

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1092

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-16-84
DATE FOR REVIEW
DATE DUE 10-30-84

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

Approved Disapproved 10-30-84 Returned to Agency

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State Revisor approved 10/17/84 disapproved

---

✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 9.27.84 Date

N/A Notice of Intent to Solicit Outside Opinion

Order for rulemaking
date of Hearing not submitted

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
8.3.84 At least ~~30~~ 25 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
8.6.84 At least ~~30/20~~ 25 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

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

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

To:

Date: 10/24/84

Re: Economic Security — Registration for Employment Services under General Assistance.

Rules as Adopted

p. 3, line 14 • 0025 A.

Possibly a substantial change problem. The rule as proposed permitted a determination of unemployability based on lack of employment over a period of time. The Rule as adopted appears to provide for greater agency discretion based on a multiplicity of factors.

This would seem to be a Rule fundamentally different from the proposed version

more of a case by case basis

October 1, 1981

Rule -

if receive GA, + not employed must register w/ Dept Econ Sec to be avail for work,

list of exceptions in subd - 1 wk/ certified

b/4 --- 6mos of e'ment w/in past 24 mos

after -- 2 R is unable to meet mini ei rqmts or explations based on review

b) or - R's exhibition of severe symptoms

lessening or increasing -- better for R, more apt to qual

notice to

more rational/relating -- lessening or increasing discretion w/agency

.0030

.4065

11-9-84

11-19-84 - call to Bochsar - informed him rule is still rejected

(1)

mtg w/ Don Buckner --
Director of Ement Programs

2 exemptions

definitative

old law was unemployable -- ~~[illegible]~~ unable to do very basic job

just going to have to re-notice

former 1) ~~[illegible]~~ > than 6 mos -
ten thousand

based on appearence -- didnt want to harass

who are very ~~harass~~

smaller universe

legisl wanted everyone likely to get a job
not incl/ who ~~[illegible]~~ not unploy, but not likely job

6 mos - admit very arbitrary +

legal servers argued

5 or 6 lengthy meetings -- what was reaz

best way to do that was to evaluate
each person as well as personal eval

Δ to meet terms of law -- felt work skills or training
had to be subjective

256

K - humanser
L - Econ Services

Δ it also to comply w/welfare rule

kind of a joint case load

these two are 12 excep

if referred by county

agency's perspective is to be from

all evolves around negotiated purpose

lesser burden -- 24 months mining person

no Rational relation w/the rule

not more srst, bring in persons who would be restored by the time limited

different process not us

more closely tracking the law

proposed rule done

all parties agree

can put in place 80

no exemptions under rules yet in place

9555.3415 [Emergency] EXEMPTION FROM WORK REGISTRATION.

Subpart 1. Applicability. This part establishes the rights and responsibilities of the Department of Human Services, local agencies, and recipients of general assistance concerning an exemption from the registration and work requirements of part 9555.3403, and identifies the process for the annual redetermination of that exemption.

Subp. 2. The definitions in part 9555.3400 apply to this part.

Subp. 3. Exemption from registration and work requirements. A recipient of general assistance shall be exempt from the registration and work requirements of part 9555.3403, subparts 3 and 5 if the local agency determines that the recipient meets conditions in item A or B.

A. The recipient has one or more substantial barriers to employment. A substantial barrier to employment means that the recipient is unable to effectively participate in preparing for, searching for, obtaining, or retaining suitable employment due to:

(1) exhibiting severe symptoms of a mental or emotional disability or chemical dependency for which the recipient refuses evaluation or treatment; and for purposes of this subitem, a condition may be severe whether it is of short- or long-term duration; or

(2) exhibiting evidence of severely diminished functioning in areas of daily living such as social skills or personal relations; or

(3) living more than two hours round trip from all potential suitable employment, exclusive of time needed to transport his or her children to and from child care, or the recipient lacks and is unable to obtain needed public or private transportation to the employment site; or

(4) current involvement with protective or court-ordered services which prevent the recipient from working at least four hours per day; or

(5) circumstances, at the time of application for

general assistance, that indicate that the need for general assistance will not exceed 30 days because of impending employment, an impending move to another state, or anticipated receipt of income; or

(6) being in the last trimester of pregnancy; or

(7) the lack of available child care necessary for children in the recipient's assistance unit; or

(8) evaluation by a vocational specialist which finds the recipient unable to obtain or retain suitable employment; or

(9) an individual or family crisis.

B. The recipient has been certified by the commissioner of the Department of Economic Security as lacking work skills or training, or as being unable to obtain work skills or training necessary to secure employment.

Subp. 4. **Period of exemption.** A recipient exempt from the registration and work requirements in subpart 3, item A, subitems (1) to (8), is exempt for a period of 12 months, unless the local agency can establish prior to the expiration of the exemption period that the recipient no longer meets or will no longer meet the conditions of subpart 3, item A. A recipient exempt from the registration and work requirements pursuant to subpart 3, item A, subitem (9), is exempt for a period of 30 days. A recipient exempt from the registration and work requirements pursuant to subpart 3, item B, is exempt for a period of 12 months.

Subp. 5. **Annual reassessment.** A recipient's exemption from the general assistance registration and work requirements under subpart 3 shall be reassessed prior to the expiration of the exemption period specified in subpart 4.

The local agency shall reassess each recipient exempted under subpart 3 during the final month of exemption to determine if the recipient is exempt under subpart 3 or part 9555.3403, subpart 11. The reassessment must be completed by the end of the final month of exemption. If, at the time of the reassessment of exemption status, the local agency determines

that the recipient meets the provisions of subpart 3, item A, the recipient shall be exempt for the period specified in subpart 4. If the local agency determines that the recipient is exempt pursuant to part 9555.3403, subpart 11, the recipient shall be exempt for the period specified in that part. If the recipient does not meet the exemption provisions of subpart 3, item A or part 9555.3403, subpart 11, the recipient shall be subject to the registration and work requirements of part 9555.3403.

Subp. 6. **Referral to supportive service programs.** A recipient who is exempt from the registration and work requirements pursuant to subpart 3, item A, subitems (1), (2), (7), (8), and (9); or B, shall be offered referral to supportive service programs for assistance in overcoming the barrier to employment.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : BARBARA S. BEERHALTER
Commissioner of Economic Security

DATE: 10/30/84

ATTN: REGINA M. CHU, Special Assistant Attorney General

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: EMERGENCY RULES GOVERNING REGISTRATION FOR EMPLOYMENT SERVICES UNDER GENERAL ASSISTANCE

The above-referenced rules have not been approved by this office for the following reasons:

1. Minn. Rules pt. 3320.0025, subp. A [Emergency] as adopted is substantially different from the rule as proposed in violation of Minn. Stat. § 14.05, subd. 2 (1982).

As proposed, Subpart A provided that a recipient will be exempt from registering for employment services if within the past 24 months he or she has not had at least six equivalent months of employment, military service, education, or vocational training. In the rule as adopted, this exemption was deleted in its entirety and replaced with an entirely different rule which provides an exemption when a qualified person determines that the recipient is unable to meet minimal employer requirements or exhibits certain physical or emotional symptoms.

Changing the exemption from a time-period qualification to a discretionary standard to be determined by a "qualified person" is clearly a fundamental change in the rule. Recipients regulated by this requirement have not been given notice that one exemption has been deleted and replaced with a totally and fundamentally different qualification and which may, in fact, be harsher.

To overcome this deficiency, the amendment must be deleted or amended so as to not constitute substantial change from the rule as proposed.

2. Minn. Rules pt. 3320.0015 [Emergency] has an incorrect rule citation. The reference to part 3300.4070 must be changed to part 3300.4065, which is the rule which defines employability development plan and requirements.

After consideration of the above comments and agency action, if any, these rules may be resubmitted for our review. Upon resubmission, please include a new or supplemental Order Adopting and four copies of the new Rules as Adopted. Also, please include a memorandum specifying that the rules are being resubmitted so that we may obtain our initial file in this matter.

If you have any questions concerning the issues raised in this memorandum, please do not hesitate to call me.

MJC:dw
cc: Duane Harves
Kathy Burek
Paul Marinac

AG copy

Department of Economic Security

Adopted Emergency Rules Governing Registration for Employment Services Under General Assistance

Emergency Rules as Adopted

CHAPTER 3320

DEPARTMENT OF ECONOMIC SECURITY

GENERAL ASSISTANCE; REGISTRATION FOR EMPLOYMENT SERVICES

3320.0005 [Emergency] PURPOSE.

Parts 3320.0005 to 3320.0030 [Emergency] clarify and provide procedures for those portions of Minnesota Statutes, section 256D.111, subdivisions 1 and 2, whose implementation are the sole responsibility of the Department of Economic Security or the joint responsibility of the Department of Economic Security and the Department of Human Services. These rules are to be read in conjunction with parts 3300.4010 to 3300.4120. FF

Nothing in these rules shall preclude any individual from seeking or participating in the full range of services available from the Department of Economic Security.

3320.0010 [Emergency] ~~RECIPIENT~~ DEFINITIONS.

As used in ~~these rules, "recipient" means an adult who is receiving a grant of general assistance pursuant to Minnesota Statutes, sections 256D.01 to 256D.21~~ parts 3320.0005 to 3320.0030 [Emergency], the words or phrases defined in part 3300.4010 have the meanings given them. FF

3320.0015 [Emergency] REGISTRATION ~~PROCESS~~ FOR WORK. FF

As used in Minnesota Statutes, section 256D.111, subdivision 1, "registration" means the procedure through which an individual registers with the Department of Economic Security for employment services available under Minnesota Statutes, sections 256D.111, subdivision 1, and 268.14. ~~Applicants~~ Recipients will complete ~~an~~ the employment application and provide work history information in consultation with department staff in a format prescribed by the department. ~~In consultation~~ FF

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

~~with-the-recipient;~~ The Department of Economic Security staff shall develop a job search process and employability development plan ~~to-provide-the-recipient-with-the-optimum-opportunity-to find-employment.--Recipients-shall-follow-the-job-search requirements-and-comply-with-the-employability-development-plan or-be-determined-in-noncompliance.--All-services,-systems, programs,-and-facilities-of-the-Department-of-Economic-Security will-be-available-to-recipients-and-services-will-be-provided-at the-same-level-and-in-the-same-manner-as-to-other-segments-of the-job-seeking-public~~ as in part 3300.4070. Recipients will be referred to available, suitable job openings or openings resulting from individual job development that are consistent with the recipient's experience, skills, knowledge, and abilities. Recipients will be referred to available, suitable job openings taking into consideration availability and cost of transportation, either public or private, commuting distance, and ordinary commuting patterns in the local labor market.

3320.0020 [Emergency] REGISTRATION VERIFICATION.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "registration verification" means that the Department of Economic Security office will certify to the appropriate local agency ~~that~~ whether or not the recipient has registered with the Department of Economic Security ~~and-has completed-the-required-application-process~~. Verification by the Department of Economic Security will be by certification of a form, listing, or other document identifying the recipient for whom verification is requested, which shall be prepared by the local agency. Names and social security numbers, if available to the local agency, shall be furnished. Verification processes other than the above are authorized if mutually agreed upon by the Department of Economic Security office and the local agency.

3320.0025 [Emergency] WORK SKILL AND TRAINING ASSESSMENT.

~~As-used~~ In accordance with Minnesota Statutes, section 256D.111, subdivision 2, ~~"exemptions"-means-the-procedure established-by~~ clause (1), the commissioner of the Department of

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Economic Security ~~to determine and~~ shall review ~~an individual's~~ each recipient's work skills or training ~~related to his or her ability~~ and the recipient's ability to obtain work skills or training necessary to secure employment. ~~Persons~~ Recipients certified as lacking sufficient work skills or training and unable to obtain the same will be exempt from registration with the Department of Economic Security and the accompanying requirements contained in Minnesota Statutes, section 256D.111, subdivision 1 for a period of 12 months. FF

~~An individual will be certified as not having~~ A finding that a recipient does not have (sufficient work skills or training to secure employment) in the local labor force shall be made under the following conditions:

A. ~~within the past 24 calendar months the individual has not had at least six equivalent months of employment, military service, education, or vocational training, or any combination thereof~~ as a result of conducting the employment application interview or developing the employability development plan in consultation with the recipient, the qualified person conducting the interview or preparing the plan determines the ① recipient is unable to meet minimal employer requirements or expectations based on a review of the recipient's work history and work habits or the ② recipient's exhibition of severe symptoms of a mental or emotional disability, chemical dependency, or of severely diminished functioning in areas of daily living such as personal hygiene, social skills, or personal relations; or

? completely different standard from proposed but much more rational!

B. the ~~individual has no~~ recipient possesses neither skills ~~or~~ nor work experience ~~that are~~ related to ~~those~~ employment opportunities ~~which exist~~ existing in the local labor market area or which exist in an area to which the ~~person~~ recipient is willing to relocate.

3320.0030 [Emergency] EXEMPTION FROM WORK REGISTRATION. FF

Subpart 1. **Exemptions denied.** An exemption from the registration requirement shall not be made under part 3320.0025 [Emergency] if the following conditions exist:

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

A. a training opportunity, for which the ~~individual~~ recipient is qualified, and which would lead to the acquisition of adequate skills to obtain employment, is available to the ~~individual~~ recipient on a subsidized basis or at a cost within the ~~individual's~~ recipient's means or resources; and

B. the available training is located within reasonable commuting distance in the area in which the ~~individual~~ recipient resides and public or private transportation is available, or the ~~person~~ recipient is willing to relocate for such training; or

C. in the opinion of the commissioner of the Department of Economic Security, the ~~individual~~ recipient possesses (particular qualifications) or there are circumstances which positively affect their potential ability to obtain employment.

? no criteria to guide comm. opinion of "particular" qualifications

Subp. 2. **Aid to exempt person.** A recipient who is exempt from the registration and work requirements in part 3320.0025 [Emergency] shall be offered referral to available supportive service programs for assistance in overcoming barriers to employment.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. **that they have 30 days in which to submit comment on the proposed rules;**
2. **that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;**
3. **of the manner in which persons shall request a hearing on the proposed rules; and**
4. **that the rule may be modified if the modifications are supported by the data and views submitted.**

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Economic Security

Proposed Emergency Rules Governing Registration for Employment Services Under General Assistance

Request for Public Comment

Notice is hereby given that the Minnesota Department of Economic Security proposes to adopt the above entitled emergency rules for the purpose of implementing the registration requirement for recipients of General Assistance in accordance with Minnesota Laws 1984, Chapter 654, Article 5. The Department of Economic Security will follow procedures set forth in Minnesota Statutes, Sections 14.29-14.36 in adopting these rules.

Authority to adopt these rules is contained in Minnesota Laws 1984, Chapter 654, Article 5, Section 34, Subdivision 2, (1), and Minnesota Statutes § 268.021.

All interested persons shall have 25 days from the date the rules are published in the *State Register* to submit written comments on the proposed rules. The proposed rules may be modified if the proposed modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language.

After the 25-day comment period, the proposed rules as published, with any modifications, will be delivered to the Administration Division of the Office of the Attorney General for review as to its legality, and its form to the extent form relates to legality, including the issue of substantial change. Notice of the date of submission of the proposed rules to the Attorney General will be mailed to any person requesting to receive the notice.

Written comments, requests for a copy of the proposed rules and requests for notice of the date of submission to the Attorney General should be submitted to:

Mr. Donald M. Buckner
Office of Employment Initiatives
Minnesota Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101

This notice, all written comments received, and the emergency rules, as adopted, will become a part of the record in the final adoption. As required by Minnesota Statutes, Sections 14.33 and 14.35, emergency rules shall take effect five working days after approval by the Attorney General and will be effective for not more than 180 days or until permanent rules are adopted.

Barbara Beerhalter
Commissioner

Emergency Rules as Proposed (all new material)

CHAPTER 3320
DEPARTMENT OF ECONOMIC SECURITY
GENERAL ASSISTANCE; REGISTRATION FOR EMPLOYMENT SERVICES

3320.0005 [Emergency] PURPOSE.

Parts 3320.0005 to 3320.0030 [Emergency] clarify and provide procedures for those portions of Minnesota Statutes, section 256D.111, subdivisions 1 and 2, whose implementation are the sole responsibility of the Department of Economic Security or the joint responsibility of the Department of Economic Security and the Department of Human Services.

Nothing in these rules shall preclude any individual from seeking or participating in the full range of services available from the Department of Economic Security.

3320.0010 [Emergency] RECIPIENT.

As used in these rules, "recipient" means an audit who is receiving a grant of general assistance pursuant to Minnesota Statutes, sections 256D.01 to 256D.21.

3320.0015 [Emergency] REGISTRATION PROCESS.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "registration" means the procedure through which an individual registers with the Department of Economic Security for employment services available under Minnesota Statutes, sections 256D.111, subdivision 1, and 268.14. Applicants will complete an employment application and provide work history information in consultation with department staff in a format prescribed by the department. In consultation with the recipient, Department of Economic Security staff shall develop a job search process and employability development plan to provide the recipient with the optimum opportunity to find employment. Recipients shall follow the job search requirements and comply with the employability development plan or be determined in noncompliance. All services, systems, programs, and facilities of the Department of Economic Security will be available to recipients and services will be provided at the same level and in the same manner as to other segments of the job seeking public. Recipients will be referred to available job openings or openings resulting from individual job development that are consistent with the recipient's experience, skills, knowledge, and abilities. Recipients will be referred to available job openings taking into consideration availability of transportation, either public or private, commuting distance, and ordinary commuting patterns in the local labor market.

3320.0020 [Emergency] REGISTRATION VERIFICATION.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "registration verification" means that the Department of Economic Security office will certify to the appropriate local agency that the recipient has registered with the Department of Economic Security and has completed the required application process. Verification by the Department of Economic Security will be by certification of a form, listing, or other document identifying the recipient for whom verification is requested, which shall be prepared by the local agency. Names and social security numbers, if available to the local agency, shall be furnished. Verification processes other than the above are authorized if mutually agreed upon by the Department of Economic Security office and the local agency.

3320.0025 [Emergency] WORK SKILL AND TRAINING.

As used in Minnesota Statutes, section 256D.111, subdivision 2, "exemptions" means the procedure established by the commissioner of the Department of Economic Security to determine and review an individual's work skills or training related to his or her ability to secure employment. Persons certified as lacking sufficient work skills or training will be exempt from registration with the Department of Economic Security and the accompanying requirements contained in Minnesota Statutes, section 256D.111, subdivision 1.

An individual will be certified as not having sufficient work skills or training to secure employment in the local labor force under the following conditions:

A. within the past 24 calendar months the individual has not had at least six equivalent months of employment, military service, education, or vocational training, or any combination thereof; or

B. the individual has no skills or work experience that are related to those employment opportunities which exist in the local labor market or which exist in an area to which the person is willing to relocate.

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.

3320.0030 [Emergency] EXEMPTION.

An exemption from the registration requirement shall not be made if the following conditions exist:

A. a training opportunity, for which the individual is qualified, and which would lead to the acquisition of adequate skills to obtain employment, is available to the individual on a subsidized basis or at a cost within the individual's means or resources; and

B. the available training is located within reasonable commuting distance in the area in which the individual resides and public or private transportation is available, or the person is willing to relocate for such training; or

C. in the opinion of the commissioner of the Department of Economic Security, the individual possesses particular qualifications or there are circumstances which positively affect their potential ability to obtain employment.

Department of Economic Security

Proposed Rules Relating to Registration for Employment Services and Allowances Under General Assistance

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Economic Security proposes to adopt the above entitled rules without a public hearing. The Department has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 14.21 through 14.28 as amended by Minnesota Laws of 1984, Chapter 640 §§ 12-15, 33-34.

The adoption of the rules is authorized by Minnesota Laws 1983, Chapter 312, Article 8, Section 12.

Significant portions of these rules were covered by temporary rules adopted as 8 MCAR § 4.0101. Persons interested in these rules shall have 30 days to submit written comments in support of or in opposition to these proposed rules. Public comments are encouraged. Comments should identify the portion of the proposed rule addressed, the reason for the comment and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in substantial change in the proposed language.

Unless 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will not be held. Any person submitting a written request must be specific on which rule(s) a hearing is requested. Any person requesting a public hearing shall provide his or her name and address and identify the portion of the proposed rule addressed, the reason for the request and any change proposed. In the event a public hearing is required, the Department will proceed according to the provisions of Minnesota Statutes, sections 14.14 to 14.20.

If a public hearing is not to be held, notice of the date of submission of the proposed rule to the Attorney General for review will be provided any person specifically requesting such notice.

Persons who wish to submit written comments or request a public hearing may do so by writing:

Mr. Donald M. Buckner
Office of Employment Initiatives
Minnesota Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101

One free copy of the proposed rules may be obtained by writing the person listed above.

Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Mr. Buckner.

A copy of the proposed rules is attached to this notice.

Barbara Beerhalter
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Registration for Employment Services Under General Assistance

ORDER ADOPTING EMERGENCY RULES

The above-entitled matter was published in the State Register on August 6, 1984, as proposed emergency rules pursuant to Minnesota Statutes, sections 14.29 to 14.36.

After affording interested and affected persons an opportunity to submit written data and views within 25 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that the rules identified as Minnesota Rules 3320.0005 (Emergency) - 3320.0030 (Emergency) are adopted this 27th day of September, 1984, pursuant to the authority vested in me by Minnesota Statutes 268.021.

STATE OF MINNESOTA

Barbara Beerhalter

Barbara S. Beerhalter
COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

STATE OF MINNESOTA

DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing the Procedures to Implement the Registration Process and Employment Services for General Assistance Recipients Under Minnesota Laws 1984, Chapter 654, Article 5, Sections 32, & 34.

NOTICE OF INTENT TO ADOPT EMERGENCY RULES

Request for Public Comment

Notice is hereby given that the Minnesota Department of Economic Security proposes to adopt the above entitled emergency rules for the purpose of implementing the registration requirement for recipients of General Assistance in accordance with Minnesota Laws 1984, Chapter 654, Article 5. The Department of Economic Security will follow procedures set forth in Minnesota Statutes, Sections 14.29 - 14.36 in adopting these rules.

Authority to adopt these rules is contained in Minnesota Laws 1984, Chapter 654, Article 5, Section 34, Subdivision 2, (1), and Minnesota Statutes § 268.021.

All interested persons shall have 25 days from the date the rules are published in the State Register to submit written comments on the proposed rules. The proposed rules may be modified if the proposed modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language.

After the 25-day comment period, the proposed rules as published, with any modifications, will be delivered to the Administration Division of the Office of the Attorney General for review as to its legality, and its form to the extent form relates to legality, including the issue of substantial change. Notice of the date of submission of the proposed rules to the Attorney General will be mailed to any person requesting to receive the notice.

Written comments, requests for a copy of the proposed rules and requests for notice of the date of submission to the Attorney General should be submitted to:

Mr. Donald M. Buckner
Office of Employment Initiatives
Minnesota Department of Economic Security
390 North Robert Street
St. Paul, Minnesota 55101

This notice, all written comments received, and the emergency rules, as adopted, will become a part of the record in the final adoption. As required

by Minnesota Statutes, Sections 14.33 and 14.35, emergency rules shall take affect five working days after approval by the Attorney General and will be effective for not more than 180 days or until permanent rules are adopted.

Barbara Beerhalter

Commissioner

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Registration for Employment Services Under General Assistance

AFFIDAVIT OF MAILING

Donald M. Buckner, being duly sworn deposes and says:

That on the 3rd day of August, 1984, at the City of Saint Paul, County of Ramsey, State of Minnesota, s/he served the attached Notice of Intent to Adopt Emergency Rules by depositing in the United States mail at said City of Saint Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department for the purpose of receiving notice of rulemaking by the Department.

STATE OF MINNESOTA

Donald M Buckner

Donald M. Buckner
Director, Employment Initiative Program
DEPARTMENT OF ECONOMIC SECURITY

Subscribed and sworn to before me
this 1st day of October, 1984.

Notary Public
Ramsey County

H.E. Kelly

H. E. KELLY
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES AUGUST 11, 1990

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Governing Registration for Employment
Services Under General Assistance

MAILING LIST
CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained by the Department for the purpose of receiving notice of the proposed adoption of rules by the Department is accurate and complete as of 10:00 a.m., this 3rd day of August, 1984.

STATE OF MINNESOTA

Michael J. Fratto
Rules Coordinator
Management Services Unit
Office of Budget and Management
DEPARTMENT OF ECONOMIC SECURITY

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Registration for Employment Services Under General Assistance

FINDINGS OF FACT AND CONCLUSIONS FOR EMERGENCY RULES

Notice of Intent to Adopt Emergency Rules in the above-entitled matter was published in the State Register on August 6, 1984, and was sent by United States mail to all persons on the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1a, on August 3, 1984.

After affording interested and affected persons an opportunity to submit comments for 30 days after notice, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules, I find the following:

Comments were received from the public which indicate changes should be made to these rules. These changes were made and an explanation of them follows.

Generally - The word Recipient was substituted for the words Applicant and Individual throughout the rules in the appropriate tense. This was necessary to ensure people reading these rules are not confused with the different terms. ✓

References to Minnesota Rules part 3300.4010 which were added make these rules more compatible to those rules then the language which was deleted. ✓p.1

3320.0015 [Emergency] - The change in the title from Registration Process to Registration For Work, better identifies the purpose of this rule. The language which was deleted on the top of page two became unnecessary with the reference to parts 3300.4010 to 3300.4120 in which the employability development plan and its requirements are defined. ✓p.1,2

The addition of the term suitable to job openings identifies those job openings that recipients can be referred to. The addition of the term should ensure program recipients are referred to employment which use their skills, knowledge, and abilities. ✓p.2

3320.0020 [Emergency] - The substitution of the phrase "whether or not" and the deletion of the phrase "and has completed the required application process", helps improve the readers understanding of the rule and assures 100% verification. ✓p.2

3320.0025 [Emergency] - The addition of the word "assessment" in the title more clearly identifies the rule. ✓p.2

The term "clause (1)" is added for the deleted language to better clarify the statutory citation. ✓p.2

The addition of the phrase "for a period of 12 months" identifies the limit established by law. ✓p.2

Other language changes in this part only improve the readability of the part and do not change its meaning or intent.

3320.0025 [Emergency] Section A. - This entire section was rewritten to acknowledge comments received from the public. We find that this change is not substantial but is only specific language which requires the department to more carefully screen recipients before determining they do not have sufficient work skills or training to secure employment. ✓ p. 3

3320.0030 [Emergency] - The change in the title was added by the revisor of statutes and better defines the purpose of the part. Subpart 2 was added to require the department to refer recipients who are exempt from registration and work requirements to supportive services. This was done to enable the department to assist recipients who do not have the skills or training to qualify for this program to have a chance to attain that training or skills.

Conclusions: These changes are not substantial. They only improve the department's ability to operate this program and safeguard the recipients rights under this program.

STATE OF MINNESOTA

Barbara Beerhalter

Barbara S. Beerhalter
COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Registration for Employment Services under General Assistance

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Regina Chu 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 Office of the Attorney General have been followed. Any exceptions are noted below.

STATE OF MINNESOTA

Regina M. Chu

Regina Chu
SPECIAL ASSISTANT ATTORNEY GENERAL
FOR THE DEPARTMENT OF ECONOMIC SECURITY

_____
Date

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Registration for Employment Services under General Assistance

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ADMINISTRATION DIVISION ATTORNEY GENERAL

Donald M. Buckner, being first duly sworn, deposes and says:

That on the 15th day of october, 1984, in the City of Saint Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Submission to the Administration Division Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of Saint Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Administration Division of the Office of the Attorney General.

STATE OF MINNESOTA

Donald M. Buckner

Donald M. Buckner
DEPARTMENT OF ECONOMIC SECURITY

Subscribed and sworn to before me this 16th day of October, 1984.

Notary Public
Ramsey County

H. E. KELLY
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES AUGUST 31, 1990

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Registration for Employment Services under General Assistance

NOTICE OF SUBMISSION OF EMERGENCY RULES TO THE ADMINISTRATION DIVISION ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.32:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Administration Division of the Office of the Attorney General on this date, October 15, 1984. The Attorney General shall review the proposed emergency rules as to its legality, review its form to the extent form related to legality, including the issue of substantial change, and shall approve or disapprove the proposed emergency rules and any modifications on the tenth working day following the date of receipt of the proposed emergency rules from the Department.

The proposed rules have been modified based on comments received from the public. A free copy of the proposed rules as modified is available upon request from:

Donald M. Buckner
Minnesota Department of
Economic Security
390 North Robert St.
St. Paul, MN 55101
(612) 296-3627

STATE OF MINNESOTA

Barbara S. Beerhalter
COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY