

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

05-000-080

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-6
DATE FOR REVIEW
DATE DUE 9-20

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

Approved 9.2085 mjc Disapproved Returned to Agency

Resubmitted Due
Approved Disapproved Returned to Agency

Date filed w/Secretary of State Revisor approved 9/10/85
disapproved

✓ Rule as Adopted

✓ Rule as Proposed see SR

✓ Order Adopting 9.6.85 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
7.26.85 At least ~~30~~ 25 days prior to ~~hearing~~/adoption

✓ Affidavit of Additional Mailing

✓ Mailing list Certificate

✓ Publication in State Register
8.5.85 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

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

Statement of Need and Reasonableness

Petition for Adoption of a Rule

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

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

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

DATE: 9-19-85

ATTN: BLAKE SHEPARD
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of the State of Minnesota Department of Human Services Rules Governing General Assistance, Work Readiness, Minnesota Rules, Parts 9500.1210 to 9500.1221 (Emergency)

The above-referenced rule has been approved as to its legality by the Attorney General on September 20, 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.

MJC: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 Relating to Work Readiness Program

Emergency Rules as Adopted

WORK READINESS PROGRAM

9500.1210 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 9500.1210 to 9500.1221 [Emergency] is to establish standards for the work readiness program to be provided to eligible registrants by local agencies, and to establish additional categories of eligibility under the general assistance program.

Subp. 2. **Applicability.** Parts 9500.1210 to 9500.1221 [Emergency] apply to applicants and registrants in the work readiness program, to applicants and recipients of general assistance, and to local agencies that are required to administer the work readiness and general assistance programs under Minnesota Statutes, sections 256D.051, 256D.09, subdivision 4, 256D.101, and 256D.111, subdivision 5. Parts 9500.1210 to 9500.1221 [Emergency] must be read together with parts 9500.0500 to 9500.0610, 9555.3400 to 9555.3409, and 9500.1100 to 9500.1107 [Emergency]. When parts 9500.1210 to 9500.1221 [Emergency] conflict with parts 9500.0500 to 9500.0610 or 9555.3400 to 9555.3409, parts 9500.1210 to 9500.1221 [Emergency] prevail.

9500.1211 [Emergency] DEFINITIONS.

Subpart 1. **Applicant.** "Applicant" means a person who has an application pending with a local agency for the work readiness program or the general assistance program.

Subp. 2. **Borderline mental retardation.** "Borderline mental retardation" means the condition of a person who ~~is medically certified as having~~ FFI has demonstrated deficits in adaptive behavior and intellectual functioning that is at least one but less than two standard deviations below the mean of a professionally recognized standardized test and the condition

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limits the person ~~from~~ in obtaining, performing, or maintaining suitable employment.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Department of Human Services or a designee.

Subp. 4. **Department.** "Department" means the Department of Human Services.

Subp. 5. **Distressed county.** "Distressed county" means a county or a designated portion of a county with an average unemployment rate of ten percent or more as determined by the commissioner of the Department of Economic Security or the commissioner of the Department of Jobs and Training.

? over what period of time

Subp. 6. **Employment assistance programs.** "Employment assistance programs" means the Minnesota employment and economic development (MEED) program and other programs offered by public or private agencies which provide services intended to develop, enhance, or promote a person's employability, job placement, and training.

Subp. 7. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action ~~which~~ that is reasonable and justified when viewed in the context of the surrounding circumstances including but not limited to illness of the person, illness of another family member that requires the person's presence, a family emergency, or inability to obtain transportation.

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Subp. 8. **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 work readiness and general assistance programs.

Subp. 9. **Local labor market.** "Local labor market" means the geographic area in which a registrant can reasonably be expected to search for suitable employment. The geographic area must be limited to an area within two hours' round trip of the registrant's residence, exclusive of time needed to transport his or her children to and from child care.

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Subp. 10. **Medical certification.** "Medical certification" means a statement about a person's illness, injury, or

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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. FF4

Subp. ~~10.~~ 11. **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. FF5

Subp. ~~11.~~ 12. **Misconduct.** "Misconduct" means conduct that would result in the disqualification of a claimant for unemployment insurance benefits under Minnesota Statutes, section 268.09, subdivision 1, clauses (2) and (3). FF6

Subp. ~~12.~~ 13. **Qualified professional.** "Qualified professional" means a social worker employed by the local agency, a social worker with a master's degree in social work, a licensed consulting psychologist, a licensed psychologist, FF7 a licensed physician or psychiatrist, or a public health nurse.

Subp. ~~13.~~ 14. **Registrant.** "Registrant" means a person who has applied for work readiness services and payments, who has been determined eligible for those services and payments by the local agency, and who has elected to begin receiving those services and payments.

Subp. ~~14.~~ 15. **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; ~~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. FF8

Subp. 16. **Vocational advisor.** "Vocational advisor" means a person employed by or under contract with the local agency who FF9

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what is temporary day labor

has sufficient education, training, or experience to enable the person to identify the types of available suitable employment in a registrant's local labor market and the necessary qualifications for that employment; to identify the registrant's physical, social, vocational, and educational barriers to obtaining available suitable employment; and to identify the types of services and activities necessary to enable the registrant to overcome the barriers and obtain suitable employment. FF9

9500.1212 [Emergency] LOCAL AGENCY RESPONSIBILITY TO PROVIDE WORK READINESS PROGRAM AND PLAN.

Subpart 1. **Requirement to provide a work readiness program.** Each local agency shall provide a work readiness program. The program must provide work readiness services and payments to all applicants residing within the local agency's jurisdiction who meet the eligibility conditions of part 9500.1213 [Emergency], and must provide work readiness services to recipients of general assistance who are eligible under part 9500.1104 [Emergency], item B. The local agency may continue to provide work readiness services to recipients of general assistance who are eligible for general assistance under part 9500.1220 [Emergency].

Subp. 2. **Preparation of work readiness program description.** Each local agency shall develop a written ~~plan identifying the~~ description of its work readiness program. The description must meet the standards established in part 9555.3409, and must identify the work readiness program's purpose, service components, ~~requirements,~~ operating procedures, and ~~operation of its work readiness program and the client groups to be served by its program. A copy of the plan must be filed with the commissioner annually.~~ service provider. The description must also contain a summary of work readiness program requirements, including a registrant's responsibility to cooperate in the employability assessment and in the preparation of the employability development plan, and the registrant's responsibility to comply with job registration, work search, and FF10

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employment acceptance and retention requirements as conditions for continuing eligibility.

Subp. 3. **Distribution of work readiness program description.** The local agency shall give a copy of the work readiness program description to an applicant at the time he or she applies for general assistance or work readiness, and to any person upon request.

Subp. 4. **Filing of program description.** The local agency shall file a copy of its work readiness program description and all amendments to the description with the commissioner.

9500.1213 [Emergency] APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subpart 1. **Assessment of general assistance eligibility.** Prior to determining a work readiness applicant's eligibility for work readiness services and payments, the local agency must determine the applicant's need for emergency general assistance under Minnesota Statutes, section 256D.07, and the applicant's eligibility for the general assistance program under part 9500.1102 [Emergency]. If the applicant is determined eligible for general assistance, the applicant shall be ineligible for work readiness services and payments except as provided in part 9500.1104 [Emergency], item B, and part 9500.1220 [Emergency]. If the applicant is determined ineligible for general assistance, the local agency shall notify the applicant of the determination and of his or her right to appeal the decision ~~under Minnesota Statutes, section 256.045~~ as provided under part 9500.1103 [Emergency].

Subp. 2. **Work readiness application.** A completed application for general assistance shall be considered a completed application for the work readiness program effective on the date that the local agency determines the applicant ineligible for general assistance. A registrant shall not be required to complete a new application for general assistance when the local agency is determining the registrant's eligibility for general assistance under part 9500.1218 [Emergency], subpart 2, or 9500.1220 [Emergency], subpart 1.

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Subp. 3. **Eligibility criteria.** If the local agency determines that the applicant is ineligible for general assistance, it must determine the applicant's eligibility or ineligibility for the work readiness program. An applicant or registrant is eligible for the work readiness program if the applicant or registrant meets the conditions in items A to D:

A. The applicant or registrant is ineligible for general assistance under part 9500.1102 [Emergency] or 9500.1220 [Emergency], subpart 1.

B. The applicant or registrant meets the eligibility requirements under part 9500.0530, items A to D. If the applicant or registrant is married and resides with his or her spouse, the income and resources of the applicant or registrant and his or her spouse shall be considered ~~an assistance unit for purposes of assessing whether or not the conditions of part 9500.0530, subparts B and C are met~~ in accordance with the policies and procedures of the general assistance program when determining the applicant's or registrant's eligibility and monthly payment amount.

C. The applicant or registrant has not exhausted his or her eligibility period as provided by part 9500.1216 [Emergency].

D. The applicant or registrant is not in a disqualification period under part 9500.1105 [Emergency], part 9500.1218 [Emergency], or part 9555.3417 [Emergency].

9500.1214 [Emergency] REQUIREMENT TO INFORM APPLICANTS.

Subpart 1. **Duty to inform applicants of eligibility or ineligibility for the work readiness program.** Upon determining an applicant's eligibility or ineligibility for the work readiness program, the local agency must inform the applicant of its determination in writing on a form prescribed by the commissioner. The local agency must also inform an applicant who has been determined ineligible for the work readiness program of the determination and the right to appeal as provided in part ~~9555.1219~~ 9500.1219 [Emergency].

Subp. 2. **Duty to inform applicants of work readiness**

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requirements. At the time the local agency informs an applicant that he or she is eligible for the work readiness program, the local agency must also provide the applicant with a copy of the program description prescribed under part 9500.1212 [Emergency], subpart 2, and a written notice ~~in plain and easily understood language informing~~ meeting the standards established in part 9555.3409, which informs the applicant of: FF16

A. the limited time during which the applicant may be eligible for work readiness services and payments;

B. the applicant's right to choose the months in which he or she will receive work readiness services and payments, including the option to elect to receive work readiness services and payments immediately;

C. ~~a summary of the work readiness program including the job registration, work search, employment acceptance, and other work readiness requirements which must be complied with;~~

~~B.~~ the disqualification that will be imposed ~~for failure~~ if a registrant is terminated from suitable employment for misconduct, quits suitable employment without good cause, refuses without good cause to accept an offer of suitable employment, or fails to comply with ~~those~~ other work readiness program requirements; and FF16

~~E.~~ D. the ~~need to assess~~ requirement that a registrant cooperate with the assessment of the registrant's eligibility for continuing work readiness services and payments under part 9500.1216 [Emergency], subpart 1, during the registrant's second month of work readiness services and payments. FF17

9500.1215 [Emergency] WORK READINESS SERVICES AND PAYMENTS.

Subpart 1. **Requirement of concurrent services and payments.** In order for a monthly work readiness payment or a month of work readiness services to count toward the two or six month limitation on eligibility for the work readiness program, as provided by part 9500.1216 [Emergency], the registrant must concurrently receive work readiness services and payments. Upon an eligible applicant's election to begin receiving work

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readiness services and payments, the local agency shall provide the services and payments to the registrant. A month during which a registrant fails to comply with the requirements of the work readiness program but for which the registrant receives a work readiness payment shall be considered a month during which work readiness services and payments were concurrently received. FF 18

Subp. 2. **Work readiness services.** The following services must be provided to a work readiness registrant;

A. In consultation with the registrant, ~~the local agency~~ a vocational advisor shall complete a written employability assessment. The assessment must include an examination of the registrant's education, training, ~~and~~ prior work experience, and suitable employment that is or may become available in the registrant's local labor market, and must identify barriers to the registrant successfully seeking and securing suitable employment. FF 19

B. The vocational advisor shall develop a written employability development plan for each registrant within the first 30 days that work readiness services are provided to a registrant. The plan must be based ~~upon~~ on the assessment provided under item A and the ~~local agency's~~ vocational advisor's knowledge of the level of competition for employment that is or may become available ~~jobs, the local agency shall develop a written employability development plan~~ and must be designed to address the registrant's barriers to employment and prepare the registrant for suitable employment. The registrant must be given a copy of his or her plan and the plan must: FF 20

(1) include an estimation of the length of time it will take the registrant to obtain suitable employment;

(2) require the registrant to accept any offer of suitable employment, including employment offered through the Job Training Partnership Act, Minnesota Employment and Economic Development Act, and other employment and training options;

(3) provide for referral to ~~available~~ appropriate employment assistance programs;

(4) require a registrant to spend at least eight

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but no more than 32 hours per week in job search or other work readiness activities;

(5) specify the registrant's job search requirements, which must be limited to the local labor market, must be reasonable, and must be based upon the assessment performed under item A; FF20

(6) specify any other reasonable activities designed to prepare the registrant for permanent suitable employment which the registrant must comply with; and

(7) include provisions for assessing the registrant's progress in securing suitable employment.

C. No work readiness program shall require a registrant to travel to a potential job, training, or other activity site unless the local agency provides funds to the registrant, in addition to the work readiness payment, to cover the cost of the transportation or unless transportation is unnecessary or is FF21 otherwise available to the registrant without cost.

D. No person who is the sole adult in an assistance unit containing one or more children under the age of twelve shall be required to participate in any work readiness program activities during hours in which the child is at home unless the local agency provides funds to the person, in addition to the monthly program payment, to cover the cost of child care, or unless child care is otherwise available to the person without cost.

E. A local agency that requires a registrant to participate in any type of employment experience program shall require that the employment experience program meet the standards established in Minnesota Statutes, section 256D.113, and that the work to be done is not work ordinarily performed by a regular public employee. FF22

F. A local agency may contract with a public or private entity for the performance of any or all of the services prescribed by this subpart if the entity can document that it has the resources and expertise necessary to perform the FF23

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services. A contract entered into under this item must contain a description of the services to be performed under the contract. Upon request, the local agency shall provide the department with a copy of the contract and a description of the resources and expertise of the entity under contract with the local agency. FF23

Subp. 3. **Work readiness payments.** A registrant who has met the eligibility conditions of part 9500.1213 [Emergency], subpart 3, shall receive work readiness payments during the applicable period of work readiness eligibility. The payment amount must be equal to the amount of assistance that would be paid to the registrant under parts 9555.3410 to 9555.3412 [Emergency] if the registrant was eligible for general assistance. If the registrant is married and lives with his or her spouse, who is also a registrant, FF24 the couple shall be considered an assistance unit comprised of two persons for purposes of determining the applicable standard of assistance, the amount of countable or seasonal income, and the monthly work readiness payment amount under parts 9555.3410 to 9555.3412 [Emergency]. If the registrant resides with his or her spouse and the spouse receives general assistance under part 9500.1102 [Emergency] or 9500.1220 [Emergency], subpart 1, the monthly work readiness payment to the registrant under this part must be equal to the amount the general assistance monthly payment made to the registrant's spouse under parts 9555.3410 to 9555.3412 [Emergency] would increase if the registrant were added to the spouse's general assistance grant.

The first work readiness payment must ~~begin~~ be prorated for the period beginning with the effective date of the completed application for the work readiness program, the date that the applicant is determined eligible for work readiness services and payments, or the date that the eligible applicant elects to begin receiving work readiness services and payments, whichever is later, and ending with the last day of that month. ~~Each payment must cover 30 calendar days and must be made without proration or regard to the beginning or ending date of the~~ FF24

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~~month.--After-the-first-payment-is-made,~~ Subsequent work readiness payments must be made monthly on the first day ~~following-the-end-of-the-30-day-period-covered-by-a-previous payment~~ of the month. A registrant shall continue to receive work readiness payments during the ~~period-of-time~~ months that he or she elects to receive work readiness services and payments and meets the eligibility requirements of part 9500.1213 [Emergency]. The final payment must be prorated to cover the number of days equal to the number of days in the registrant's first month of work readiness services and payments which were not covered by the registrant's first work readiness payment. Emergency general assistance is ~~not~~ available to a registrant in accordance with Minnesota Statutes, section 256D.06, subdivision 2.

9500.1216 [Emergency] ASSESSMENT DURING SECOND MONTH; NOTICE OF TERMINATION.

Subpart 1. **Assessment.** During the registrant's second month of work readiness services and payments under part 9500.1215 [Emergency], the local agency in consultation with the registrant shall conduct an assessment of the registrant's progress in securing suitable employment and an assessment of the registrant's eligibility for an additional four months of work readiness services and payments. When the second work readiness payment is mailed or given to the registrant, the local agency shall provide a written notice meeting the standards established under part 9555.3409 that informs the registrant that the local agency will be assessing the registrant's eligibility for an additional four months of work readiness services and payments, the conditions that must be met in order for the registrant to be eligible for an additional four months, the requirement that the registrant cooperate with the local agency's assessment, and that the registrant has a right to submit to the local agency information relevant to the determination within ten days from the date that the notice is mailed or given to the registrant. A registrant shall be eligible for four additional months of work readiness services

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and payments if the registrant meets one or more of the following conditions:

A. The registrant lives in a distressed county.

B. The registrant is medically certified as having borderline ~~mentally-retarded~~ mental retardation.

C. The registrant ~~exhibits~~ is certified by a qualified professional as exhibiting perceptible symptoms of mental illness ~~as-certified-by-a-qualified-professional~~ but the registrant is not eligible for general assistance under parts 9500.1100 to 9500.1107 [Emergency] because the mental illness interferes with the medical certification process.

D. The registrant ~~is-unable~~ as determined by a vocational advisor, cannot reasonably be expected to secure suitable employment ~~because-the-local-agency-has-determined-that no-jobs-are-available-that-a-person-with~~ given the registrant's work history, skills, ~~and-ability-has-the~~ education, physical and mental ability ~~to-perform~~, and the availability of suitable employment in the registrant's local labor market.

If the local agency believes that the registrant may ~~meet the-conditions-in-item-B-or-C~~ have borderline mental retardation, or if the registrant or a representative of the registrant asserts that he or she ~~meets-the-conditions-of-item-B or-C~~ has borderline mental retardation, the local agency shall ~~obtain~~ seek medical certification of the registrant's condition. If ~~the-registrant's-mental-illness-interferes-with the-medical-certification-process,-the-registrant's-condition must-be-assessed-by-a-qualified-professional~~ medical certification establishes that the registrant has borderline mental retardation, the condition in item B is met. If the registrant's behavior, thought processes, mood, perceptions, conduct, or appearance suggest or demonstrate that the person may have a mental illness, or if the registrant or a representative of the registrant asserts that the registrant has a mental illness, the local agency shall seek medical certification of the registrant's condition. If the registrant fails to cooperate with the medical certification, the local

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agency shall seek an assessment of the registrant's condition from a qualified professional. If the qualified professional certifies that the registrant is exhibiting symptoms of mental illness, the condition in item C is met. FF26,27

Subp. 2. **Notice of determination.** If the local agency determines through the assessment ~~or the medical certification~~ that the registrant meets one or more of the conditions in subpart 1, items A to D, the registrant shall be notified that he or she is eligible for work readiness services and payments for a combined total of six months in any consecutive 12-calendar month period. If the local agency determines, upon completion of the assessment under subpart 1, that the registrant does not meet one or more of the conditions in subpart 1, items A to D, the registrant shall be terminated from work readiness services and payments effective at the end of the registrant's second month of participation in the work readiness program. If the local agency determines that the registrant is ineligible for continued work readiness services and payments, the local agency shall notify the registrant of its determination and that the registrant is not eligible to receive work readiness services and payments for more than two months during any consecutive 24-calendar month period.

Subp. 3. **Notice of termination.** A registrant who is in the last month of his or her two or six months of work readiness services and payments shall be notified of the termination of services and payments and of his or her appeal rights in accordance with the procedures specified in part 9500.1219 [Emergency].

9500.1217 [Emergency] REGISTRANT DUTIES.

A registrant shall ~~cooperate~~ comply with all ~~aspects~~ requirements of the local agency work readiness program as explained under part 9500.1214 [Emergency], subpart 2, and specified in the employability development plan provided under part 9500.1215 [Emergency], subpart 2, item B. A registrant who ~~does not~~ fails, without good cause, to comply with the local agency work readiness requirements shall be disqualified from FF28

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the receipt of work readiness services and payments under part 9500.1218 [Emergency].

9500.1218 [Emergency] FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subpart 1. **Determination and notice of failure to comply.** If a local agency determines that a registrant has failed to comply with the requirements of the work readiness program, the local agency ~~shall~~ must notify the registrant of its determination. The notice must ~~be written in plain and easily understood language~~ meet the standards established in part 9555.3409, and must contain the information in items A to E. FF 29

A. The notice must state the specific work readiness requirement the registrant has failed to comply with and the facts that support the local agency's determination.

B. The notice must specify the particular actions that the registrant must take to achieve compliance.

C. The notice must specify a certain date by which the action must be taken. The registrant must be given a minimum of 15 calendar days to take the specified action following the date the notice is mailed or ~~delivered~~ given to the registrant. FF 29

D. The notice must explain that the registrant will be disqualified from receiving work readiness services and payments if he or she fails to take the required actions by the specified date.

E. The notice must advise the registrant that he or she may request and shall be granted a conference to discuss the notice with the local agency.

Subp. 2. **Disqualification.** A registrant who is notified of the local agency determination as provided in subpart 1 shall comply with the requirements of the work readiness program as specified in the notice prior to or on the specified date. If the local agency determines that the registrant has not complied with the requirements on or before the specified date, the local agency ~~shall~~ must assess the registrant's eligibility for general assistance under part 9500.1102 [Emergency] prior to FF 30

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disqualification of the registrant for noncompliance. If the local agency determines that the registrant is eligible for general assistance, the registrant shall be terminated from work readiness services and payments and shall be eligible for general assistance. If the local agency determines that the registrant is ineligible for general assistance under part 9500.1102 [Emergency] and that the ~~conditions in item A, B, C, or D exist~~ registrant has failed, without good cause, to comply with the work readiness requirements and has subsequently failed, without good cause, to take the required actions by the date specified in the notice provided under subpart 1, the registrant shall be disqualified from receiving work readiness services and payments.

~~A. The registrant has failed, without good cause, to comply with the work readiness requirements and has subsequently failed to take the required actions by the date specified in the notice provided under subpart 1.~~

~~B. The registrant has been terminated from employment for misconduct.~~

~~C. The registrant has quit work without good cause.~~

~~D. The registrant has refused, without good cause, to accept an offer of suitable employment.~~

FF30

Subp. 3. **Notice of disqualification.** The local agency shall notify the registrant of the disqualification from receiving work readiness services and payments under subpart 2 and of the registrant's appeal rights as provided in part 9500.1219 [Emergency].

Subp. 4. **Period of disqualification.** A registrant disqualified under subpart 2 shall be ineligible during the period of disqualification for any remaining or additional work readiness services or payments for which he or she would otherwise be eligible in accordance with the provisions in items A to F.

A. The period of disqualification shall be 60 days.

B. If the local agency determines that the registrant failed to comply with work readiness requirements under subpart

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2, the disqualification period shall begin on the first day of the 30-day work readiness payment period following the date on which the determination was made. If the notice of disqualification is given or mailed so late in a payment period that ten-day prior notice required under part 9500.1219 [Emergency] cannot be given, the disqualification period shall begin on the first day of the second work readiness payment period following the date the determination was made. If the registrant appeals on or before the proposed disqualification date, the disqualification process must stop and work readiness payments and services must continue until a final decision is rendered or until the registrant's period of eligibility is exhausted, whichever is earlier. If the registrant loses the appeal, the disqualification period must begin on the first day of the next ~~30-day~~ work readiness payment period.

C. If a person who is disqualified applies for the work readiness program during the period of disqualification, eligibility for work readiness services and payments must be denied.

D. If the local agency determines that a registrant who received a notice of failure to comply under subpart 1 has taken the required action on or before the ~~proposed disqualification~~ date specified in the notice provided under part 9500.1218 [Emergency], subpart 1, item C, work readiness ~~assistance~~ services and payments must be continued without a period of disqualification. FF31

E. Disqualification under subpart 2 must not affect a person's eligibility for general assistance or general assistance medical care. FF32

F. If a ~~recipient~~ registrant is disqualified under subpart 2, the local agency may use vouchers and vendor payments, or both, to meet the financial needs of the remaining eligible members of the registrant's assistance unit. The assistance standard used must be based on the number of remaining eligible members in the registrant's assistance unit.

9500.1219 [Emergency] NOTICE OF ADVERSE ACTION AND APPEAL RIGHTS.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Subpart 1. **Actions requiring notice.** The local agency shall notify an applicant or registrant of the following determinations before taking any adverse actions:

A. a determination of ineligibility for work readiness services or payments under part 9500.1213 [Emergency], subpart 3;

B. a determination of ineligibility for four additional months of work readiness services or payments under part 9500.1216 [Emergency], subpart 1;

C. a determination of disqualification from receiving work readiness services and payments under part 9500.1218 [Emergency], subpart 2; and

D. a determination that the registrant has exhausted eligibility to receive work readiness services and payments under part 9500.1216 [Emergency], subpart 3.

Subp. 2. **Notice requirements.** The notice required under subpart 1 must meet the standards established in part 9555.3409, and must: FF33

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

B. be mailed or given to the applicant or registrant no later than ten days before the suspension, termination, or reduction of the work readiness payment; 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 work readiness services and payments can be continued pending an appeal.

Subp. 3. **Appeal of adverse action.** An applicant or registrant who is the subject of an adverse action under subpart 1 may appeal the local agency determination. 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 a registrant appeals on or before the effective date of the adverse action, the registrant, if otherwise eligible, shall continue to receive work readiness services and payments while the appeal is pending. If the registrant's appeal of an action FF34

APPROVED IN THE
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OFFICE BY:

specified under subpart 1, item A, B, or D is not upheld, the registrant shall pay back to the local agency the amount of work readiness payments received during the pendency of the appeal.

9500.1220 [Emergency] ELIGIBILITY FOR SIX MONTHS OF GENERAL ASSISTANCE.

Subpart 1. **Eligibility conditions.** An applicant who is not eligible for general assistance under part 9500.1102 [Emergency] but who meets the conditions of part 9500.0530, items A to D, and who has received six months of work readiness services and payments shall be eligible to receive general assistance for a maximum of six months during any consecutive 12-calendar month period if the conditions in item A or B are met:

A. the person is medically certified as having borderline mental retardation; or

B. the person is certified by a qualified professional as exhibiting perceptible symptoms of mental illness and the mental illness ~~prevents~~ interferes with medical certification of the person's condition.

Subp. 2. **Requirements for continuing eligibility.** A recipient of general assistance whose eligibility is based on subpart 1 must comply with the following requirements to remain eligible for general assistance:

A. A person certified as exhibiting perceptible symptoms of mental illness as provided by subpart 1, item B must cooperate with social services, treatment, or other reasonable plans developed by the local agency to address the illness. If the local agency determines that the person has ~~not complied~~ failed, without good cause, to comply with the plan, the person shall be disqualified from receiving general assistance as prescribed in parts 9500.1105 to 9500.1107 [Emergency].

B. The local agency may assign a person who is eligible for general assistance under subpart 1 to the work readiness program for work readiness services. A person so assigned must ~~cooperate~~ comply with the work readiness program requirements established by the local agency. If the local

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agency determines that the person has failed to comply with work readiness requirements, the person shall be disqualified from receiving general assistance as provided in parts 9500.1105 to 9500.1107 [Emergency].

Subp. 3. **Notice of termination.** After issuing the monthly general assistance payment during the sixth and final month to a recipient who is eligible under subpart 1, and who does not meet the conditions under part 9500.1102 [Emergency], the local agency shall provide the recipient with written notice of his or her termination from general assistance ~~and~~, of his or her appeal rights as specified in ~~Minnesota Statutes, section 256D.10. The local agency shall also inform the recipient of the availability of its work readiness program and the time limitations imposed on eligibility for that program~~ part 9500.1103 [Emergency], and that the recipient may be eligible for work readiness services and payments if he or she meets the criteria of part 9500.1213 [Emergency], subpart 3. FF38

9500.1221 [Emergency] SPECIAL VOUCHER OR VENDOR PAYMENT PROVISIONS.

The local agency may provide general assistance, emergency general assistance, or work readiness payments in the form of vouchers or vendor payments if the applicant, recipient, or registrant does not have ~~a permanent~~ an address at which he or she resides. The local agency may provide separate vouchers or vendor payments for food, shelter, and other needs and may divide the monthly assistance standard into daily or weekly payments, whether in cash or by voucher or vendor payment, until the applicant, recipient, or registrant has secured ~~a permanent~~ an address at which he or she resides. If the local agency elects to use these provisions, the local agency shall either provide for the person's needs through placement in a negotiated rate facility, or provide for all of the person's food, shelter, or other daily needs, regardless of the standard of assistance. For purposes of this part, "address" includes migrant labor camp as defined in part 4630.4800, subpart 3. FF39

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 20 1985
Joan Anderson Growe
Secretary of State
2:40 PM

APPROVED AS TO FORM AND LEGALITY
September 20 1985
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES EMERGENCY RULES GOVERNING THE WORK READINESS PROGRAM, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [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 9500.1210 to 9500.1221 [Emergency] are adopted this 6th day of September, 1985, pursuant to the authority vested in me by Laws of Minnesota 1985, Special Session, chapter 9, article 2, section 60, subdivision 14 and section 64, subdivision 5 (Minnesota Statutes, section 256D.051, subdivision 14, and 256D.111, subdivision 5).

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 RULES GOVERNING GENERAL ASSISTANCE, WORK READINESS, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [EMERGENCY]

ORDER FOR PUBLICATION OF AN EMERGENCY RULE

IT IS ORDERED this 22nd 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

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, WORK READINESS, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [EMERGENCY]

AFFIDAVIT OF MAILING

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

That on the 26th 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 Rule 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 26 day of July, 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 DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, WORK READINESS, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [EMERGENCY]

NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Laws of Minnesota 1985, Special Session, chapter 9, article 2, section 60, subdivision 14 and section 64, subdivision 5 (Minnesota Statutes, section 256D.051, subdivision 14 and 256D.111, subdivision 5). The agency, in adopting the rule, is following the procedures set forth in Minnesota Statutes, section 14.29 to 14.36.

All persons have 25 days, or until 4:30 p.m., August 30, 1985, to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

John Anderson
Department of Human Services
Rules Unit
6th Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: 612/297-1489

Minnesota Rules, parts 9500.1210 to 9500.1221 [Emergency] establish standards for the work readiness assistance program that the local welfare agency shall apply when determining a registrant's eligibility or a general assistance recipient's eligibility for work readiness services or payments. The standards include eligibility criteria, length of assistance, work readiness services, work readiness payments, registrant duties, informing requirements, and duties of the local agency.

The rules contain requirements for continued eligibility under the work readiness program and eligibility requirements for six months of general assistance. The rules also contain provisions on registrant status or actions that would result in disqualification from the work readiness program. The rules contain guidelines concerning notice of disqualification, appeal of disqualification, and voucher or vendor payments for registrants who have not secured a permanent residence.

A free copy of the proposed rule is available by contacting:

Mike Sirovy
Department of Human Services
Assistance Payments Division
2nd Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101

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

Upon adoption of the emergency rule by the agency, the rule 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 rule, must submit the written request to John Anderson.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule 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 Legislature has allocated $27,961,500 to operate the Work Readiness Program for the 1985-1987 Biennium. Although the rules required to implement Laws of Minnesota 1985, Special Session, chapter 9, article 2, sections 59 to 64 impose administrative duties on local welfare agencies, it is expected that the cost of implementing these rules will not exceed the amount allocated for this purpose under Laws of Minnesota 1985, Special Session, chapter 9, article 2, sections 59 to 64.

STATE OF MINNESOTA



LEONARD W. LEVINE, Commissioner
Department of Human Services

Date: 7-22-85

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, WORK READINESS, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [EMERGENCY]

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 26th 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 Rule 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 Minnesota county human service agencies
.Don Buckner, Department of Economic Security
390 North Robert St.
St. Paul, MN 55101

Ann M. Berg

Subscribed and sworn to before me

this 26 day of July, 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 DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, WORK READINESS, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [EMERGENCY]

NOTICE OF PROPOSED ADOPTION OF EMERGENCY RULE

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Laws of Minnesota 1985, Special Session, chapter 9, article 2, section 60, subdivision 14 and section 64, subdivision 5 (Minnesota Statutes, section 256D.051, subdivision 14 and 256D.111, subdivision 5). The agency, in adopting the rule, is following the procedures set forth in Minnesota Statutes, section 14.29 to 14.36.

All persons have 25 days, or until 4:30 p.m., August 30, 1985, to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

John Anderson
Department of Human Services
Rules Unit
6th Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: 612/297-1489

Minnesota Rules, parts 9500.1210 to 9500.1221 [Emergency] establish standards for the work readiness assistance program that the local welfare agency shall apply when determining a registrant's eligibility or a general assistance recipient's eligibility for work readiness services or payments. The standards include eligibility criteria, length of assistance, work readiness services, work readiness payments, registrant duties, informing requirements, and duties of the local agency.

The rules contain requirements for continued eligibility under the work readiness program and eligibility requirements for six months of general assistance. The rules also contain provisions on registrant status or actions that would result in disqualification from the work readiness program. The rules contain guidelines concerning notice of disqualification, appeal of disqualification, and voucher or vendor payments for registrants who have not secured a permanent residence.

A free copy of the proposed rule is available by contacting:

Mike Sirovy
Department of Human Services
Assistance Payments Division
2nd Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101

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

Upon adoption of the emergency rule by the agency, the rule 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 rule, must submit the written request to John Anderson.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule 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 Legislature has allocated $27,961,500 to operate the Work Readiness Program for the 1985-1987 Biennium. Although the rules required to implement Laws of Minnesota 1985, Special Session, chapter 9, article 2, sections 59 to 64 impose administrative duties on local welfare agencies, it is expected that the cost of implementing these rules will not exceed the amount allocated for this purpose under Laws of Minnesota 1985, Special Session, chapter 9, article 2, sections 59 to 64.

STATE OF MINNESOTA



LEONARD W. LEVINE, Commissioner
Department of Human Services

Date: 7-22-85

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING GENERAL ASSISTANCE, WORK READINESS, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [EMERGENCY]

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14 subdivision 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 3:00 p.m. this 26th day of July, 1985.

Ann Z. Berg

PROPOSED RULES

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

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

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

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

Department of Human Services

Proposed Emergency Rules Relating to Work Readiness Program

Notice of Intent to Adopt Proposed Emergency Rules

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Laws of Minnesota 1985, Special Session, chapter 9, article 2, section 60, subdivision 14 and section 64, subdivision 5 (Minnesota Statutes, section 256D.051, subdivision 14 and 256D.111, subdivision 5). The agency, in adopting the rule, is following the procedures set forth in Minnesota Statutes, section 14.29 to 14.36.

All persons have 25 days, or until 4:30 p.m., August 30, 1985, to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

John Anderson
Department of Human Services
Rules Unit
6th Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: 612/297-1489

Minnesota Rules, parts 9500.1210 to 9500.1221 [Emergency] establish standards for the work readiness assistance program that the local welfare agency shall apply when determining a registrant's eligibility or a general assistance recipient's eligibility for work readiness services or payments. The standards include eligibility criteria, length of assistance, work readiness services, work readiness payments, registrant duties, informing requirements, and duties of the local agency.

The rules contain requirements for continued eligibility under the work readiness program and eligibility requirements for six months of general assistance. The rules also contain provisions on registrant status or actions that would result in disqualification from the work readiness program. The rules contain guidelines concerning notice of disqualification, appeal of disqualification, and voucher or vendor payments for registrants who have not secured a permanent residence.

A free copy of the proposed rule is available by contacting:

Mike Sirovy
Department of Human Services
Assistance Payments Division
2nd Floor, Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: 612/297-2011

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

Upon adoption of the emergency rule by the agency, the rule 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 rule, must submit the written request to John Anderson.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule 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 Legislature has allocated $27,961,500 to operate the Work Readiness Program for the 1985-1987 Biennium. Although the rules required to implement Laws of Minnesota 1985, Special Session, chapter 9, article 2, sections 59 to 64 impose administrative duties on local welfare agencies, it is expected that the cost of implementing these rules will not exceed the amount allocated for this purpose under Laws of Minnesota 1985, Special Session, chapter 9, article 2, sections 59 to 64.

July 22, 1985

Leonard W. Levine, Commissioner
Department of Human Services

Rules as Proposed, Emergency (all new material)

WORK READINESS PROGRAM

9500.1210 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. Purpose. The purpose of parts 9500.1210 to 9500.1221 [Emergency] is to establish standards for the work readiness program to be provided to eligible registrants by local agencies, and to establish additional categories of eligibility under the general assistance program.

Subp. 2. Applicability. Parts 9500.1210 to 9500.1221 [Emergency] apply to applicants and registrants in the work readiness program, to applicants and recipients of general assistance, and to local agencies that are required to administer the work readiness and general assistance programs under Minnesota Statutes, sections 256D.051, 256D.09, subdivision 4, 256D.101, and 256D.111, subdivision 5. Parts 9500.1210 to 9500.1221 [Emergency] must be read together with parts 9500.0500 to 9500.0610, 9555.3400 to 9555.3409, and 9500.1100 to 9500.1107 [Emergency]. When parts 9500.1210 to 9500.1221 [Emergency] conflict with parts 9500.0500 to 9500.0610 or 9555.3400 to 9555.3409, parts 9500.1210 to 9500.1221 [Emergency] prevail.

9500.1211 [Emergency] DEFINITIONS.

Subpart 1. Applicant. "Applicant" means a person who has an application pending with a local agency for the work readiness program or the general assistance program.

Subp. 2. Borderline mental retardation. "Borderline mental retardation" means the condition of a person who is medically certified as having demonstrated deficits in adaptive behavior and intellectual functioning that is at least one but less than two standard deviations below the mean of a professionally recognized standardized test and the condition limits the person from obtaining, performing, or maintaining suitable employment.

Subp. 3. Commissioner. "Commissioner" means the commissioner of the Department of Human Services or a designee.

Subp. 4. Department. "Department" means the Department of Human Services.

Subp. 5. Distressed county. "Distressed county" means a county or a designated portion of a county with an average unemployment rate of ten percent or more as determined by the commissioner of the Department of Economic Security or the commissioner of the Department of Jobs and Training.

Subp. 6. Employment assistance programs. "Employment assistance programs" means the Minnesota employment and economic development (MEED) program and other programs offered by public or private agencies which provide services intended to develop, enhance, or promote a person's employability, job placement, and training.

Subp. 7. Good cause. "Good cause" means a reason for taking an action or failing to take an action which is reasonable and justified when viewed in the context of the surrounding circumstances.

Subp. 8. 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 work readiness and general assistance programs.

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

Subp. 9. 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. 10. 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. 11. Misconduct. "Misconduct" means conduct that would result in the disqualification of a claimant for unemployment insurance benefits under Minnesota Statutes, section 268.09.

Subp. 12. Qualified professional. "Qualified professional" means a social worker employed by the local agency, a social worker with a master's degree in social work, a licensed consulting psychologist, a licensed physician or psychiatrist, or a public health nurse.

Subp. 13. Registrant. "Registrant" means a person who has applied for work readiness services and payments, who has been determined eligible for those services and payments by the local agency, and who has elected to begin receiving those services and payments.

Subp. 14. 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; and

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

9500.1212 [Emergency] LOCAL AGENCY RESPONSIBILITY TO PROVIDE WORK READINESS PROGRAM AND PLAN.

Each local agency shall provide a work readiness program. The program must provide work readiness services and payments to all applicants residing within the local agency's jurisdiction who meet the eligibility conditions of part 9500.1213 [Emergency], and must provide work readiness services to recipients of general assistance who are eligible under part 9500.1104 [Emergency], item B. The local agency may continue to provide work readiness services to recipients of general assistance who are eligible for general assistance under part 9500.1220 [Emergency].

Each local agency shall develop a written plan identifying the purpose, components, requirements, procedures, and operation of its work readiness program and the client groups to be served by its program. A copy of the plan must be filed with the commissioner annually.

9500.1213 [Emergency] APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subpart 1. Assessment of general assistance eligibility. Prior to determining a work readiness applicant's eligibility for work readiness services and payments, the local agency must determine the applicant's need for emergency general assistance and the applicant's eligibility for the general assistance program under part 9500.1102 [Emergency]. If the applicant is determined eligible for general assistance, the applicant shall be ineligible for work readiness services and payments except as provided in part 9500.1104 [Emergency], item B, and part 9500.1220 [Emergency]. If the applicant is determined ineligible for general assistance, the local agency shall notify the applicant of the determination and of his or her right to appeal the decision under Minnesota Statutes, section 256.045.

Subp. 2. Work readiness application. A completed application for general assistance shall be considered a completed application for the work readiness program effective on the date that the local agency determines the applicant ineligible for general assistance.

Subp. 3. Eligibility criteria. If the local agency determines that the applicant is ineligible for general assistance, it must determine the applicant's eligibility or ineligibility for the work readiness program. An applicant is eligible for the work readiness program if the applicant meets the conditions in items A to D:

A. The applicant is ineligible for general assistance under part 9500.1102 [Emergency] or 9500.1220 [Emergency], subpart 1.

B. The applicant meets the eligibility requirements under part 9500.0530, items A to D. If the applicant is married and resides with his or her spouse, the applicant and his or her spouse shall be considered an assistance unit for purposes of assessing whether or not the conditions of part 9500.0530, subparts B and C are met.

C. The applicant has not exhausted his or her eligibility period as provided by part 9500.1216 [Emergency].

D. The applicant is not in a disqualification period under part 9500.1105 [Emergency], part 9500.1218 [Emergency], or part 9555.3417 [Emergency].

9500.1214 [Emergency] REQUIREMENT TO INFORM APPLICANTS.

Subpart 1. Duty to inform applicants of eligibility or ineligibility for the work readiness program. Upon determining an

applicant's eligibility or ineligibility for the work readiness program, the local agency must inform the applicant of its determination in writing on a form prescribed by the commissioner. The local agency must also inform an applicant who has been determined ineligible for the work readiness program of the determination and the right to appeal as provided in part 9555.1219 [Emergency].

Subp. 2. Duty to inform applicants of work readiness requirements. At the time the local agency informs an applicant that he or she is eligible for the work readiness program, the local agency must also provide written notice in plain and easily understood language informing the applicant of:

A. the limited time during which the applicant may be eligible for work readiness services and payments;

B. the applicant's right to choose the months in which he or she will receive work readiness services and payments, including the option to elect to receive work readiness services and payments immediately;

C. a summary of the work readiness program including the job registration, work search, employment acceptance, and other work readiness requirements which must be complied with;

D. the disqualification that will be imposed for failure to comply with those requirements; and

E. the need to assess the registrant's eligibility for continuing work readiness services and payments under part 9500.1216 [Emergency], subpart 1, during the registrant's second month of work readiness services and payments.

9500.1215 [Emergency] WORK READINESS SERVICES AND PAYMENTS.

Subpart 1. Requirement of concurrent services and payments. In order for a monthly work readiness payment or a month of work readiness services to count toward the two or six month limitation on eligibility for the work readiness program, as provided by part 9500.1216 [Emergency], the registrant must concurrently receive work readiness services and payments. Upon an eligible applicant's election to begin receiving work readiness services and payments, the local agency shall provide the services and payments to the registrant.

Subp. 2. Work readiness services. The following services must be provided to a work readiness registrant;

A. In consultation with the registrant, the local agency shall complete a written employability assessment. The assessment must include an examination of the registrant's education, training, and prior work experience, and must identify barriers to the registrant successfully seeking and securing suitable employment.

B. Based upon the assessment provided under item A and the local agency's knowledge of the level of competition for available jobs, the local agency shall develop a written employability development plan designed to prepare the registrant for suitable employment. The plan must:

(1) include an estimation of the length of time it will take the registrant to obtain suitable employment;

(2) require the registrant to accept any offer of suitable employment, including employment offered through the Job Training Partnership Act, Minnesota Employment and Economic Development Act, and other employment and training options;

(3) provide for referral to available employment assistance programs;

(4) require a registrant to spend at least eight but no more than 32 hours per week in job search or other work readiness activities;

(5) specify the registrant's job search requirements, which must be reasonable and must be based upon the assessment performed under item A;

(6) specify any other activities designed to prepare the registrant for permanent suitable employment which the registrant must comply with; and

(7) include provisions for assessing the registrant's progress in securing suitable employment.

C. No work readiness program shall require a registrant to travel to a potential job, training, or other activity site unless the local agency provides funds to the registrant, in addition to the work readiness payment, to cover the cost of the transportation or unless transportation is otherwise available to the registrant without cost.

D. No person who is the sole adult in an assistance unit containing one or more children under the age of twelve shall be required to participate in any work readiness program activities during hours in which the child is at home unless the local agency

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provides funds to the person, in addition to the monthly program payment, to cover the cost of child care, or unless child care is otherwise available to the person without cost.

Subp. 3. Work readiness payments. A registrant who has met the eligibility conditions of part 9500.1213 [Emergency], subpart 3, shall receive work readiness payments during the applicable period of work readiness eligibility. The payment amount must be equal to the amount of assistance that would be paid to the registrant under parts 9555.3410 to 9555.3412 [Emergency] if the registrant was eligible for general assistance. If the registrant is married and lives with his or her spouse, the couple shall be considered an assistance unit comprised of two persons for purposes of determining the applicable standard of assistance, the amount of countable or seasonal income, and the monthly work readiness payment amount under parts 9555.3410 to 9555.3412 [Emergency]. If the registrant resides with his or her spouse and the spouse receives general assistance under part 9500.1102 [Emergency] or 9500.1220 [Emergency], subpart 1, the monthly work readiness payment to the registrant under this part must be equal to the amount the general assistance monthly payment made to the registrant's spouse under parts 9555.3410 to 9555.3412 [Emergency] would increase if the registrant were added to the spouse's general assistance grant.

The first work readiness payment must begin with the effective date of the completed application for the work readiness program, the date that the applicant is determined eligible for work readiness services and payments, or the date that the eligible applicant elects to begin receiving work readiness services and payments, whichever is later. Each payment must cover 30 calendar days and must be made without proration or regard to the beginning or ending date of the month. After the first payment is made, subsequent work readiness payments must be made on the first day following the end of the 30-day period covered by a previous payment. A registrant shall continue to receive work readiness payments during the period of time that he or she meets the eligibility requirements of part 9500.1213 [Emergency]. Emergency general assistance is not available to a registrant.

9500.1216 [Emergency] ASSESSMENT DURING SECOND MONTH; NOTICE OF TERMINATION.

Subpart 1. Assessment. During the registrant's second month of work readiness services and payments under part 9500.1215 [Emergency], the local agency shall conduct an assessment of the registrant's progress in securing suitable employment and an assessment of the registrant's eligibility for an additional four months of work readiness services and payments. A registrant shall be eligible for four additional months of work readiness services and payments if the registrant meets one or more of the following conditions:

A. The registrant lives in a distressed county.

B. The registrant is borderline mentally retarded.

C. The registrant exhibits perceptible symptoms of mental illness as certified by a qualified professional but is not eligible for general assistance under parts 9500.1100 to 9500.1107 [Emergency] because the mental illness interferes with the medical certification process.

D. The registrant is unable to secure suitable employment because the local agency has determined that no jobs are available that a person with the registrant's work history, skills, and ability has the physical and mental ability to perform.

If the local agency believes that the registrant may meet the conditions in item B or C, or if the registrant or a representative of the registrant asserts that he or she meets the conditions of item B or C, the local agency shall obtain medical certification of the registrant's condition. If the registrant's mental illness interferes with the medical certification process, the registrant's condition must be assessed by a qualified professional.

Subp. 2. Notice of determination. If the local agency determines through the assessment or the medical certification that the registrant meets one or more of the conditions in subpart 1, items A to D, the registrant shall be notified that he or she is eligible for work readiness services and payments for a combined total of six months in any consecutive 12-calendar month period. If the local agency determines, upon completion of the assessment under subpart 1, that the registrant does not meet one or more of the conditions in subpart 1, items A to D, the registrant shall be terminated from work readiness services and payments effective at the end of the registrant's second month of participation in the work readiness program. If the local agency determines that the registrant is ineligible for continued work readiness services and payments, the local agency shall notify the registrant of its determination and that the registrant is not eligible to receive work readiness services and payments for more than two months during any consecutive 24-calendar month period.

Subp. 3. Notice of termination. A registrant who is in the last month of his or her two or six months of work readiness services and payments shall be notified of the termination of services and payments and of his or her appeal rights in accordance with the procedures specified in part 9500.1219 [Emergency].

9500.1217 [Emergency] REGISTRANT DUTIES.

A registrant shall cooperate with all aspects of the local agency work readiness program as explained under part 9500.1214 [Emergency], and specified in the employability development plan provided under part 9500.1215 [Emergency], subpart 2, item B. A registrant who does not comply with the local agency work readiness requirements shall be disqualified from the receipt of work readiness services and payments under part 9500.1218 [Emergency].

9500.1218 [Emergency] FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subpart 1. Determination and notice of failure to comply. If a local agency determines that a registrant has failed to comply with the requirements of the work readiness program, the local agency shall notify the registrant of its determination. The notice must be written in plain and easily understood language, and must contain the information in items A to E.

A. The notice must state the specific work readiness requirement the registrant has failed to comply with and the facts that support the local agency's determination.

B. The notice must specify the particular actions that the registrant must take to achieve compliance.

C. The notice must specify a certain date by which the action must be taken. The registrant must be given a minimum of 15 calendar days to take the specified action following the date the notice is mailed or delivered to the registrant.

D. The notice must explain that the registrant will be disqualified from receiving work readiness services and payments if he or she fails to take the required actions by the specified date.

E. The notice must advise the registrant that he or she may request and shall be granted a conference to discuss the notice with the local agency.

Subp. 2. Disqualification. A registrant who is notified of the local agency determination as provided in subpart 1 shall comply with the requirements of the work readiness program as specified in the notice prior to or on the specified date. If the local agency determines that the registrant has not complied with the requirements on or before the specified date, the local agency shall assess the registrant's eligibility for general assistance under part 9500.1102 [Emergency] prior to disqualification of the registrant for noncompliance. If the local agency determines that the registrant is eligible for general assistance, the registrant shall be terminated from work readiness services and payments and shall be eligible for general assistance. If the local agency determines that the registrant is ineligible for general assistance under part 9500.1102 [Emergency] and that the conditions in item A, B, C, or D exist, the registrant shall be disqualified from receiving work readiness services and payments.

A. The registrant has failed, without good cause, to comply with the work readiness requirements and has subsequently failed to take the required actions by the date specified in the notice provided under subpart 1.

B. The registrant has been terminated from employment for misconduct.

C. The registrant has quit work without good cause.

D. The registrant has refused, without good cause, to accept an offer of suitable employment.

Subp. 3. Notice of disqualification. The local agency shall notify the registrant of the disqualification from receiving work readiness services and payments under subpart 2 and of the registrant's appeal rights as provided in part 9500.1219 [Emergency].

Subp. 4. Period of disqualification. A registrant disqualified under subpart 2 shall be ineligible during the period of disqualification for any remaining or additional work readiness services or payments for which he or she would otherwise be eligible in accordance with the provisions in items A to F.

A. The period of disqualification shall be 60 days.

B. If the local agency determines that the registrant failed to comply with work readiness requirements under subpart 2, the disqualification period shall begin on the first day of the 30-day work readiness payment period following the date on which the determination was made. If the notice of disqualification is given or mailed so late in a payment period that ten-day prior notice required under part 9500.1219 [Emergency] cannot be given, the disqualification period shall begin on the first day of the second work readiness payment period following the date the determination was made. If the registrant appeals on or before the proposed disqualification date, the disqualification process must stop and work readiness payments and services must continue until a final decision is rendered or until the registrant's period of eligibility is exhausted, whichever is earlier. If the registrant loses the appeal, the disqualification period must begin on the first day of the next 30-day work readiness payment period.

C. If a person who is disqualified applies for the work readiness program during the period of disqualification, eligibility for work readiness services and payments must be denied.

D. If the local agency determines that a registrant who received a notice of failure to comply under subpart 1 has taken the

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required action on or before the proposed disqualification date, work readiness assistance must be continued without a period of disqualification.

E. Disqualification under subpart 2 must not affect a person's eligibility for general assistance medical care.

F. If a recipient is disqualified under subpart 2, the local agency may use vouchers and vendor payments, or both, to meet the financial needs of the remaining eligible members of the registrant's assistance unit. The assistance standard used must be based on the number of remaining eligible members in the registrant's assistance unit.

9500.1219 [Emergency] NOTICE OF ADVERSE ACTION AND APPEAL RIGHTS.

Subpart 1. Actions requiring notice. The local agency shall notify an applicant or registrant of the following determinations before taking any adverse actions:

A. a determination of ineligibility for work readiness services or payments under part 9500.1213 [Emergency], subpart 3;

B. a determination of ineligibility for four additional months of work readiness services or payments under part 9500.1216 [Emergency], subpart 1;

C. a determination of disqualification from receiving work readiness services and payments under part 9500.1218 [Emergency], subpart 2; and

D. a determination that the registrant has exhausted eligibility to receive work readiness services and payments under part 9500.1216 [Emergency], subpart 3.

Subp. 2. Notice requirements. The notice required under subpart 1 must:

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

B. be mailed or given to the applicant or registrant no later than ten days before the suspension, termination, or reduction of the work readiness payment; 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 work readiness services and payments can be continued pending an appeal.

Subp. 3. Appeal of adverse action. An applicant or registrant who is the subject of an adverse action under subpart 1 may appeal the local agency determination. 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 a registrant appeals on or before the effective date of the adverse action, the registrant, if otherwise eligible, shall continue to receive work readiness services and payments while the appeal is pending. If the registrant's appeal is not upheld, the registrant shall pay back to the local agency the amount of work readiness payments received during the pendency of the appeal.

9500.1220 [Emergency] ELIGIBILITY FOR SIX MONTHS OF GENERAL ASSISTANCE.

Subpart 1. Eligibility conditions. An applicant who is not eligible for general assistance under part 9500.1102 [Emergency] but who meets the conditions of part 9500.0530, items A to D, and who has received six months of work readiness services and payments shall be eligible to receive general assistance for a maximum of six months during any consecutive 12-calendar month period if the conditions in item A or B are met:

A. the person is medically certified as having borderline mental retardation; or

B. the person is certified by a qualified professional as exhibiting perceptible symptoms of mental illness and the mental illness prevents medical certification of the person's condition.

Subp. 2. Requirements for continuing eligibility. A recipient of general assistance whose eligibility is based on subpart 1 must comply with the following requirements to remain eligible for general assistance:

A. A person certified as exhibiting perceptible symptoms of mental illness as provided by subpart 1, item B must cooperate with social services, treatment, or other plans developed by the local agency to address the illness. If the local agency determines that the person has not complied with the plan, the person shall be disqualified from receiving general assistance as prescribed in parts 9500.1105 to 9500.1107 [Emergency].

B. The local agency may assign a person who is eligible for general assistance under subpart 1 to the work readiness program for work readiness services. A person so assigned must cooperate with the work readiness program requirements established by the local agency. If the local agency determines that the person has failed to comply with work readiness requirements, the person shall be disqualified from receiving general assistance as provided in parts 9500.1105 to 9500.1107 [Emergency].

Subp. 3. Notice of termination. After issuing the monthly general assistance payment during the sixth and final month to a recipient who is eligible under subpart 1, the local agency shall provide the recipient with written notice of his or her termination from general assistance and of his or her appeal rights as specified in Minnesota Statutes, section 256D.10. The local agency shall also inform the recipient of the availability of its work readiness program and the time limitations imposed on eligibility for that program.

9500.1221 [Emergency] SPECIAL VOUCHER OR VENDOR PAYMENT PROVISIONS.

The local agency may provide general assistance, emergency general assistance, or work readiness payments in the form of vouchers or vendor payments if the applicant, recipient, or registrant does not have a permanent address. The local agency may provide separate vouchers or vendor payments for food, shelter, and other needs and may divide the monthly assistance standard into daily or weekly payments, whether in cash or by voucher or vendor payment, until the applicant, recipient, or registrant has secured a permanent address. If the local agency elects to use these provisions, the local agency shall either provide for the person's needs through placement in a negotiated rate facility, or provide for all of the person's food, shelter, or other daily needs, regardless of the standard of assistance.

Department of Labor and Industry

Proposed Rules Governing Workers' Compensation Permanent Partial Disability Schedules

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Labor and Industry, Workers' Compensation Division, proposes to adopt the above-captioned rules without a public hearing. The Department has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28 (1984).

Persons or groups interested in these rules shall have 30 days to submit comments on the proposed rules. Comments in support of or in opposition to the proposed rules are encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period. If a public hearing is required, the Department will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20 (1984). Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

Comments or written requests for a public hearing should be submitted to:

Steve Keefe
Commissioner, Department of Labor and Industry
5th Floor, Space Center Bldg.
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-2342

Authority for the adoption of these rules is contained in Minn. Stat. § 176.105, (1984). A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, identifies the data and information relied upon to support the proposed rules and assesses the impact of the proposed rules on small business and on local public bodies has been prepared and is available from the Commissioner upon request at the above address.

The proposed rules will have no qualitative or quantitative impact on non-exempt small businesses. The rules affect disability payments made by insurers and self-insurers, both of which are large businesses. They also affect the methods by which health care providers determine permanent partial disability.

Upon adoption of the final rules without a public hearing, all jurisdictional documents, the Statement of Need and Reasonableness, all written comments and requests for hearing received, and the final rules as adopted, will be delivered to the Attorney General. The rules will then be reviewed by the Attorney General for legality and form as it relates to legality, including the issues of substantial change, the agency's authority to adopt the rules and the existence of a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to be notified of the submission of this material to the Attorney General, including modifications to the rules as originally proposed, or who wish to receive a free copy of the final rules as adopted, should submit a written request to the Commissioner at the above address.

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STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES EMERGENCY RULES GOVERNING THE WORK READINESS PROGRAM, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [EMERGENCY]

FINDINGS OF FACT AND CONCLUSIONS

The Commissioner published notice of proposed emergency rules on the above entitled matter in the State Register on August 5, 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 26, 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:

FINDINGS OF FACT

1. In part 9500.1211 [Emergency], subpart 2, the Department defines the term "borderline mental retardation". Within this definition, the Department uses the term "medically certified" in describing the disorder of borderline mental retatrdation. As a matter of clarification, the Department deletes the words "medically certified" in subpart 2 and inserts them under part 9500.1216 [Emergency], subpart 1, item B. Moreover, under item B, as a matter of further clarification and consistency, the Department changes the words "mentally retarded" to "mental retardation". p. 1, 12

2. In part 9500.1211 [Emergency], subpart 7, the Department defines the term "good cause". The Department received comments from Steven D. Swanson, representing the Legal Services Advocacy Project, William C. Brumfield, Director, Hennepin County Training and Employment Assistance, and Jan I. Smaby, Director, Hennepin County Department of Economic Assistance with regard to the specificity of this definition. All commenters suggested that the definition should be further defined to reasons for a persons action or inaction. The Department agrees with the commenters and inserts language to reflect their concerns under part 9500.1211 [Emergency], subpart 7. p. 2

3. In part 9500.1215 [Emergency], subpart 2, Steven Swanson suggested that the term "local labor market" be defined and inserted into the rule definitions in order to determine the size of the geographic area in which is is reasonable to expect the registrant to look for work. The Department has considered Mr. Swanson's suggestion and inserts language to reflect his concerns under part 9500.1211 [Emergency[, subpart 9 and renumbers the remaining subparts in sequence. p. 2

4. In part 9500.1211 [Emergency], subpart 10, the Department defines the term "medical certification". In reviewing this subpart, the Department believes that the definition, as proposed, is not consistent with the same definition as used under the general assistance program, Minnesota Rules, part 9500.1101 [Emergency], subpart 13. Therefore, as a matter of clarification, the Department inserts language to reflect consistency across departmental rules. p. 2, 3

5. In part 9500.1211 [Emergency], subpart 11, the Department defines the term "mentally ill". In reviewing this subpart, the Department believes that the definition, as proposed, is not consistent with the same definition as used under the general assistance program, Minnesota Rules, part 9500.1101 [Emergency], subpart 14. Therefore, as a matter of clarification, the Department inserts language to reflect consistency across departmental rules. p. 3

6. In part 9500.1211 [Emergency], subpart 12, the Department defines the term "misconduct". In reviewing this subpart, the Department believes that the statutory citation of the unemployment insurance statutes was not properly cited. Therefore, the Department adds ", subdivision 1, (2) and (3)" in order to properly cite the statutory provisions that will govern the definition of "misconduct" under the rule parts. p. 3

7. In part 9500.1211 [Emergency], subpart 13, the Department defines the term "qualified professional". Steven Swanson commented "...since social workers are included, there is no reason to exclude licensed psychologists who are not consulting psychologists.". The Department agrees with Mr. Swanson and inserts the words "a licensed psychologist," under subpart 12. p. 3

8. In part 9500.1211 [Emergency], subpart 15, the Department defines the term "suitable employment". Steven Swanson suggested that the Department include in the definition a provision that suitable employment "does not include temporary day labor". The Department agrees with Mr. Swanson's suggestion and inserts this provision under part 9500.1211 [Emergency], subpart 14, item D. p. 3

9. In part 9500.1215 [Emergency], subpart 2, concerns were raised by Steven Swanson with regard to employability assessment and the employability development plan. Mr. Swanson suggested that the person employed by the local agency or contracted to perform the assessment and prepare the development plan must have sufficient knowledge to perform these important tasks. Mr. Swanson suggested that a definition be inserted into the rule parts to describe the person who will be performing these tasks and that the person be qualified. The Department, in considering Mr. Swanson's suggestion, has inserted a definition of "vocational advisor" under part 9500.1211, subpart 16 to reflect Mr. Swanson's concerns. p. 3, 4

10. In part 9500.1212 [Emergency], Steve Swanson, William Brumfield, Jan Smaby, and Daryl Bessler, Director, Hubbard County Social Service Center commented on the rule provisions governing the local agency's responsibility to provide a work readiness program and plan. All of the commenters suggested that the program requirements be more specifically defined and outlined within this part.

William Brumfield and Jan Smaby within their comments expressed concern over the further defining of the plan format. Steve Swanson, within his comments stated that the second paragraph of part 9500.1212 [Emergency] was "...conceptually sound, but does not go far enough.". Mr. Swanson suggested that the Department delineate the type of information that should be included in each local agency's work readiness program in order for an applicant to make a decision in terms of applying or not applying for the program. Mr. Swanson also suggested that any program information prepared by the local agency be adequately titled so that it will not be confused with the employability assessment and development plan. He further suggested that the term "plan" not be used in this part. Daryl Bessler suggested that the plan identify the components of the work readiness program and that the plan be filed with the commissioner. The Department, in considering the comments and sugestions from the commenter's has made language changes to reflect their comments under part 9500.1212 [Emergency], subparts 1 to 4. p.4,5.

11. In part 9500.1213 [Emergency], subpart 1, 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 believed that the last sentence of subpart 1 was in need of further clarification in terms of information that should be available to an applicant with regard to an appeal of general assistance eligibility. In considering Mr. Swanson's comments, the Department has deleted the words "under Minnesota Statutes, section 256.045" at the end of the last sentence in subpart 1 and has replaced them with the words "as provided under part 9500.1103 [Emergency]" in order to reflect Mr. Swanson's concerns under part 9500.1213 [Emergency], subpart 1. Daryl Bessler, Hubbard County and Robert Gibbens, Director, Income Maintenance Division, Ramsey County Human Services Department commented on an applicant's need for emergency general assistance. The Department, as a matter of clarification with regard to emergency general assistance, inserts the words "under Minnesota Statutes, section 256D.07" in subpart 1. p.5

12. In part 9500.1213 [Emergency], subpart 2, William Brumfield and Jan Smaby commented that the proposed rules should address the requirement for re-application. They suggested language that would not require recipients of general assistance or work readiness to complete an application form for the other program when their categories of eligibility are eliminated or they are assessed to be eligible for the other program. The Department agrees with the commenters and inserts language to that effect under subpart 2. p.5

13. In part 9500.1213 [Emergency], subpart 3, the Department, in reviewing the rules realized that an oversight occured when it neglected to include the "registrant" in the eligibility criteria of subpart 3. Because the criteria apply to both the "applicant" and the "registrant", the Department inserts the words "or registrant" in every instance where the words were inadvertantly omitted under subpart 3. p.6

14. In part 9500.1213 [Emergency], subpart 3, item B, Steven Swanson commented that the rule language in item B confuses the concept of an assistance unit and interjects into eligibility determinations the notion of attributing the assets and resources of a responsible relative. Mr. Swanson futher commented that unless the concept of an "assistance unit" is applied consistently for both the GA and work readiness programs, great confusion will result. The Department, in considering Mr. Swanson's comments has changed the rule language in item B to reflect has concerns. p.6

15. In part 9500.1214 [Emergency], subpart 1, the rule language makes an erroneous reference to "part 9555.1219 [Emergency]". In order to correct this incorrect reference the Department deletes the rule number "9555.1219" and replaces it with "9500.1219". p.6

16. In part 9500.1214 [Emergency], subpart 2, comments were received from Robert Gibbens, Ramsey County, Steven Swanson, Legal Services Advocacy Project, and William Brumfield and Jan Smaby, Hennepin County. Robert Gibbens, commented that the meaning of "plain and easily understood language is unclear given the complicated nature of the statute" and that this requirement in the rules should be clarified. The Department agrees with Mr. Gibbens and has inserted language under subpart 2 to reflect his concerns. Moreover, with this language insertion the Department deletes the words "in plain and easily understood language informing". p.7

William Brumfield and Jan Smaby commented on the disqualification provision under part 9500.1218 [Emergency], subpart 2. Within their comments they suggested that the word "suitable" should be inserted before the word "employment" in order to insure that termination from both subsidized and unsubsidized employment are grounds for disqualification. The Department agrees with the commenters and inserts language to that effect to reflect their comments under part 9500.1214 {Emergency], item C. Also as a matter of clarification with regard to the disqualification provisions of the rules, the Department has deleted language under part 9500.1218 [Emergency], subpart 2, items B to D and has incorporated these items under part 9500.1214 [Emergency], subpart 2, item C in order place the informing requirements in the same section of the rules and to enhance readibility of the rules. p.7

Steven Swanson suggested that the rules be amended to include a provision that the the informing requirements include the words "meeting the standards set forth in part 9555.3409 which explains" in order for the applicant to "...make an informed decision as to the best course of action". The Department agrees with Mr. Swanson and inserts language to that effect under part 9500.1214 [Emergency], subpart 2. Mr. Swanson also in previous comments suggested that the rules incorporate provisions with regard to a "program description". The Department, under part 9500.1212 [Emergency], subpart 2, inserted language regarding the program description and further inserts the words "the applicant with a copy of the program description prescribed under part 9500.1212 [Emergency], subpart 2 and a", in order to further reflect his suggestions with regard to the "program description" requirements. p.7

17. In part 9500.1214 [Emergency], subpart 2, item D, the Department deletes the words "need to assess" and inserts the words "requirement that a registrant cooperate with the assessment", as a matter of clarification with regard to the assessment requirement for continuing eligibility.

18. In part 9500.1215 [Emergency], subpart 1, Lois Larsen, Financial Supervisor II, Steele County Social Service Center suugested that the rules clarify "...that any month in which both payment and services are available is a countable month.". The Department agrees with Ms. Larsen and inserts language to that effect under subpart 1.

19. In part 9500.1215 [Emergency], subpart 2, item A, Steven Swanson, Legal Services Advocacy Project and Berry Friesen, Southern Minnesota Regional Legal Services suggested that the rules include a provision that will insure that the employability assessment is performed by a qualified person employed by or under contract to the local agency. The Department agrees with the commenters and deletes the words "the local agency" under subpart 2, item A, and replaces it with the words "a vocational advisor". Also in item A, the Department inserts the words "and suitable employment that is or may become available in the registrant's local labor market" in order to clarify that the assessment must only include job opportunities that the registrant could be reasonably expected to get to.

20. In part 9500.1215 [Emergency], subpart 2, item B, Steven Swanson and Berry Friesen commented on the employability development plan and the components of the plan. Mr. Swanson, within his comments suggested that the plan be developed by a qualified person and that the plan be designed to prepare the registrant for suitable employment in the registrant's local labor market. Moreover, both Mr. Swanson and Mr. Friesen suggested that "other activities" included within the plan be "reasonable". In considering Mr. Swanson's and Mr. Friesen's comments, the Department has added language under subpart 2, item B to reflect their concerns.

21. In part 9500.1215 [Emergency], subpart 2, item C Lois Larsen commented that many low income clients may walk to places of employment and therefore a provision should be added to the rules to clarify that reimbursement for transportation may not be necessary for clients who are within walking distance. The Department agrees with Ms. Larsen and adds the words "unnecessary or is" under subpart 2, item C.

22. In part 9500.1215 [Emergency], subpart 2 Rick Scott, representing American Federation of State, County, and Municipal Employees (AFSCME) and Steven Swanson, Legal Services Advocacy Project suggested that any employment experience program requirements directed towards registrants must meet the standards set forth in employment experience program statutes. Moreover, Mr. Scott also suggested that any work done by registrants should not be work ordinarily done by a regular public employees. The Department agrees with the commenters and has added laguage to that effect under subpart 2, item E.

23. In part 9500.1215 [Emergency], subpart 2, Steven Swanson commented that Minnesota Statutes, section 256D.051, subdivision 9 specifically authorizes local agencies to "subcontract any or all" of their work readiness program duties. Mr. Swanson suggested that the rules should include provisions for subcontracts to be limited to "agencies that have the resources and expertise to perform those duties". The Department, in considering Mr. Swanson's suggestion, has added language to this effect under subpart 2, item F. p. 9, 10

24. In part 9500.1215 [Emergency], subpart 3 numerous comments were received with regard to work readiness payments including those from Steven Swanson, Legal Services Advocacy Project, and representatives from Steele, Carlton, Ramsey, Washington, Rice, Hubbard, Nobles, and Hennepin Counties. Mr. Swanson suggested that the rules be modified with regard to the concept of attributing income from a responsible relative. In considering Mr. Swanson's suggestion, the Department has inseerted the words "who is also a registrant" to reflect his comments. p. 10

In considering comments from the county representatives, all commenters expressed concern over payments that must cover 30 calendar days and must be made without proration. The county representatives believed that this procedure would be administratively burdensome and expensive. The county representatives suggested that the initial grant be prorated with monthly grants thereafter and that the final grant be the difference between the standard and the intial grant. The Department agrees with the commenters and has inserted language to that effect under subpart 3.

Comments were also received by the county representatives and Mr. Swanson with regard to the use of emergency general assistance. All commenters suggested that this policy be reconsidered as there were no statutory provisions banning the use of emergency general assistance. The Department agrees with the commenters and deletes the word "not" between the words "assistance" and "available" and adds the words "in accordance with Minnesota Statutes, 256D.06, subdivision 2" under subpart 3 in order to reference the statutes allowing the use of emergency general assistance. p. 10, 11

25. In part 9500.1216 [Emergency], subpart 1 Wiiliam Brumfield and Jan Smaby, Henenpin County and Steven Swanson, Legal Services Advocacy Project commented on the assessment during the registrant's second month of work readiness services and payments. All commenters suggested that the rules clarify that the assessment must be conducted by the local agency and that the registrant must cooperate in the assessment. The Department agrees with the commenters, and adds the words "in consultation with the registrant" under subpart 1. Steven Swanson also suggested language that requires that a registrant be notified of the assessment to be conducted and the obligation of the registrant to cooperate. The Department agrees with Mr. Swanson and inserts language to that effect under subpart 1 to reflect his suggestion. p. 11 p. 11

26. In part 9500.1216 [Emergency], subpart 1, item D comments were received from Steven Swanson, Legal Services Advocacy Project and Robert Gibbens, Ramsey County with regard to the registrant's

physical and mental capabilities and the suitable employment opportunities that are available. Both commenters suggested rule language changes that would clarify this issue in the rule parts. In considering the suggestions of the commenters, the Department has made language changes under subpart 1, item D to reflect their suggestions. p. 12, 13

27. In part 9500.1216 [Emergency], subpart 1, Steven Swanson offered comments with regard to "perceptible symptoms of mental illness". Mr. Swanson suggested that the terminology be clarified in the rule parts and suggested language changes to address the issue of perceptible symptoms of mental illness. In considering Mr. Swanson's comments, the Department has made language changes under subpart 1, items B and D to reflect his concerns with regard to perceptible symptoms of mental illness. p. 12, 13

28. In part 9500.1217 [Emergency], Steven Swanson suggested a number of language changes to clarify the duties of a "registrant". The Department accepts Mr. Swanson's suggestions and has inserted language to clarify the registrant duties under part 9500.1217 [Emergency]. p. 13

29. In part 9500.1218 [Emergency], subpart 1 Steven Swanson, Legal Services Advocacy Project and Lois Larsen, Steele County suggested a number of technical amendments to the rule language in order to achieve clarity and conformity. In considering their suggestions, the Department makes the following language changes: delete the word "shall" on line 8 and insert the word "must". On lines 9 and 10 delete the words "be written in plain and easily understood language" and insert the words "meet the standards established in part 9555.3409". Delete the word "delivered" and insert the word "given". p. 14

30. In part 9500.1218 [Emergency], subpart 2 Steven Swanson suggested that the word "shall" on line 35 be changed to the word "must" and that the words "without good cause" be inserted under item A. The Department agrees with these technical amendments and makes the suggested changes. However, because items A to D have been moved to part 9500.1214 [Emergency], item C, the words "without good cause" are inserted in the last paragraph of subpart 2, rather than under item A. (See also finding #16) p. 14 p. 15

31. In part 9500.1218 [Emergency], subpart 4, item D, as a matter of clarification, the Department deletes the words "proposed disqualification" and replaces them with the words "specified in the notice provided under part 9500.1218 [Emergency], subpart 1, item C". Also under subpart 4, item D as a matter of clarification and consistency in the rule parts, the Department deletes the word "assistance" and replaces it with the words "services and payments". p. 16

32. In part 9500.1218 [Emergency], subpart 4, items E and F, Steven Swanson suggested two technical amendments in order to achieve conformity in the rules. The Department accepts Mr. Swanson's amendments and inserts the words "general assistance or" under item E and replaces the word "recipient" with the word "registrant" under item F. p. 16

33. In part 9500.1219 [Emergency], subpart 2, Steven Swanson suggested that the words "must meet the standards established in part 9555.3409" be inserted under subpart 2 "in order to insure that the notice required by this subpart is in compliance with `plain language' requirements of the permanent rule". The Department agrees with Mr. Swanson and makes the suggested language change under subpart 2. p.17

34. In part 9500.1219 [Emergency], subpart 3, under appeals of adverse action, the Department inserts the words "of an action specified under subpart 1, item A, B, or D" in order to clarify what actions are being appealed. p.17,18

35. In part 9500.1220 [Emergency], subpart 1, item B, Steven Swanson suggested that the word "prevents" be replaced with the words "interferes with" because the Department should restate the statutory language contained in Minnesota Statutes, section 256D.05, subdivision 1(b)(2). The Department agrees with Mr. Swanson and makes the suggested language change. p.18

36. In part 9500.1220 [Emergemcy], subpart 2, item A, Steven Swanson commented that "Implicit in the requirement that a recipient comply with treatment plans is the notion that the plans are reasonable and must be responsive to the illness treated". Mr. Swanson also suggested that "the reference to parts 9500.1105 to 9500.1107 [Emergency] may not be sufficient to make the good cause exception contained in part 9500.1105 [Emergency] applicable to determinations made under item A". The Department, in considering Mr. Swanson's comments has made language changes under subpart 2, item A to reflect his comments. p.18

37. In part 9500.1220 [Emergency], subpart 2, item B, Steven Swanson suugested that the word "cooperate" be replaced with the word "comply" in order to draw a clear distinction between requirements placed on recipients and registrants. The Department agrees with Mr. Swanson and makes the suggested language change under subpart 2, item B. p.18

38. In part 9500.1220 [Emergency], subpart 3, Steven Swanson suggested that recipients be assessed for general assistance eligibility prior to placing them back on work readiness and that if a recipient elects to re-enter the work readiness program, the recipient be allowed to make that election in time to avoid a gap in monthly payments. In considering Mr. Swanson's comments, the Department has made language changes under subpart 3 to reflect his suggestions. p.19

39. In part 9500.1221 [Emergency], Steven Swanson commented that the term "permanent address" is incorrect based on the statutory provision under Minnesota Statutes, section 256D.09, subdivision 4. Mr. Swanson suggested that the meaning of this provision of the rules be clarified and that the meaning of "address" be further spelled out. The Department agrees with Mr. Swanson and inserts language under subpart 3 to clarify the meaning of "address". p.19

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

41. 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: September 6, 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, WORK READINESS, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [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: 9/5/85

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, WORK READINESS, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [EMERGENCY]

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

John Anderson, being first duly sworn, deposes and says:

That on the 6th day of September, 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.

John Anderson

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, WORK READINESS, MINNESOTA RULES, PARTS 9500.1210 TO 9500.1221 [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, September 6, 1985, for review as to legality and form to the extent form relates to legailty. 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 August 5, 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 55155, (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: September 6, 1985