a MEED program~~ an employment allowance or the amount of the ~~MEED program~~ allowance, the Department of Economic Security shall request that the local agency review the contested determination. The local agency shall review the determination and may obtain additional information or verification from the Department of Economic Security or from the applicant in order to determine whether or not the person meets the standards of Minnesota Statutes, sections 256D.01 to 256D.21.

B. Effect of agency review. The determination made by the local agency after its review is binding on the Department of Economic Security.

.05507

C. Appeal of findings. If a person referred to in A. contests the determination made by the local agency, he or she may appeal the finding pursuant to Minnesota statutes, section 256.045.

12 MCAR S 2.05507 [Temporary] Information.

Date on individuals collected, maintained, used, or disseminated by the welfare system may be disclosed to the Minnesota Department of Economic Security and its agents including the MEED program for the purpose of monitoring the eligibility of the data subject for unemployment compensation, or for any employment or training program administered by that agency, without the consent of the data

F of F 6

this rule appears to provide for variance to Data Practices Act - does DPW have statutory authority?

see Laws 83, Art 8 §1: appears to authorize this rule

.05508
.05509
.04422

subject.

12 MCAR S 2.05508 [Temporary] Contracts with Department of Economic Security.

Local agencies may enter into contracts with the Department of Economic Security, including MEED local employment administrators, in order to determine the eligibility of MEED program applicants for an employment allowance and to determine the amount of the allowance. The administrative costs and income ~~incurred in providing this assistance~~ associated with these contracts must be accounted for in accordance with the state's federally approved cost allocation plan. A local agency shall provide these services at the local Department of Economic Security office or the local MEED program office.

F of F 7

12 MCAR S. 2.05509 [Temporary] Local agency reports.

The local agencies shall obtain, collect, and report information necessary for administering, monitoring, and evaluating general assistance, including work requirements and the MEED program.

A. Information on all general assistance applicants and recipients shall be entered in the welfare information system on the schedules established by the department.

B. Local agencies shall be required to enter and maintain that information on the case information file or supply supplemental information as needed to:

1. minimize the occasions on which the similar information is obtained from applicants and recipients;

2. improve coordination of services to recipients;

3. minimize the possibility of duplicate payments;

4. report to the legislature on general assistance recipients~~,~~ participation in the MEED program.

12 MCAR S 2.04422 [Temporary] Notice to AFDC applicants and recipients.

A. Minnesota Statutes, section 268.74, subdivision 5 authorizes the commissioner to adopt rules including temporary rules to inform applicants for, and recipients of, aid to families with dependent children of the availability of the MEED program (Minnesota Emergency Employment Development act, Minnesota Statutes, section 268.60 - 268.77), and to refer persons required to register for the work incentive program to the MEED program.

B. Rule 12 MCAR S. 2.04422 [Temporary] establishes the responsibility of the Department of Public Welfare to notify recipients of aid to families with dependent children of the benefits of the MEED program and the responsibility of the Department of Economic Security to coordinate MEED services with the work incentive program.

C. Requirement. The local agency shall notify each adult applicant for or recipient of aid to families with dependent children of the availability of the MEED ~~Minnesota Emergency Employment Development~~ program and shall also provide a description of the program. Persons required to register for the work incentive program or with job services shall be referred by the local agency to the Department of Economic

1 Security, which shall:

1. include information about MEED in its orientation;

2 2. shall use its appraisals for referrals to MEED jobs; and

3 3. shall include MEED jobs in its job search activities.

APPROVED AS TO LEGALITY

10/3 19 83

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT - 7 1983
Joan Anderson Growe
Secretary of State

11:37 AM

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

In the Matter of the Proposed Adoption of Temporary Rules Governing the General Assis- Program (12 MCAR §§ 2.05501-2.05510, Temporary) and Governing Notification and Referral to the Minnesota Emergency Employment Development Act Program (12 MCAR § 2.04422, Temporary).

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 - 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 considerting 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 temporary rules Governing the General Assistance Program (12 MCAR §§ 2.05501-2.05510, Temporary) and Governing Notification and Referral to the Minnesota Emergency Employment Act Program (12 MCAR § 2.04422, Temporary) are adopted this 23 day of September, 1983, pursuant to the authority vested in me by Minnesota Statutes, section 256D.01, 256D.21 and Laws of Minnesota 1983, chapter 312, article 8.

STATE OF MINNESOTA



COMMISSIONER OF PUBLIC WELFARE

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF TEMPORARY RULES OF THE STATE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE GENERAL ASSISTANCE PROGRAM (12 MCAR §§2.05501 - 2.05510, TEMPORARY) AND GOVERNING NOTIFICATION AND REFERRAL TO THE MINNESOTA EMERGENCY EMPLOYMENT DEVELOPMENT ACT PROGRAM (12 MCAR §2.04422, TEMPORARY)

ORDER FOR PUBLICATION OF TEMPORARY RULES

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

STATE OF MINNESOTA

COMMISSIONER OF PUBLIC WELFARE

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF TEMPORARY RULES GOVERNING THE GENERAL ASSISTANCE PROGRAM (12 MCAR §§2.05501-2.05510, TEMPORARY) AND GOVERNING NOTIFICATION AND REFERRAL TO THE MINNESOTA EMERGENCY EMPLOYMENT DEVELOPMENT ACT PROGRAM (12 MCAR §2.04422, TEMPORARY).

AFFIDAVIT OF MAILING

Wendy Johnson, being first duly sworn, deposes and says:

That on the 25th 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 first class mailing, 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 Department of Public Welfare for the purpose of receiving notice of the proposed adoption of rules by this Department.

Wendy Johnson

Subscribed and sworn to before me

this 25 day of August, 1983.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF TEMPORARY RULES GOVERNING THE GENERAL ASSISTANCE PROGRAM (12 MCAR §§2.05501-2.05510, TEMPORARY) AND GOVERNING NOTIFICATION AND REFERRAL TO THE MINNESOTA EMERGENCY EMPLOYMENT DEVELOPMENT ACT PROGRAM (12 MCAR §2.04422, TEMPORARY).

AFFIDAVIT OF ADDITIONAL MAILING

Wendy Johnson, being first duly sworn, deposes and says:

That on the 25th day of August, 1983, at the City of St. Paul, County of Ramsey, State of Minnesota, in addition to serving the attached Notice of Intent to Adopt Temporary Rules to all persons and associations who have requested that their names be placed on file for the purpose of receiving notice of the proposed adoption of rules by this Department, she also served the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following agencies:

MN House Research
MN Senate Research
Barbara Beerholter - Commissioner of Economic Security
Joe Samargia-Economic Security

Wendy Johnson

Subscribed and sworn to before me

this 25 day of August, 1983.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sept. 22, 1984

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF TEMPORARY RULES GOVERNING THE GENERAL ASSISTANCE PROGRAM (12 MCAR §§2.05501-2.05510, TEMPORARY) AND GOVERNING NOTIFICATION AND REFERRAL TO THE MINNESOTA EMERGENCY EMPLOYMENT DEVELOPMENT ACT PROGRAM (12 MCAR §2.04422, TEMPORARY)

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. §14.14 subd. 1. that their names be placed on file with and maintained by the Department of Public Welfare for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 4:00, P.M., this 25th day of August, 1983.

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.

Persons interested in these rules have until September 19, 1983 to submit written comments. The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the agency.

Written comments should be sent to:

Michael Sirovy
Client Eligibility Unit
Department of Public Welfare
2nd Floor, Space Center
444 Lafayette Rd.
St. Paul, MN 55101
(612) 296-1387

Upon adoption of the temporary rules, this notice, all written comments received, and the adopted temporary rules will be delivered to the Attorney General and to the Revisor of Statutes for review as to form and legality.

The adopted temporary rules will not become effective without the Attorney General's approval and the Revisor of Statute's certification of the rule's form.

As provided by Laws of Minnesota 1983, chapter 312, these temporary rules are to be promulgated by October 1, 1983, and will be effective as of October 1, 1983. These temporary rules shall be effective for 180 days and may be continued in effect for an additional period of 180 days if the commissioner gives notice of continuation of the additional period by publishing notice in the *State Register* and mailing the same notice to all persons registered with the commissioner to receive notice of rulemaking proceedings. The temporary rules shall not be effective 361 days after their effective date without following the procedures in Minnesota Statutes, sections 14.13 to 14.20.

Rules 12 MCAR §§ 2.05501-2.05510 establish the rights and responsibilities of the Department of Public Welfare, local welfare agencies, and recipients of general assistance concerning registration and work requirements, participation in the Minnesota Emergency Employment Development (MEED) Act program, establishes standards of assistance, and authorizes local agencies to contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance, and shall be read together and with 12 MCAR § 2.055 for purposes of administering the general assistance program. To the extent that 12 MCAR §§ 2.05501-2.05510 [Temporary] conflict with 12 MCAR § 2.055, 12 MCAR §§ 2.05501-2.0551 shall prevail.

Rule 12 MCAR § 2.04402 establishes the responsibility of the Department of Public Welfare to notify recipients of aid to families with dependent children of the benefits of the MEED program and the responsibility of the Department of Economic Security to coordinate MEED services with the work incentive program.

These temporary rules will not result in any additional state or county spending beyond the amount of funds appropriated under laws of Minnesota 1983, chapter 312.

Copies of this notice and the proposed temporary rules may be obtained by contacting Michael Sirovy (612) 296-1387.

Leonard W. Levine
Commissioner of Public Welfare

## Temporary Rules as Proposed (all new material)

**12 MCAR § 2.05501 [Temporary] Authority and applicability.**

A. Authority.

1. Laws of Minnesota 1983, chapter 312, article 8, section 3 authorizes the commissioner to establish minimum standards of assistance for the general assistance program.

2. Laws of Minnesota 1983, chapter 312, article 8, section 3 authorizes the commissioner to adopt rules concerning eligibility for the emergency assistance program under aid to families with dependent children to the extent permitted by federal law to require the use of the emergency program under aid to families with dependent children as the primary financial resource when available.

3. Laws of Minnesota 1983, chapter 312, article 8, section 8 authorizes the commissioner to provide by rule or temporary rule for situations in which vouchers or vendor payments may be used by local agencies.

4. Laws of Minnesota 1983, chapter 312, article 8, section 10 authorizes the commissioner to adopt rules and temporary rules governing:

a. reasonable periods of disqualification from general assistance for a recipient who fails to comply with the registration and work requirements of 12 MCAR § 2.05504 [Temporary] A. and B.:

b. the use of vouchers or vendor payments rather than cash grants for the family of a person disqualified; and

c. local agencies' written notices to recipients about job registration, search and acceptance requirements, and the periods of disqualification that will be imposed for noncompliance with those requirements.

5. Laws of Minnesota 1983, chapter 312, article 8, section 11 grants temporary authority to the commissioner to refer nonexempt adult recipients to the commissioner of economic security for services under the Minnesota Emergency Employment Development Act upon issuance of a one-month grant, and to terminate assistance following referral.

6. Minnesota Statutes, section 256D.03 requires local agencies to administer general assistance according to law and rules promulgated by the commissioner, including those to establish administrative and fiscal procedures.

7. Minnesota Statutes, section 256D.04 requires the commissioner to supervise administration of the program by local agencies and to promulgate rules to assure uniform administration and to enforce the standards of the law.

8. Minnesota Statutes, section 268.74, subdivision 5 authorizes the commissioner to adopt rules including temporary rules to inform applicants for, and recipients of, aid to families with dependent children of the availability of the MEED program, and to refer persons required to register for the work incentive program to the MEED program.

B. Applicability. Rules 12 MCAR §§ 2.05501-2.05509 [Temporary] establish the rights and responsibilities of the Department of Public Welfare, local welfare agencies, and recipients of general assistance concerning registration and work requirements, participation in the Minnesota Emergency Employment Development Act program, establishes standards of assistance, and authorizes local agencies to contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance, and shall be read together and with 12 MCAR § 2.055 for purposes of administering the general assistance program. To the extent that 12 MCAR §§ 2.05501-2.05509 [Temporary] conflict with 12 MCAR § 2.055, 12 MCAR §§ 2.05501-2.05509 [Temporary] shall prevail.

Rule 12 MCAR § 2.04422 [Temporary] establishes the responsibility of the Department of Public Welfare to notify recipients of aid to families with dependent children of the benefits of the MEED program and the responsibility of the Department of Economic Security to coordinate MEED services with the work incentive program.

**12 MCAR § 2.05502 [Temporary] Definitions.**

The terms defined in this section have the meanings given them unless otherwise provided or indicated by the context.

A. Advanced age. "Advanced age" means a person who is:

1. age 55 or above whose recent work history shows a marked deterioration compared to that prior to age 55, as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment; or

2. who has been evaluated by a vocational specialist or expert as having significant limitations to his or her ability to obtain or retain suitable employment due to advanced age.

B. Applicant. "Applicant" means a person who has filed an application for general assistance with a local agency.

C. Assistance standard. "Assistance standard" means the consolidated amount established by the commissioner which is deemed to provide for an assistance unit's shelter, fuel, food, clothing, utilities, necessary household supplies, and personal need items.

D. Assistance unit. "Assistance unit" means the individuals sharing living arrangements who are eligible. An assistance unit includes only responsible relatives and the children of either of those individuals who are eligible for general assistance.

E. Child. "Child" means an individual who is under the age of 18.

F. Commissioner. "Commissioner" means the commissioner of public welfare or his designee.

G. Countable income. "Countable income" means net earned and unearned income that is not exempt or disregarded and which is subtracted from the assistance standard to establish a grant payment.

H. Department. "Department" means the Department of Public Welfare.

I. Employment-related educational program. "Employment-related educational program" means training which:

1. is taken subsequent to establishing a vocational goal;

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2. shall not exceed 24 consecutive months in duration;

3. will cause the trainee to be employable upon completion;

4. is for an occupation for which it is anticipated that openings shall exist upon completion of training;

5. shall lead to employment in a location to which the trainee is willing to reside or travel if the employment is not available within the trainee's location;

6. requires the trainee to be a full-time student;

7. is within the trainee's physical and mental capabilities;

8. shall lead to earnings greater than the assistance standard;

9. is located in Minnesota;

10. is undertaken to develop employment skills; and

11. is provided through an institution or facility licensed or accredited by the commissioner of the Department of Education, or is provided by a state agency or its designee which provides education or employment services.

J. Full-time student. "Full-time student" means attending training:

1. for a minimum of 25 hours per week if the training does not involve shop practice and for a minimum of 30 hours per week if the training involves shop practice for a high school or a trade or technical student; or

2. registering for and completing 12 semester or quarter hours per semester or quarter for a college student.

K. Good cause. "Good cause" means circumstances beyond the recipient's control, such as, but not limited to: illness, illness of another family member which requires the recipient's presence, a household emergency, or lack of transportation.

L. Local agency. "Local agency" means the county welfare boards in the several counties of the state except that it may also include any multicounty welfare boards or departments where those have been established in accordance with law.

M. MEED program. "MEED program" means the Minnesota Emergency Employment Development Act, Minnesota Statutes, sections 268.60-268.77.

N. Mentally ill. "Mentally ill" describes a person with a psychological disorder resulting in behavior that severely limits him or her from obtaining, performing, or maintaining suitable employment.

O. Mentally retarded. "Mentally retarded" describes a person who, during his or her developmental period, demonstrated below average intelligence and adaptive behavior which severely limits him or her from obtaining, performing, or maintaining suitable employment.

P. Recipient. "Recipient" means a person who is currently receiving assistance under the general assistance program.

Q. Responsible relative. "Responsible relative" means a person who has financial responsibility for another. Financial responsibility exists between spouses and by parent for child.

R. Suitable employment. "Suitable employment" means a job that:

1. meets existing health and safety standards;

2. a person can physically and mentally perform;

3. pays at least the minimum wage prescribed by state or federal law and provides more than 60 hours of work per month; and

4. is provided through the Minnesota Emergency Employment Development Act, Minnesota Statutes, section 268.60-268.77.

**12 MCAR § 2.05503 [Temporary] Payments.**

A. State standard. The state assistance standard shall be the combined minimum standards for shelter and basic needs which were in effect on February 1, 1983, for persons or families who secure their own housing in the community.

1. Except as set forth in C., the standards are the minimum amounts used to determine a monthly grant and to determine the amount of state participation. The following table is the grant standard:

STATE ASSISTANCE STANDARDS

| Assistance Unit Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|---|
| Grant Amount | $199 | $260 | $305 | $343 | $381 | $424 | $452 | $488 | $519 | $548 |

Over 10—add $28 per person

2. The assistance unit and assistance amount shall be based on the number of general assistance recipients who are legally responsible relatives sharing a residence. The general assistance grant is paid in an amount equal to the difference between the applicable assistance standard and countable income. The local agency shall not alter the amount of the grant in relation to living arrangements except as in B.

B. Payments for recipients living in facilities with rates that have been set or negotiated by the state or local agency. In addition to the negotiated rate, the local agency shall determine grant amounts based upon the following:

1. Recipients who obtain only shelter from a provider with whom there is an established rate shall receive a grant for basic needs.

2. Recipients who obtain shelter and some basic needs, such as utilities or food, from a provider with whom there is an established rate, shall receive a grant for basic needs less any items covered under the established rate. The reduction from the basic needs allowance shall be in the amounts in effect on February 1, 1983.

3. In no event shall the recipient receive less than the personal needs allowance paid under the medical assistance program.

C. Clothing and personal needs allowance. Recipients assisted under local agency negotiated room and board rates shall be eligible for a clothing and personal needs allowance equal to that which is provided to medical assistance recipients under Minnesota Statutes, section 256B.35, subdivision 7.

D. Local standards. Local agencies may establish standards in excess of the state assistance standards, or may provide special need items. These costs are not eligible for state participation.

**12 MCAR § 2.05504 [Temporary] Registration and work requirements.**

A. Requirement. Unless exempt, the local agency shall refer all adult recipients who are unemployed or who are employed but whose countable income is less than the state assistance standards or a higher standard established by the local agency to the Department of Economic Security for registration and employment assistance.

B. Referrals. Referrals to the Department of Economic Security by the local county agency shall be made on a form prescribed by the commissioner of public welfare and shall include:

1. the date of referral;

2. the date by which the registration with economic security must be completed;

3. the date by which the local agency must receive verification of the registration;

4. the address and telephone number of the office that the recipient is being referred to;

5. a notice of recipient rights and responsibilities regarding registration and work;

6. a notice of actions to be taken if the recipient does not comply with the registration and work requirements of C. and E.; and

7. a notice of exemption or nonexemption from the registration and work requirements of C. and E.

C. Registration requirement. Recipients who are referred by the local agency for employment assistance are required to register for employment services with the Department of Economic Security. Verification of the registration must be returned to the local agency by the recipient within 15 calendar days of the date on which the grant is issued in order to continue payments for which he or she would otherwise be eligible.

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Registration for employment services must be maintained to continue general assistance eligibility. The recipient must obtain verification as part of the local agency's redetermination of eligibility.

D. Failure to meet registration requirements. If the local agency has not received verification within 15 days, it shall contact the Department of Economic Security to determine if the person has not registered. If the Department of Economic Security verifies that the person has registered, the person shall be considered to have met the registration requirement. If the Department of Economic Security verifies that the recipient has not registered, the department shall provide a written statement indicating that the recipient has not registered. Such a statement will establish the recipient's failure to comply with the registration requirement and the local agency shall provide the recipient with timely notice of termination from assistance. Appeals regarding failure to register will be heard by the Department of Public Welfare.

E. Work requirements. Recipients who are referred to the Department of Economic Security for employment assistance are required to comply with work requirements established by the Department of Economic Security, including, but not limited to, the requirements to:

1. be available for work;

2. comply with reporting and job search requirements; and

3. accept and maintain any offer of suitable employment.

F. Failure to meet work requirements. The Department of Economic Security shall determine whether or not a recipient complies with the work requirements of that department. If the commissioner certifies that the recipient has failed to meet the work requirements, the local agency shall provide the recipient with timely notice of termination from assistance.

Hearings held regarding compliance with the work requirements shall be heard by the Department of Economic Security. A final determination of noncompliance shall be binding upon the local agency.

G. Disqualification. A recipient who has not complied with the registration or work requirements of C. and E. shall be disqualified from receiving general assistance.

H. Notice of disqualification. The local agency shall give the recipient timely, advance notice of any planned grant reduction, suspension, or termination due to noncompliance. The notice must:

1. be in writing on a form prescribed by the commissioner;

2. be provided to the recipient not later than ten days before the effective date of the action; and

3. clearly state what action the local agency intends to take, the reasons for the action, the right to appeal the action, and the conditions under which assistance can be continued pending an appeal.

I. Appeal of disqualification. A recipient who is disqualified from receiving general assistance because he or she has not complied with the registration or work requirements of C. and E. may appeal the decision by submitting a written request for a hearing to the department or the local agency pursuant to Minnesota Statutes, section 256.045. A recipient who appeals the disqualification shall, if otherwise eligible, continue to receive monthly grants until the final determination is made, if the hearing request is submitted prior to the effective date of the determination.

J. Period of disqualification. A recipient who, without good cause, has not complied with the registration and work requirements of C. and E. shall be disqualified from receiving general assistance for the periods specified in 1.-5.

1. Thirty days for the first occurrence.

2. Ninety days for ensuing occurrences if it occurs one calendar year from any prior disqualification period. If a subsequent disqualification occurs one calendar year from the first period, the disqualification shall be treated as a first occurrence.

3. Effective dates. The disqualification period begins on the effective date of the notice required in H. unless the recipient appeals prior to that date. If the recipient appeals and assistance is continued but the recipient is not upheld, the period of disqualification begins with the first full month following the final determination of noncompliance.

4. A person who has been disqualified and who applies for general assistance during the period of disqualification shall be considered a recipient for purposes of G.

5. If a recipient complies with the registration or work requirements and verifies that compliance after receiving a notice of adverse action and prior to its effective date, assistance shall be continued without a period of disqualification.

If otherwise eligible, a person who complies with registration or work requirements during a first disqualification period may receive general assistance as of the date that the agency receives verification of compliance. The disqualification is counted if there is a subsequent occurrence of noncompliance.

K. Vouchers and vendor payments. The local agency shall use vouchers and/or vendor payments to meet the financial needs of eligible family members of a person who is disqualified subject to G. The grant amount provided to the family shall be based upon the remaining number of eligible family members.

L. Exemptions from registration and work requirements. A recipient shall be exempt from the registration and work requirements of C. and E. if he or she is a person:

1. who is suffering from a permanent or temporary illness, injury, or incapacity which is both medically certified and prevents the person from obtaining or retaining suitable employment; and if it is a temporary condition, the person is following a plan for rehabilitation as recommended in the medical certification;

2. whose presence in the home on a substantially continuous basis is required because of the certified illness, injury, or incapacity, or the age of another member of the household;

3. who has been placed in a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the local agency through its director or designated representative;

4. who resides in a shelter facility for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3;

5. who is or may be eligible for displaced homemaker services, programs, or assistance under Minnesota Statutes, section 4.40, but only if enrolled as a full-time student;

6. who is not described in 1. or 3. and who is diagnosed by a licensed physician or licensed consulting psychologist as mentally retarded or mentally ill, to the extent the person cannot obtain or retain employment;

7. who has an application pending for the social security disability program or the supplemental security income program, or who has applied and who is appealing the denial of his or her application; or who has been terminated and has an appeal pending;

8. who is of advanced age and unable to obtain or retain suitable employment because his or her advanced age significantly affects his or her ability to seek or engage in substantial work;

9. who has been referred to, has applied for, or is in a work training, work experience, vocational rehabilitation, or other employment related educational program. A person is exempted pursuant to this clause, while awaiting acceptance into the program for no more than two months, including the month of application;

10. who is an adult member of a family with children in a household in which another responsible relative is employed full time or has registered for employment services with the Department of Economic Security or has been accepted in a work training program;

11. who has been certified as unemployable by the commissioner of economic security. For such a person:

a. The local agency shall review the reasons for the finding of unemployability to determine if the recipient should be included in another exemption category.

b. If the recipient is not covered by one of the other categories of exemption, the local agency shall develop and implement a plan which addresses the conditions which preclude employment. All available resources shall be considered in developing this plan.

M. Appeals of status. A recipient may appeal the local agency's determination of his or her exemption status by submitting a written request for a hearing to the department or the local agency pursuant to Minnesota Statutes, section 256.045.

N. A person who is referred to the Department of Economic Security pursuant to 12 MCAR § 2.05505 [Temporary] must register with the Department of Economic Security to obtain MEED program services, but need not return verification to the local agency. Future assistance for such a person is defined in 12 MCAR § 2.05505 [Temporary] B.

**12 MCAR § 2.05505 [Temporary] Referral to the Minnesota Emergency Employment Development program (MEED).**

A. Information. The local agency shall inform all adult applicants for and recipients of general assistance of the MEED program and shall provide each with a description of the program.

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.

B. Mandatory referrals.

1. Unless exempt, the local agency shall refer all adult recipients to the commissioner of the Department of Economic Security for allowances and services under the MEED program. The referral shall be made at the time that the local agency issues a grant of general assistance, shall be made on a referral form prescribed by the commissioner, and shall include:

a. the recipient's name, address, telephone number if any, and local agency and case number;

b. the amounts of the recipient's most recent assistance standards, income, and grant;

c. the beginning and ending dates of the recipient's most recent grant of assistance;

d. the date of referral;

e. a statement indicating that the recipient must apply for services through the Department of Economic Security at least 15 days before the end of the grant period in order to receive a timely allowance from economic security;

f. the address and telephone number of the Department of Economic Security office the recipient is being referred to;

g. a statement of the recipient's rights and responsibilities regarding this referral; and

h. instructions to the recipient to return to the local county agency if he or she is found ineligible for the MEED program by the Department of Economic Security and he or she wishes further assistance.

2. Recipients shall, at a minimum, receive a one-month grant from the local agency. The grant shall be issued within 15 calendar days of the date of application or the subsequent date when all eligibility conditions are met. If the local agency is unable to issue the grant within that 15-day period, the grant shall be issued to cover the period from the date of application or from the subsequent date when all eligibility conditions are met plus 15 days. The total period covered shall not be less than 30 days. Notwithstanding the provisions of Minnesota Statutes, section 256D.09, subdivision 1, the grant shall be issued in one payment without regard to the beginning or ending date of the month.

3. The assistance unit shall be eligible for general assistance medical care benefits for no less than the month during which general assistance eligibility begins and the following month.

4. After completing the referral and issuing the grant, the local agency shall suspend payments to the assistance unit for a 30-day period following the period for which a grant was issued. If the recipient does not return to the local agency within the 30-day suspension period, eligibility will be terminated.

The assistance unit shall be eligible for additional grants of assistance from the local county agency if the recipient returns to the local agency with a written certification from the commissioner of economic security that:

a. the person is ineligible for services from the MEED program;

b. the person is unlikely to secure a job through the MEED program;

c. the person is unable to successfully perform a job available through the MEED program;

d. the person is unemployable;

e. the MEED program has been discontinued; or

f. the MEED program allowances allocation has been depleted.

5. In order to comply with the registration and work requirements in 12 MCAR § 2.05504 [Temporary] C. and E., a recipient must register with the Department of Economic Security for the MEED program, comply with its reporting and job search requirements, be available for work, and accept any offer of suitable employment. Determinations of compliances, notices, appeals, and disqualifications are governed by 12 MCAR § 2.05504 [Temporary] D.-K.

C. Exemptions from referral.

1. A recipient shall be exempt from referral to the MEED program if:

a. the commissioner of the Department of Economic Security certifies that the recipient meets one or more conditions of B.4.; or

b. they are covered by 12 MCAR § 2.05504 [Temporary] L.; or

c. they were eligible on September 30, 1983.

2. A recipient may contest the local agency determination of his or her exemption status pursuant to Minnesota Statutes, section 256.045.

3. The local agency shall continue to provide assistance to those who were eligible on September 30, 1983, and to recipients who are otherwise exempt from referral to the MEED program, until such time as eligibility conditions are no longer met.

D. Requested services. An applicant or recipient may request services from the MEED program. If requested by the applicant or recipient, the local agency shall refer these persons to the Department of Economic Security using the procedures in B.

E. MEED program allowances. A MEED allowance is unearned income for purposes of determining eligibility for general assistance, including emergency general assistance, and the payments for persons in facilities with rates established by the state or the local agency.

**12 MCAR § 2.05506 [Temporary] Appeal of MEED program allowance determinations.**

A. Local agency review. If a person contests a finding by the Department of Economic Security that he or she is ineligible for a MEED program allowance or the amount of the MEED program allowance, the Department of Economic Security shall request that the local agency review the contested determination. The local agency shall review the determination and may obtain additional information or verification from the Department of Economic Security or from the applicant in order to determine whether or not the person meets the standards of Minnesota Statutes, sections 256D.01 to 256D.21.

B. Effect of agency review. The determination made by the local agency after its review is binding on the Department of Economic Security.

C. Appeal of findings. If a person referred to in A. contests the determination made by the local agency, he or she may appeal the finding.

**12 MCAR § 2.05507 [Temporary] Information.**

Data on individuals collected, maintained, used, or disseminated by the welfare system may be disclosed to the Minnesota Department of Economic Security for the purpose of monitoring the eligibility of the data subject for unemployment compensation, or for any employment or training program administered by that agency without the consent of the data subject.

**12 MCAR § 2.05508 [Temporary] Contracts with Department of Economic Security.**

Local agencies may contract with the Department of Economic Security to determine the eligibility of MEED program applicants for an allowance and to determine the amount of the allowance. The administrative costs incurred in providing this assistance must be accounted for in accordance with the state's federally approved cost allocation plan. A local agency shall provide these services at the MEED program office.

**12 MCAR § 2.05509 [Temporary] Local agency reports.**

The local agencies shall obtain, collect, and report information necessary for administering, monitoring, and evaluating general assistance, including work requirements and the MEED program.

A. Information on all general assistance applicants shall be entered in the welfare information system on the schedules established by the department.

B. Local agencies shall be required to enter and maintain that information on the case information file or supply supplemental information as needed to:

1. minimize the occasions on which the similar information is obtained from applicants and recipients;
2. improve coordination of services to recipients;
3. minimize the possibility of duplicate payments;
4. report to the legislature on general assistance recipients' participation in the MEED program.

**12 MCAR § 2.04422 [Temporary] Notice to AFDC applicants and recipients.**

The local agency shall notify each adult applicant for or recipient of aid to families with dependent children of the availability of the MEED program and shall also provide a description of the program. Persons required to register for the work incentive program or with job services shall be referred by the local agency to the Department of Economic Security, which shall include information about MEED in its orientation; shall use its appraisals for referrals to MEED jobs; and shall include MEED jobs in its job search activities.

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 PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF TEMPORARY RULES GOVERNING THE GENERAL ASSISTANCE PROGRAM

FINDINGS OF FACT AND CONCLUSIONS

The Commissioner published notice of proposed Temporary rules on the above entitled matter in the State Register on August 29, 1983. Notice was also sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1, on August 25, 1983. After affording all interested and affected persons an opportunity to submit comments for 20 days after the notice and reviewing and considering the comments, I find the following:

1. In 12 MCAR 2.05501 (Temporary)

A. 4 (a) This rule establishes the authority of the commissioner to promulate the rule and states its applicability. This section, as proposed, restricted reference to sections A and B of 12 MCAR S. 2.05504 concerning work requirements. It was necessary to remove this qualification in adopting the rule to ensure that the exemptions permitted under section C of that rule are afforded to recipients.

A.8 This section, as proposed, establishes the authority of the commissioner to adopt rules for the aid to families with dependent children (AFDC) program has been deleted from this rule, which otherwise deals

with the general assistance program. For legality, the provisions have been placed in 12 MCAR s 2.04422 governing AFDC. deleted p.2

B. This section, as proposed, stated the applicability of the rule to notifying AFDC recipients about the program and to coordinating MEED services with those of the work incentive program. These statements have been placed in 12 MCAR S 2.04422. deleted p.2

2. 12 MCAR S 2.05502 (Temporary)

A. Stearns and Hennepin counties and the Jobs Now Coalition commented on this section. In adopting the rule, the suggestion to informing individuals of services available through the division of vocational education of the department of economic security has been accepted. It is appropriate to include this so that applicants and recipients are aware of services that may help them overcome conditions which prevent gainful employment. p.3

I.9. and 11. As proposed, employment-related education programs were restricted to those located in Minnesota. Comment from Wilkin County indicates that residents of border counties may be denied access to appropriate education programs that are located in a neighboring state, but a Minnesota community. As adopted, the rule allows local agencies to approve training outside of Minnesota. p.4

This is an appropriate change because it is consistent with the purpose of this exemption from work requirements, that is, enabling indivudals to become self-supporting.

The adopted rule rephrases subsection 11 so that it is consistent with subsection 9 in requiring that programs in and outside of Minnesota are approved by state commissioners of education or state agencies which provide education or employment programs.

I.12 Comments were received from Ramsey and Stearns counties, Lao Family Community Inc. and the department of economic security, identifying the need to explictly define that high school is an employment-related education program. Including high school is reasonable because a high school education has become a common requirement for jobs; because the increasing age for entering school results in many students not completing high school until after they reach the age of majority; and because many general assistance recipients are culturally disadvantaged and are completing their education at a later age than the general population.

K. Stearns and Anoka counties questioned the meaning of "lack of transporation". To clarify the

circumstances in which an individual would have good cause for not registering with the department of economic security, the commissioner has substitued "the inability to obtain" transportation. It is appropriate to clarify this so that owning a vehicle is not the criteria being applied. p.4

P. As proposed, the term negotiated rate was not defined. This ommission was identified in the comments received from the department of economic security. It is necessary to include a definition so that there is correct understanding of the payment provisions contained in 12 MCAR S 2.05503. The definition is based on the material adopted in that section and on existing statutory conditions. The definition is reasonable in that it includes only basic living costs and it excludes services which are provided through other public programs. p.5

R (re-lettered as S) Hennepin County and the Jobs Now Coalition commented on the proposed definition of suitable employment. The absence of conjunctions after each of the clauses left it unclear as to whether one or all of the criteria applied to a job. It is necessary to clarify that a job which meets all of the first the three conditions or any job through the Minnesota Emergency Employment Development Act is suitable. p.5

3. 12 MCAR S 2.05503 (Temporary) The text of this section has been re-arranged to distinguish between standards set by the state and payments at levels set by local agencies.

B. and C. Blue Earth, Dakota, Hennepin, and Stearns counties commented on the proposed adjustments that local agencies might make to the assistance standard in relation to particular living arrangements. Comments focused on the minimal amount that could be deducted from a grant and the difficulty in arriving at the correct amount to deduct. The commissioner accepts the recommendations because they simplify the program when it is not without disadvantaging recipients. As adopted, the payments will be either the amount of the assistance standard or the combination of the standard clothing and personal needs amount plus the negotiated rate for room and board. The change is consistent with statutory language and with the policies established in other programs with flat grants.

p. 6, 6A

D. Following the language adopted for section B, the rule was revised to identify the payments for which state participation is available and which payments, if provided, are funded solely by local agencies. As adopted these provisions are re-lettered as C and D.

4. 12 MCAR S 2.05504 (Temporary)

A. The Jobs Now Coalition commented on the phrasing about who is required to register with the department of economic security. In response to this comment, the rule as adopted, will require recipients who are unemployed or who lack suitable employment to register. It is appropriate to exclude indivduals whose employment, although paying less than the assistance standard, meets the definition of suitable employment. Use of that definition provides greater flexibility within these rules. ✓p.7

B. The Jobs Now Coalition commented on the absence of the statutory language requiring that notices be written in plan and easily understood language. In order to have a comprehensive statement about the nature and content of these notices, it is appropriate to include these conditions in the rule. Similarly, the Jobs Now Coalition commented on the omission of an explanation of the recipient's appeal rights; this has been added as 8. ✓p.7

C. In the proposed rule the phrase "and provide" verification was omitted from the paragraph which explains the requirements for continuing general assistance eligibility. It is necessary for the

recipient to provide verification of work registration to the local agency so that it can determine that the verification has been obtained. This permits local agencies to carry out the statutory requirements for disqualification, if it is necessary to do so.

D. In adopting this section, the phrase "without good cause" was deleted from section J which deals with both registration and work requirements and placed here. Since the good cause criteria is relevant only to decisions and appeals about registration, the condition is most appropriately placed in this section. (The conditions for good cause related to work requirements have been established by the commissioner of the department of economic security.)

F. In adopting this section, the commissioner has clarified lines 30 and 31 because the legal standing of an appeal decision of the commissioner of the department of economic security was not stated adequately. Such a decision may be appealled to the courts by either a recipient or by a local agency, but by statute, neither can pursue further administrative hearings on the compliance issue by an appeal to the commissioner of public welfare.

G. Ramsey County commented on the status of a disqualified recipient's eligibility for general assistance medical care. A sentence has been added to indicate that local agencies may continue the general assistance medical care of a disqualified maintenance recipient without a separate application. This authority allows the local agency to manage a case in the most efficient manner since disqualification does not affect eligibility for medical care. ✓p.8A

H. 3. The phrase "in plain and easily understood language" was included in relation to the notice of disqualification. (See B. above.) ✓p.9

I. The Jobs Now Coalition and Hubbard County commented on this section. To fulfill statutory requirements and for clarity, the department has rephrased this section in order to: 1) assure that recipients who have not complied with either the registration or work requirements have the opportunity to appeal the correctness of the local agency's decision to disqualify them from general assistance because of their failure to comply and 2) require continuation of a grant if the recipient appeals on as well as before the effective date of a disqualification (this change has also been made in section J., subsections 3 and 5.) ✓p.9

J. Hennepin County and the Jobs Now Coalition commented on the section of the proposed rule dealing with periods of disqualification. As adopted, this section clarifies the timing of ninety day disqualifications. A ninety day disqualification will be effected if it occurs within twelve months from the end of any prior disqualification period and a subsequent occurrence of non compliance shall be treated as a first occurrence if it takes places more than 12 months from the end of any prior disqualification. p.9

J.5. Hennepin and Ramsey counties commented on the need to end a period of disqualification if a person's status changes due to a condition that would otherwise exempt him or her from the registration or work requirements. The commissioner agrees with this concern. Since the disqualifications are premised on the assumption that individuals are capable of seeking and obtaining employment, but are electing not to do so, it is reasonable to resume assistance when they are no longer able to p.10

L. 1. Hennepin and Ramsey counties commented on the impracticality of exempting individuals from the work requirements when the illnesses are minor, such as colds or flu. The commissioner finds this a reasonable consideration. This section, as adopted, requires that a temporary illness or incapacity must be expected to last for at least fifteen days before an individual is exempt from registration and work requirements. 15 days is an appropriate time period;as it coincides with the time allowed a recipient to register with the commissioner of economic security. p. 10

L.2. Ramsey and Stearns counties commented on this subsection which exempts individuals from registration or work requirements if they are needed to care for another person. As proposed the rule lacked specificity as to the kind of certification required; as adopted, a medical certification is necessary. Since a household may include individuals who are neither legally responsible nor related it is necessary to further specify the circumstances in which this exemption is applied. The commissioner finds it appropriate to apply this exemption to individuals who have a legal responsibility to another person.

In the instance of individuals for whom legal

responsibility does not exist, it is appropriate to require that the medical certification include a physician's statement that the individual is unable to care for him or herself and to require that the local agency approve the exemption to assure that it is in the best interest of both parties.

L. 7 As proposed, this subsection failed to include the basic statutory requirement that applicants who may be eligible for a federally funded program attempt to gain those benefits and that they sign an interim assistance agreement. The exemptions are more precisely stated by including the statutory requirement as a condition for this exemption.

L.9. Ramsey and Stearns counties commented on this section and the need to speak to the period of exemption The commissioner agrees with the need for the rule to contain direction on this. Three months will allow an individual to complete his or her eduction if near graduation, to adjust his or her schedule for full time education, or to accomodate employment.

L.11.b. Anoka, Blue Earth and Hennepin counties commented on this subsection. Because there is continuing concern about the characteristics and needs of this population, the commissioner is modifying the proposed language to require that the local agency ~~be~~ develop and implement a plan only if indicated by an assessment of the individual's

condition. The commissioner agrees that it is necessary to speak to the rights and responsibilities of the recipients. The recipient has the right to participate in and agree to the terms of such a plan. Simultaneously, the recipient has an obligation to comply with the plan that he or she has agreed to. The conditions being set forth are consistent with those established for individuals exempt because of incapacity (subsection L.1) or because of placement in a rehabilitation facility (subsection L.3.).

5. 12 MCAR S 2.05505 (Temporary)

A. The requirement that the description of the MEED program that is given to recipients be in plain and easily understood language has been added. (See 12 MCAR S 2.05504 B. above.)

B.3. As proposed, this subsection omitted the local agency's obligation to inform recipients of their right to apply for general assistance medical care at the time that they are no longer eligible for maintenance payments. Including this statement is necessary so that local agencies are clearly aware of their obligations and so that clients are given adequate information about possible continuing benefits.

B.4. Stearns County and the department of economic security commented on this section. The adopted language is necessary to ensure that recipients' grants are not incorrectly terminated. Grants must be continued in those siutations where the local agency has arranged for the client to live in a facility with which it has negotiated rates and where a supplemental payment is required to maintain the recipient's living arrangements.

B.5. Blue Earth and Ramsey counties commented on the absence of a statement about payments to other members of the assistance unit when one member is

disqualified. It is necessary to include such a statement in the adopted rule so that the statutory obligation to provide for these individuals through vendor or voucher payments is met.

C.1. Hennepin, Ramsey, and Stearns counties commented on this subsection. In considering their comments, the commissioner agrees that it is necessary to recognize that only those individuals who were eligible and receiving general assistance on September 30, 1983 should be excluded from referral to MEED. As proposed, the language could encompass individuals who would have been eligible if they had applied, but have not done so. The addition of the phrase "and whose assistance has not terminated since that date" further clarifies the circumstances that exempt an individual from referral to MEED.

Items d, e, and f incorporate the MEED eligibility requirements. By inluding these items as the local agency considers an individual's status, recipients will not be required to apply for services for which they are clearly ineligible.

E. The department of economic security commented that this section of the rule should specifiey the standard upon which the allowance shall be based. The commissioner agrees with the recommendation and

the adopted rule states that the allowances paid by the department of economic security shall be paid in accordance with those described in 12 MCAR S 2.05503, section A.

Further clarification was necessary to ensure that local agencies counted the income from an employment allowance in determining any general assistance payments as well as in determining eligibility, per se.

The Jobs Now Coalition commented on the relationship between receipt of an allowance and eligibility for general assistance under emergency conditions. The commissioner shares this concern. The rule, as adopted, explicitly states that eligibility for emergency general assistance is not precluded by receipt of an employment allowance; for coherence, the rule re-states that individuals whose incomes are higher than the state standard of assistance may qualify for emergency general assistance.

6. 12 MCAR S 2.05507 (Temporary)

The department of economic security commented on this section and recommended that the rule specifically authorize the exchange of information with its agents who provide employment and training services to recipients of benefits under public

welfare programs. The commissioner agrees with this recommendation and the rule, as adopted, specifies the agents of the department of economic security, including the MEED program. This provision will assist in the administration of the programs through sharing relevant information and minimizing the occsion for duplication of benefits.

7. 12 MCAR S 2.05508 (Temporary)

The department of economic security commented on this rule and recommended that the authority to contract and the locations at which contracted services are provided state explicitly that both the department of economic security and the local MEED offices are included. The commissioner agrees with this recommendation and has incorporated it into the adopted rule. p.16

The proposed language relating to the financial terms of contracts has been clarified and, as adopted, refers to both the costs and income associated with the contracts being accounted for according to federally approved plans.

8. As a result of its review of the proposed rules and the comments received, the department has made numerous minor changes to correct problems of grammar, spelling, useage, inconsistent terminology, and lack of clarity. Such changes did not alter the substance of the rules. These changes are as follows:

12 MCAR S 2.05501 B. (page 2, line 21).

12 MCAR S 2.05502 A. (page 3, line 1).

D. (page 3, line 17).

I. (page 3, lines 33-36 and page 4 lines 1-16).

J. (page 3, lines 17-23).

K. (page 3, line 28).

L. (page 3, lines 30-31).

P-R. (page 5, lines 9, 11, and 14).

12 MCAR S 2.05503 A. (page 5, lines 26, 28, 29, 31, and 36, and page 6, lines 3, 4, and 5).

B. (page 5, line 10).

12 MCAR S 2.05504 B. (page 7, line 8-30).

D. (page 8, lines 3-5 and 7).

E. (page 8, line 25).

F. (page 8, line 33).

I. (page 9, line 17).

J. (page 10, lines 16 and 18).

L. (page 10, line 27 and page 11, lines 2, 8, 12, 15, 16, 17, 21, 24, 25, 28, 29, 31, and 32).

M. (page 12, lines 11-12).

12 MCAR S 2.05505 B. 1. (page 12, lines 31, 33 and 34, and page 13, lines 5, 9, and 12).

B. 4. (page 13, line 35, and page 14, lines 2-8, and 10).

C. (page 14, lines 25, 26, 28, and 33).

D. (page 15, lines 1, 4, and 5).

E. (page 15, line 9).

12 MCAR S 2.05506 (page 15, line 11).

A. (page 15, line 15and 16).

C. (page 15, line 28).

12 MCAR S 2.05507 (page 15, line 35).

12 MCAR S 2.05508 (page 16, lines 4 and 6).

12 MCAR S 2.05509 A. (page 16, line 16).

12MCAR S 2.044022 C. (page 16. lines 30 and 32, and page 17, lines 1-3).

## CONCLUSIONS

I hereby conclude that:

1. The Commissioner has the statutory authority to promulgate these rules.
2. Proper notice of the Department's intent to adopt the proposed above-captioned temporary rules was given as required by law, and all interested persons were afforded the opportunity to submit data and views on the proposed temporary rules.
3. All modifications made to the proposed temporary rules are supported by the data and views submitted to the Department, and are not substantial changes.
4. The temporary rules, as modified, are necessary and reasonable.
5. Any duplication in these rules of language contained in Minnesota Statutes is crucial to the ability of persons affected by the rules to comprehend their meaning and effect.
6. The Department has complied with all applicable provisions of law and rule in promulation of these rules.
7. If any finding or part of a finding, above, is properly characterized as a conclusion, it is adopted as a conclusion.

Dated: September 23, 1983

STATE OF MINNESOTA

LEONARD W. LEVINE
Commissioner of Public Welfare

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF TEMPORARY RULES GOVERNING THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

FINDINGS OF FACT AND CONCLUSIONS

The Commissioner published notice of proposed Temporary rules on the above entitled matter in the State Register on August 29, 1983. Notice was also sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1, on August 25, 1983. After affording all interested and affected persons an opportunity to submit comments for 20 days after the notice and reviewing and considering the comments, I find the following:

New sections A and B were added to this rule to incorporate the statements of authority and applicability that were proposed as part of 12 MCAR S 2.05501. No changes have been made to the content of those sections, save full reference to the Minnesota Emergency Economic Development Act. This rule is the legally correct location for statements of authority and applicability concerning the Aid to Families with Dependent Children program.

## CONCLUSIONS

I hereby conclude that:

1. The Commissioner has the statutory authority to promulgate these rules.
2. Proper notice of the Department's intent to adopt the proposed above-captioned temporary rules was given as required by law, and all interested persons were afforded the opportunity to submit data and views on the proposed temporary rules.
3. All modifications made to the proposed temporary rules are supported by the data and views submitted to the Department, and are not substantial changes.
4. The temporary rules, as modified, are necessary and reasonable.
5. Any duplication in these rules of language contained in Minnesota Statutes is crucial to the ability of persons affected by the rules to comprehend their meaning and effect.
6. The Department has complied with all applicable provisions of law and rule in promulation of these rules.
7. If any finding or part of a finding, above, is properly characterized as a conclusion, it is adopted as a conclusion.

Dated: September 23, 1983

STATE OF MINNESOTA

LEONARD W. LEVINE
Commissioner of Public Welfare

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC WELFARE

IN THE MATTER OF THE PROPOSED ADOPTION OF TEMPORARY RULES OF THE STATE DEPARTMENT OF PUBLIC WELFARE GOVERNING THE GENERAL ASSISTANCE PROGRAM (12 MCAR §§2.05501 - 2.05510, TEMPORARY) AND GOVERNING NOTIFICATION AND REFERRAL TO THE MINNESOTA EMERGENCY EMPLOYMENT DEVELOPMENT ACT PROGRAM (12 MCAR §2.04422, TEMPORARY)

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Gail Olson, do hereby declare that I have examined the rules 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.

Gail M. Olson

Special Assistant Attorney General

Dated: 9-25-83