

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1093

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-16-84 11-6-84 Adopted w/a hearing _____
DATE FOR REVIEW 10-25-84 Adopted w/o hearing ✓
DATE DUE 10-30-84 Temporary rule _____

Approved 11-8-84 mjc Disapproved 10-30-84 mjc Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 11-8-84 Revisor approved 10/17/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR

✓ Order Adopting 10.1.84 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 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
8.6.84 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

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A 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 and Allowances Under General Assistance

Rules as Adopted

p. 1, line 11 . 4010 ~~subp 1~~

p. 2, lines 5, 12 . 4020

These sections reference the numbers of this set of rules except that the final number added as a change from the rules as proposed is not in this set. Not clear why.

p. 1, line 25 . 4010 subp. 5 contains the phrase "including but not limited to" with the minimal criteria of "beyond recipient's control."

p. 6, line 18 . 4100

p. 6, line 29 . 4110

The statute sunsets the relevant program as of June 30, 1985 but this rule cuts off at December 31, 1984. SONR does not indicate why.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Barbara Beerhalter
Commissioner of Economic Security

DATE: November 8, 1984

ATTN: Regina Chu
Special Assistant Attorney General

FROM : Martha J. Casserly MJC
Special Assistant Attorney General

PHONE: 296-4692

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

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.

MJC:slz
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Economic Security

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

Rules as Adopted

GENERAL ASSISTANCE; REGISTRATION FOR EMPLOYMENT SERVICES AND ALLOWANCES

3300.4010 DEFINITIONS.

Subpart 1. Scope. As used in parts 3300.4010 to 3300.4110, the words or phrases defined in this part have the meanings given them.

Subp. 2. Commissioner. "Commissioner" means the commissioner of the Department of Economic Security.

Subp. 3. Department. "Department" means the Department of Economic Security.

Subp. 4. Full-time student. "Full-time student" means a student at a postsecondary institution who attends 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, or who registers for and attends a minimum of 12 semester hours per semester or 12 quarter hours per quarter.

Subp. 5. Good cause. "Good cause" means circumstances beyond the recipient's control, including, but not limited to: illness, illness of another family member which requires the recipient's presence, a family emergency, or the inability to obtain transportation.

Subp. ~~4.~~ 6. Local agency. "Local agency" means ~~the~~ a county ~~welfare board and any~~ or a multicounty ~~welfare boards or departments if they have been established in accordance with~~ agency that is authorized by Minnesota law as the agency responsible for the administration of the general assistance program.

Subp. 7. Recipient. "Recipient" means an adult who is receiving a grant of general assistance pursuant to Minnesota

Statutes, sections 256D.01 to 256D.21, and who has been referred to the department by a local agency pursuant to Minnesota Statutes, section 256D.111, subdivision 1.

3300.4020 PURPOSE.

Parts 3300.4010 to 3300.4110 clarify and reflect interpretation of those portions of Laws of Minnesota 1983, chapter 312, article 8, whose implementation are the sole responsibility of the department ~~of Economic Security~~ or, in some cases, the joint responsibility of the department and the Department of ~~Economic Security and the Department of~~ Human Services.

Nothing in parts 3300.4010 to 3300.4110 precludes an individual from seeking or participating in the full range of services available from the department ~~of Economic Security~~.

3300.4030 AVAILABLE FOR WORK.

As used in Minnesota Statutes, section 256D.111, subdivision 1, ~~an individual~~ a recipient is not "available for work" with respect to any period when the ~~individual~~ recipient is a full-time student in attendance at, or on vacation from, an established postsecondary school, college, university, or a vocational-technical training program except for vocational-technical training for economically disadvantaged persons under the auspices of the Work Incentive Program or the federal Job Training Partnership Act. "Available for work" means available for full-time employment unless the ~~individual's~~ recipient's health limits availability to less than full-time work.

3300.4040 REASONABLE REPORTING.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "reasonable reporting" means that recipients registered with the department shall report to the office with which they are registered on a reasonable schedule ~~provided by the department or~~ as provided in the recipient's employability development plan. The method, frequency, and format of reporting whether in person, by telephone, or by mail shall

be ~~prescribed by the department.--Frequency of reporting is to be determined solely by the department~~ prescribed in the recipient's employability development plan. Availability and cost of transportation, either public or private, shall be taken into consideration in the reporting requirement.

3300.4050 JOB SEARCH REQUIREMENTS.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "job search requirements" means the reasonable conditions of the ~~job~~ search ~~established by an employability development plan developed by the department in consultation with the recipient.--The~~ for suitable employment prescribed in the recipient's employability development plan ~~must be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as educational attainment and association with the work force.--The employability development plan must be designed to aid the recipient in obtaining employment, necessary work skills, or training necessary to secure employment.~~ The availability and cost of public or private transportation shall be considered in determining reasonable job search requirements.

3300.4060 SUITABLE EMPLOYMENT.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "suitable employment" means any employment which pays at least the applicable minimum wage, provides more than 60 hours of work per month, meets all required health and safety standards, and which the ~~individual~~ recipient is able to physically and mentally perform. This includes any job provided through the Minnesota Emergency Employment Development Act, Minnesota Statutes, sections 268.671 to 268.686, which meets the above criteria. Availability and cost of public or private transportation shall be considered in determining suitable employment.

3300.4065 EMPLOYABILITY DEVELOPMENT PLAN.

The basis for the reasonable reporting and job search requirements in Minnesota Statutes, section 256D.111, shall be

the employability development plan. The department shall prepare a written employability development plan for each recipient in consultation with the recipient. The plan shall be prepared by a qualified person, shall identify the specific conditions applicable to the recipient which limit the recipient's ability to seek or secure suitable employment, shall include reasonable reporting and job search requirements, and shall be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as education attainment and association with the work force. The plan must be designed to aid the recipient in obtaining employment, necessary work skills, or training necessary to secure employment. In the preparation and execution of the plan, the department shall provide at least the same degree of counseling, job referrals, and other services to the recipient as is provided generally to unemployment insurance claimants exclusive of the federal eligibility review program. A copy of the plan shall be given to the recipient at the time of its preparation. An employability development plan need not be prepared for a recipient who is certified by the department as exempt under Minnesota Statutes, section 256D.111, subdivision 2, clause (1).

3300.4070 NONCOMPLIANCE.

As used in Minnesota Statutes, section 256D.111, subdivisions 1 and 2 and this part, "noncompliance" means that a recipient has failed, without good cause, to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. ~~In the absence of good cause,~~ A determination of noncompliance shall be certified to the local agency for disposition. A determination of noncompliance may be made with respect to one of the following:

A. failure to be available for work as in part 3300.4030;

B. failure to comply with established reasonable reporting or job search requirements as in parts 3300.4040 and 3300.4050; or

C. failure to accept any offer of suitable employment; ~~or~~

~~D. voluntary termination from suitable employment~~ as in part 3300.4060.

Following a final determination of noncompliance, the commissioner shall certify in writing to the local agency that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. A copy of the written certification shall be given to the recipient.

A final determination of failure to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1, shall be made in accordance with notice, hearing, and appeal rights and procedures applicable to the Work Incentive Program pursuant to Minnesota Statutes, section 256.736, subdivision 4, clause (4).

Hearings to determine noncompliance shall be conducted by the department in accordance with the Hearing Rules of Practice, Governing Administrative Hearings and Appeals Procedures and Requirements under the Work Incentive Program, April 1983, which is incorporated by reference. Copies of these rules will be provided by the department upon request. These rules are not subject to frequent change.

3300.4080 NOT ABLE TO SUCCESSFULLY PERFORM JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section ~~256D.112, clause (1)~~ 268.80, an individual will be considered "not able to successfully perform a job" available through the jobs program if:

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

B. the individual presents medical evidence from a licensed medical authority that he or she is temporarily or

permanently unable to carry out the tasks required in the job obtained through the Minnesota emergency employment development program.

3300.4090 UNLIKELY TO SECURE JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, an individual will be considered "unlikely to secure a job" through the jobs program because of the following conditions:

A. the individual has inadequate preparation or job experience for any of the jobs available through the Minnesota emergency employment development program; or

B. Minnesota emergency employment development jobs are unavailable in locations which, for a one-way trip under normal commuting circumstances, are accessible to the individual within one hour, and the individual elects to withdraw from the program for this reason.

3300.4100 APPLICATION PROCESS.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, "application process" means the procedure through which an individual makes a formal request to the commissioner for services under the Minnesota emergency employment development jobs program.

Persons found eligible for the Minnesota emergency employment development program will be referred to an employment administrator for program services. The referral will be in writing and include the address of the employment administrator to which the applicant is being referred.

3300.4110 ALLOWANCE.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.81, "allowance" means the cash amount paid by the commissioner to individuals satisfying the eligibility standards in Minnesota Statutes, sections 256D.01 to 256D.21, who are accepted for participation in the Minnesota emergency employment development jobs program.

The commissioner shall pay allowances to persons referred

by the local agency in accordance with the assistance standards established by the commissioner of human services pursuant to ~~parts 9555.3400 to 9555.3408~~ part 9555.3402, subpart 1, and shall not exceed these amounts. The initial allowance from the commissioner shall be paid upon the expiration of the period covered by the one-month grant from the local agency. The payments shall be made within ten working days following the date of receipt of the application for the cash allowance by the department. A payment will not be made before the expiration date of the one-month grant made by the local agency. Subsequent payments will be made at one-month intervals.

~~The allowance shall be paid in accordance with the assistance standards established by the commissioner of human services pursuant to parts 9555.3400 to 9555.3408 and shall not exceed these amounts.~~

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV – 8 1984
Joan Anderson Growe
Secretary of State
10:13AM

APPROVED AS TO FORM AND LEGALITY
November 8 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

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 and Allowances under General Assistance

ORDER ADOPTING NONCONTROVERSIAL RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing 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 6, 1984.

After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that the rules identified as Minnesota Rules §§ 3300.4010 - 3300.4110 are adopted this 5th day of November, 1984, pursuant to the authority vested in me by Minnesota Laws 1983, Chapter 312 Article 8, Section 12.

STATE OF MINNESOTA

Barbara Beerhalter

Barbara Beerhalter
COMMISSIONER

Office of the Commissioner
612/296-3711
TTY 612/297-3944

Minnesota Department of Economic Security

390 North Robert Street, St. Paul, MN 55101

November 5, 1984

Martha Casserly
Special Assistant Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

re: Resubmission of Adopted Rules Governing Registration for Employment Services and Allowances under General Assistance (Minnesota Rules §§ 3300.4010 - 3300.4110)

Dear Ms Casserly,

I am resubmitting the above entitled rules for review and approval. I have made the changes you requested during our telephone conversation last week.

I have enclosed two copies of a new Order Adopting the Rules and two copies of the adopted rules. In addition, the Revisor of Statutes has transmitted two copies of the adopted rules to you.

If you have any questions please call me at 296-3574.

Sincerely,

Michael J. Fratto
Rules Coordinator

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

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: RULES RELATING TO REGISTRATION FOR EMPLOYMENT SERVICES AND ALLOWANCES UNDER GENERAL ASSISTANCE

The above-captioned rules have not been approved by this office for the following reason:

Minn. Rules pts. 3300.4010, subp. 1 and 3300.4020, first and second paragraph, each have an incorrect rule citation. These two rules cite "3300.4120" as the last part within the scope and purpose of the above-captioned rules. However, there is presently no such part 3300.4120. Therefore, the cite 3300.4120 must be deleted and replaced with the correct rule citation.

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

Rules as Adopted

GENERAL ASSISTANCE; REGISTRATION FOR EMPLOYMENT SERVICES AND ALLOWANCES

3300.4010 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 3300.4010 to ~~3300.4110~~ 3300.4120, the words or phrases defined in this part have the meanings given them.

? this no. is not in this set

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Department of Economic Security.

Subp. 3. **Department.** "Department" means the Department of Economic Security.

Subp. 4. **Full-time student.** "Full-time student" means a student at a postsecondary institution who attends 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, or who registers for and attends a minimum of 12 semester hours per semester or 12 quarter hours per quarter.

FF1

Subp. 5. **Good cause.** "Good cause" means circumstances beyond the recipient's control, including, but not limited to: illness, illness of another family member which requires the recipient's presence, a family emergency, or the inability to obtain transportation.

? what else

FF1

Subp. ~~4.~~ 6. **Local agency.** "Local agency" means ~~the~~ a county ~~welfare board and any~~ or a multicounty ~~welfare boards or departments if they have been established in accordance with~~ agency that is authorized by Minnesota law as the agency responsible for the administration of the general assistance program.

FF2

Subp. 7. **Recipient.** "Recipient" means an adult who is receiving a grant of general assistance pursuant to Minnesota

FF3

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

Statutes, sections 256D.01 to 256D.21, and who has been referred to the department by a local agency pursuant to Minnesota Statutes, section 256D.111, subdivision 1.

FF3.

3300.4020 PURPOSE.

this no. not in this set.

Parts 3300.4010 to ~~3300.4110~~ 3300.4120 clarify and reflect interpretation of those portions of Laws of Minnesota 1983, chapter 312, article 8, whose implementation are the sole responsibility of the department ~~of Economic Security~~ or, in some cases, the joint responsibility of the department and the Department of ~~Economic Security and the Department of~~ Human Services.

FF4

not in this set

Nothing in parts 3300.4010 to ~~3300.4110~~ 3300.4120 precludes an individual from seeking or participating in the full range of services available from the department ~~of Economic Security~~.

3300.4030 AVAILABLE FOR WORK.

As used in Minnesota Statutes, section 256D.111, subdivision 1, ~~an individual~~ a recipient is not "available for work" with respect to any period when the ~~individual~~ recipient is a full-time student in attendance at, or on vacation from, an established postsecondary school, college, university, or a vocational-technical training program except for vocational-technical training for economically disadvantaged persons under the auspices of the Work Incentive Program or the federal Job Training Partnership Act. "Available for work" means available for full-time employment unless the ~~individual's~~ recipient's health limits availability to less than full-time work.

FF5

3300.4040 REASONABLE REPORTING.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "reasonable reporting" means that recipients registered with the department shall report to the office with which they are registered on a reasonable schedule ~~provided by the department or~~ as provided in the recipient's employability development plan. The method, frequency, and format of reporting whether in person, by telephone, or by mail shall

FF6

be ~~prescribed by the department.--Frequency of reporting is to be determined solely by the department~~ prescribed in the recipient's employability development plan. Availability and cost of transportation, either public or private, shall be taken into consideration in the reporting requirement. FF6

3300.4050 JOB SEARCH REQUIREMENTS.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "job search requirements" means the reasonable conditions of the ~~job~~ search ~~established by an employability development plan developed by the department in consultation with the recipient.--The~~ for suitable employment prescribed in the recipient's employability development plan ~~must be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as educational attainment and association with the work force.--The employability development plan must be designed to aid the recipient in obtaining employment, necessary work skills, or training necessary to secure employment.~~ FF6 The availability and cost of public or private transportation shall be considered in determining reasonable job search requirements. FF7

3300.4060 SUITABLE EMPLOYMENT.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "suitable employment" means any employment which pays at least the applicable minimum wage, provides more than 60 hours of work per month, meets all required health and safety standards, and which the ~~individual~~ recipient is able to physically and mentally perform. This includes any job provided through the Minnesota Emergency Employment Development Act, Minnesota Statutes, sections 268.671 to 268.686, which meets the above criteria. Availability and cost of public or private transportation shall be considered in determining suitable employment. FF8

3300.4065 EMPLOYABILITY DEVELOPMENT PLAN.

The basis for the reasonable reporting and job search requirements in Minnesota Statutes, section 256D.111, shall be FF9

the employability development plan. The department shall prepare a written employability development plan for each recipient in consultation with the recipient. The plan shall be prepared by a qualified person, shall identify the specific conditions applicable to the recipient which limit the recipient's ability to seek or secure suitable employment, shall include reasonable reporting and job search requirements, and shall be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as education attainment and association with the work force. The plan must be designed to aid the recipient in obtaining employment, necessary work skills, or training necessary to secure employment. In the preparation and execution of the plan, the department shall provide at least the same degree of counseling, job referrals, and other services to the recipient as is provided generally to unemployment insurance claimants exclusive of the federal eligibility review program. A copy of the plan shall be given to the recipient at the time of its preparation. An employability development plan need not be prepared for a recipient who is certified by the department as exempt under Minnesota Statutes, section 256D.111, subdivision 2, clause (1).

FF9

3300.4070 NONCOMPLIANCE.

As used in Minnesota Statutes, section 256D.111, subdivisions 1 and 2 and this part, "noncompliance" means that a recipient has failed, without good cause, to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. ~~In the absence of good cause,~~ A determination of noncompliance shall be certified to the local agency for disposition. A determination of noncompliance may be made with respect to one of the following:

FF10

A. failure to be available for work as in part 3300.4030;

B. failure to comply with established reasonable reporting or job search requirements as in parts 3300.4040 and 3300.4050; or

FF10

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

C. failure to accept any offer of suitable employment; ~~or~~

~~B. voluntary termination from suitable employment~~ as in part 3300.4060. FF10

Following a final determination of noncompliance, the commissioner shall certify in writing to the local agency that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. A copy of the written certification shall be given to the recipient.

A final determination of failure to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1, shall be made in accordance with notice, hearing, and appeal rights and procedures applicable to the Work Incentive Program pursuant to Minnesota Statutes, section 256.736, subdivision 4, clause (4).

Hearings to determine noncompliance shall be conducted by the department in accordance with the Hearing Rules of Practice, Governing Administrative Hearings and Appeals Procedures and Requirements under the Work Incentive Program, April 1983, which is incorporated by reference. Copies of these rules will be provided by the department upon request. These rules are not subject to frequent change.

3300.4080 NOT ABLE TO SUCCESSFULLY PERFORM JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section ~~256D.112, clause (1)~~ 268.80, an individual will be considered "not able to successfully perform a job" available through the jobs program if:

A. following placement in a job reasonably compatible with the individual's skill level and using the same corrective steps as the employer would normally use with other employees in order to improve performance, ~~the employer determines that~~ the individual is unable to carry out tasks required in the job obtained through the Minnesota emergency employment development program; or FF11

B. the individual presents medical evidence from a licensed medical authority that he or she is temporarily or

permanently unable to carry out the tasks required in the job obtained through the Minnesota emergency employment development program.

3300.4090 UNLIKELY TO SECURE JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, an individual will be considered "unlikely to secure a job" through the jobs program because of the following conditions:

A. the individual has inadequate preparation or job experience for any of the jobs available through the Minnesota emergency employment development program; or

B. Minnesota emergency employment development jobs are unavailable in locations which, for a one-way trip under normal commuting circumstances, are accessible to the individual within one hour, and the individual elects to withdraw from the program for this reason.

3300.4100 APPLICATION PROCESS.

Why this cut-off date when program continues to 6.30?

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, "application process" means the procedure through which an individual makes a formal request to the commissioner for services under the Minnesota emergency employment development jobs program.

Persons found eligible for the Minnesota emergency employment development program will be referred to an employment administrator for program services. The referral will be in writing and include the address of the employment administrator to which the applicant is being referred.

3300.4110 ALLOWANCE.

? why this cut-

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.81, "allowance" means the cash amount paid by the commissioner to individuals satisfying the eligibility standards in Minnesota Statutes, sections 256D.01 to 256D.21, who are accepted for participation in the Minnesota emergency employment development jobs program.

The commissioner shall pay allowances to persons referred

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

by the local agency in accordance with the assistance standards established by the commissioner of human services pursuant to ~~parts 9555.3400 to 9555.3408~~ part 9555.3402, subpart 1, and shall not exceed these amounts. The initial allowance from the commissioner shall be paid upon the expiration of the period covered by the one-month grant from the local agency. The payments shall be made within ten working days following the date of receipt of the application for the cash allowance by the department. A payment will not be made before the expiration date of the one-month grant made by the local agency. Subsequent payments will be made at one-month intervals.

~~The allowance shall be paid in accordance with the assistance standards established by the commissioner of human services pursuant to parts 9555.3400 to 9555.3408 and shall not exceed these amounts.~~

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

Rules as Proposed (all new material)

GENERAL ASSISTANCE; REGISTRATION FOR EMPLOYMENT SERVICES AND ALLOWANCES

3300.4010 DEFINITIONS.

Subpart 1. Scope. As used in parts 3300.4010 to 3300.4110, the words or phrases defined in this part have the meanings given them.

Subp. 2. Commissioner. "Commissioner" means the commissioner of the Department of Economic Security.

Subp. 3. Department. "Department" means the Department of Economic Security.

Subp. 4. Local agency. "Local agency" means the county welfare board and any multicounty welfare boards or departments if they have been established in accordance with Minnesota law.

3300.4020 PURPOSE.

Parts 3300.4010 to 3300.4110 clarify and reflect interpretation of those portions of Laws of Minnesota 1983, chapter 312, article 8, whose implementation are the sole responsibility of the Department of Economic Security or, in some cases, the joint responsibility of the Department of Economic Security and the Department of Human Services.

Nothing in parts 3300.4010 to 3300.4110 precludes an individual from seeking or participating in the full range of services available from the Department of Economic Security.

3300.4030 AVAILABLE FOR WORK.

As used in Minnesota Statutes, section 256D.111, subdivision 1, an individual is not "available for work" with respect to any period when the individual is a full-time student in attendance at, or on vacation from, an established postsecondary school, college, university, or a vocational-technical training program except for vocational-technical training for economically disadvantaged persons under the auspices of the Work Incentive Program or the federal Job Training Partnership Act. "Available for work" means available for full-time employment unless the individual's health limits availability to less than full-time work.

3300.4040 REASONABLE REPORTING.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "reasonable reporting" means that recipients registered with the department shall report to the office with which they are registered on a schedule provided by the department or as provided in the recipient's employability development plan. The method, frequency, and format of reporting whether in person, by telephone, or by mail shall be prescribed by the department. Frequency of reporting is to be determined solely by the department. Availability of transportation, either public or private, shall be taken into consideration in the reporting requirement.

3300.4050 JOB SEARCH REQUIREMENTS.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "job search requirements" means the conditions of the job search established by an employability development plan developed by the department in consultation with the recipient. The employability development plan must be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as educational attainment and association with the work force. The employability development plan must be designed to aid the recipient in obtaining employment, necessary work skills, or training necessary to secure employment.

3300.4060 SUITABLE EMPLOYMENT.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "suitable employment" means any employment which pays at least the applicable minimum wage, meets all required health and safety standards, and which the individual is able to physically and mentally perform. This includes any job provided through the Minnesota Emergency Employment Development Act, Minnesota Statutes, sections 268.671 to 268.686, which meets the above criteria. Availability of public or private transportation shall be considered in determining suitable employment.

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.

3300.4070 NONCOMPLIANCE.

As used in Minnesota Statutes, section 256D.111, subdivisions 1 and 2, "noncompliance" means that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. In the absence of good cause, a determination of noncompliance shall be certified to the local agency for disposition. A determination of noncompliance may be made with respect to one of the following:

A. failure to be available for work;

B. failure to comply with established reasonable reporting or job search requirements;

C. failure to accept any offer of suitable employment; or

D. voluntary termination from suitable employment.

Following a final determination of noncompliance, the commissioner shall certify in writing to the local agency that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. A copy of the written certification shall be given to the recipient.

A final determination of failure to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1, shall be made in accordance with notice, hearing, and appeal rights and procedures applicable to the Work Incentive Program pursuant to Minnesota Statutes, section 256.736, subdivision 4, clause (4).

Hearings to determine noncompliance shall be conducted by the department in accordance with the Hearing Rules of Practice, Governing Administrative Hearings and Appeals Procedures and Requirements under the Work Incentive Program, April 1983, which is incorporated by reference. Copies of these rules will be provided by the department upon request. These rules are not subject to frequent change.

3300.4080 NOT ABLE TO SUCCESSFULLY PERFORM JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 256D.112, clause (1), an individual will be considered "not able to successfully perform a job" available through the jobs program if:

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

B. the individual presents medical evidence from a licensed medical authority that he or she is temporarily or permanently unable to carry out the tasks required in the job obtained through the Minnesota emergency employment development program.

3300.4090 UNLIKELY TO SECURE JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, an individual will be considered "unlikely to secure a job" through the jobs program because of the following conditions:

A. the individual has inadequate preparation or job experience for any of the jobs available through the Minnesota emergency employment development program; or

B. Minnesota emergency employment development jobs are unavailable in locations which, for a one-way trip under normal commuting circumstances, are accessible to the individual within one hour, and the individual elects to withdraw from the program for this reason.

3300.4100 APPLICATION PROCESS.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, "application process" means the procedure through which an individual makes a formal request to the commissioner for services under the Minnesota emergency employment development jobs program.

Persons found eligible for the Minnesota emergency employment development program will be referred to an employment administrator for program services. The referral will be in writing and include the address of the employment administrator to which the applicant is being referred.

3300.4110 ALLOWANCE.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.81, "allowance" means the cash amount paid by the commissioner to individuals satisfying the eligibility standards in Minnesota Statutes, sections 256D.01 to 256D.21, who are accepted for participation in the Minnesota emergency employment development jobs program.

The commissioner shall pay allowances to persons referred by the local agency in accordance with the assistance standards established by the commissioner of human services pursuant to parts 9555.3400 to 9555.3408. The initial allowance from the

commissioner shall be paid upon the expiration of the period covered by the one-month grant from the local agency. The payments shall be made within ten working days following the date of receipt of the application for the cash allowance by the department. A payment will not be made before the expiration date of the one-month grant made by the local agency. Subsequent payments will be made at one-month intervals.

The allowance shall be paid in accordance with the assistance standards established by the commissioner of human services pursuant to parts 9555.3400 to 9555.3408 and shall not exceed those amounts.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Administration Cable Communications Board

Adopted Rules Governing the Provision by Cable Companies Granted Access to Multiple Dwelling Complexes of Equipment with Sufficient Channel Capacity so as to Allow for Service by Alternative Providers

The rules proposed and published at *State Register*, Volume 8, Number 32, pages 1807-1809, February 6, 1984 (8 S.R. 1807) are adopted as proposed.

Department of Commerce

Notice of Extension of Adopted Emergency Rules Relating to Joint Self-Insurance Employee Health Plans

The Commissioner of Commerce has determined that the emergency rules governing joint self-insurance employee health plans shall be continued in effect until February 2, 1985, or until superceded by permanent legislation, whichever comes first. These rules were originally adopted on February 8, 1984 and published March 12, 1984 (8 S.R. 2015), to be effective until August 8, 1984.

Michael A. Hatch
Commissioner of Commerce

Housing Finance Agency

Adopted Rules Governing Accessory Apartment Loans

The rules proposed and published at *State Register*, Volume 8, Number 46, pages 2398-2401, May 14, 1984 (8 S.R. 2398) are adopted as proposed.

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

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

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

ORDER ADOPTING NONCONTROVERSIAL RULE(S)

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing 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, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rule.

NOW, THEREFORE, IT IS ORDERED that the rules identified as Minnesota Rules §§ 3300.4010 - 3300.4110 are adopted this 1st day of October, 1984, pursuant to the authority vested in me by Laws of 1983 Chapter 312 Article 8, Section 12.

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 General Assistance; Registration for Employment Services and Allowances under Minnesota Laws 1983, Chapter 312, Article 8

NOTICE OF INTENT TO ADOPT RULES WITHOUT 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.

not rule 14.21 Repealed

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 S 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 Rule of the State of Minnesota Governing Registration for Employment Services and Allowances 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, he served the attached Notice of Intent to Adopt Rules Without Public Hearing 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 27th day of September, 1984.

Notary Public H E Kelly
Ramsey County

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 Rule of the State of Minnesota Governing Registration for Employment Services and Allowances 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 General Assistance: Registration for Employment Services and Allowances Under Minnesota Laws 1983, Chapter 312, Article 8

FINDINGS OF FACT AND CONCLUSIONS FOR NONCONTROVERSIAL RULES

Notice of Intent to Adopt Rules Without Public Hearing 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, receiving fewer than 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules, I find the following:

1. In part 3300.4010, subparts 4 and 5, adding the definitions of "full-time student" and "good cause" was determined to be necessary and reasonable to assure uniform interpretations and definitions between the various regulations issued by this department and the Department of Human Services which affect the same programs and/or individuals. The definition of full-time student was changed by Laws of Minnesota, 1984, Chapter 654, section 29, subd. 15. This definition, as well as the definition of good cause, is the same as those in rules adopted or proposed by the Department of Human Services. The definitions are also consistent with changes proposed in comments by both the Legal Services Advocacy Project and the Department of Human Services. These definitions will reduce ambiguity and do not reflect a substantial change.

2. The definition of "local agency" found in part 3300.4010, subpart 6 (renumbered) was changed as a result of comments by the Department of Human Services and the Legal Services Advocacy Project so that definitions are uniform in all rules affecting General Assistance recipients. Department agrees and has accepted the definition which is now the same as that adopted by the Department of Human Services. This change is necessary, reasonable and not a substantial change to the rules as proposed.

3. As used in part 3300.4010, subpart 7, the definition of "recipient" was added for the same reasons as the definitions referenced in item #1

above. The department accepts the suggestion of those commenting and feels the change is necessary, reasonable and does not constitute a substantial change in the rules as proposed.

4. Throughout the rule, beginning in part 3300.4020, references to responsibilities of the "Department of Economic Security" were deleted and replaced by reference to "department." The latter was defined in part 3300.4010, subpart 3. The deletion of the complete department name is consistent with suggestions from the Revisor of Statutes and comments from the Legal Services Advocacy Project. The department accepts these changes and it is not a substantial change. p. 2

5. Throughout the rules proposed for adoption, beginning with part 3300.4030, identification of the "person" or "individual" has been changed to read "recipient" in either the singular or plural form to uniformly identify the person to which the rule is directed. This change, also proposed by those commenting, is consistent with rules promulgated by the Department of Human Services and reduces potential ambiguity or definition differences. This change is directly related to the inclusion of the definition for "recipient" commented on in Item #3. These multiple changes throughout the text of the proposed rule add clarity, are accepted by the department as necessary and reasonable and do not constitute a substantial change. pl. et seq

6. In several parts, specifically part 3300.4040 Reasonable Reporting and part 3300.4050 Job Search Requirements, sentences regarding reporting requirements and schedules, and the methodology and content of the "employability development plan" have been stricken because of the department's finding for the need to include a complete definition of the employability development plan, as part 3300.4065. The bulk and intent of sentences and contents stricken from the proposed language are included in language of part 3300.4065. The language stricken reduces duplicate language. The phrase added in parts 3300.4040 and 3300.4050 refers specifically to the employability development plan and identifies the requirements prescribed therein. These changes are cosmetic in nature, are necessary and reasonable, and do not represent a substantial change. p. 2, 3

7. The addition of the sentence that the availability and cost of public or private transportation shall be considered in determining reasonable job search requirements in part 3300.4050 is based upon the department's finding that this phrase is consistent with the requirements previously set forth in parts 3300.4060 and 3300.4090 (B). It is also consistent with the recommendations made in the comments and consultation with the Legal Services Advocacy Project and the Department of Human Services. This change is reasonable and necessary to provide uniform requirements and factors affecting the recipients ability to participate in the program. This is not a substantial change. p. 3

8. The addition of the phrase "provides more than 60 hours of work per month" in part 3300.4060 was necessary to bring the rule into conformance with the rules adopted by the Department of Human Services for administration of the General Assistance Program. Because recipients under the Employment Allowance Program, administered by the department, and the General Assistance Program are one and the same and the

Legislature intended for recipients of both programs to be judged under the same conditions, it was necessary to include the length of work hours. This was a strong point in comments by both the Legal Services Advocacy Project and the Department of Human Services. The addition of the words "and cost" are necessary to add uniformity as referenced in Item #7 above. These changes are reasonable and necessary and not a substantial change to the rule as initially proposed. p.3

9. Part 3300.4065, Employability Development Plan, was added to provide clarity of definitions and requirements to be set out in this document. As referenced in earlier paragraphs, various components of the Employability Development Plan were set out in several other parts and not necessarily related one to the other. The employability development plan is an important factor in the overall Employment Allowance Program because it sets forth the requirements imposed upon the recipient in reporting, job search efforts and other related requirements which are the basis for the recipient's continuation in the program or their decertification for noncompliance. The department finds that it is advantageous to place these requirements in a single part so that there is increased clarity as to what is required of the recipient. Nothing in this added part deviates from the language or intent contained in the proposed rule.

   The need for a separately identified part was the single most important concern of the comments and discussions with the Legal Services Advocacy Project. The addition of this new part further defines the recipient's and department's responsibilities and should lead to fewer misunderstandings and resulting conflicts or appeals. This change is determined necessary and does not reflect a substantial change from the earlier proposal p.3,4

10. Part 3300.4070, Noncompliance, was changed to clarify the effect of "good cause" in a finding of noncompliance. The addition of the terms "without good cause" in one sentence and the deletion of "in the absence of good cause" in another was made to eliminate ambiguity and to clarify intent.

    The addition of references to other parts of the proposed rule in sections A, B, and C were included to reference those parts governing the factors shown.

    Alternative D (voluntary termination from suitable employment) was deleted because that factor was found to not be within the knowledge or control of the department. Ordinarily, employment would carry with it termination of a recipient's eligibility for the Employment Allowance Program. Voluntary termination from that employment would be at a time when the individual was no longer a recipient and, therefore, outside the control of the department. An individual voluntarily terminating would necessarily need to apply for readmission to the program at which time the termination would be taken into account.

    The changes to part 3300.4070 are to clarify, are reasonable, necessary and do not represent a substantial change. p.4,5

11. The phrase "the employer determines that" in part 3300.4080, Item A, was removed because the department found that the phrase placed responsibility for determination on the employer which Laws of Minnesota, 1984, Chapter 654 specifically assigned to the department. The deletion of this language returns the determination responsibility to the department which must rule on the employer's provision of corrective steps and measures. This deletion properly assigns this responsibility, is necessary and reasonable and is not a substantial change. p.5

12. Part 3300.4110, Allowance, was changed to more accurately identify the assistance standards to be established by the commissioner of Human Services and to clarify the fact that payments would not exceed the amounts established. Previous language referenced several parts of established rules, whereas the proposed language pinpoints the specific part and subpart.

    The last sentence of this subpart was stricken because it was repetitious of the sentence referenced immediately above and the addition of the words "shall not exceed these amounts" renders this entire sentence duplicate and superfluous.

The changes reflected in the modifications to the proposed rules for adoption for the most part are consistent with the comments received, particularly from the Legal Services Advocacy Project and the Department of Human Services, along with the findings of the department. None of the modifications are a substantial change from the proposed rules and removes ambiguity and definitional differences between the Employment Allowance Program and the General Assistance Program which have identical eligibility criteria and are governed by the same general policies and legislative intent. The above modifications are necessary and reasonable. Therefore, I ORDER that these rules, as modified, for the General Assistance Registration for Employment Services and Allowances be adopted.

Dated: Sept. 26, 1984

STATE OF MINNESOTA

Barbara Beerhalter

COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY

IN THE MATTER OF THE PROPOSED RULES OF THE DEPARTMENT OF ECONOMIC SECURITY GOVERNING GENERAL ASSISTANCE: REGISTRATION FOR EMPLOYMENT SERVICES AND ALLOWANCES UNDER MINNESOTA LAWS 1983 CHAPTER 312, ARTICLE 8

STATEMENT OF NEED AND REASONABLENESS

3300. 4010 DEFINITIONS. This section provides definitions of terms used in the proposed rules. The definitions are needed to provide shorter forms of reference, to avoid unnecessary repetition of titles and explanations, and to minimize ambiguity.

3300. 4010 Subpart 1. Scope.

This subpart is necessary to specify the jurisdiction and applicability of the proposed rules. Since the department is required to adopt rules for a number of other statutes for which it has administrative responsibility, the specification of the coverage provided in this subpart is reasonable.

3300. 4010 Subpart 2. Commissioner

The term "commissioner" refers to the Commissioner of the Department of Economic Security or the Commissioner's designated agent. Thus "commissioner" standing alone always refers to the Commissioner of the Department of Economic Security or the Commissioner's designee. The definition permits a shorter reference to the Commissioner of the Department of Economic Security while preventing confusion as to the official indicated. This definition and use of the term "commissioner" are the same as used in other rules of the Department of Economic Security, and are reasonable.

3300. 4010 Subpart 3. Department

The term "department" refers to the Minnesota Department of Economic Security. Thus "department" standing alone always refers to the Department of Economic Security. This definition minimizes ambiguity, and permits a shorter reference to the Department of Economic Security.

3300.4010 Subpart 4. Full-time Student.

The phrase "full-time student" occurs a number of times in the legislation and in rules promulgated by the Department of Human Services. The need to specifically define the phrase has become apparent in administering the Employment Allowance Program since its inception. The definition is the same as defined by the Department of Human Services and minimizes ambiguity and is, therefore, reasonable.

3300.4010 Subpart 5. Good Cause.

The phrase "good cause" is used extensively in this as well as other welfare and entitlement legislation with considerable variances in definition. The term must be defined insofar as this law and proposed rules are concerned and to make the definition compatible with that used in other welfare programs including General Assistance. The definition is reasonable because it clearly relates to subject contained in the proposed rules and is well understood in General Assistance activities.

3300. 4010 Subpart 6. Local Agency.

The phrase "local agency" occurs many times in both the law (Laws 1983, Chapter 312, Article 8) and the proposed rules. The law and proposed rules contain a number of references to other agencies (job services, local law enforcement agencies, and employment administrators) which operate in the local community. While writing the proposed rules, a number of persons not intimately familiar with the nomenclature of the program wanted to know precisely which agency was the "local agency." The term needed to be defined to eliminate ambiguity with respect to the several agencies covered by the law and proposed rules. The definition is reasonable because it clearly indicates that the term "local agency" refers to the agency that has responsibility for the provision of welfare services in the local community. The definition is the same as that given in statute (Minnesota Statutes, Section 256D.02).

3300. 4010 Subpart 7. Recipient.

The term "recipient" refers to the person to be served under the proposed rules and needs to be defined specifically as it relates to the General Assistance program. The definition in the proposed rule clearly identifies the recipient and is consistent with the definition used in legislation and rules for the General Assistance program.

3300. 4020 PURPOSE.

This rule is necessary to clarify the criteria and procedures by which the Department of Economic Security carries out its statutory mandate to establish reasonable registration, reporting and suitable employment acceptance requirements for certain recipients of general assistance. This rule makes it clear that the status of individuals as recipients of general assistances does not preclude their participation in the full range of services provided by the Department of Economic Security.

3300. 4030 AVAILABLE FOR WORK

This rule is needed to clarify the phrase "available for work." Since availability is a major requirement of the law for receipt of general assistance or the employment allowance, and because findings of noncompliance

can be based on failure to be available for work, it is important that the meaning of "available for work" be clearly understood.

This rule provides that the conditions of being "available for work" will generally be satisfied if recipients demonstrate that they are unequivocally ready and willing to accept an offer of full-time suitable employment. This provision is reasonable and it is consistent with the underlying policy of the legislation that able recipients be available and willing to accept suitable employment. That there should be no unreasonable self-imposed restrictions on availability is consistent with the purpose of the law and, therefore, reasonable.

One of the purposes of this legislation is to provide the recipient employment rather than general assistance. When the employment is not immediately available, the recipient is provided general assistance or employment allowance. However, the recipients must be "available for work" to maintain their eligibility to receive general assistance or the allowance. The rule makes clear that recipients who are full-time students in post-secondary schools colleges, or universities, or certain vocational-technical programs are not available for work. The exception is recipients participating in vocational-technical training programs for economically disadvantaged persons under the Federal Job Training Partnership Act or the Work Incentive Program.

The provision that full-time students of post-secondary schools, colleges, and universities or certain vocational-technical programs are not "available for work" is reasonable because, in general, being a full-time student severely limits ones ability to actively seek and accept full-time employment. A policy that these full-time students are "available for work" while attending these institutions would mean that they could received general assistance or employment allowances for being full-time students. The effect of such a policy would be to make the general assistance or employment allowance a post-secondary scholarship program. This rule is reasonable because it ensures that such an undesirable result does not occur.

This rule gives an exception to recipients who are participating in a vocational-technical training program for the economically disadvantaged under the Job Training Partnership Act or the Work Incentive Program. This exception is reasonable because these vocational-technical training programs are usually of short duration and are geared toward providing trainees with the skills that are immediately transferable to a work situation. The exception granted to this category of recipients is reasonable, because it is consistent with the concept of providing recipients with short-term assistance to gain skills which will enhance their long-term employability. It is also consistent with Law 1983, Article 8, section 7 which allows state funds contributed for wages of eligible MEED applicants participating in job training programs to be used for a maximum of 52 weeks. For persons not participating in job training programs the maximum period for which state funds may be used by wages for an individual is 26 weeks. The policy implicit in this legislation encourages participation in short-term job training programs.

3300. 4040 REASONABLE REPORTING

This rule is necessary to clarify the phrase "reasonable reporting" since it is a requirement which must be met by recipients in order to receive general assistance or the employment allowance. The rule provides that the recipients must report to the office with which they are registered. The method, frequency and format of reporting will be prescribed by the department. Reporting may be in person, by telephone or by mail.

The reporting requirements are necessary to insure that eligibility criteria are maintained and to assist recipients with their job search. Required reporting is also necessary to assure that recipients are available for work. Failure to report could indicate that a recipient is unavailable for work.

This rule requires recipients to report to the office with which they are registered. This provision is reasonable since the requirements of job search, availability for work, and suitable employment all implicitly relate to conditions in the local labor market. Reporting to the office with which the recipient is registered suggests that the recipient is physically present and available for work in that area. Absence from the area renders fulfillment of the "availability" impossible and increases the probability that employment opportunities will be missed.

The employability development plan is prepared by the department in consultation with the recipient for the purpose of assisting the recipient to obtain suitable employment. This plan specifies the work search and reporting requirements for the recipient.

The use of an employability development plan provides the flexibility needed so that the services of the department can be designed to meet the specific needs of the recipient while taking into consideration the conditions of the local labor market area. If due to economic conditions within a labor market area the department finds that for a particular occupation, or group of recipients, job openings are so few that any search for openings would be fruitless for the recipient and burdensome to employers, then less frequent reporting will be required. If, on the other hand, the department finds that the existence of job openings within a labor market area are more plentiful, and active search for a job would likely be successful, the department could required more frequent reporting. These reporting requirements are reasonable since they allow the necessary flexibility to adjust the reporting schedule to meet the conditions of the labor market area, thus minimizing unfruitful searches while insuring a diligent, meaningful search for suitable employment.

The rule provides that the method of reporting by mail, telephone or in person will be prescribed by the department. This is necessary to give the department the flexibility to meet the varying needs across the state. Because of such factors as labor market conditions, availability of transportation, distance from departmental office, the department needs the

discretion to determine how recipients will report. Since these methods of reporting have been successfully utilized in the department's unemployment insurance program under similar circumstances, it is reasonable that they should be used here.

3300. 4050 JOB SEARCH REQUIREMENTS

This rule is necessary to clarify the meaning of the phrase "job search requirements" as used in Law 1983, Article 8, section 10, subdivision 1. The phrase "job search requirements" refers to conditions of the job search established in the employability development plan.

The employability development plan is prepared by the department in consultation with the recipient for the purpose of assisting the recipient to obtain suitable employment. The plan specifies the work search and reporting requirements of the recipient. The employability development plan provides guidance to the recipient regarding what will be expected of the recipient and what the recipient can expect of the department. The employability development plan is a joint product of the department and the recipient.

The job search requirements are specified in the employability development plan, which is individually designed to meet the needs of the individual recipient. The plan takes into consideration conditions of the local labor force, as well as the recipients skills, knowledge, abilities and interests. The employability development plan also considers the recipients educational level and previous connection with the labor force.

This approach to specifying the job search requirements is reasonable because it provides a flexible individualized approach to one's work search. Since the plan is prepared jointly by the department and the recipient, it provides an excellent opportunity for optimum assessment and consideration of the recipient's skills, knowledge and abilities under the conditions of the local market area.

This rule is reasonable because it provides the best means for consideration of a number of factors - the recipient's skills, knowledge, abilities, work history, labor market area - important to the job search process, and it informs both the recipient and the department of the responsibilities and expectations of each.

3300. 4060 SUITABLE EMPLOYMENT

The phrase "suitable employment" means any employment which pays at least the applicable minimum wage, meets health and safety standards, and which the individual is physically and mentally able to perform. Suitable employment includes any job provided through the Minnesota Emergency Employment Development (MEED) Act, Minnesota Statutes, sections 268.671 to 268.686, which meet the above criteria.

The inclusion of MEED jobs in the definition of suitable employment is reasonable because the statute provides that a job provided through the MEED jobs program is suitable employment. In addition to employment through the MEED program, the definition of suitable employment includes any job which pays at least the applicable minimum wage, meets health and safety standards, and which the individual is physically and mentally able to perform.

This further refinement of the definition is necessary and reasonable because it expands the pool of jobs to include non-MEED jobs for which the Department provides placement services. Since the Department has the responsibility for paying employment allowances under Minnesota Statutes, sections 268.80 and 268.81, and has the ongoing responsibility of placing individuals in jobs for which they are best qualified, the suitable work provision is defined to provide the widest range of opportunities for placing recipients in "suitable employment." The refinement in the definition is reasonable because it removes the narrow construction of the phrase "suitable employment" that would prevail if the search for "suitable employment" were limited either to MEED or non-MEED jobs. To limit the search for "suitable employment" to either category of jobs would be unreasonable. The broader definition of "suitable employment" is reasonable because it provides employers, recipients, and society the benefits of maximally utilizing the skills of the largest number of workers possible under existing economic conditions.

3300. 4070 EMPLOYABILITY DEVELOPMENT PLAN

The phrase "employability development plan" means the strategy and document which assesses the recipient's work history, training, skills, knowledge and abilities as it relates to their ability to obtain employment and to direct the recipient's efforts to seeking and securing a job. This plan is the basis for the job search efforts and also serves as the monitoring device to assure reasonable efforts on the part of the recipient. Findings of noncompliance by the department will often be based upon performance or nonperformance measured against the employability development plan.

Inclusion of this phrase in the rules is reasonable because the statute provides for the assessment of work history and compliance with reasonable reporting and job search requirements as established by the commissioner. In order to enforce these requirements they must be clearly spelled out so that the recipient has no doubt as to what is required and the requirements are uniformly applied.

3300. 4080 NONCOMPLIANCE

This rule is necessary to explain the term "noncompliance". Since compliance with the work registration requirements of Minnesota Statutes, section 256D.111, subdivision 1 is a major condition for recipient's continued eligibility for general assistance, and therefore, eligibility for the employment allowance paid by the department, it is important that the meaning of this term be clearly explained. The term "noncompliance" means the failure

of a recipient to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. This definition is reasonable because it is based on the clear language of the statute that an adult general assistance recipient who is not employed must register with the department for employment services.

This rule provides the conditions under which determinations of "noncompliance" can be made. This rule specifies that a determination of "noncompliance" may be based on (a) failure to be available for work, (b) failure to comply with reasonable reporting or job search requirements, (C) failure to accept an offer of suitable employment, or (d) voluntary termination from suitable employment.

This portion of the rule is reasonable since it is based on the intent of the legislation that recipients should be available for work, comply with reasonable reporting and job search requirements, and accept suitable employment. The term "noncompliance" is further refined by adding the condition that voluntary termination from suitable employment may be a basis for a determination of "noncompliance." This clarification is a reasonable refinement of the statutory requirement that a recipient accept an offer of suitable employment. The purpose for having a recipient accept suitable work is to provide meaningful employment for the recipient, reduce the public assistance rolls, and provide both the recipient and society all the benefits and advantages that come when employment replaces unemployment. Voluntary termination is the antithesis of good faith acceptance of suitable employment. It is, therefore, inappropriate for a general assistance or employment allowance to be paid when a recipient either declines suitable employment or voluntarily terminates suitable employment. This refinement makes clear that voluntary termination of employment is the logical equivalent of failure to accept suitable employment in good faith.

This rule provides that hearings on the determination of "noncompliance" will be conducted in accordance with the Work Incentive Program (WIN) Hearing Rules of Practice. The Hearing Rules of Practice are incorporated by reference pursuant to Minnesota Statutes, section 14.07, subdivision 4. The use of the WIN hearing procedures for "noncompliance" determinations is reasonable because of the similarity of issues in WIN hearings and those addressed by this rule. The WIN hearing process has been used in this department for many years in cases of WIN registrants who have been notified that they are to be terminated from the WIN program for failure, without good cause, to accept suitable employment or to participate in the WIN program. In both instances cases involve issues of nonconformance with program requirements with the result that program benefits would be terminated if final determinations of "noncompliance" are made.

It is necessary to incorporate the Hearing Rules of Practice by Reference because its verbatim inclusion herein would result in unnecessary expense and inconvenience.

This rule provides that following a finding of "noncompliance" the Commissioner will certify in writing to the local agency that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. Notification to the local agency by the Commissioner is required pursuant to Minnesota Statutes, section 10, subdivision 4. The rule reasonably provides that a copy of the written certification to the local agency be provided to the recipient.

3300. 4090 NOT ABLE TO SUCCESSFULLY PERFORM A JOB

This rule is necessary to explain the conditions under which an individual will be considered "not able to successfully perform a job." Minnesota Statutes, section 268.80 requires the Commissioner to promptly determine a person's ability to successfully perform a job available through the program. This prompt determination is to be made by the department within three business days after receiving an application.

Initial determinations that individuals are able to perform a job successfully will result in some errors, leading to the placement of some individuals who will not be able to successfully perform a job. For this reason, a determination of "not able to successfully perform a job" must go beyond the initial decision and sample on-the-job behavior. This rule reasonably provides that a determination of "not able to successfully perform a job" will be made after an individual has been placed in a suitable job and normal corrective steps used to improve the individual's performance. This provision is necessary to insure that individuals hired through the MEED program are given the same opportunities for corrective measures as other employees, under similar circumstance, who are not associated with the MEED program. It is reasonable that a determination of "not able to successfully perform a job" be made only after an individual has had the opportunity to work in a job and received the benefit of normal corrective measures.

The second condition under which an individual will be considered "not able to successfully perform a job" is by presenting medical evidence from a licensed medical authority that such individual is unable to carry out the required tasks of a job. The provision requiring medical evidence that an individual is temporarily or permanently unable to perform a job is both reasonable and necessary. It is necessary to minimize the perception or reality that one can easily or fraudulently subvert the statutory requirements pertaining to availability for work, complying with reasonable job search and reporting requirements, and accepting offers of suitable employment.

3300. 4100 UNLIKELY TO SECURE A JOB

This rule is necessary to explain the circumstances in which a recipient is considered to be "unlikely to secure a job." Minnesota Statutes, section 268.80 requires the commissioner to determine that a person is not likely to secure a job and upon that determination refer the person to the appropriate local agency.

This rule is reasonable and specifically sets forth the two conditions under which an individual is unlikely to secure a job. The first specifies that the individual is unable to meet the qualifications of any of the jobs available through the Minnesota Emergency Employment Development Program. The second condition is that the available jobs are outside the normal commuting distance or capabilities of the person being considered. Both of these conditions would render an individual unable to compete or perform successfully and, therefore, the rule is reasonable.

3300. 4110 APPLICATION PROCESS

This rule is necessary to clarify the procedures through which the Department of Economic Security and employment administrators provide services available in the Minnesota Emergency Employment Development job program. This rule defines "application process" as to a procedure through which an individual makes a formal request to the Commissioner for services under the Minnesota Emergency Employment Development Program. This definition is reasonable because it is consistent with the statutory language which provides that an individual may apply to the Commissioner for service, under the MEED Program.

The rule provides that individuals found eligible will be referred to an employment administrator for program services. This aspect of the rule is necessary because MEED services are provided not only by the department, but by other employment administrators as well. The referral will be written and will include the address of the employment administrator to which the applicant is referred. This provision is reasonable because it provides both the applicant and the department with a permanent record of the transaction.

3300. 4120 ALLOWANCE

This rule clarifies that the "allowance" referred to in statute is the employment allowance paid to individuals who satisfy the GA eligibility standards in Minnesota Statutes, section 256D.01 to 256D.21 and are accepted for participation in the MEED program.

This rule clarifies the schedule for allowance payments to recipients referred by the local agency, as well as, for qualifying individuals who were not referred to the local agency. Initial allowance payments will be made within ten working days following the date of receipt of the application by the Department, but in no case before the expiration of the one month grant from the local agency. This provision is necessary to give the department adequate time to evaluate the application and process the initial payment. The restriction prohibiting the initial payment until after the expiration date of the period covered by the one month grant from the local agency is reasonable because it reduces the probability of overpayments during this period. The rule makes clear that subsequent payments will be on a monthly schedule. This schedule is reasonable because it is essentially identical to the monthly schedule of payments of general assistance grants by local agencies.

STATE OF MINNESOTA
DEPARTMENT OF ECONOMIC SECURITY

In the Matter of the Proposed Adoption of Rule of the State of Minnesota Governing Registration for Employment Services and Allowances 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

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 and allowances 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 16th 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 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 and Allowances under General Assistance

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

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26:

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 16, 1984, for review as to its legality, and its form to the extent form relates to legality, including the issue of substantial change, and to determine whether the Department has the authority to adopt the rule and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Pursuant to a rule of the Attorney General, Minnesota Rules, part 2000.0700, the Attorney General will not approve the rules for at least 8 calendar days after receipt of the rules to allow any person or association time to comment on the legality of the rules, after which time the Attorney General will complete its review.

If you desire to comment on the legality of the above-captioned rules, you should direct your comments to:

Office of the Attorney General
Administration Division
204 Admin. Bldg.
50 Sherburne Ave.
St. Paul, MN 55155
(612) 296-1288

Minnesota Rules, part 2000.0700, also requires that a copy of any written comments submitted to the Attorney General be submitted simultaneously to the Department. A copy of any written responses by the Department will be submitted to the person(s) who submitted the written comments.

The proposed rules have been modified. 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 Street
St. Paul, MN 55101
(612) 296-3627

STATE OF MINNESOTA

Barbara S. Beerhalter
COMMISSIONER OF
THE DEPARTMENT OF
ECONOMIC SECURITY