

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1194 83-0009-0852

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 8-14-85
DATE FOR REVIEW EM
DATE DUE 8-28-85

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

Approved 8/28/85 Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State 8-30-85 Revisor approved 8.19.85
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR 8.22.85

✓ Order Adopting 8.15.85 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Affidavit of Additional Mailing

✓ Mailing list Certificate

✓ Publication in State Register
7.15.85 At least ~~30/20~~ 25 days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

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

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

N/A Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

N/A Statement of Need and Reasonableness

✓ Petition for Adoption of a Rule

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

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

to- Reviewer of #1194 - DHS - gen assist rule
from mjc
date - 8.22.85
re - phone cf w/ Blake Shephard

Steve Swanson has apparently located two errors in the rule or two clarifications which must be made; The agency agrees + inquired whether it could make the changes to the rule without affecting the rule review period. The changes proposed are as follows:

pg 8, line 35
pg 9, line 3
} change "person" to "applicant"

I said I couldn't give any answer w/o reviewing the entire rule. Blake explained the urgency of the rule, ~~expans~~ court litigation + the many problems if the rule is ~~not~~ delayed any longer.

I suggested that the agency ~~will~~ submit in the change + a supplemental FF + C + Order. The reviewer, ~~then~~ be it Mike or I, will then decide whether the amendment is appropriate. I also suggested the agency inform all persons who requested to be notified of the submittal to Ag be informed of this proposed change

SF-00006-04

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : Human Services

PHONE : 297-2794

DATE : August 15, 1985

TO : Judith Wehrwein, Legal Assistant
Office of the Attorney General

FROM : Bob Hamper BH
DHS, Rules Unit

SUBJECT : General Assistance, Eligibility Categories, Emergency Rule

Enclosed for your review are the rule documents for Minnesota Rules, parts 9500.1100 to 9500.1107 [Emergency].

If you have any questions about the rules you may contact Blake Shepard, Special Assistant Attorney General at 297-4003, Mike Sirovy, General Assistance Program staff at 297-2011 or John Anderson, Rulemaker at 297-1489.

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: LEONARD W. LEVINE, Commissioner
Minnesota Department of Human Services

DATE: 8-30-85

ATTN: BLAKE SHEPARD
Special Assistant Attorney General

FROM: J. MICHAEL MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Adoption of Department of Human Services Emergency Rules Governing the General Assistance Program, Minnesota Rules, Parts 9500.1100 to 9500.1107 [Emergency]

The above-referenced rule has been approved as to its legality by the Attorney General on August 28, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

AG copy

Department of Human Services

Adopted Emergency Rules Governing General Assistance

Rules as Adopted, Emergency

9500.1100 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 9500.1100 to 9500.1107 [Emergency] is to establish categories of eligibility for the general assistance program which the local agency shall apply when determining an applicant's or recipient's eligibility and continuing eligibility for general assistance benefits.

Subp. 2. **Applicability.** Parts 9500.1100 to 9500.1107 [Emergency] apply to applicants and recipients of general assistance and to local agencies which are required to administer the general assistance program under Minnesota Statutes, sections 256D.01 to 256D.21. Parts 9500.1101 to 9500.1107 [Emergency] must be read together with parts 9500.0500 to 9500.0610 and 9555.3400 to 9555.3409. When parts 9500.1101 to 9500.1107 [Emergency] conflict with parts 9500.0500 to 9500.0610 or 9555.3400 to 9555.3409, parts 9500.1101 to 9500.1107 [Emergency] shall prevail.

9500.1101 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9500.1101 to 9500.1107 [Emergency], the following terms have the meanings given them.

Subp. 2. **Adult child.** "Adult child" means a person aged 18 years or older.

Subp. 3. **Advanced age.** "Advanced age" means the condition that applies to a recipient who:

A. is age 55 or older and whose recent work history shows a marked deterioration compared to his or her work history prior to age 55 as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment; or

B. if less than age 55, is evaluated by a vocational specialist as having significantly limited ability to obtain or

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retain suitable employment because of advancing age.

Subp. 4. **Applicant.** "Applicant" means a person who has a pending application for general assistance with a local agency.

Subp. 5. **Assistance unit.** "Assistance unit" means a single person, a single person and his or her minor children, a married couple, or a married couple and the minor children of either of those persons. To be included together in an assistance unit, the persons must reside together and the assistance unit must meet the conditions of part 9500.0530.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or a designee.

Subp. 7. **Department.** "Department" means the Department of Human Services.

Subp. 8. **Director of the local agency.** "Director of the local agency" means the director of the local agency or the director's designee.

Subp. 9. **Full-time student.** "Full-time student" means a student attending a postsecondary institution who:

A. 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 for a vocational or technical student; or

B. registers for and attends a minimum of 12 credit hours per semester or quarter.

Subp. 10. **Functionally illiterate.** "Functionally illiterate" means the person ~~has been certified by a licensed consulting psychologist or a person licensed under parts 8700.3800, 8700.5300, 8700.5406, 8700.5500, 8700.5800, 8700.6300, or 8700.6310 as being~~ is unable to read or write at or above the ~~fourth~~ eighth grade level.

Subp. 11. **Learning disabled.** "Learning disabled" means the individual has ~~been medically certified as having any of the disorders listed under code 315 of the International Classification of Diseases, 9th revision, Clinical Modification, (ICD-9-CM) as published by the Commission on Professional and Hospital Activities, 1968 Green Road, Ann Arbor, Michigan (1978).~~

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~~This-publication-is-incorporated-by-reference.--It-is-available from-the-minitex-interlibrary-loan-system.--It-is-not-subject-to frequent-change.~~ a disorder in one or more of the psychological processes involved in perceiving, understanding, or using concepts through verbal language or nonverbal means. It does not include learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage, and the condition ~~must~~ severely ~~limit~~ limits the person in obtaining, performing, or maintaining suitable employment.

Subp. 12. **Local agency.** "Local agency" means a county, or a multicounty agency, that is authorized under Minnesota Statutes as the agency responsible for the administration of the general assistance program.

Subp. 13. **Medical certification.** "Medical certification" means a statement about a person's illness, injury, or incapacity that is signed by a licensed physician ~~or~~, licensed consulting psychologist ~~about-a-person's-illness,-injury,-or incapacity~~, or licensed psychologist whose professional training and experience qualifies him or her to diagnose or certify the person's condition.

Subp. 14. **Mentally ill.** "Mentally ill" means the condition of a person who has a ~~medically-certified~~ psychological disorder resulting in behavior that severely limits the person ~~from~~ in obtaining, performing, or maintaining suitable employment.

Subp. 15. **Mentally retarded.** "Mentally retarded" means the condition of a person who ~~is-medically-certified-as-having~~ has demonstrated deficits in adaptive behavior and intellectual functioning which is two or more standard deviations below the mean of a professionally recognized standardized test and the condition severely limits the person in obtaining, performing, or maintaining suitable employment.

Subp. 16. **Minor child.** "Minor child" means a person under the age of 18.

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Subp. 17. **Recipient.** "Recipient" means a person who is currently receiving assistance under the general assistance program.

Subp. 18. **Responsible relative.** "Responsible relative" means the spouse of an applicant or recipient, the parent of a minor child who is an applicant or recipient, or the parent of an adult child who resides with the parent and who is an applicant or recipient.

Subp. 19. **Suitable employment.** "Suitable employment" means a job that:

A. meets existing health and safety standards set by federal, state, or local regulations;

B. is within the physical and mental ability of a person ~~as determined by the local agency; and~~

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

D. does not include temporary day labor.

Subp. 20. **Vocational specialist.** "Vocational specialist" means a counselor of the Department of ~~Economic Security~~ Jobs and Training or Division of Vocational Rehabilitation, or another similarly qualified person who advises persons about occupational goals and employment.

9500.1102 [Emergency] CATEGORIES OF ELIGIBILITY.

A member of an assistance unit which meets the conditions listed in part 9500.0530, items A to D, shall be eligible for general assistance if the member meets the conditions of one or more of the following items:

A. The person suffers from a permanent illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment.

B. The person suffers from a temporary illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment for a period of at least 15 days, and ~~for which~~ if a rehabilitation plan is specified in the medical certification, the person is

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following the rehabilitation plan ~~specified in the medical certification~~. An applicant or recipient shall be eligible under this item only for the period of the illness, injury, or incapacity.

C. The person is at home on a substantially continuous basis because of the age or medically certified illness, injury, or incapacity of another person who resides with the applicant or recipient. The medical certification must state that the person requiring care is unable to care for himself or herself.

D. The person ~~has been placed~~ is residing in a facility licensed under Minnesota Statutes, sections 245.781 to 245.812 and certified under Minnesota Statutes, chapter 144 for purposes of physical or mental health or rehabilitation, or in a chemical dependency domiciliary facility licensed under parts 9530.2600 to 9530.4000 or 4625.0100 to 4625.2300. ~~The placement~~ Residence in the facility must be due to illness or incapacity and based on a plan developed or approved by the director of the local agency.

E. The person resides in a shelter facility for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3.

F. The person is enrolled as a full-time student and is or may be eligible for displaced homemaker services, programs, or assistance under Minnesota Statutes, section 4.40.

G. The person is unable to communicate in the English language as assessed by an English as a second language specialist ~~and the inability to communicate prevents the person from retaining or obtaining suitable employment~~, a vocational specialist, or the local agency.

H. The person does not meet the condition in item A, B, or D but is ~~mentally retarded~~ medically certified as having mental retardation or ~~mentally ill~~ mental illness.

I. The person has an application pending for the social security disability program or the supplemental security income program, or a pending appeal of the denial of an

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application or termination from those programs.

J. The person is unable to obtain or retain suitable employment due to advanced age.

K. The person is completing a secondary education program.

L. The person is a member of an assistance unit which contains one or more minor children.

M. The person~~,-prior-to-February-1,-1986,-meets-the conditions-of-part-9555.3415-[Emergency]-or-after-February-1,~~ 1986 meets one or more of the following:

(1) lives more than two hours round trip from all potential suitable employment, exclusive of time needed to transport his or her children to and from child care; or

(2) is involved with protective or court-ordered services which prevent the recipient from working at least four hours per day; or

(3) is in the last trimester of pregnancy; or

(4) lacks available child care necessary for children in the recipient's assistance unit; or

(5) is evaluated by a vocational specialist and is found to be unable to obtain or retain suitable employment; or

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

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

(8) shows circumstances, at the time of application for general assistance, that indicate that the need for general assistance will not exceed 30 days because of impending employment, an impending move to another state, or anticipated receipt of income; or

(9) is having an individual or family crisis.

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N. The person is certified under part 3320.0025 [Emergency] by the commissioner of the Department of Economic Security before August 1, 1985, as lacking work skills or training or as being unable to obtain work skills or training necessary to secure employment.

O. The person is medically certified as being learning disabled.

P. The person ~~has provided the local agency with verification that he or she~~ is functionally illiterate ~~or learning disabled~~. A person shall be determined functionally illiterate according to subitems (1) to (3):

(1) The local agency may determine that the person is obviously functionally illiterate based on personal observations and information in the person's case file.

(2) If an applicant or recipient is not determined to be functionally illiterate as provided in subitem (1), the local agency believes that the applicant or recipient may be functionally illiterate, or if the applicant or recipient asserts or presents evidence that he or she may be functionally illiterate, the local agency shall offer the applicant or recipient the opportunity to take a standardized test which measures literacy and which is approved by the commissioner. The test must be offered in the county at no expense to the applicant or recipient and within such time as to allow a timely determination of eligibility, taking into account the results of the test. The local agency shall either administer the test or offer to make the arrangements for the administration of the test. If the person attains a score lower than the eighth grade, the person shall be considered functionally illiterate unless the local agency determines, through compelling evidence documented in the person's case file, that there is a substantial likelihood that the test result is inaccurately low.

(3) If, in accordance with subitem (2), the local agency determines that an applicant's or recipient's standardized test score is inaccurately low, the local agency shall inform the applicant or recipient that he or she may seek

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certification of the functional illiteracy from a licensed psychologist, or a person licensed under parts 8700.3800, 8700.5300, 8700.5406, 8700.5500, 8700.5800, 8700.6300, or 8700.6310, or a person with the equivalent or higher qualifications. The local agency shall provide the applicant or recipient with a list of persons or agencies in the county who are qualified to make the certification. The applicant or recipient shall be considered functionally illiterate if the certification specifies that the applicant or recipient cannot read or write at or above the eighth grade level.

9500.1103 [Emergency] ~~ELIGIBILITY DETERMINATION~~ GENERAL ASSISTANCE INELIGIBILITY; WORK READINESS NOTICE.

~~Upon determining that a person meets the conditions in part 9500.0530 but that the person is not eligible for general assistance under part 9500.1102, the local agency shall inform the person of the availability of its work readiness program and shall determine the person's eligibility for services and payments under that program. The person shall be informed that eligibility for work readiness services and payments is time limited and shall be offered the opportunity to register for the work readiness program.~~

Subpart 1. **Determination of ineligibility and right to appeal.** Upon determining that an applicant or recipient is ineligible for general assistance, the local agency shall inform the applicant or recipient of the determination and of the applicant's or recipient's right to appeal the determination under Minnesota Statutes, section 256.045.

Subp. 2. **Work readiness notice.** Upon determining that an applicant or recipient meets the conditions in part 9500.0530, items A to D, but that the applicant or recipient is not eligible for general assistance under part 9500.1102 [Emergency], the local agency shall inform the person of the availability of its work readiness program and shall determine the person's eligibility for services and payments under that program. An applicant shall be informed that, if he or she is eligible for work readiness services and payments, he or she may

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receive those services and payments and appeal the general assistance determination of ineligibility under Minnesota Statutes, section 256.045 at the same time. If the applicant subsequently wins the appeal, the assistance received under the work readiness program pending appeal must be considered general assistance. The local agency shall also inform the person that eligibility for work readiness services and payments is time limited and shall offer the opportunity to register for the work readiness program.

9500.1104 [Emergency] REQUIREMENTS FOR CONTINUED ELIGIBILITY.

A recipient of general assistance whose eligibility is based on part 9500.1102 [Emergency], items G and L must comply with the following requirements as conditions for continued eligibility.

A. ~~Persons~~ Recipients who are eligible under part 9500.1102 [Emergency], item G shall participate in an English language skills program if assigned to a program by the local agency. If the local agency determines that the ~~person~~ recipient has not participated in the assigned English language skills program, the ~~person~~ recipient must be disqualified from receiving general assistance as prescribed in part 9500.1105 [Emergency].

B. The adult members of an assistance unit who are eligible for general assistance under part 9500.1102 [Emergency], item L must comply with the following:

(1) If all of the minor children are six years of age or older, all adult members of the assistance unit must register for and cooperate in the work readiness program under Minnesota Statutes, section 256D.051.

(2) If one or more of the minor children are under the age of six and the assistance unit contains two adults, one adult member must register for and cooperate in the work readiness program under Minnesota Statutes, section 256D.051. The adult members of the assistance unit must decide who will register and participate in the work readiness program.

(3) An adult member of the assistance unit

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provided for in subitem (1) or (2) who does not register for and cooperate with the work readiness program under Minnesota Statutes, section 256D.051 must be disqualified from general assistance as provided in part 9500.1105 [Emergency]. The standard of assistance applicable to the disqualified person's assistance unit must be based on the number of remaining eligible members of the assistance unit.

9500.1105 [Emergency] DISQUALIFICATION.

A ~~person~~ recipient who ~~did not~~ fails, without good cause, to comply with the requirements of part 9500.1104 [Emergency] item A or B, shall be disqualified from receiving general assistance as provided in items A to ~~F~~ D. For purposes of this part, good cause means a reason for taking an action or failing to take an action that is reasonable and justified when viewed in the context of the surrounding circumstances, including illness of the person, illness of another family member that requires the person's presence, a family emergency, or inability to obtain transportation.

A. The period of disqualification is ~~30~~ 60 days for ~~the first~~ each occurrence.

~~B. The period of disqualification is 90 days for an occurrence that is within 12 months from the end of any prior disqualification period.~~

~~C. A subsequent finding of disqualification that occurs more than 12 months from the end of any prior disqualification period is the same as for a first occurrence.~~

~~D.~~ The disqualification period begins on the first calendar day of the month following the month in which the ~~person~~ recipient is finally determined to have failed to comply. If the determination is made so late in a month that prior notice under part 9500.1106 [Emergency] cannot be given, the disqualification period begins on the first calendar day of the second month following the finding of noncompliance.

If the recipient appeals on or before the proposed disqualification date, the disqualification process must stop and assistance will continue under part 9500.1107 [Emergency]

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until a final decision is rendered. If there is a decision that the recipient must be disqualified, the disqualification period begins on the first day of the following month.

E C. If a person who is disqualified applies for general assistance during the period of disqualification, the person shall be considered a recipient and the application shall be denied.

F D. If a recipient who received a notice of disqualification complies with the requirements of part 9500.1104 [Emergency], items A and B on or before the effective date of the disqualification, assistance must be continued without a period of disqualification.

9500.1106 [Emergency] NOTICE OF DISQUALIFICATION.

If the local agency determines that a recipient must be disqualified for failing to meet the requirements of part 9500.1104 [Emergency], the local agency shall notify the recipient of the determination of disqualification at least ten days before reducing, suspending, or terminating the monthly payment. The notice must:

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

B. be mailed or given to the recipient not later than ten days before the effective date of the action; and

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

9500.1107 [Emergency] APPEAL OF DISQUALIFICATION.

A recipient who is determined to be disqualified from receiving general assistance under part 9500.1105 [Emergency] may appeal the decision. The appeal must be a written request for a hearing submitted to the department or the local agency under Minnesota Statutes, section 256.045. If the recipient appeals on or before the effective date of the disqualification, the recipient, if otherwise eligible, shall continue to receive

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general assistance while the appeal is pending. If the appeal is not upheld, the recipient shall pay back to the local agency the amount received during the pendency of the appeal.

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OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

AR0808E

Agency: Department of Human Services

Division:

Agency Contact: John Anderson

Minnesota Rules: Parts 9500.1100 to 9500.1107 [Emergency]

Title: Adopted Emergency Rules Governing General Assistance

Type of Rules: Emergency

Incorporations by Reference:

Rule Number:	Material Incorporated:
9500.1101 [Emergency], subpart 12	International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) published by the Commission on Professional and Hospital Activities, 1968 Green Road, Ann Arbor, Michigan (1978)

Steven C. Cross

Revisor of Statutes

Susan M. Lentsch

Assistant Revisor

Phone: 296-0956

Date: August 22, 1985

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 30 1985
Joan Anderson Growe
Secretary of State
10:08AM

APPROVED AS TO FORM AND LEGALITY
8/28 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
ASSISTANT ATTORNEY GENERAL

AG copy.

Department of Human Services

Adopted Emergency Rules Governing General Assistance

Rules as Adopted, Emergency

9500.1100 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 9500.1100 to 9500.1107 [Emergency] is to establish categories of eligibility for the general assistance program which the local agency shall apply when determining an applicant's or recipient's eligibility and continuing eligibility for general assistance benefits.

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Does this mean that this part, .1101, shall not prevail - therefore rendering this provision meaningless.

9500.1101 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9500.1101 to 9500.1107 [Emergency], the following terms have the meanings given them.

Subp. 2. **Adult child.** "Adult child" means a person aged 18 years or older.

Subp. 3. **Advanced age.** "Advanced age" means the condition that applies to a recipient who:

A. is age 55 or older and whose recent work history shows a marked deterioration compared to his or her work history prior to age 55 as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment; or

B. if less than age 55, is evaluated by a vocational specialist as having significantly limited ability to obtain or

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retain suitable employment because of advancing age.

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Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or a designee.

Subp. 7. **Department.** "Department" means the Department of Human Services.

Subp. 8. **Director of the local agency.** "Director of the local agency" means the director of the local agency or the director's designee.

Subp. 9. **Full-time student.** "Full-time student" means a student attending a postsecondary institution who:

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~~This publication is incorporated by reference. It is available from the minitex interlibrary loan system. It is not subject to frequent change.~~ a disorder in one or more of the psychological processes involved in perceiving, understanding, or using concepts through verbal language or nonverbal means. It does not include learning problems which are primarily the result of visual, hearing, or motor handicaps; of mental retardation; of emotional disturbance; or of environmental, cultural, or economic disadvantage, and the condition ~~must~~ severely ~~limit~~ limits the person in obtaining, performing, or maintaining suitable employment. FF2

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Subp. 17. **Recipient.** "Recipient" means a person who is currently receiving assistance under the general assistance program.

Subp. 18. **Responsible relative.** "Responsible relative" means the spouse of an applicant or recipient, the parent of a minor child who is an applicant or recipient, or the parent of an adult child who resides with the parent and who is an applicant or recipient.

Subp. 19. **Suitable employment.** "Suitable employment" means a job that:

A. meets existing health and safety standards set by federal, state, or local regulations;

B. is within the physical and mental ability of a person ~~as determined by the local agency; and~~ FF4

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

D. does not include temporary day labor. FF4

Subp. 20. **Vocational specialist.** "Vocational specialist" means a counselor of the Department of ~~Economic Security~~ Jobs and Training or Division of Vocational Rehabilitation, or another similarly qualified person who advises persons about occupational goals and employment. FF5

9500.1102 [Emergency] CATEGORIES OF ELIGIBILITY.

A member of an assistance unit which meets the conditions listed in part 9500.0530, items A to D, shall be eligible for general assistance if the member meets the conditions of one or more of the following items:

A. The person suffers from a permanent illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment.

B. The person suffers from a temporary illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment for a period of at least 15 days, and ~~for which~~ if a rehabilitation plan is specified in the medical certification, the person is FF6

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following the rehabilitation plan ~~specified in the medical certification~~. An applicant or recipient shall be eligible under this item only for the period of the illness, injury, or incapacity. FF6

C. The person is at home on a substantially continuous basis because of the age or medically certified illness, injury, or incapacity of another person who resides with the applicant or recipient. The medical certification must state that the person requiring care is unable to care for himself or herself.

D. The person ~~has been placed~~ is residing in a facility licensed under Minnesota Statutes, sections 245.781 to 245.812 and certified under Minnesota Statutes, chapter 144 for purposes of physical or mental health or rehabilitation, or in a chemical dependency domiciliary facility licensed under parts 9530.2600 to 9530.4000 or 4625.0100 to 4625.2300. ~~The placement~~ Residence in the facility must be due to illness or incapacity and based on a plan developed or approved by the director of the local agency. FF7

E. The person resides in a shelter facility for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3.

F. The person is enrolled as a full-time student and is or may be eligible for displaced homemaker services, programs, or assistance under Minnesota Statutes, section 4.40.

G. The person is unable to communicate in the English language as assessed by an English as a second language specialist ~~and the inability to communicate prevents the person from retaining or obtaining suitable employment~~, a vocational specialist, or the local agency. FF8

H. The person does not meet the condition in item A, B, or D but is ~~mentally retarded~~ medically certified as having mental retardation or ~~mentally ill~~ mental illness. FF3

I. The person has an application pending for the social security disability program or the supplemental security income program, or a pending appeal of the denial of an

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application or termination from those programs.

J. The person is unable to obtain or retain suitable employment due to advanced age.

K. The person is completing a secondary education program.

L. The person is a member of an assistance unit which contains one or more minor children.

M. The person~~,-prior-to-February-1,-1986,-meets-the conditions-of-part-9555.3415-[Emergency]-or-after-February-1,~~ 1986 meets one or more of the following:

(1) lives more than two hours round trip from all potential suitable employment, exclusive of time needed to transport his or her children to and from child care; or

(2) is involved with protective or court-ordered services which prevent the recipient from working at least four hours per day; or

(3) is in the last trimester of pregnancy; or

(4) lacks available child care necessary for children in the recipient's assistance unit; or

(5) is evaluated by a vocational specialist and is found to be unable to obtain or retain suitable employment; or

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

FF 9

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

(8) shows circumstances, at the time of application for general assistance, that indicate that the need for general assistance will not exceed 30 days because of impending employment, an impending move to another state, or anticipated receipt of income; or

(9) is having an individual or family crisis.

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N. The person is certified under part 3320.0025 [Emergency] by the commissioner of the Department of Economic Security before August 1, 1985, as lacking work skills or training or as being unable to obtain work skills or training necessary to secure employment.

O. The person is medically certified as being learning disabled. FF 2

P. The person ~~has provided the local agency with verification that he or she~~ is functionally illiterate ~~or learning disabled~~. A person shall be determined functionally illiterate according to subitems (1) to (3):

(1) The local agency may determine that the person is obviously functionally illiterate based on personal observations and information in the person's case file.

(2) If an applicant or recipient is not determined to be functionally illiterate as provided in subitem (1), the local agency believes that the applicant or recipient may be functionally illiterate, or if the applicant or recipient asserts or presents evidence that he or she may be functionally illiterate, the local agency shall offer the applicant or recipient the opportunity to take a standardized test which measures literacy and which is approved by the commissioner. The test must be offered in the county at no expense to the applicant or recipient and within such time as to allow a timely determination of eligibility, taking into account the results of the test. The local agency shall either administer the test or offer to make the arrangements for the administration of the test. If the person attains a score lower than the eighth grade, the person shall be considered functionally illiterate unless the local agency determines, through compelling evidence documented in the person's case file, that there is a substantial likelihood that the test result is inaccurately low. FF 1

(3) If, in accordance with subitem (2), the local agency determines that an applicant's or recipient's standardized test score is inaccurately low, the local agency shall inform the applicant or recipient that he or she may seek

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certification of the functional illiteracy from a licensed psychologist, or a person licensed under parts 8700.3800, 8700.5300, 8700.5406, 8700.5500, 8700.5800, 8700.6300, or 8700.6310, or a person with the equivalent or higher qualifications. The local agency shall provide the applicant or recipient with a list of persons or agencies in the county who are qualified to make the certification. The applicant or recipient shall be considered functionally illiterate if the certification specifies that the applicant or recipient cannot read or write at or above the eighth grade level.

9500.1103 [Emergency] ~~ELIGIBILITY-DETERMINATION~~ GENERAL ASSISTANCE INELIGIBILITY; WORK READINESS NOTICE.

~~Upon-determining-that-a-person-meets-the-conditions-in-part 9500.0530-but-that-the-person-is-not-eligible-for-general assistance-under-part-9500.1102,-the-local-agency-shall-inform the-person-of-the-availability-of-its-work-readiness-program-and shall-determine-the-person's-eligibility-for-services-and payments-under-that-program.--The-person-shall-be-informed-that eligibility-for-work-readiness-services-and-payments-is-time limited-and-shall-be-offered-the-opportunity-to-register-for-the work-readiness-program.~~

Subpart 1. **Determination of ineligibility and right to appeal.** Upon determining that an applicant or recipient is ineligible for general assistance, the local agency shall inform the applicant or recipient of the determination and of the applicant's or recipient's right to appeal the determination under Minnesota Statutes, section 256.045.

Subp. 2. **Work readiness notice.** Upon determining that an applicant or recipient meets the conditions in part 9500.0530, items A to D, but that the applicant or recipient is not eligible for general assistance under part 9550.1102 [Emergency], the local agency shall inform the person of the availability of its work readiness program and shall determine the person's eligibility for services and payments under that program. The person shall be informed that, if he or she is eligible for work readiness services and payments, he or she may

agency wants to change this to applicant

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receive those services and payments and appeal the general assistance determination of ineligibility under Minnesota Statutes, section 256.045 at the same time. If the person subsequently wins the appeal, the assistance received under the work readiness program pending appeal must be considered general assistance. The local agency shall also inform the person that eligibility for work readiness services and payments is time limited and shall offer the opportunity to register for the work readiness program.

9500.1104 [Emergency] REQUIREMENTS FOR CONTINUED ELIGIBILITY.

A recipient of general assistance whose eligibility is based on part 9500.1102 [Emergency], items G and L must comply with the following requirements as conditions for continued eligibility.

A. ~~Persons~~ Recipients who are eligible under part 9500.1102 [Emergency], item G shall participate in an English language skills program if assigned to a program by the local agency. If the local agency determines that the ~~person~~ recipient has not participated in the assigned English language skills program, the ~~person~~ recipient must be disqualified from receiving general assistance as prescribed in part 9500.1105 [Emergency].

B. The adult members of an assistance unit who are eligible for general assistance under part 9500.1102 [Emergency], item L must comply with the following:

(1) If all of the minor children are six years of age or older, all adult members of the assistance unit must register for and cooperate in the work readiness program under Minnesota Statutes, section 256D.051.

(2) If one or more of the minor children are under the age of six and the assistance unit contains two adults, one adult member must register for and cooperate in the work readiness program under Minnesota Statutes, section 256D.051. The adult members of the assistance unit must decide who will register and participate in the work readiness program.

(3) An adult member of the assistance unit

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provided for in subitem (1) or (2) who does not register for and cooperate with the work readiness program under Minnesota Statutes, section 256D.051 must be disqualified from general assistance as provided in part 9500.1105 [Emergency]. The standard of assistance applicable to the disqualified person's assistance unit must be based on the number of remaining eligible members of the assistance unit.

9500.1105 [Emergency] DISQUALIFICATION.

A ~~person~~ recipient who ~~did not~~ fails, without good cause, to comply with the requirements of part 9500.1104 [Emergency] item A or B, shall be disqualified from receiving general assistance as provided in items A to ~~F~~ D. For purposes of this part, good cause means a reason for taking an action or failing to take an action that is reasonable and justified when viewed in the context of the surrounding circumstances, including illness of the person, illness of another family member that requires the person's presence, a family emergency, or inability to obtain transportation.

A. The period of disqualification is ~~30~~ 60 days for ~~the first~~ each occurrence.

~~B. The period of disqualification is 90 days for an occurrence that is within 12 months from the end of any prior disqualification period.~~

~~C. A subsequent finding of disqualification that occurs more than 12 months from the end of any prior disqualification period is the same as for a first occurrence.~~

~~D.~~ The disqualification period begins on the first calendar day of the month following the month in which the ~~person~~ recipient is finally determined to have failed to comply. If the determination is made so late in a month that prior notice under part 9500.1106 [Emergency] cannot be given, the disqualification period begins on the first calendar day of the second month following the finding of noncompliance.

If the recipient appeals on or before the proposed disqualification date, the disqualification process must stop and assistance will continue under part 9500.1107 [Emergency]

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until a final decision is rendered. If there is a decision that the recipient must be disqualified, the disqualification period begins on the first day of the following month.

E C. If a person who is disqualified applies for general assistance during the period of disqualification, the person shall be considered a recipient and the application shall be denied.

F D. If a recipient who received a notice of disqualification complies with the requirements of part 9500.1104 [Emergency], items A and B on or before the effective date of the disqualification, assistance must be continued without a period of disqualification.

9500.1106 [Emergency] NOTICE OF DISQUALIFICATION.

If the local agency determines that a recipient must be disqualified for failing to meet the requirements of part 9500.1104 [Emergency], the local agency shall notify the recipient of the determination of disqualification at least ten days before reducing, suspending, or terminating the monthly payment. The notice must:

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

B. be mailed or given to the recipient not later than ten days before the effective date of the action; and

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

9500.1107 [Emergency] APPEAL OF DISQUALIFICATION.

A recipient who is determined to be disqualified from receiving general assistance under part 9500.1105 [Emergency] may appeal the decision. The appeal must be a written request for a hearing submitted to the department or the local agency under Minnesota Statutes, section 256.045. If the recipient appeals on or before the effective date of the disqualification, the recipient, if otherwise eligible, shall continue to receive

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general assistance while the appeal is pending. If the appeal is not upheld, the recipient shall pay back to the local agency the amount received during the pendency of the appeal.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES EMERGENCY RULES GOVERNING THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

ORDER ADOPTING RULES

After affording interested persons an opportunity to present written and oral data, statements, and arguments, considering all of the evidence adduced and upon the records, files, and proceedings herein and applicable statutory standards or criteria, and confirming the need for and the reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Rules, parts 9500.1100 to 9500.1107 [Emergency] are adopted pursuant to the authority vested in me by Minnesota Statutes, section 256D.111, subdivision 5; section 256D.04; section 256D.05, subdivisions 1, 12, and 14 as authorized in Laws of Minnesota 1985, Special Session, chapter 9.

Dated: August 22, 1985

STATE OF MINNESOTA



LEONARD W. LEVINE, Commissioner
Department of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES EMERGENCY RULES GOVERNING THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

ORDER ADOPTING RULES

After affording interested persons an opportunity to present written and oral data, statements, and arguments, considering all of the evidence adduced and upon the records, files, and proceedings herein and applicable statutory standards or criteria, and confirming the need for and the reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minnesota Rules, parts 9500.1100 to 9500.1107 [Emergency] are adopted this 15th day of August, 1985, pursuant to the authority vested in me by Minnesota Statutes, section 256D.111, subdivision 5; section 256D.04; section 256D.05, subdivisions 1, 12, and 14 as authorized in Laws of Minnesota 1985, Special Session, chapter 9.

STATE OF MINNESOTA

LEONARD W. LEVINE, Commissioner
Department of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF AN EMERGENCY RULE OF THE STATE DEPARTMENT HUMAN SERVICES GOVERNING GENERAL ASSISTANCE MINNESOTA RULES, PARTS 9200.1101 TO 9200.1108 [EMERGENCY].

ORDER FOR PUBLICATION OF AN EMERGENCY RULE

IT IS ORDERED this 1st day of July, 1985, that the proposed emergency rule in the above-entitled matter be published in the State Register and Notice of Intent to Adopt Emergency Rules be sent to all persons who have registered with the Department.

STATE OF MINNESOTA

Commissioner of Human Services

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107

NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULES

NOTICE IS HEREBY GIVEN that the State Department of Human Services proposes to adopt the above-entitled emergency rules. The stautory authority to adopt the emergency rules is contained in Minnesota Statutes, section 256D.111, subdivision 5; section 256D.04; section 256D.05, subdivisions 1, 12 and 14 as authorized in Laws of Minnesota 1985, Special Session, chapter 9. The agency, in adopting the rules, is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days (or until 4:30 p.m. on August 9, 1985) after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to John Anderson, Department of Human Services, Rules Unit, 6th Floor Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-1489.

Minnesota Rules, parts 9500.1100 to 9500.1107 [Emergency] establish categories of eligibility for the General Assistance program which the local welfare agency shall apply when determining an applicant's or recipient's eligibility and continuing eligibility for General Assistance benefits. The eligibility categories include groups of persons such as those with conditions of permanent or temporary illness, injury or incapacity; persons who are mentally ill or mentally retarded; residents of a shelter facility for battered women; full-time students; persons with an inability to communicate in the English language; persons with minor children; or persons lacking skills or training necessary to secure employment.

The rules contain requirements for continued eligibility for General Assistance such as cooperating with the requirements established by the local welfare agency for the Work Readiness program. The rules also contain provisions on recipient status or actions that would result in disqualification from the General Assistance program. The rules contain guidelines concerning notice of disqualification and appeal of disqualification.

A free copy of the proposed rules is available by contacting Mike Sirovy, Department of Human Services, Policy Development, 2nd Floor, Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-2011.

The proposed rules may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rules as noticed.

Upon adoption of the emergency rules by the agency, the rules as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Mike Sirovy.

The emergency rules will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rules will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

The cost to local public bodies of implementing the proposed emergency rules will not exceed $100,000 for the period of time the emergency rules are in effect.

Dated: 7-1-85

LEONARD W. LEVINE, Commissioner
Department of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107

AFFIDAVIT OF MAILING

Ann M. Berg, being first duly sworn, deposes and says:

That on the 5th day of July, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, I served the attached Notice of Proposed Adoption of Emergency Rules for the above-entitled rules by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Human Services for the purpose of receiving notice of the proposed adoption of rules by this Department.

Ann M. Berg

Subscribed and sworn to before me

this 8 day of July, 1985.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES SEPTEMBER 26, 1990

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107

NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULES

NOTICE IS HEREBY GIVEN that the State Department of Human Services proposes to adopt the above-entitled emergency rules. The stautory authority to adopt the emergency rules is contained in Minnesota Statutes, section 256D.111, subdivision 5; section 256D.04; section 256D.05, subdivisions 1, 12 and 14 as authorized in Laws of Minnesota 1985, Special Session, chapter 9. The agency, in adopting the rules, is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days (or until 4:30 p.m. on August 9, 1985) after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to John Anderson, Department of Human Services, Rules Unit, 6th Floor Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-1489.

Minnesota Rules, parts 9500.1100 to 9500.1107 [Emergency] establish categories of eligibility for the General Assistance program which the local welfare agency shall apply when determining an applicant's or recipient's eligibility and continuing eligibility for General Assistance benefits. The eligibility categories include groups of persons such as those with conditions of permanent or temporary illness, injury or incapacity; persons who are mentally ill or mentally retarded; residents of a shelter facility for battered women; full-time students; persons with an inability to communicate in the English language; persons with minor children; or persons lacking skills or training necessary to secure employment.

The rules contain requirements for continued eligibility for General Assistance such as cooperating with the requirements established by the local welfare agency for the Work Readiness program. The rules also contain provisions on recipient status or actions that would result in disqualification from the General Assistance program. The rules contain guidelines concerning notice of disqualification and appeal of disqualification.

A free copy of the proposed rules is available by contacting Mike Sirovy, Department of Human Services, Policy Development, 2nd Floor, Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-2011.

The proposed rules may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rules as noticed.

Upon adoption of the emergency rules by the agency, the rules as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Mike Sirovy.

The emergency rules will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rules will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

The cost to local public bodies of implementing the proposed emergency rules will not exceed $100,000 for the period of time the emergency rules are in effect.

Dated: 7-1-85

LEONARD W. LEVINE, Commissioner
Department of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107

AFFIDAVIT OF ADDITIONAL MAILING

Ann M. Berg, being first duly sworn, deposes and says:

That on the 5th day of July, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, in addition to serving the attached Notice of Proposed Adoption of Emergency Rules to all persons and associations who have requested that their names be placed on file for the purpose of receiving notice of the proposed adoption of rules by this Department, I also served the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to the following agencies:

.The 87 County Human Service Agencies in Minnesota; and
.The General Assistance Rule Public Advisory Committee.

Ann M. Berg

Subscribed and sworn to before me

this 8 day of July, 1985.

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES SEPTEMBER 26, 1990

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107

NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULES

NOTICE IS HEREBY GIVEN that the State Department of Human Services proposes to adopt the above-entitled emergency rules. The stautory authority to adopt the emergency rules is contained in Minnesota Statutes, section 256D.111, subdivision 5; section 256D.04; section 256D.05, subdivisions 1, 12 and 14 as authorized in Laws of Minnesota 1985, Special Session, chapter 9. The agency, in adopting the rules, is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days (or until 4:30 p.m. on August 9, 1985) after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to John Anderson, Department of Human Services, Rules Unit, 6th Floor Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-1489.

Minnesota Rules, parts 9500.1100 to 9500.1107 [Emergency] establish categories of eligibility for the General Assistance program which the local welfare agency shall apply when determining an applicant's or recipient's eligibility and continuing eligibility for General Assistance benefits. The eligibility categories include groups of persons such as those with conditions of permanent or temporary illness, injury or incapacity; persons who are mentally ill or mentally retarded; residents of a shelter facility for battered women; full-time students; persons with an inability to communicate in the English language; persons with minor children; or persons lacking skills or training necessary to secure employment.

The rules contain requirements for continued eligibility for General Assistance such as cooperating with the requirements established by the local welfare agency for the Work Readiness program. The rules also contain provisions on recipient status or actions that would result in disqualification from the General Assistance program. The rules contain guidelines concerning notice of disqualification and appeal of disqualification.

A free copy of the proposed rules is available by contacting Mike Sirovy, Department of Human Services, Policy Development, 2nd Floor, Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-2011.

The proposed rules may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rules as noticed.

Upon adoption of the emergency rules by the agency, the rules as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Mike Sirovy.

The emergency rules will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rules will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

The cost to local public bodies of implementing the proposed emergency rules will not exceed $100,000 for the period of time the emergency rules are in effect.

Dated: 7-1-85

LEONARD W. LEVINE, Commissioner
Department of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 14.14, subd. 1, that their names be placed on file with and maintained by the Department of Human Services for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 4:00 p.m., this 5th day of July, 1985.

Ann M. Berg

"Registration level" is the number of credits (or an equivalent measure) taken by part-time students in the fall term of the school year as reported to the board for its annual enrollment survey, divided by 12 credits (or an equivalent measure).

Subp. 2. Notification. The board shall notify each school of the amount allocated to it.

Subp. 3. Accountability. Each participating school shall be accountable for any funds disbursed to students for grants-in-aid for part-time students. Funds may be used only during the fiscal year of disbursement. If a student does not use a grant because the student does not enroll or withdraws from school, the school may use the funds for other eligible students or return them to the board.

Subd. 4. Unused funds. When requested by the board, a school shall report its use of funds and shall return unused funds. The board shall reallocate unused funds to schools desiring additional funds.

4830.1553 [Emergency] DETERMINATION OF ELIGIBILITY.

A school shall determine if a student is eligible for a part-time student grant. To be eligible a student may be an eligible student as defined in part 4830.0100, subpart 5, items A, B, C, E, and F; except that a post-baccalaureate student enrolled in an undergraduate or graduate program who enrolled in the same course of study and who received a part-time grant during the 1984-1985 school year is eligible for a part-time grant in the 1985-86 school year. The student must also be pursuing course work applicable to a degree, diploma, or certificate.

4830.1554 [Emergency] AMOUNT AND TERM OF GRANTS.

Subpart 1. Financial need. A school shall award a grant to each eligible student, to the extent allocated funds are available and to the extent the student demonstrates financial need according to a method consistent with the institution's financial aid policies and procedures.

Subp. 2. Cost of attendance. The direct educational cost of attendance includes, but is not limited to the following:

A. resident tuition and fees at the institution;

B. educational materials;

C. transportation expenses; and

D. an allowance for child care expenses.

The cost of attendance must be consistent with the institution's financial aid policies and procedures.

Subp. 3. Amount. The amount of the grant when combined with (a) federal, state, institutional, and private financial aid that the student receives, (b) employer reimbursement, and (c) the expected parent/student contribution resulting from the assessment of financial need under subpart 1, must not exceed the student's cost of attendance as defined in subpart 2.

4830.1555 [Emergency] REPORTS OF DATA.

The school must collect demographic, educational, and financial data specified by the board from eligible students requesting grants. The school shall provide the board with individual student data upon request.

4830.1556 [Emergency] TEMPORARY EFFECT.

While they are in effect, parts 4830.1550 to 4830.1555 [Emergency] prevail over parts 4830.1000 to 4830.1500.

Department of Human Services

Proposed Emergency Rules Governing General Assistance

Notice of Proposed Adoption of Emergency Rules

NOTICE IS HEREBY GIVEN that the State Department of Human Services proposes to adopt the above-entitled emergency rules. The statutory authority to adopt the emergency rules is contained in Minnesota Statutes, section 256D.111, subdivision 5; section 256D.04; section 256D.05, subdivisions 1, 12 and 14 as authorized in Laws of Minnesota 1985, Special Session, chapter 9. The agency, in adopting the rules, is following the procedures set forth in Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days (or until 4:30 p.m. on August 9, 1985) after publication to submit data and views on the proposed emergency rules or any part or subpart of the rules in writing. Any comments must be submitted to John Anderson, Department of Human Services, Rules Unit, 6th Floor Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-1489.

Minnesota Rules, parts 9500.1100 to 9500.1107 [Emergency] establish categories of eligibility for the General Assistance program which the local welfare agency shall apply when determining an applicant's or recipient's eligibility and continuing eligibility

for General Assistance benefits. The eligibility categories include groups of persons such as those with conditions of permanent or temporary illness, injury or incapacity; persons who are mentally ill or mentally retarded; residents of a shelter facility for battered women; full-time students; persons with an inability to communicate in the English language; persons with minor children; or persons lacking skills or training necessary to secure employment.

The rules contain requirements for continued eligibility for General Assistance such as cooperating with the requirements established by the local welfare agency for the Work Readiness program. The rules also contain provisions on recipient status or actions that would result in disqualifications from the General Assistance program. The rules contain guidelines concerning notice of disqualification and appeal of disqualification.

A free copy of the proposed rules is available by contacting Mike Sirovy, Department of Human Services, Policy Department, 2nd Floor, Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-2011.

The proposed rules may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rules as noticed.

Upon adoption of the emergency rules by the agency, the rules as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to Mike Sirovy.

The emergency rules will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rules will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with Minnesota Statutes, section 14.35.

The cost to local public bodies of implementing the proposed emergency rules will not exceed $100,000 for the period of time the emergency rules are in effect.

June 28, 1985

Leonard W. Levine, Commissioner
Department of Human Services

Rules as Proposed (all new material)

9500.1100 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. Purpose. The purpose of parts 9500.1100 to 9500.1107 [Emergency] is to establish categories of eligibility for the general assistance program which the local agency shall apply when determining an applicant's or recipient's eligibility and continuing eligibility for general assistance benefits.

Subp. 2. Applicability. Parts 9500.1100 to 9500.1107 [Emergency] apply to applicants and recipients of general assistance and to local agencies which are required to administer the general assistance program under Minnesota Statutes, sections 256D.01 to 256D.21. Parts 9500.1101 to 9500.1107 [Emergency] must be read together with parts 9500.0500 to 9500.0610 and 9555.3400 to 9555.3409. When parts 9500.1101 to 9500.1107 [Emergency] conflict with parts 9500.0500 to 9500.0610 or 9555.3400 to 9555.3409, parts 9500.1101 to 9500.1107 [Emergency] shall prevail.

9500.1101 [Emergency] DEFINITIONS.

Subpart 1. Scope. As used in parts 9500.1101 to 9500.1107 [Emergency], the following terms have the meanings given them.

Subp. 2. Adult child. "Adult child" means a person aged 18 years or older.

Subp. 3. Advanced age. "Advanced age" means the condition that applies to a recipient who:

A. is age 55 or older and whose recent work history shows a marked deterioration compared to his or her work history prior to age 55 as indicated by decreasing occupational status, reduced hours of employment, or decreased periods of employment; or

B. if less than age 55, is evaluated by a vocational specialist as having significantly limited ability to obtain or retain suitable employment because of advancing age.

Subp. 4. Applicant. "Applicant" means a person who has a pending application for general assistance with a local agency.

Subp. 5. Assistance unit. "Assistance unit" means a single person, a single person and his or her minor children, a married

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couple, or a married couple and the minor children of either of those persons. To be included together in an assistance unit, the persons must reside together and the assistance unit must meet the conditions of part 9500.0530.

Subp. 6. Commissioner. "Commissioner" means the commissioner of the Department of Human Services or a designee.

Subp. 7. Department. "Department" means the Department of Human Services.

Subp. 8. Director of the local agency. "Director of the local agency" means the director of the local agency or the director's designee.

Subp. 9. Full-time student. "Full-time student" means a student attending a postsecondary institution who:

A. 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 for a vocational or technical student; or

B. registers for and attends a minimum of 12 credit hours per semester or quarter.

Subp. 10. Functionally illiterate. "Functionally illiterate" means the person has been certified by a licensed consulting psychologist or a person licensed under parts 8700.3800, 8700.5300, 8700.5406, 8700.5500, 8700.5800, 8700.6300, or 8700.6310 as being unable to read or write above the fourth grade level.

Subp. 11. Learning disabled. "Learning disabled" means the individual has been medically certified as having any of the disorders listed under code 315 of the International Classification of Diseases, 9th revision, Clinical Modification, (ICD-9-CM) as published by the Commission on Professional and Hospital Activities, 1968 Green Road, Ann Arbor, Michigan (1978). This publication is incorporated by reference. It is available from the minitex interlibrary loan system. It is not subject to frequent change. The condition must severely limit the person in obtaining, performing, or maintaining suitable employment.

Subp. 12. Local agency. "Local agency" means a county, or a multicounty agency, that is authorized under Minnesota Statutes as the agency responsible for the administration of the general assistance program.

Subp. 13. Medical certification. "Medical certification" means a statement signed by a licensed physician or licensed consulting psychologist about a person's illness, injury, or incapacity.

Subp. 14. Mentally ill. "Mentally ill" means the condition of a person who has a medically certified psychological disorder resulting in behavior that severely limits the person from obtaining, performing, or maintaining suitable employment.

Subp. 15. Mentally retarded. "Mentally retarded" means the condition of a person who is medically certified as having demonstrated deficits in adaptive behavior and intellectual functioning which is two or more standard deviations below the mean of a professionally recognized standardized test and the condition severely limits the person in obtaining, performing, or maintaining suitable employment.

Subp. 16. Minor child. "Minor child" means a person under the age of 18.

Subp. 17. Recipient. "Recipient" means a person who is currently receiving assistance under the general assistance program.

Subp. 18. Responsible relative. "Responsible relative" means the spouse of an applicant or recipient, the parent of a minor child who is an applicant or recipient, or the parent of an adult child who resides with the parent and who is an applicant or recipient.

Subp. 19. Suitable employment. "Suitable employment" means a job that:

A. meets existing health and safety standards set by federal, state, or local regulations;

B. is within the physical and mental ability of a person as determined by the local agency; and

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

Subp. 20. Vocational specialist. "Vocational specialist" means a counselor of the Department of Economic Security or Division of Vocational Rehabilitation, or another similarly qualified person who advises persons about occupational goals and employment.

9500.1102 [Emergency] CATEGORIES OF ELIGIBILITY.

A member of an assistance unit which meets the conditions listed in part 9500.0530, items A to D, shall be eligible for general assistance if the member meets the conditions of one or more of the following items:

A. The person suffers from a permanent illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment.

B. The person suffers from a temporary illness, injury, or incapacity which is medically certified and prevents the person from obtaining or retaining suitable employment for a period of at least 15 days, and for which the person is following the rehabilitation plan specified in the medical certification. An applicant or recipient shall be eligible under this item only for the period of the illness, injury, or incapacity.

C. The person is at home on a substantially continuous basis because of the age or medically certified illness, injury, or incapacity of another person who resides with the applicant or recipient. The medical certification must state that the person requiring care is unable to care for himself or herself.

D. The person has been placed in a facility licensed under Minnesota Statutes, sections 245.781 to 245.812 and certified under Minnesota Statutes, chapter 144 for purposes of physical or mental health or rehabilitation, or in a chemical dependency domiciliary facility licensed under parts 9530.2600 to 9530.4000 or 4625.0100 to 4625.2300. The placement must be due to illness or incapacity and based on a plan developed or approved by the director of the local agency.

E. The person resides in a shelter facility for battered women as described in Minnesota Statutes, section 256D.05, subdivision 3.

F. The person is enrolled as a full-time student and is or may be eligible for displaced homemaker services, programs, or assistance under Minnesota Statutes, section 4.40.

G. The person is unable to communicate in the English language as assessed by an English as a second language specialist and the inability to communicate prevents the person from retaining or obtaining suitable employment.

H. The person does not meet the condition in item A, B, or D but is mentally retarded or mentally ill.

I. The person has an application pending for the social security disability program or the supplemental security income program, or a pending appeal of the denial of an application or termination from those programs.

J. The person is unable to obtain or retain suitable employment due to advanced age.

K. The person is completing a secondary education program.

L. The person is a member of an assistance unit which contains one or more minor children.

M. The person, prior to February 1, 1986, meets the conditions of part 9555.3415 [Emergency] or after February 1, 1986 meets one or more of the following:

(1) lives more than two hours round trip from all potential suitable employment, exclusive of time needed to transport his or her children to and from child care; or

(2) is involved with protective or court-ordered services which prevent the recipient from working at least four hours per day; or

(3) is in the last trimester of pregnancy; or

(4) lacks available child care necessary for children in the recipient's assistance unit; or

(5) is evaluated by a vocational specialist and is found to be unable to obtain or retain suitable employment.

N. The person is certified under part 3320.0025 [Emergency] by the commissioner of the Department of Economic Security before August 1, 1985, as lacking work skills or training or as being unable to obtain work skills or training necessary to secure employment.

O. The person has provided the local agency with verification that he or she is functionally illiterate or learning disabled.

9500.1103 [Emergency] ELIGIBILITY DETERMINATION; WORK READINESS.

Upon determining that a person meets the conditions in part 9500.0530 but that the person is not eligible for general assistance under part 9500.1102, the local agency shall inform the person of the availability of its work readiness program and shall determine the person's eligibility for services and payments under that program. The person shall be informed that eligibility for work readiness services and payments is time limited and shall be offered the opportunity to register for the work readiness program.

9500.1104 [Emergency] REQUIREMENTS FOR CONTINUED ELIGIBILITY.

A recipient of general assistance whose eligibility is based on part 9500.1102 [Emergency], items G and L must comply with the following requirements as conditions for continued eligibility.

A. Persons eligible under part 9500.1102 [Emergency], item G shall participate in an English language skills program if assigned to a program by the local agency. If the local agency determines that the person has not participated in the assigned English language skills program, the person must be disqualified from receiving general assistance as prescribed in part 9500.1105 [Emergency].

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B. The adult members of an assistance unit who are eligible for general assistance under part 9500.1102 [Emergency], item L must comply with the following:

(1) If all of the minor children are six years of age or older, all adult members of the assistance unit must register for and cooperate in the work readiness program under Minnesota Statutes, section 256D.051.

(2) If one or more of the minor children are under the age of six and the assistance unit contains two adults, one adult member must register for and cooperate in the work readiness program under Minnesota Statutes, section 256D.051. The adult members of the assistance unit must decide who will register and participate in the work readiness program.

(3) An adult member of the assistance unit provided for in subitem (1) or (2) who does not register for and cooperate with the work readiness program under Minnesota Statutes, section 256D.051 must be disqualified from general assistance as provided in part 9500.1105 [Emergency]. The standard of assistance applicable to the disqualified person's assistance unit must be based on the number of remaining eligible members of the assistance unit.

9500.1105 [Emergency] DISQUALIFICATION.

A person who did not comply with the requirements of part 9500.1104 [Emergency] item A or B, shall be disqualified from receiving general assistance as provided items A to F.

A. The period of disqualification is 30 days for the first occurrence.

B. The period of disqualification is 90 days for an occurrence that is within 12 months from the end of any prior disqualification period.

C. A subsequent finding of disqualification that occurs more than 12 months from the end of any prior disqualification period is the same as for a first occurrence.

D. The disqualification period begins on the first calendar day of the month following the month in which the person is finally determined to have failed to comply. If the determination is made so late in a month that prior notice under part 9500.1106 [Emergency] cannot be given, the disqualification period begins on the first calendar day of the second month following the finding of noncompliance.

If the recipient appeals on or before the proposed disqualification date, the disqualification process must stop and assistance will continue under part 9500.1107 [Emergency] until a final decision is rendered. If there is a decision that the recipient must be disqualified, the disqualification period begins on the first day of the following month.

E. If a person who is disqualified applies for general assistance during the period of disqualification, the person shall be considered a recipient and the application shall be denied.

F. If a recipient who received a notice of disqualification complies with the requirements of part 9500.1104 [Emergency], items A and B on or before the effective date of the disqualification, assistance must be continued without a period of disqualification.

9500.1106 [Emergency] NOTICE OF DISQUALIFICATION.

If the local agency determines that a recipient must be disqualified for failing to meet the requirements of part 9500.1104 [Emergency], the local agency shall notify the recipient of the determination of disqualification at least ten days before reducing, suspending, or terminating the monthly payment. The notice must:

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

B. be mailed or given to the recipient not later than ten days before the effective date of the action; and

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

9500.1107 [Emergency] APPEAL OF DISQUALIFICATION.

A recipient who is determined to be disqualified from receiving general assistance under part 9500.1105 [Emergency] may appeal the decision. The appeal must be a written request for a hearing submitted to the department or the local agency under Minnesota Statutes, section 256.045. If the recipient appeals on or before the effective date of the disqualification, the recipient, if otherwise eligible, shall continue to receive general assistance while the appeal is pending. If the appeal is not upheld, the recipient shall pay back to the local agency the amount received during the pendency of the appeal.

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTIONOF DEPARTMENT OF HUMAN SERVICES EMERGENCY RULES GOVERNING THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

FINDINGS OF FACT AND CONCLUSIONS

The Commissioner published notice of proposed emergency rules on the above entitled matter in the State Register on July 15, 1985. Notice was also sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, section 14.30 on July 5, 1985.

After affording interested and affected persons an opportunity to submit comments on the emergency rules for 25 days after the notice and reviewing and considering the comments, I find the following:

1. In part 9500.1101 [Emergency], subpart 10, the Department defines the term "functionally illiterate". The Department received a number of comments with regard to the definition of functionally illiterate and the concept of illiteracy including those from Eric Janus, Professor of Law, William Mitchell College of Law, Marilyn Kerns, President, Minnesota Community Education Association, and Rosemarie Park, Associate Professor of Education, University of Minnesota. All of the commenters believed that the Department's defintion of "functional illiteracy" was not a reasonable one and that the generally accepted reading level for one to function effectively in modern society is at least an eighth grade reading level. The Department agrees with the commenters and replaces the word "fourth" with the word "eighth" under part 9500.1101 [Emergency], subpart 10. p.2

   Moreover, all commenters suggested that the Department incorporate into the rules an assessment or testing process by which the local agency can determine if a person is "functionally illiterate". Also Mr. Janus suggested that the local agency provide a "list of resources to the recipient" because individualized assessments are not widely known. The Department agrees with the commenters on the above suggestions and inserts language to that effect under part 9500.1102 [Emergency], item P. p.7

2. In part 9500.1101 [Emergency], subpart 11, the Department defines "learning disabled". Numerous comments were received with regard to this definition including those from Eric Janus, Berry Friesen, Southern Minnesota Regional Legal Services, Inc. (SMRLS), Lee-Ann Sanborn, Program Director, Learning Disabilities Association, Inc., and Lois Larsen, Financial Supervisor II, Steele County Social Service Center. Mr. Janus, Ms. Sanborn, and Ms. Larsen suggested that the Department delete references to the ICD-9 disorders in the rules because it is a medical model definition and most persons who deal with

learning disabilities [redacted]e psychologists. Moreover, M[redacted] Sanborn in her discussion of the concept of learning disabilities suggested that the Department use a generally accepted definition of learning disabilities used by experts in the field working with learning disabled clients. The Department agrees with the commenters and proposes a language change to reflect these comments under Part 9500.1101 [Emergency], subpart 11.

Mr. Friesen (SMRLS), commented that "The diagnosis of learning disabilities is generally made by persons whose graduate study in psychology contained an emphasis on testing and assessment of learning disabilities." Mr. Friesen also pointed out that not all pshchologists who diagnose learning disabilities are licensed consulting psychologists but rather licensed psychologists and that not all physicians have the competencies to diagnose learning disabilities. Mr. Friesen suggested that the medical certification process as used in the rules does not allow for licensed psychologists to diagnose learning disabilities. The Department agrees with Mr. Friesen and inserts language to address his concerns under part 9500.1101 [Emergency], subpart 13 (medical certification). With this change, the Department deletes the language in 9500.1102 [Emergency], item O. and replaces it with "Is medically certified as being learning disabled".

3. In part 9500.1101 [Emergency], subparts 14 and 15 the Department defines mentally ill and mentally retarded. Within these definitions the Department uses the term "medically certified" in describing the disorders of mental illness and mental retardation. As a matter of clarification, the Department deletes the words "medically certified" in subparts 14 and 15 and inserts them under part 9500.1102 [Emergency], item H. Moreover, under item H, as a means of clarification the Department changes the words "mentally retarded" and "mentally ill" to "mental retardation" and "mental illness" respectively.

4. In part 9500.1101 [Emergency], subpart 19, item B, Steven Swanson, Legal Services Advocacy Project comments that the definition of "suitable employment" "...will be used in making eligibility determinations under the present GA statute, the application of that definition will be subject to review by department hearing officers through the appellate process. Accordlingly, while a local agency will be responsible for applying the definition in the first instance, it is very important that the emergency rule not imply that the local agency's application is binding on the hearing officer. Such a result would be contrary to the fair hearing provisions of the statute.". Mr. Swanson suggests that under item B the words "as determined by the local agency be deleted from the rules. The Department agrees and accepts Mr. Swanson's suggestion.

Steven Swanson also commented that "...the department correctly determined in part 9555.3400, subp. 24 that day labor is not "suitable employment". These concepts should be clarified in the emergency rule.". The Department agrees with Mr. Swanson's interpretation and inserts language to that effect under part 9500.1101 [Emergency], subpart 19, item D.

5. In part 9500.1101 [Emergency], subpart 20, the Department has made reference to the Department of Economic Security. In the 1985 Special Session of the Minnesota Legislature, the Department of Economic Security was combined into a new Department of Jobs and Training. Therefore for clarity purposes, the Department deletes the words "Economic Security" and replaces them with the words "Jobs and Training" under subpart 20. p.4

6. In part 9500.1102 [Emergency], item B, Steven Swanson commented that "...B should be amended to require that the recipient follow a rehabilitation plan only if such a plan is specified in the medical certification.". The Department agrees with and accepts Mr. Swanson's suggestion and language to that effect is inserted under item B. p.4,5

7. In part 9500.1102 [Emergency], item D, Jerry Jagodzinski, G.A. Division Manager, Hennepin County Department of Economic Assistance suggested that an applicant or recipient be eligible under this item only for the period of residence in a facility. The Department agrees with Mr. Jagodzinski and deletes the words "has been placed" and "the placement" and replaces them with the words "is residing" and "residence in the facility" respectively. p.5

8. In part 9500.1102 [Emergency], item G, Eric Janus suggested that language specialists will not always be able to make vocational assessments and that vocational specialists be included under this item as well as English as a Second Language specialists. The Department agrees with Mr. Janus and inserts language to that effect under item G. p.5.

9. In part 9500.1102 [Emergency], item M, Eric Janus and Berry Friesen articulated concerns over the Department's elimination of certain provisions of Minnesota Rules, part 9555.3415 [Emergency] in these proposed emergency rules after February 1, 1986. The commenters suggested that the "substantial barriers" provisions remain in the emergency rules after February 1, 1986 because these "barriers" interfere with a person's ability to work. The Department agrees with the commenters and inserts language to reflect their comments under item M, subitems (6) to (9). p.6

10. In part 9500.1103 [Emergency] Steven Swanson commented that "An applicant who is determined to be ineligible for GA, but eligible for the work readiness program must be given sufficient information to allow the applicant to make an informed decision as to the best course of action.". Mr. Swanson offered a number of changes to the rule language to achieve this informational objective. The Department has considered Mr. Swanson's suggestions and has deleted the language in part 9500.1103 [Emergency] and has replaced it with language to reflect his concerns under part 9500.1103 [Emergency], subparts 1 and 2. p.8,9

11. In part 9500.1104 [Emergency], item A, the Department deletes the word "person" where it appears in the item and replaces it with the word "recipient" in order to retain consistent terminology and language throughout the rule parts. p.9

12. In part 9500.1105 [Emergency], items A to F, Steven Swanson suggests that disqualification from general assistance "...should be excused for good cause.". Mr. Swanson further suggests that this concept should be specifically included in part 9500.1105 [Emergency]. Mr. Swanson offered a number of language changes that would include this concept under the rules. The Department agrees with Mr. Swanson and inserts language into 9500.1105 [Emergency] to reflect his comments.

    The Department in reviewing this part of the rules, also makes the following changes: Delete the word "person" where it appears in the part and replace it with the word "recipient" in order to retain consistent terminology and language throughout the rule parts. Delete the word "30" in item A, and replace it with "60" in order to stay consistent with proposed rules for the work readiness program. Also in item A, delete the words "the first" and replace with the word "each". The Department also believes that items B and C are unnecessary in the rule parts, therefore, items B and C are deleted. With this change, item D becomes item B, item E becomes item C, and item F becomes item D.

13. All comments concerning the proposed emergency rules received within the period allowed by law were considered by the Department.

14. The changes to the proposed emergency rules are not substantial changes.

CONCLUSIONS

I hereby conclude that:

1. The Commissioner has the authority to promulgate these rules.

2. Proper notice of the Department's intent to adopt the proposed emergency rules was given as required by law, and all interested persons were afforded an opportunity to submit data and views on the proposed rules.

3. All modifications to the proposed rules are supported by the data and views submitted to the Department and are not substantial changes.

4. The rules, as modified, are necessary and reasonable.

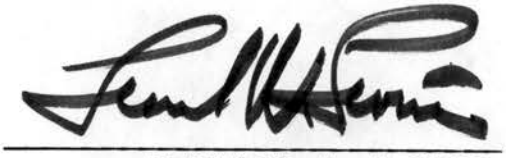
5. Any duplication in these rules of language contained in Minnesota Statutes is crucial to the ability of persons affected by the rules to comprehend their meaning and effect.

6. The Department has complied with all applicable provisions of law and rule in the promulgation of these rules.

7. If any finding or part of a finding, above, is properly characterized as a conclusion, it is adopted as a conclusion.

Dated: August 15, 1985

STATE OF MINNESOTA



LEONARD W. LEVINE
Commissioner of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERIVES EMERGENCY RULES GOVERNING THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS

The Commissioner published notice of proposed emergency rules on the above entitled matter in the State Register on July 15, 1985. Notice was also sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, section 14.30 on July 5, 1985.

After affording interested and affected persons an opportunity to submit comments on the emergency rules for 25 days after the notice and reviewing and considering the comments, I find the following:

SUPPLEMENTAL FINDINGS OF FACT

1. In part 9500.1103 [Emergency], subpart 2, page 8, line 31, the rule language makes an erroneous reference to "part 9550.1102". In order to correct this incorrect reference the Department deletes the rule number "9550.1102" and replaces it with "9500.1102".

2. In part 9500.1103 [Emergency] Steven Swanson, representing the Legal Services Advocacy Project, commented that "An applicant who is determined to be ineligible for GA, but eligible for the work readiness program must be given sufficient information to allow the applicant to make an informed decision as to the best course of action.". Mr. Swanson offered a number of changes to the rule language to achieve this informational objective. The Department in considering Mr. Swanson's comments deleted the language in part 9500.1103 [Emergency] and replaced it with language to reflect his concerns under part 9500.1103 [Emergency], subparts 1 and 2. While the rule language under subpart 2 properly addresses how an applicant is to be treated during an appeal, the same process must not apply to a recipient who appeals ineligibility for general assistance. The use of the word "person" on page 8, line 35 and page 9, line 3 implies that the provisions of part 9500.1103 [Emergency] apply to both the applicant and the recipient. Laws of Minnesota 1985, Special Session, chapter 9, article 2, section 60, subdivision 1 states "A person or family whose income and resources are less than the standard of assistance established by the commissioner, but who are not eligible to receive general assistance under section 256D.05, subdivision 1, are eligible for a work readiness program." This would imply that a recipient of general assistance must finally be determined ineligible for general assistance before

eligibility for work readiness can be determined. Therefore, a recipient who appeals a determination of ineligibility for general assistance cannot be found eligible for work readiness services and payments until the appeal decision is rendered finding the recipient ineligible for general assistance. It is necessary for the Department to clarify in the rule language that the procedure applies only to applicants in order to assure that the rule language does not create inconsistencies with statute. Therefore, the Department deletes the word "person" where it appears in subpart 2 and replaces it with the word "applicant" in order to clarify in the rule parts that the procedure applies only to applicants and to assure that the rule language does not create inconsistencies with statute.

3. The amended changes to the proposed emergency rules are not substantial changes.

CONCLUSIONS

I hereby conclude that:

1. The Commissioner has the authority to promulgate these rules.

2. Proper notice of the Department's intent to adopt the proposed emergency rules was given as required by law, and all interested persons were afforded an opportunity to submit data and views on the proposed rules.

3. All modifications to the proposed rules are supported by the data and views submitted to the Department and are not substantial changes.

4. The rules, as modified, are necessary and reasonable.

5. Any duplication in these rules of language contained in Minnesota Statutes is crucial to the ability of persons affected by the rules to comprehend their meaning and effect.

6. The Department has complied with all applicable provisions of law and rule in the promulgation of these rules.

7. If any finding or part of a finding, above, is properly characterized as a conclusion, it is adopted as a conclusion.

Dated: August 22, 1985

STATE OF MINNESOTA



LEONARD W. LEVINE
Commissioner of Human Services

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERIVES EMERGENCY RULES GOVERNING THE GENERAL ASSISTANCE PROGRAM, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS

The Commissioner published notice of proposed emergency rules on the above entitled matter in the State Register on July 15, 1985. Notice was also sent by United States mail to all persons on the list maintained by the Department pursuant to Minnesota Statutes, section 14.30 on July 5, 1985.

After affording interested and affected persons an opportunity to submit comments on the emergency rules for 25 days after the notice and reviewing and considering the comments, I find the following:

SUPPLEMENTAL FINDINGS OF FACT

1. In part 9500.1103 [Emergency], subpart 2, page 8, line 31, the rule language makes an erroneous reference to "part 9550.1102". In order to correct this incorrect reference the Department deletes the rule number "9550.1102" and replaces it with "9500.1102".

2. In part 9500.1103 [Emergency] Steven Swanson, representing the Legal Services Advocacy Project, commented that "An applicant who is determined to be ineligible for GA, but eligible for the work readiness program must be given sufficient information to allow the applicant to make an informed decision as to the best course of action.". Mr. Swanson offered a number of changes to the rule language to achieve this informational objective. The Department in considering Mr. Swanson's comments deleted the language in part 9500.1103 [Emergency] and replaced it with language to reflect his concerns under part 9500.1103 [Emergency], subparts 1 and 2. While the rule language under subpart 2 properly addresses how an applicant is to be treated during an appeal, the same process must not apply to a recipient who appeals ineligibility for general assistance. The use of the word "person" on page 8, line 35 and page 9, line 3 implies that the provisions of part 9500.1103 [Emergency] apply to both the applicant and the recipient. Laws of Minnesota 1985, Special Session, chapter 9, article 2, section 60, subdivision 1 states "A person or family whose income and resources are less than the standard of assistance established by the commissioner, but who are not eligible to receive general assistance under section 256D.05, subdivision 1, are eligible for a work readiness program." This would imply that a recipient of general assistance must finally be determined ineligible for general assistance before

eligibility for work readiness can be determined. Therefore, a recipient who appeals a determination of ineligibility for general assistance cannot be found eligible for work readiness services and payments until the appeal decision is rendered finding the recipient ineligible for general assistance. It is necessary for the Department to clarify in the rule language that the procedure applies only to applicants in order to assure that the rule language does not create inconsistencies with statute. Therefore, the Department deletes the word "person" where it appears in subpart 2 and replaces it with the word "applicant" in order to clarify in the rule parts that the procedure applies only to applicants and to assure that the rule language does not create inconsistencies with statute.

3. The amended changes to the proposed emergency rules are not substantial changes.

CONCLUSIONS

I hereby conclude that:

1. The Commissioner has the authority to promulgate these rules.

2. Proper notice of the Department's intent to adopt the proposed emergency rules was given as required by law, and all interested persons were afforded an opportunity to submit data and views on the proposed rules.

3. All modifications to the proposed rules are supported by the data and views submitted to the Department and are not substantial changes.

4. The rules, as modified, are necessary and reasonable.

5. Any duplication in these rules of language contained in Minnesota Statutes is crucial to the ability of persons affected by the rules to comprehend their meaning and effect.

6. The Department has complied with all applicable provisions of law and rule in the promulgation of these rules.

7. If any finding or part of a finding, above, is properly characterized as a conclusion, it is adopted as a conclusion.

Dated: August 22, 1985

STATE OF MINNESOTA



LEONARD W. LEVINE
Commissioner of Human Services

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

IN THE MATTER OF THE PROPOSED ADOPTION OF THE STATE OF MINNESOTA DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Blake Shepard, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the rulemaking record, and that, based on my examination, the Administrative Procedure Act and the rules of the Attorney General have been followed. Any exceptions are noted below.

Blake Shepard
Special Assistant Attorney General

Dated: 8/15/85

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE STATE OF MINNESOTA DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

AFFIDAVIT OF MAILING THE NOTICE OF SUBMISSION OF EMERGENCY RULE TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Ann M. Berg, being first duly sworn, deposes and says:

That on the 15th day of August, 1985, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rule in the above-entitled matter has been submitted to the Attorney General.

Ann M. Berg

Margaret Holt

MARGARET HOLT
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES SEPTEMBER 26, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED
ADOPTION OF THE STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES RULES
GOVERNING GENERAL ASSISTANCE,
MINNESOTA RULES, PARTS 9500.1100
TO 9500.1107 [EMERGENCY]

NOTICE OF SUBMISSION
OF AN EMERGENCY RULE
TO THE ATTORNEY GENERAL

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

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on this date, August 15, 1985, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, all written comments and requests received, and other required documents also have been submitted to the Attorney General.

The proposed rule which was published in the State Register and made available to the public on July 15, 1985, has been modified. A free copy of the rule as modified as well as the findings of fact, conclusions, and order adopting the rule is available upon request from Mike Sirovy, Department of Human Services, Policy Development, 2nd Floor, Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-2011.

The rule must be approved or disapproved by the Attorney General on the 10th working day following the date of receipt of the emergency rule. You may submit the written comments to the Attorney General on the legality of the rule. Any written comments must be submitted within six working days of the date of submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or specific parts or subparts of the rule. Your comments must be directed to:

Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Telephone: (612) 296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

LEONARD W. LEVINE, Commissioner
Department of Human Services

Dated: 8/15/85

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE STATE OF MINNESOTA DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

AFFIDAVIT OF MAILING THE NOTICE OF RESUBMISSION OF EMERGENCY RULE TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Ann M. Berg, being first duly sworn, deposes and says:

That on the 23rd day of August, 1985, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Resubmission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rule in the above-entitled matter has been submitted to the Attorney General.

Ann M. Berg

Subscribed and sworn to before me

this 23 day of August, 1985.

Claudia A. Eliason

CLAUDIA A. ELIASON
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES NOVEMBER 15, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE STATE OF MINNESOTA DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

NOTICE OF RESUBMISSION OF AN EMERGENCY RULE TO THE ATTORNEY GENERAL

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

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been resubmitted to the Office of the Attorney General on this date, 8-23-85 1985, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, all written comments and requests received, and other required documents also have been submitted to the Attorney General.

The proposed rule which was published in the State Register and made available to the public on July 15, 1985, has been modified. A free copy of the rule as modified as well as the findings of fact, conclusions, and order adopting the rule is available upon request from Mike Sirovy, Department of Human Services, Policy Development, 2nd Floor, Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-2011.

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204 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Telephone: (612) 296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

LEONARD W. LEVINE, Commissioner
Department of Human Services

Dated: 8-23-85

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE STATE OF MINNESOTA DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, MINNESOTA RULES, PARTS 9500.1100 TO 9500.1107 [EMERGENCY]

NOTICE OF SUBMISSION OF AN EMERGENCY RULE TO THE ATTORNEY GENERAL

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

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on this date, August 15, 1985, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, all written comments and requests received, and other required documents also have been submitted to the Attorney General.

The proposed rule which was published in the State Register and made available to the public on July 15, 1985, has been modified. A free copy of the rule as modified as well as the findings of fact, conclusions, and order adopting the rule is available upon request from Mike Sirovy, Department of Human Services, Policy Development, 2nd Floor, Space Center, 444 Lafayette Road, St. Paul, Minnesota 55101, (612) 297-2011.

The rule must be approved or disapproved by the Attorney General on the 10th working day following the date of receipt of the emergency rule. You may submit the written comments to the Attorney General on the legality of the rule. Any written comments must be submitted within six working days of the date of submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or specific parts or subparts of the rule. Your comments must be directed to:

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St. Paul, Minnesota 55155
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Any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

LEONARD W. LEVINE, Commissioner
Department of Human Services

Dated: 8/15/85