

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
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Our File No. 1249 05.0009.0410

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-23-86
DATE FOR REVIEW _____
DATE DUE 2-6-86

Adopted w/a hearing _____
Adopted w/o hearing _____
~~Temporary~~ rule emergency

Approved _____ Disapproved 2/6/86 Returned to Agency _____

Resubmitted 2-20-86 Due 2-27-86 or 3.6.86
Approved 3/5/86 Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved _____ disapproved _____

_____ Rule as Adopted

_____ Rule as Proposed

_____ Order Adopting _____ Date

_____ Notice of Intent to Solicit Outside Opinion

_____ Order for rulemaking
_____ date of Hearing

_____ Certificate of Board's Authorizing Resolution

_____ Notice of rulemaking
_____ Sufficiency

_____ Affidavit of Mailing Notice or rulemaking
_____ At least 30 days prior to hearing/adoption

_____ Mailing list Certificate

_____ Publication in State Register
_____ At least 30/20 days prior to hearing/adoption

_____ Hearing Examiner's Report

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

_____ Agency's Findings of Fact

_____ 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: JOSEPH SAMARGIA, Commissioner
DEPARTMENT OF JOBS AND TRAINING

DATE: 3/5/86

ATTN: COLLEEN GUNDERSON
Management Analysis Unit

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Employment Programs

The above-referenced rule has been approved as to its legality by the Attorney General on March 5, 1986.

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

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

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

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

JMM:pmf

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1249

AG copy

Department of Jobs and Training

Adopted Rules Relating to Employment

Rules as Adopted, Emergency

3301.0010 [Emergency] PURPOSE AND STATUTORY AUTHORITY.

Parts 3301.0010 to 3301.0650 [Emergency] govern the administration of a coordinated delivery system for the state's employment and training services and support services as authorized by Laws of Minnesota 1985, first special session chapter 14, article 9.

3301.0020 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 3301.0010 to 3301.0650 [Emergency], the following terms have the meanings given them unless the context clearly requires a different meaning.

Subp. 2. **AFDC.** "AFDC" means the aid to families with dependent children program, under title IV of the Social Security Act, United States Code, title 42, section 601 et seq., as amended and Minnesota Statutes, sections 256.72 to 256.87.

Subp. 3. **CIP.** "CIP" means the community investment program authorized by Minnesota Statutes, section 268.90.

Subp. 4. **Co-location.** "Co-location" means locating staff from one agency in the physical space of another agency. Co-location may also mean the physical consolidation of office and common space such as lobby and reception areas, testing and conference rooms, supply rooms, and employee rooms.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Jobs and Training or a designee.

Subp. 6. **Coordinator.** "Coordinator" means the coordinator of the Office of Full ~~Employment and~~ Productivity and Opportunity.

Subp. 7. **County board.** "County board" means the board of county commissioners of a county.

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Subp. 8. **Department.** "Department" means the Department of Jobs and Training.

Subp. 9. **Employability assessment.** "Employability assessment" means a written record of the registrant's education and training, prior work experience, and the barriers to seeking and securing suitable employment.

Subp. 10. **Employability development plan.** "Employability development plan" means the plan written for a registrant by a vocational advisor that sets forth the registrant's vocational goal, training, education, and support services necessary for the registrant to reach that goal.

Subp. 11. **Employment.** "Employment" means a job with a private, nonprofit, or public employer.

Subp. 12. **Employment and training services.** "Employment and training services" means programs, activities, and services as defined in Minnesota Statutes, section 268.0111, subdivision 4.

Subp. 13. **GA.** "GA" means the general assistance program authorized by Minnesota Statutes, chapter 256D to provide financial assistance to needy families and individuals.

Subp. 14. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action that is reasonable and justified when viewed in the context of the surrounding circumstances.

Subp. 15. **JTPA.** "JTPA" means the Job Training Partnership Act authorized under Public Law Number 97-300, United States Code, title 29, section 1501, as amended.

Subp. 16. **Local agency.** "Local agency" means a county or multi-county agency responsible under Minnesota law for the administration of the AFDC, GA, and WR programs.

Subp. 17. **LSU.** "LSU" means local service unit as defined in Minnesota Statutes, section 268.0111, subdivision 6.

Subp. 18. **Participant.** "Participant" means a person who is receiving employment and training services.

Subp. 19. **Public assistance.** "Public assistance" means aid to families with dependent children, general assistance, and

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work readiness.

Subp. 20. **Registrant.** "Registrant" means a person who is registered for employment and training services.

Subp. ~~20.~~ 21. **Registration.** "Registration" means the process which must be completed by an individual prior to beginning employment and training services.

Subp. ~~21.~~ 22. **Service provider.** "Service provider" means a public, nonprofit, or private organization or agency with whom an LSU has a written contract to provide specified employment and training or support services.

Subp. ~~22.~~ 23. **Subsidized employment.** "Subsidized employment" means work in a job for which an individual's wages and benefits are partially or totally paid with government program funds.

Subp. ~~23.~~ 24. **Suitable employment.** "Suitable employment" means a job that meets existing health and safety standards set by federal, state, or local regulations, is within the physical and mental ability of the person as determined by a ~~qualified professional~~ vocational advisor, pays at least the minimum wage prescribed by state or federal law and does not include temporary day labor.

Subp. ~~24.~~ 25. **Support services.** "Support services" means those services which are necessary to enable an individual to engage in employment and training, including child care, transportation, assistance with work-related expenses, and family services as described in parts 3301.0630 [Emergency] and 3301.0650 [Emergency].

Subp. ~~25.~~ 26. **Unsubsidized employment.** "Unsubsidized employment" means a job for which the wages and benefits are paid entirely by the employer without government program funds.

Subp. ~~26.~~ 27. **Vocational advisor.** "Vocational advisor" means a person employed by or under contract with the local agency who 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

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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.

Subp. ~~27.~~ 28. **Wage subsidy program.** "Wage subsidy program" means the Minnesota Employment and Economic Development wage subsidy program authorized by Minnesota Statutes, sections 268.672 to 268.682.

Subp. ~~28.~~ 29. **WR.** "WR" means the work readiness program authorized under Minnesota Statutes, section 256D.051.

Subp. ~~29.~~ 30. **Work-related expenses.** "Work-related expenses" means normal expenses associated with maintaining a job, including meals during work hours, work clothing, tools or supplies, any salary or wage deductions for union dues, and any other costs related to employment other than child care and transportation.

GENERAL ADMINISTRATION

3301.0030 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0030 to 3301.0650 [Emergency] establish general administrative provisions for operation of employment and training services and support services.

Subp. 2. **Applicability.** Parts 3301.0030 to 3301.0650 [Emergency] apply to the ~~commissioners~~ commissioner of the Department of Jobs and Training ~~and the Department of Human Services~~ or ~~their designees~~ designee, county boards, local agencies, LSUs, and service providers which administer employment and training services and support services.

Subp. 3. **Preparation of written materials.** All referral forms, notices, and other information prepared by the commissioner, a county board, a local agency, an LSU, or a service provider pursuant to parts 3301.0010 to 3301.0650 [Emergency] for distribution to applicants, participants, recipients, or registrants must be prepared in clear and easily

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understood English. The commissioner shall prepare a written statement in English, Spanish, Laotian, Vietnamese, Cambodian, and Hmong that states that the written document accompanying the statement is very important, and that if the reader does not understand the document the reader should seek immediate assistance. The written statement must accompany all referral forms, notices, and other information given to applicants, participants, recipients, and registrants pursuant to parts 3301.0010 to 3301.0650 [Emergency].

3301.0040 [Emergency] CO-LOCATION.

Subpart 1. **Co-location requirements.** The LSU shall require that staffs and facilities of local agencies and service providers are located and coordinated in a manner as to fulfill the requirements of Minnesota Statutes, section 268.871, subdivision 4.

Subp. 2. **Request for waiver.** An LSU may request a waiver from the co-location requirements in Minnesota Statutes, section 268.871, subdivision 4 by submitting a written request to the commissioner. The request must state the reasons the waiver is sought and the evidence supporting the reasons.

Subp. 3. **Criteria.** The LSU must demonstrate in its request that one or both of the following conditions would occur if services were co-located:

A. the delivery of services would be greatly hindered due to geographic distance from the proposed co-location site or the lack of public transportation; or

B. a significant financial hardship would be imposed on the LSU, and no significant financial hardship to participants results from the alternative plan proposed by the LSU.

Subp. 4. **Approval or disapproval of request.** The commissioner, after consultation with the coordinator and the commissioner of human services, may approve a request for a waiver of the co-location requirement if the LSU has demonstrated that one or both of the conditions in subpart 3

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would occur, subject to subpart 5. The commissioner shall notify the LSU of the decision in writing within 30 days of the date the request is received and shall state the reasons for the approval or disapproval.

Subp. 5. **Conditions for waiver of co-location for registration.** A waiver of co-location requirements will not be approved by the commissioner unless the LSU ensures that timely registration requirements will be met by either of the following:

A. the local agency, by contract or agreement, provides registration as described in part ~~3301.0160~~ 3301.0140 [Emergency], subpart 2, items A and B; or

B. the LSU demonstrates that the procedure currently used within the county provides registration to AFDC applicants and recipients throughout the work week during regular business hours and at a location within reasonable travel distance from the local agency. For purposes of this item, "reasonable travel distance" means no more than 15 minutes travel time from the local agency to the place of registration by the means of transportation actually available to the individual.

The commissioner will assist an LSU meeting the waiver conditions in item A with necessary federal or Department of Human Services approval.

3301.0050 [Emergency] CERTIFICATION OF SERVICE PROVIDERS.

LSU plans submitted pursuant to Minnesota Statutes, section 268.88 shall identify those public, private, or nonprofit agencies that will provide employment and training services. The commissioner shall certify those providers referred to in the LSU plan if it is demonstrated in the plan that the provider has met the performance standards established by the coordinator. In contracting with service providers, LSUs shall give preference to those entities referred to in Minnesota Statutes, section 268.871, subdivision 2.

3301.0060 [Emergency] STANDARDS FOR PROGRAM ADMINISTRATION.

Subpart 1. **Standards for LSUs.** LSUs shall:

A. provide or arrange for necessary child care

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services;

B. ~~reimburse~~ provide or arrange for payment of allowable transportation costs as set forth in part 3301.0640 [Emergency];

C. establish ~~an-informal-grievance-procedure~~ a conciliation process according to part 3301.0100 [Emergency] and ~~inform~~ provide written notice to all individuals applying for employment and training services of their right to ~~the-procedure~~ this process and their coexistent right to a fair hearing;

D. provide or arrange for delivery of other necessary support services such as ~~defined~~ those enumerated in part 3301.0650 [Emergency];

E. ensure that employability assessments, if required, are conducted to determine the suitability of employment and training services; the assessment must be prepared within 30 calendar days of the date the individual has registered for employment and training services;

F. require that a vocational advisor conduct the employability assessment and prepare the employability development plan; and

G. ~~require-that-public-assistance-applicants-can register-on-the-same-day-for-employment-and-training-services; and~~

H. ensure that public assistance recipients are registered for employment and training services within time limits necessary to avoid delaying receipt of assistance, denying benefits, or reducing the amount of benefits.

Subp. 2. Standards for service providers. Service providers shall:

A. meet the performance standards established by the coordinator;

B. conduct employability assessments, if required, within 30 calendar days of the date the individual has registered for employment and training services to determine the suitability of employment and training services;

C. ensure that a vocational advisor conduct the employability assessment and prepare the employability

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development plan; and

D. ~~require that public assistance applicants can register on the same day for employment and training services;~~ and

E. register public assistance recipients for employment and training services within time limits necessary to avoid delaying receipt of assistance, denying benefits, or reducing the amount of benefits.

GENERAL PARTICIPATION

3301.0070 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0070 to 3301.0100 [Emergency] establish general standards for participation in employment and training services ~~by public assistance recipients and wage subsidy program registrants~~.

Subp. 2. **Applicability.** Parts 3301.0070 to 3301.0100 [Emergency] apply to all applicants for and ~~recipients of~~ participants in employment and training services ~~who are public assistance recipients and wage subsidy program registrants~~.

3301.0080 [Emergency] CONDITIONS FOR PARTICIPATION.

Individuals may participate in employment and training services if they:

A. register for employment and training services;

B. participate in the employment assessments and employability development plan preparation, if required; and

C. fulfill all requirements of the employment and training services identified in the employability development plan.

3301.0090 [Emergency] RIGHTS AND RESPONSIBILITIES OF PARTICIPATION.

Subpart 1. **Rights of all registrants.** Registrants for employment and training services shall be given:

A. ~~given~~ an employment assessment within 30 calendar days of the date of registration, if an assessment is required by the employment and training program;

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B. ~~informed-about~~ written notice describing the availability of support services necessary to allow participation in employment and training:

(1) at the time of registration for wage subsidy applicants; and

(2) during the assessment for all other programs;

C. ~~given-a-copy-of-the-employability-development plan,-if-required,-at-the-time-it-is-prepared;~~

D.~~,--informed~~ written notice of ~~the~~ and basis for all ~~decisions~~ adverse actions regarding eligibility and participation in employment and training services; and

D. written notice of a right to the fair hearing process set forth in part 3301.0100 [Emergency].

Subp. 2. **Rights of public assistance participants.** Public assistance recipients required to participate in employment and training services shall be given:

A. a copy of the employability development plan at the time it is prepared;

(19) E.~~,--informed~~ B. written notice of the sanctions~~, if~~ (20) ~~any,~~ which shall be imposed against an individual who fails to fulfill the responsibilities as described in subpart ~~2~~ 3 and the conditions of participation as described in part 3301.0080 [Emergency]; and

F.~~,--informed~~ C. written notice at the time of registration of the requirements with which they must comply;

~~G,--informed-of-the-right-to-notice-of-any-adverse action-regarding-participation-in-employment-and-training services,-and~~

~~H,--informed-of-the-right-to-a-fair-hearing-as described-in-part-3301.0100-[Emergency]-after-an-appeal-of-any adverse-action-regarding-eligibility-for-or-participation-in employment-and-training-services.~~

Subp. ~~2.~~ 3. **Responsibilities.** A ~~registrant~~ public assistance recipient required to participate in employment and training services shall:

A. accept referral to suitable employment as

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determined in the employability development plan;

B. seek suitable employment as determined in the employability development plan;

C. accept an offer of suitable employment as determined in the employability development plan unless otherwise provided in parts 3301.0010 to 3301.0660 [Emergency];

D. participate in employment and training services as outlined in the employability development plan;

E. notify the local agency of any changes in employment status, health, address, or telephone number; and

F. comply with all other requirements as specified in the employability development plan.

Subp. ~~3.~~ 4. **Disqualification.** The LSU shall require that ~~registrants~~ public assistance recipients required to participate in employment and training services and who fail to fulfill the responsibilities established in subpart ~~2~~ 3 without good cause are notified that they have 15 calendar days to fulfill those responsibilities or to request, in writing, ~~a grievance procedure pursuant to~~ the fair hearing process set forth in part 3301.0100 [Emergency] or ~~face possible disqualification~~ be disqualified from further employment and training services.

3301.0100 [Emergency] FAIR HEARING PROCESS.

Subpart 1. ~~Responsibilities of the LSU. The LSU shall require that one or more review officers are appointed to conduct informal grievance procedures concerning the actions listed in subpart 2 in accordance with the procedure in subparts 3 to 6. Review officers who are appointed must not have participated in any way in the action in question.~~

~~Subp. 2.~~ **Grievable Adverse actions.** Employment and training services applicants and participants have the ~~right~~ option to request the LSU to conduct ~~an informal grievance procedure on the~~ a conciliation conference to attempt to resolve complaints arising from any of the following actions:

A. a determination of ineligibility for CIP or the wage subsidy program;

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B. unauthorized termination from employment and training services provided funding for those services is available;

C. failure to provide a timely registration for employment and training services;

D. disqualification resulting from a determination of failure to participate as described in part 3301.0090 [Emergency], subparts 2 and 3; ~~and~~

E. failure to provide or arrange for support services other than child care funded by sliding fee if eligibility is established and funds are available; and

F. the contents of an employability development plan prepared pursuant to part 3301.~~0161~~ 0150 [Emergency], subpart 2.

Any local agency action to reduce or terminate public assistance benefits shall be appealed in accordance with Minnesota Statutes, section 256.045.

Subp. ~~3.~~ 2. **Notice requirements.** The LSU shall require the service provider to notify the ~~party~~ applicant or participant, in writing, of any ~~grievable~~ adverse action. Notice of the proposed action must be mailed to employment and training applicants and participants at least 15 calendar days before the effective date of the action. The notice must clearly state what action the LSU or service provider ~~intends~~ proposes to take, the effective date of the proposed action, the reasons for the proposed action, the necessary corrective measures, the ~~right to grieve the action~~ option to request either a conciliation conference or an administrative hearing, where and how to make the request, the time limits ~~for the grievance~~ within which a request must be made, and the consequences of the action. ~~A~~ The determination described in subpart 1, items A and ~~ineligibility~~ must include written notice of the applicant's right to the election described in subpart 3, where and how to request the election, the time limit within which to make the request, and the reasons for the determination.

Subp. ~~4. Notice of intent to grieve. An individual applying for employment and training services or a participant who receives the notice described in subpart 3 must request the~~

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~~LSU,-on-or-before-the-date-specified-in-the-notice,-to-conduct the-grievance-procedure~~ 3. Election. An individual applying for employment and training services or a participant who receives a determination or notice of proposed action under subpart 2 must mail or deliver either a written notice of request for a conciliation conference to the LSU or a written notice of request for the hearing specified under subpart 5 to the ~~department~~ LSU on or before the effective date of the proposed action or the date specified in the notice or the action will be final. An individual applying for employment and training services may request ~~an~~ the LSU to conduct a ~~grievance procedure~~ conciliation conference or the department to conduct a hearing on the actions specified in subpart ~~2~~ 1, items C and E. The request must be in writing.

Subp. 5.--~~Informal-grievance-procedure~~ 4. Conciliation conference. The LSU shall provide ~~an-informal-grievance~~ procedure a conciliation conference within 30 days of receipt of a written request. The LSU shall give the employment and training applicant or participant ten calendar days' written notice of the ~~hearing~~ conference date. The applicant or participant and the ~~county~~ LSU's representative has the right to appear, to ~~call~~ bring witnesses, and to submit ~~new~~ documentation. The written request and ~~all-actions-and decisions~~ the resolution, if any, of the ~~procedure~~ conference shall be maintained as part of the official record. The ~~hearing officer~~ ~~county~~ LSU representative shall ~~make-a-determination~~ issue a written resolution ~~if any, within ten calendar days of the date of the informal-grievance-procedure conciliation conference~~ only if mutual agreement is reached between the representative and the applicant or participant. The resolution must be signed by both parties and issued on the same day as the conciliation conference is held. [Insert]

Subp. ~~6.~~ 5. Administrative hearing process. ~~A dissatisfied-party~~ ~~An individual whose complaint was not resolved in the conciliation conference may request in writing to the department within 15 calendar days of the mailing of an adverse-determination conference,~~ a fair hearing shall be conducted in the manner prescribed by Minnesota Statutes, section 268.10, subdivision 3, or the ~~determination~~ action will be final. A right to review will be provided in accordance with Minnesota Statutes, section 268.10, subdivision 5. The proposed action

p. 12a Insert for part 3301.0100, subp. 4:

Participating in a conciliation conference or signing a resolution does not constitute a waiver of the right to an administrative hearing.

An applicant or participant may, within 15 calendar days of the conference, mail or deliver a written request to the LSU for an administrative hearing. No determination, proposed action, or resolution of a conciliation conference will be final until the 15 day period has passed, and no appeal has been requested.

will not take effect nor will disqualification ~~shall not~~ occur until the appeal is decided by the administrative hearing process.

REGISTRATION AND CERTIFICATION OF AFDC APPLICANTS AND RECIPIENTS

3301.0110 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0110 to ~~3301.0170~~ 3301.0160 [Emergency] is to establish minimum standards for LSUs and county boards to register and certify applicants and recipients of AFDC in employment and training services~~, except as otherwise provided~~ in the federal work incentive program (WIN) in accordance with the Social Security Act, title IV C, section 432 (a).

Subp. 2. **Applicability.** Parts 3301.0110 to ~~3301.0170~~ 3301.0160 [Emergency] apply to all LSUs ~~and county boards and to all~~, counties in the WIN program, local agencies and AFDC applicants and recipients residing in a WIN project area.

3301.0120 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purposes of parts 3301.0110 to ~~3301.0170~~ 3301.0160 [Emergency] the following terms have the meanings given them.

Subp. 2. **Applicant.** "Applicant" means a person who requests aid through AFDC and whose eligibility has not yet been determined.

Subp. 3. **Application.** "Application" means ~~the date an applicant submits the completed~~ receipt by the local agency of a signed and dated application form ~~to the local agency~~ for AFDC.

Subp. 4. **Certification.** "Certification" means a determination that an AFDC registrant is ready and able to participate in employment and training services and that support services, if needed, are arranged for or provided.

Subp. 5. **Recipient.** "Recipient" means a person who is receiving AFDC or has been determined eligible to receive AFDC.

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3301.0130 [Emergency] AUTHORITY TO DELEGATE OR CONTRACT.

The county board may contract with or delegate to the local agency, or contract with a service provider, the responsibility for conducting registration of AFDC applicants and recipients in accordance with parts 3301.0110 to ~~3301.0170~~ 3301.0160 [Emergency]. A single service provider must be selected for the registration of both applicants and recipients.

~~3301.0140 [Emergency] NOTIFICATION OF APPLICANTS AND RECIPIENTS.~~

~~The county board shall notify:~~

~~A. each applicant at the time of application that registration for employment and training services on the same day, if possible, is a condition of receiving AFDC, unless the applicant meets one of the criteria for exemption in Minnesota Statutes, section 256.736, subdivision 3, and that eligibility for employment and training services begins on the date of registration;~~

~~B. each recipient of the requirement to register for employment and training in order to remain eligible for AFDC, unless the recipient meets one of the criteria for exemption in Minnesota Statutes, section 256.736, subdivision 3;~~

~~C. each applicant or recipient in writing of the exempt or nonexempt determination at the time of application for AFDC or in accordance with item B;~~

~~D. each nonexempt applicant or recipient that refusal or failure to register will result in the sanctions in chapter 9500;~~

~~E. each applicant or recipient of the right to a hearing before a human services hearing officer to contest the termination or denial of benefits as the result of refusal to register pursuant to Minnesota Statutes, section 256.045, and~~

~~F. each applicant and recipient who is exempt according to Minnesota Statutes, section 256.736, subdivision 3, clauses (5) to (8) in writing of:~~

~~(1) the option to volunteer for employment and training services;~~

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~~(2) the availability of child care and other support services; and~~

~~(3) the right to withdraw from employment and training at any time without loss of benefits as long as they remain exempt.~~

~~3301.0150 [Emergency] CHANGE OF STATUS.~~

~~Subpart 1. Reporting requirement. The county board shall inform applicants and recipients of the requirement to report to the local agency any changes which may affect their exempt or nonexempt status.~~

~~Subp. 2. Notification of registration requirement after change in status. If the local agency determines that a recipient's exempt status has changed to nonexempt, the local agency must inform the recipient in writing, at least ten calendar days before issuance of the next payment, of the requirement to register, including time and place, to avoid delay, denial, or reduction of benefits.~~

~~3301.0160~~ 3301.0140 [Emergency] REGISTRATION FOR EMPLOYMENT AND TRAINING.

Subpart 1. **Registration requirement.** An applicant or recipient must register for employment and training services as a condition of receiving AFDC, unless the applicant or recipient meets one of the criteria for exemption in Minnesota Statutes, section 256.736, subdivision 3.

Subp. 2. **Timely registration.** The following requirements apply to timely registration of applicants and recipients unless the county board is granted a waiver of co-location requirements according to part 3301.0040 [Emergency].

A. For applicants, the county board shall require that registration for employment and training services ~~and~~ be available simultaneously with application for AFDC ~~occur simultaneously~~. Simultaneous means that, at the time the applicant submits a ~~completed~~, signed and dated AFDC application form to the local agency, ~~the county board must register~~ registration for employment and training services be available

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to the applicant ~~for employment and training services~~.

B. For recipients, the county board must provide registration for employment and training services to recipients throughout regular business hours during the regular work week.

Subp. 3. **Registration procedure.** The county board shall require that the registration procedure is limited to the steps necessary to establish the eligibility of the applicant or the continuing eligibility of the recipient. The county board will require that the applicant or recipient:

A. complete a work history on a form approved by the commissioner;

B. complete and sign the registration form approved by the commissioner;

C. is informed of the available employment and training services, available support services, the rights and responsibilities of participation, and the sanctions that may apply; and

D. is ~~scheduled and~~ referred for an employability assessment.

Subp. 4. **Registration form distribution.** The county board shall require that copies of the registration form are provided to:

A. the registrant at the time of registration;

B. the local agency; and

C. the service provider of the employability assessment within three days of the registration.

~~3301.0161~~ 3301.0150 [Emergency] EMPLOYABILITY ASSESSMENT AND DEVELOPMENT PLAN.

Subpart 1. **Employability assessment.** The county board shall require that a vocational advisor conduct and complete an employability assessment.

Subp. 2. **Employability development plan.** The county board shall require that a vocational advisor prepare a written employability development plan based on the employability assessment and knowledge of available jobs in the area. The

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plan must include:

A. an estimate of the length of time necessary to obtain suitable employment;

B. the requirement that the registrant must accept any offer of suitable employment, including those offered through JTPA, the wage subsidy program, and other employment and training services except when participation is voluntary;

C. specific job search requirements based on the assessment;

D. other specialized employment, training, and educational activities necessary to prepare the registrant for suitable employment;

E. provisions for assessing the registrant's progress in securing suitable employment; and

F. an assessment of the registrant's need for support services and family services as described in part 3301.0650 [Emergency], the availability of the services, and referral to providers of the services.

Subp. 3. **Requirements for completion of employability development plan.** The written employability development plan shall be completed within 30 calendar days from the date of registration. Upon completion of the plan and provision of necessary support services, the registrant shall be certified as ready for employment or training except as provided in part ~~3301.0170~~ 3301.0160 [Emergency], subpart 1.

Subp. 4. **Distribution of the employability development plan.** Copies of the completed employability development plan shall be distributed to the registrant, the service provider, and the local agency.

~~3301.0170~~ 3301.0160 [Emergency] SUPPORT SERVICES.

Subpart 1. **Provision of support services.** The county board shall require that a registrant not be certified unless ~~the needed~~ support services are arranged for or provided. Support services which shall ~~include~~ be provided by the county to all applicants and recipients required to register for

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employment and training services are: transportation, child care, other expenses related directly to participation in employment and training, and ~~may include~~ necessary family services ~~as~~. Family services are described in part 3301.0650 [Emergency].

Subp. 2. **Registrant reassessment.** The county board shall permit the service provider to reassess a registrant's need for support and family services if the service provider believes the:

A. registrant may no longer need support services identified in the employability development plan;

B. registrant who currently is not receiving support services needs them; or

C. registrant needs additional support services.

COMMUNITY INVESTMENT PROGRAM (CIP)

3301.0180 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0180 to 3301.0250 [Emergency] is to establish administrative standards and the terms and conditions of participation for the community investment program authorized by Minnesota Statutes, section 268.90.

Subp. 2. **Applicability.** Parts 3301.0180 to 3301.0250 [Emergency] apply to participants, including public assistance recipients, in-community investment programs, county boards authorized to establish these programs, and participating employers.

3301.0190 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purposes of parts 3301.0180 to 3301.0250 [Emergency], the following term has the meaning given it.

Subp. 2. **Participant.** "Participant" means a person who is temporarily employed in a community investment program.

3301.0200 [Emergency] PROGRAM STANDARDS.

A county board may establish a CIP which includes one or

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more work projects and which may incorporate funding and terms and conditions of other work programs, such as JTPA, wage subsidy program, Minnesota Conservation Corps, GA or WR grant diversion, and Minnesota Summer Youth. The CIP must:

A. provide temporary employment for individuals experiencing prolonged unemployment and extreme hardship;

B. provide participants with training and work experience related to the objectives identified in the employability development plan;

C. benefit the state and community; and

D. not include work that replaces part or all of the work of a public employee position established before January 1, 1985.

3301.0210 [Emergency] PROGRAM ADMINISTRATION.

Subpart 1. **County board authority.** The county board is responsible for planning, implementing, and operating a CIP in accordance with parts 3301.0180 to 3301.0250 [Emergency]. The county board may contract the delivery of services to a certified service provider.

Subp. 2. **Requirements of CIP employers.** The county board or service provider shall ensure by written contract that CIP project employers meet the conditions of employment identified in Minnesota Statutes, section 268.90, subdivision 2, clauses (a) to (d) and provide verification, if applicable, of compliance with workers' compensation laws; affirmative action; and fair labor, health, safety, and environmental standards.

Subp. 3. **Monitoring.** The county board or service provider shall establish regular, on-site monitoring as necessary to ensure that all employment conditions are met and that participants are progressing toward work adjustment and self sufficiency as outlined in their employability development plan.

Subp. 4. **Support services.** The county board shall:

A. arrange for or provide child care, transportation, and other necessary support services to participants;

B. arrange for payment of support services directly

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to the vendor or reimbursement of the participant or service provider; and

C. maximize available resources from other programs including work readiness administrative funds, title XX, Community Social Services Act, sliding fee child care, work incentive program, JTPA, and the wage subsidy program to provide or arrange for support services.

Subp. 5. **Length of participation.** The county board or its service provider shall set the length of CIP employment according to the terms and conditions of other programs which fund CIP employment, including JTPA, wage subsidy program, Minnesota Youth Conservation Corps, GA or WR grant diversion, and Minnesota Summer Youth.

3301.0220 [Emergency] PROGRAM PLAN.

Subpart 1. **CIP plans.** County boards electing to establish a CIP shall submit a plan for approval to the commissioner by February 1, 1986.

Subp. 2. **CIP plan content.** CIP plans shall include:

A. a designation and description of the administering entity, which may be:

(1) the county;

(2) a regional joint powers board;

(3) a joint human services board; or

(4) a contract service provider;

B. identification of any other governmental unit or private organization with which the county will jointly fund and administer a CIP project and a statement of benefit resulting from the joint effort;

C. a list of other consulted and involved employee representatives, nonprofit organizations, governmental units, community action agencies, community based organizations, local union representatives, and client group representatives;

D. a description of the projects, including geographical areas of the county or counties served;

E. program objectives for the participants and the

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community;

F. the estimated number of participants and whether they are AFDC, GA, or WR volunteers, or WR recipients required to participate;

G. the arrangement for payment of participant work expenses;

H. the sources of funding to be used by the county or its service provider to subsidize participant wages including GA or WR grant diversion and wage subsidy; and

I. the sources of funding to be used by the county to meet support service needs of CIP participants.

Subp. 3. **CIP plan approval criteria.** The commissioner shall approve or disapprove county plans or the plan's annual update on the basis of:

A. inclusion of all the items in subpart 2;

B. demonstration and documentation of the county's or the service provider's ability to:

(1) deliver the programs and services to be provided; and

(2) ensure clients receive appropriate employment and training services in a fair and expeditious manner;

C. coordination of CIP activities with other agencies or programs providing employment and training activities to minimize duplication of efforts including: Job Service, JTPA, private industry councils, and vocational education;

D. provision of required support services, such as child care, transportation, and work-related expenses as necessary for clients;

E. responsiveness of CIP work experience or training to the local labor market conditions and the employment outlook in the area;

F. inclusion of available monitoring and evaluation information and the county's or local agency's response to corrective actions.

3301.0230 [Emergency] CONDITIONS OF EMPLOYMENT.

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Subpart 1. **Mandatory participation.** The county board may mandate participation of WR registrants in a CIP. However, the county may not require AFDC or GA recipients to participate in CIP. WR registrants who are required to participate in a CIP must accept and complete CIP placements ~~as a condition of continuing eligibility for~~ or be disqualified from WR services and payments.

Subp. 2. **Referral conditions.** The county board or its service provider may offer CIP employment to participants only after the following employment and training service priorities have been determined ~~inappropriate for the individual or~~ unavailable due to lack of funds or local labor market conditions:

A. permanent, unsubsidized, full-time private or nonprofit sector employment in conjunction with the targeted jobs tax credit;

B. permanent, subsidized full-time private sector employment;

C. permanent, subsidized full-time nonprofit sector employment;

D. training;

E. relocation; and

F. part-time subsidized, nonprofit, or public employment with continued employment assistance.

Subp. 3. **Work hours.** The standards in items A and B shall be used to determine the minimum and maximum number of hours CIP participants will be required to work.

A. No participant shall be required to work less than eight hours or allowed to work more than 32 hours of a 40-hour work week. The remaining eight hours must be available to the participant for individual voluntary job search.

B. Subject to item A, the number of hours a participant will work shall be the number:

(1) required by a CIP employer for successful project oepration;

(2) necessary to achieve the employment and

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training objectives identified in the participant's employability development plan; or

(3) established by the requirements of the grant diversion program under parts 3301.0360 to 3301.0410 [Emergency].

Subp. 4. **Wages.** CIP participants shall be paid the state minimum wage ~~or~~, the ~~prevailing~~ same wage rate being paid at the work site for similar work, or the wage paid to employees doing comparable work in that locality, whichever is greater.

Subp. 5. **Travel distance.** A participant shall not be required to travel more than two hours round trip between home and the work site, excluding time required to take children to and from a ~~day-care~~ child-care facility.

Subp. 6. **Support services.** A participant shall not be required to participate in CIP employment unless necessary support services ~~identified in the individual's participant employability development plan~~ are arranged for or provided.

WAGE SUBSIDY PROGRAM

3301.0260 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0260 to 3301.0350 [Emergency] is to implement the wage subsidy program authorized by Minnesota Statutes, sections 268.672 to 268.682.

Subp. 2. **Applicability.** Parts 3301.0260 to 3301.0350 [Emergency] apply to unemployed individuals and to the LSUs authorized under Minnesota Statutes, sections 268.672 to 268.682.

3301.0270 [Emergency] STATUTORY TERMS INTERPRETED.

Subpart 1. **Scope.** The terms and phrases used in Minnesota Statutes, sections 268.672 to 268.682 shall have the meanings and explanations given in subparts 2 and 3.

Subp. 2. **Income source.** "Income source" as used in Minnesota Statutes, section 268.676, subdivision 1, clause (1) includes wages or salaries from employment; earnings from self-employment; rents; social security benefits; old age and survivors benefits; supplemental security income; veteran's benefits; pensions; alimony; child support; wage subsidy program wages or subsidies; periodic income from insurance annuities;

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interest or dividend income from investment or savings accounts; unemployment insurance benefits including federal supplemental compensation and extended benefits; payments from the Railroad Retirement Board; and workers' compensation payments.

Subp. 3. **Supplies and materials.** "Supplies and materials" as used in Minnesota Statutes, section 268.677, subdivision 2 ~~and 268.678, subdivision 8~~ means usual consumable supplies and materials and does not include items ordinarily classified as equipment and capital items having a life expectancy of one year or more.

3301.0280 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purposes of parts 3301.0260 to 3301.0350 [Emergency], the following terms have the meanings given them.

Subp. 2. **Farmer.** "Farmer" means a person whose major source of gross earned income ~~is~~ during the preceding year was derived from a family farm or family farm corporation as defined in Minnesota Statutes, section 500.24, subdivision ~~2b~~ 2, clause (b) or (c).

Subp. 3. **Good cause.** "Good cause" means a reasonable and justified decision by the employer when viewed in the context of the surrounding circumstances that the employee fails or refuses to comply with usual and applicable work rules or to attain performance standards.

Subp. 4. **Participant.** "Participant" means a person who is receiving assistance through the wage subsidy program.

Subp. 5. **Severe household financial need.** "Severe household financial need" means inability to meet outstanding indebtedness for essential, personal, and business needs.

Subp. 6. **Unemployed.** "Unemployed" means a person who is neither employed nor self-employed and is available for full-time employment unless participating in a job training program. The LSU or service provider shall consider a farmer or a member of a farm family household who can demonstrate severe

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household financial need to be unemployed for purposes of parts 3301.0260 to 3301.0350 [Emergency].

3301.0290 [Emergency] ELIGIBILITY AND PRIORITY.

Subpart 1. **Eligibility.** The LSU or service provider shall find a job applicant eligible for the wage subsidy program if the applicant meets all of the following criteria:

A. has been a resident of this state for at least one month;

B. is unemployed;

C. is not receiving and is not qualified to receive unemployment compensation or workers' compensation; and

D. is determined to be likely to be available for employment by an eligible employer for the duration of the job.

LSUs or service providers may make preliminary eligibility determinations on the basis of a mail application if appropriate. The LSUs or service providers shall require applicants who are determined eligible to register for the wage subsidy program.

Subp. 2. **Eligibility determination for farmers.** The ~~LSU shall request from the farmer or household member~~ following items shall be accepted by the LSU as documentation ~~that serves as evidence~~ of severe household financial need ~~including~~:

A. letters from financial institutions or retailers denying credit;

B. loan foreclosure notices from financial institutions;

C. acceleration notices, delinquency notices, and collection letters from creditors; or

D. professionally prepared financial statements;

E. commencement of a bankruptcy;

F. cancellation of a contract for deed; or

G. projected income statements prepared by the University of Minnesota Extension Service, an Area Vocational Technical Institute, or the Farmers Home Administration.

Subp. 3. **Priority.** LSUs or service providers, in

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selecting eligible job applicants for the wage subsidy program, shall consider equally the following priorities:

A. applicants living in households with no other income source;

B. applicants whose incomes and resources are less than the standards for eligibility for general assistance;

C. applicants who are eligible for AFDC; and

D. applicants who live in a farm household who demonstrate severe household financial need.

Selections of eligibles from priority groups should reasonably reflect the proportion each group is of the total eligible for participation in the program in the jurisdiction served by the LSU.

3301.0300 [Emergency] USE OF FUNDS.

Subpart 1. **Funds for wage subsidies.** An LSU shall use no more than 25 percent of the funds available for wages for employment with eligible government and nonprofit agencies. This limit may be exceeded only with written approval of the commissioner. The LSU must submit a written request for a waiver to the commissioner which outlines the efforts made to comply and the reasons the goal is considered unattainable.

Subp. 2. **Funds for child-care services.** The LSU must provide child-care services for participants who are determined eligible under parts 3301.0560 to 3301.0580 [Emergency]. Child-care services provided or subsidized must be supplied by licensed day-care facilities or those exempted by Minnesota Statutes, section 245.791.

LSUs shall use existing resources from other programs, including those provided under the child care sliding fee program, before authorizing expenditure of wage subsidy program funds for child care. LSUs shall make the availability of child-care resources known to eligible applicants and provide information and referral services.

3301.0310 [Emergency] NOTIFICATION.

Eligible private sector employers shall notify the LSU of

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the termination of employment of any eligible job applicant not later than ten working days after the employment termination date.

3301.0320 [Emergency] REPAYMENT.

The LSU shall use the following criteria to establish the terms of repayment by employers of wage subsidy funds.

The proportional reduction in the amount that must be repaid for employment of less than one year following the six-month subsidized period shall be 5.9 percent of the amount received for each of the first 11 months and 5.1 percent for the 12th month. Employment for more than ten working days in a month will count as a full month for computation purposes.

The LSU shall require that repayment begin no later than 60 calendar days after either the termination of employment or the determination by the LSU or designee that the employee's dismissal was without good cause. A voluntary quit by the employee shall be treated the same with regard to repayment as a good cause dismissal for purposes of Minnesota Statutes, section 268.681, subdivision 3.

The repayment schedule shall not ordinarily exceed one year. Small repayments should be for a shorter period. The repayment schedule may be extended in extenuating circumstances with the approval of the commissioner. The employer may elect to repay at an accelerated rate or in a lump sum.

3301.0330 [Emergency] FUNDING FOR PLACEMENT IN A COMMUNITY INVESTMENT PROGRAM.

For eligible individuals placed in a CIP, the department shall provide the LSU with 75 percent of the wage subsidy up to a maximum of 780 hours or 26 weeks, whichever occurs first. The LSU must pay 25 percent of the wage subsidy concurrently with the department's share and the payment may not be an in-kind contribution. The LSU may increase the work hours of a CIP participant using funding sources other than public assistance and the wage subsidy program, provided the total number of hours may not exceed the maximum of 32 hours per week.

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3301.0340 [Emergency] EMPLOYMENT CONDITIONS.

Subpart 1. **Law and contract compliance.** The LSU or service provider must not violate the provisions of any collective bargaining agreement or state or federal law when referring or placing eligible job applicants.

Subp. 2. **Refusal to join a labor union.** Eligible job applicants shall not be disqualified from participation in the program for refusing to join a labor union as a condition of employment.

Subp. 3. **Placement in a job affected by a labor dispute.** Eligible job applicants shall not be referred to, placed, or remain on a job affected by a labor dispute involving a work stoppage.

Subp. 4. **Placement approval by collective bargaining agents.** The eligible employer shall give assurance to the LSU or service provider that the appropriate collective bargaining agents have approved of the job duties of the persons employed under the program.

3301.0350 [Emergency] PROGRAM ADMINISTRATION.

Subpart 1. **Record maintenance.** LSUs and service providers must maintain records necessary for reporting activities, monitoring of activities, and possible audit. Eligible employers must keep records pursuant to state and federal employment, health, safety, and environmental laws at least three years after the date of the last action affecting them under the terms of this program.

Subp. 2. **Rules binding.** The rules in parts 3301.0260 to 3301.0350 [Emergency] are binding on LSUs, service providers, and eligible employers entering into contracts under Minnesota Statutes, sections 268.672 to 268.682.

GENERAL ASSISTANCE AND WORK READINESS GRANT DIVERSION

3301.0360 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0360 to 3301.0410 [Emergency] is to establish standards for diverting

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part or all of a GA recipient's grant or a WR registrant's assistance payment as a wage subsidy to an employer providing employment or employment-related training under Minnesota Statutes, section 256D.09, subdivision 3.

Subp. 2. **Applicability.** Parts 3301.0360 to 3301.0410 [Emergency] apply to GA recipients and WR registrants, to local agencies required to administer the WR and GA programs under Minnesota Statutes, sections 256D.01 to 256D.21, and public or private entities providing work readiness services under contract with the local agency.

3301.0370 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purpose of parts 3301.0360 to 3301.0410 [Emergency] the following terms shall have the meaning given them.

Subp. 2. **Diverted grant.** "Diverted grant" means the ~~lesser~~ amount of ~~either (a) the net income of the participant, or (b) the standard of assistance applicable to the participant~~ the GA grant or WR assistance payment available for a wage subsidy, not to exceed the single person standard of assistance for any participant, and calculated according to part 3301.0380, subpart 6.

Subp. 3. **Employment or employment-related training.** "Employment" or "employment-related training" means a job or on-the-job training with:

A. a private, nonprofit, or public employer who agrees to employ the individual in a permanent job; or

B. an approved community investment program; and

which pays ~~at least the minimum wage~~ wages at a rate set forth in part 3301.0230, subpart 4 and provides the participant with a net monthly income equal to or greater than 150 percent of the assistance standard ~~of assistance~~ for one person applicable to ~~the participant~~ all participants less the ~~residual~~ monthly payment, if any, paid to the participant.

Subp. 4. **Net monthly income.** "Net monthly income" means

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the ~~total of~~ income remaining from the participant's gross monthly income ~~minus deductions, disregards, and exclusions~~ after subtracting disregarded and excluded income allowed by the commissioner of the Department of Human Services for the GA program.

Subp. 5. **Participant.** "Participant" means a GA recipient or a WR registrant who is referred to the grant diversion program and who volunteers to participate.

Subp. 6. **~~Residual grant~~ Monthly payment.** "~~Residual grant~~ Monthly payment" means the amount equal to the standard of assistance applicable to ~~the participant~~ a single person reduced by the income received after application of earned income deductions and disregards.

3301.0380 [Emergency] RESPONSIBILITIES OF THE LOCAL AGENCY.

Subpart 1. **Program administration and delivery.** The local agency shall administer and deliver the grant diversion program directly or may contract for delivery of services with service providers.

Subp. 2. **Assessment and referral.** The local agency or its service provider shall require that a vocational advisor assess the suitability and availability of ~~voluntary participants for~~ employment or employment-related training for voluntary GA participants through grant diversion pursuant to part 9500.1215, subpart 2 and, based on the employability development plan objectives, refer the participant to the appropriate employment or employment-related training.

Subp. 3. **Maximum amount of GA grant or WR assistance payment for diversion.** For purposes of the grant diversion process the amount of the GA grant or WR assistance payment available as a wage subsidy to an employer will not exceed the assistance standard for one person for each participant regardless of the composition of the participant's assistance unit as defined by the commissioner of human services under the GA program. When the grant diversion participant is a member of an assistance unit group and the GA grant or WR assistance

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payment to the assistance unit is greater than the assistance standard for one person, only the assistance standard for one person may be withdrawn from the amount of assistance paid to the assistance unit for the diversion process, and the balance must continue to be paid to the members of the assistance unit not participating in grant diversion.

Subp. ~~3.~~ 4. **Notification of participant requirements.** The local agency or service provider shall inform participants in writing of the following information:

A. the requirement to complete the grant diversion period as specified in the contract pursuant to subpart 4;

B. the effect of participation on GA and WR eligibility;

C. the maximum length of participation;

D. the months during which the grant will be diverted;

E. the amount of the diverted grant; ~~and~~

F. the amount, if any, of the residual grant; and

G. actions to be taken if a WR registrant or GA recipient required to participate in WR fails to complete the grant diversion period of participation.

Subp. ~~4.~~ 5. **Contract requirements.** The local agency or its contract service provider shall require a written contract with the employer which includes:

A. the length of the subsidized employment;

B. the amount of the monthly subsidized wage;

C. the method of payment of the subsidized wage;

D. data gathering and reporting requirements;

E. a provision prohibiting employers from terminating, laying off, or reducing the regular working hours of current employees in order to hire through the grant diversion process; and

F. the requirement to pay the participant the same wage, fringe benefits, and provide the same workers' compensation coverage as is given other employees of the employer doing the same job, or if there is no identical job, a comparable job.

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Subp. 5~~.~~ 6. Calculation and payment of diverted grants and ~~residual grants~~ monthly payment. The local agency will determine and pay the amount of the diverted grant and the amount, if any, of the ~~residual grant~~ monthly payment according to items A to D:

A. The local agency shall obtain and enter into the case file the following information at the time a participant accepts employment or employment-related training through grant diversion:

(1) name and address of the employer;

(2) occupational title of the employer;

(3) the period of the subsidized employment or employment-related training contract;

(4) hourly wage;

(5) number of work hours per week; and

(6) date of the first day of employment or employment-related training.

B. The local agency will apply the following steps to calculate the amounts of the diverted ~~and residual~~ grants and monthly payments:

(1) Determine the expected gross earned income of the participant during the first complete calendar month of participation.

(2) Subtract from the amount in subitem (1) the standard earned income ~~deductions~~ exclusions and disregards established by the commissioner of human services for GA recipients under Minnesota Statutes, chapter 256D.

(3) Add to the amount obtained from subitem (2) all unearned income regularly received or expected to be received in the first full calendar month of participation to arrive at the net income available to the participant.

(4) Compare the net income to the assistance standard ~~of assistance~~ for one person applicable to ~~the participant~~ all participants. The lower of the two amounts will be diverted to the employer as a subsidy for wages.

(5) If the net income is less than the ~~applicable~~

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assistance standard ~~of assistance~~ for one person, the difference between the two is the ~~residual grant~~ monthly payment.

C. The local agency will continue to pay the participant the ~~full amount of the~~ regular standard of assistance until the participant has received one full calendar month of wages; thereafter the local agency ~~will~~ shall withhold the amount of the assistance standard for one person, and pay the diverted grant (subitem (4)) to the employer to subsidize wages and pay the ~~residual grant~~ monthly payment, if any, (subitem (5)) to the participant. The local agency may pay the subsidy for wages directly to the employer or reimburse a service provider that has paid the subsidy to the employer.

D. A participant's and the assistance unit's eligibility for GA or WR is frozen at the time the participant begins work in a grant diversion placement. After a participant begins employment or employment-related training, changes in resources, household, or income will not affect GA or WR eligibility, the ~~residual grant~~ monthly payment amount, or diverted grant amount for the duration of the grant diversion placement.

Subp. ~~6.~~ 7. **Support services.** The local agency or its contract service provider shall not refer a participant to employment or employment-related training that would require a participant to travel to a work site unless the local agency pays work-related transportation costs ~~in excess of~~ excluding the transportation ~~deduction~~ costs allowed as a disregard from earned income under the GA program. The local agency or its contract service provider shall not refer a participant who is the sole adult in an assistance unit with one or more children under the age of 12 to employment or employment-related training during hours when the child is at home unless the local agency pays the cost of ~~necessary~~ child care that is in excess of the child care deduction from earned income ~~or unless child care is otherwise available at no cost to the participant~~.

Subp. ~~7.~~ 8. **Fiscal reporting.** The local agency shall submit fiscal, abstract, or summary reports as required by the

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commissioner.

Subp. ~~8.~~ 9. **Disqualification of work readiness participants.** The local agency shall apply parts 9500.1218 and 9500.1219 [Emergency] if it determines that a WR registrant has failed without good cause to complete the grant diversion period, and shall apply parts 9500.1105 to 9500.1107 [Emergency] if it determines that a GA recipient required to participate in WR has failed without good cause to complete the grant diversion period.

3301.0400 [Emergency] PARTICIPANT RIGHTS AND RESPONSIBILITIES.

Subpart 1. **Right to refuse placement.** A GA recipient or WR registrant may refuse employment or employment-related training through grant diversion without penalty.

Subp. 2. **Failure of ~~work-readiness~~ participants to complete grant diversion period.** A WR ~~participant~~ registrant or a GA recipient required to participate in WR who volunteers for grant diversion and fails to complete the grant diversion period without good cause ~~may~~ shall be disqualified from receipt of WR services and payments according to parts 9500.1218 and 9500.1219 [Emergency], or disqualified from receipt of GA in accordance with parts 9500.1105 to 9500.1107 [Emergency].

Subp. 3. **Reporting.** Participants must continue to provide the monthly household report form as required by the Department of Human Services to determine continued food stamp eligibility during participation in grant diversion and to document changes for continued assistance after the completion of grant diversion.

3301.0410 [Emergency] MAXIMUM PERIOD OF GRANT DIVERSION.

Subpart 1. **General assistance.** A GA participant's grant may be diverted to an employer for up to five months.

Subp. 2. **Work readiness.** A WR participant's assistance payment may be diverted:

A. for up to five consecutive months if the participant is from a distressed county and agrees to participate; or

B. for four consecutive months if the participant ~~is~~

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redetermined eligible for work readiness in the first 15 days of the second month of receipt of WR assistance and agrees to participate has completed two months of WR and has been determined eligible for four additional months of WR and agrees to participate.

SUPPORTED WORK PROGRAM

3301.0420 {Emergency} PURPOSE AND APPLICABILITY.

Subpart 1. Purpose. The purpose of parts 3301.0420 to 3301.0440 {Emergency} is to establish the terms and conditions governing the supported work program for recipients of AFDC pursuant to Minnesota Statutes, section 268.86, subdivision 9.

Subp. 2. Applicability. Parts 3301.0420 to 3301.0440 {Emergency} apply to recipients of AFDC who have received public assistance for more than three years and who are residents of counties that have had more than three percent of their AFDC recipients on public assistance for three years or longer.

3301.0430 {Emergency} DUTIES OF THE COUNTY.

Subpart 1. Program development criteria. Counties who have had more than three percent of their AFDC recipients on public assistance for more than three years shall ensure the provision of supported work program to assist those recipients in making a transition to employment.

Subp. 2. Program description. The program must include:

A. employability assessment;

B. employability development plan prepared in consultation with the participant;

C. job seeking skills training;

D. referral to appropriate services, programs, or training that may result in job readiness and employment; and

E. referral to suitable employment.

Subp. 3. Identification of eligible AFDC recipients. The county board shall require the local agency to identify recipients who have:

A. received AFDC for more than three years;

B. little or no work history; and

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~~C.--little-or-no-formal-education-beyond-high-school.~~

~~Subp. 4.--Contracted-programming.--The-county-board-may contract-the-provision-of-a-supported-work-program-with-a service-provider.~~

~~Subp. 5.--Notice-to-eligible-recipients.--The-county-board shall-require-the-local-agency-to-inform-recipients-meeting-the criteria-in-subpart-3-of-their-eligibility-for-the-supported work-program-and-their-responsibilities-to-the-program.~~

~~Subp. 6.--Referral-of-eligible-recipients.--The-local agency-shall-refer-eligible-recipients-to-the-supported-work program.~~

~~3301.0440-[Emergency]-PARTICIPANT-RESPONSIBILITIES.~~

~~Each-supported-work-program-participant-shall:~~

~~A.--attend-the-supported-work-program-orientation,-job readiness-workshops,-and-peer-group-meetings-during-the-period of-participation,-and~~

~~B.--cooperate-in-all-aspects-of-the-program,-including:~~

~~(1)-employability-assessment-and-development-of the-employability-development-plan;~~

~~(2)-referrals-to-other-appropriate-services-and programs;~~

~~(3)-referral-to-or-offers-of-suitable-employment; and~~

~~(4)-continuance-of-employment.~~

TRANSITIONAL TRAINING PROGRAM

3301.0450 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0450 to 3301.0470 [Emergency] govern the implementation and administration of the transitional training program for approved training authorized by Minnesota Statutes, section 268.65. The program will provide structurally unemployed workers with on-the-job training and classroom training opportunities in conjunction with the payment of unemployment insurance benefits to which the trainees may be entitled.

Subp. 2. **Applicability.** Parts 3301.0450 to 3301.0480

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[Emergency] apply to the commissioner or designee and participants in the transitional training program.

3301.0460 [Emergency] DEFINITION.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purpose of parts 3301.0450 to 3301.0470 [Emergency] the following term shall have the meaning given it.

Subp. 2. **Participant.** "Participant" means an individual who is structurally unemployed as defined in Minnesota Statutes, section 268.65, subdivision 2, clauses (1) to (3) and who is participating in the transitional training program.

3301.0470 [Emergency] PROPORTIONAL REDUCTION OF PENALTY.

Proportional reduction in the amount that must be repaid as the employer penalty for on-the-job training contracts authorized by Minnesota Statutes, section 268.65, subdivision 5 shall be 5.9 percent for each of the first 11 months and 5.1 percent for the 12th month. Employment for more than ten working days in a month will count as a full month for computation purposes.

CHILD CARE SLIDING FEE

3301.0480 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0480 to 3301.0620 [Emergency] is to govern the administration of the child care sliding fee programs for reducing, according to a sliding fee schedule, the costs of child care services to enable eligible families to seek or retain employment or to participate in ~~employment~~ education or training programs needed to obtain employment.

Subp. 2. **Applicability.** Parts 3301.0480 to 3301.0620 [Emergency] apply to all county boards and administering agencies authorized under Minnesota Statutes, section 268.91 to provide child care assistance to eligible families based on the availability of funds.

3301.0490 [Emergency] DEFINITIONS.

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Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purpose of parts 3301.0480 to 3301.0620 [Emergency] the following terms shall have the meaning given them.

Subp. 2. **Administering agency.** "Administering agency" means the county welfare department or any public or nonprofit agency designated by the county to administer the child care sliding fee program.

Subp. 3. **Child care services.** "Child care services" means ~~service~~ services as defined in Minnesota Statutes, section 268.91, subdivision 1, clause (a) which are provided for less than 24 hours a day ~~which provides care~~ for children age 14 and under, as a substitute for, or supplement to, parental care for a planned period of time and which are provided by licensed day-care facilities or by those exempt by Minnesota Statutes, section 245.791.

Subp. 4. **County.** "County" means the board of county commissioners.

Subp. 5. **CSSA.** "CSSA" means Community Social Services Act.

Subp. 6. **Family.** "Family" means parents or other caretaker relatives and dependent children under 18 years of age living in the same home including children temporarily absent from the household in settings such as schools, foster care, and residential treatment facilities.

Subp. ~~6.~~ 7. **Family fee.** "Family fee" means the portion of the provider charge the family must contribute for child care costs.

Subp. ~~7.~~ 8. **Geographic area.** "Geographic area" means the area of the local service unit.

Subp. ~~8.~~ 9. **Income.** "Income" means all monthly income, before deductions, received from sources including wages or ~~compensation by all family members 16 years or older, net income from self employment, net farm income, social security payments, dividends, interest, rent received or royalties, general assistance payments, pensions and annuities, unemployment compensation, alimony, child support, veterans' pensions, or any~~

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~~combination-of-the-above-sources-of-income~~ salaries from employment; earnings from self-employment; rents; social security benefits; old-age and survivor's benefits; supplemental security income; veteran's benefits; pensions; alimony; child support; wage subsidy; program wages or subsidies; periodic income from insurance annuities; interest or dividend income from investment or savings accounts; unemployment insurance benefits including federal supplemental compensation and extended benefits; payments from the Railroad Retirement Board; and workers' compensation payments. Wages or salary from summer jobs held by family members aged 16 and 17 shall not be considered income for purposes of determining family eligibility.

~~Subp. 9. Monthly tax credit. "Monthly tax credit" means the portion of the family fee to be claimed as a credit against tax liability according to the Internal Revenue Code.~~

Subp. 10. **Percent of tax credit.** "Percent of tax credit" means the proportion of specific expenses defined in the Internal Revenue Code and Minnesota income tax laws which can be claimed as a credit against tax liability.

Subp. 11. **Percentage base.** "Percentage base" means the percent of annual gross income that is used to calculate the family fee. The percentage base is indexed to the family's ability to pay.

Subp. 12. **Program costs.** "Program costs" means the sum of the provider charges plus the administrative costs.

Subp. 13. **Program year.** "Program year" means the state fiscal year, beginning July 1 and ending June 30.

Subp. 14. **Programs with demonstrated effectiveness.** "Programs with demonstrated effectiveness" means education or training programs approved by the commissioner of education under rules pursuant to Minnesota Statutes, section 124.625, which result in suitable employment as defined in part 3301.0020 [Emergency], subpart ~~23~~ 24.

Subp. 15. **Provider charge.** "Provider charge" means the amount the child care service provider charges per month for child care services.

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Subp. 16. **Recipient.** "Recipient" means a family who receives sliding fee child care assistance.

Subp. 17. **State median income.** "State median income" means the state's annual median income based on family size. The state median income is developed by the federal Bureau of Census and is published annually in the Federal Register.

3301.0500 [Emergency] STANDARDS FOR COUNTIES.

Subpart 1. **Establishment of standards and procedures.** Counties shall adopt ~~apply the~~ policies and procedures ~~in the CSSA plan~~ for the provision of child care services to enable parents to seek ~~and obtain~~ or retain employment or to participate in education or training. A county may use CSSA plan policies and procedures to the extent not in conflict with Minnesota Statutes, section 268.91 and parts 3301.0480 to 3301.0620.

Subp. 2. **Provision of child care.** Counties shall assist applicants for child care services who are financially eligible under part 3301.0560 [Emergency] and who are employed or who are seeking employment ~~and training services to obtain skills necessary to secure suitable employment~~ as specified in part 3301.0580 [Emergency], subpart 1, or participating in an education or training program as specified in part 3301.0580 [Emergency], subpart 2. This may include an arrangement with another provider or agency for support services.

3301.0510 [Emergency] COUNTY RESPONSIBILITIES.

Subpart 1. **Designation.** The county shall designate the administering agency.

Subp. 2. **Local share match.** The county shall provide a local share match equal to five percent of the program cost during the first grant year and 15 percent of the cost during each of the succeeding years. Counties which at some time participated in the child care sliding fee program under Minnesota Statutes, section 245.84, subdivision 2, are participating in a succeeding year for purposes of this program. For purposes of determining the local match, administrative costs shall be seven percent of the provider charge. The local match may include in-kind materials and services furnished by the county and required for the

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administration of the program. The local match may not include the amount of minimum fee payments made by families.

3301.0520 [Emergency] ALLOCATION OF FUNDS.

Subpart 1. ~~Initial-year~~ Allocation. For fiscal year 1986, the commissioner shall allocate 45 percent of the total child care appropriation to the seven county metropolitan area and 55 percent to the area outside the metropolitan area. For fiscal year 1987 and succeeding years, the commissioner shall allocate 50 percent of the total appropriation to each of these areas.

Subp. 2. ~~Succeeding-years~~ Reallocation of unused funds. The commissioner shall reallocate unused funds after December 31 of each year at the commissioner's discretion based on need factors such as labor market conditions, demand for child care services, and number of persons applying for employment and training programs notwithstanding Minnesota Statutes, section 268.91, subdivision 3.

3301.0530 [Emergency] ~~APPLICATION FOR~~ ALLOCATION PLAN.

Subpart 1. ~~Application.--The-county-shall-make-application on-forms-provided-by-the-commissioner.~~

~~Subp. 2.~~ Submittal of plan. The county shall submit ~~two copies-of-the-application~~ an annual plan to the commissioner by May 1 ~~of-each-year~~.

Subp. ~~3.--Application~~ 2. Plan content. The ~~application~~ plan shall contain:

A. a narrative of the county's total program for child care services for employment and training purposes, including the amount and source of all other funds used for providing child care services; and

B. a copy of the most recent ~~information~~ CSSA plan for child care services provided to the Department of Human Services ~~under-the-Community-Social-Services-Act~~ for the target population which has need of child care services in order to secure or retain employment or to obtain the training or education necessary to secure employment.

Subp. ~~4.~~ 3. Approval. The commissioner shall inform the

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county of the approval of the ~~application~~ plan within 30 calendar days of the submission deadline.

3301.0540 [Emergency] DUTIES OF THE ADMINISTERING AGENCY.

Subpart 1. **Advertisement of child care services.** The administering agency shall inform:

A. parents of the availability of child care sliding fee assistance, the procedures for applying for that assistance, and tax credit for child care payments through news media, child care service providers, social service agencies and others, on an ongoing basis; and

B. every applicant for or recipient of AFDC of child care sliding fee assistance.

Subp. 2. **Assistance to applicants.** The administering agency shall provide written information about the program including types of available child care services, limits on availability, application requirements, assistance in making application, and, upon request, a copy of the fee schedule.

Subp. 3. **~~Notification-procedures~~ Application procedure.** The administering agency shall ~~inform-each-applicant-of-the-approval-or-denial-of-the-application-within-15-working-days-of-receipt-of-a-completed-signed-application.--Notice-of-denial-of-an-application-must-contain-the-reason-for-denial.--Eligibility-for-assistance-will-be-from-the-date-of-application~~ accept signed and dated applications submitted by mail or delivered to the agency as long as the application was submitted within 15 calendar days of the date the applicant signed the form. The administering agency shall mail the notice of approval or denial of assistance within 30 calendar days of receipt of the application. The administering agency shall accept required documentation submitted by the applicant during but no later than the end of the agency's response time. With the consent of the applicant, the administering agency may extend the response time by 15 calendar days.

The date of eligibility for assistance will be the later of the date of signature on the application or the beginning date

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of employment, education, training, or employment services. The notice of approval of the application must state the following information: the final date of the eligibility period; that address, family size, income, and employment, education or training status be reported every six months; and that all changes in address, family size, and employment, education or training status and significant changes in income as described in part 3301.0560 [Emergency], subpart 4 must be reported immediately to the administering agency.

Notice of denial of an application must state the reason for denial. Failure to provide required documentation is just cause for eligibility denial.

Subp. 4. **Eligibility or family fee redetermination.** The administering agency shall redetermine either eligibility or family fee when notified by the ~~applicant~~ recipient of a change in ~~family-size-or-a-significant-change-in-income~~ information provided in the initial application, or every six months, whichever occurs first. ~~A-significant-change-is-any~~ The administering agency will not take any action on reports of changes in monthly gross income unless the change in monthly gross income ~~which~~ results in a ten percent decrease or increase.

3301.0550 [Emergency] APPLICATION FOR CHILD CARE SERVICE ASSISTANCE.

Families must apply for child care service assistance to the administering agency in the family's county of residence.

3301.0560 [Emergency] ELIGIBILITY CRITERIA.

Subpart 1. **Income level.** Families are eligible to receive child care service assistance if ~~their-income-level-is-above-the-upper-eligibility-limit-for-AFDC-but-below-75-percent-of-the-state-median-income~~ they:

A. receive AFDC;

B. have household income below the eligibility level for AFDC for a family of the same size; or

C. have household income above the upper eligibility limit for AFDC but below 75 percent of the state median income.

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Child care assistance must be available to families eligible under item A as in-kind services, and to families eligible under item B, at no cost.

Subp. 2. **Required proof of income eligibility.** Income of the applicant family shall be verified based on the 12-month period immediately preceding the application date or the most recent calendar year, or the current monthly income of the family multiplied by 12, whichever provides the most accurate assessment of the income available to the family. Verification of income shall be made through documentary evidence in the possession of the applicant or be obtained from the source of the income.

Subp. 3. **Continuing eligibility.** Families receiving assistance under one of the three criteria under Minnesota Statutes, section 268.91, subdivision 4, for financial eligibility may not be refused further assistance upon a change of financial status as long as the family's income does not exceed 75 percent of the state median income. ~~The family must inform the administering agency of a significant change in financial status as described in part 3301.0540 [Emergency], subpart 4.~~

Subp. 4. **Recipient responsibilities.** The recipient is responsible for immediately notifying the administering agency of any change in the information provided in the initial application including significant changes in income. Significant changes in income are changes in monthly gross income which result in a ten percent increase or decrease. The recipient must provide to the administering agency the current status of the information provided in the initial application every six months during their eligibility period.

3301.0570 [Emergency] FAMILY FEE PAYMENT SCHEDULE.

~~The following is~~ The schedule of monthly fee rates for families is based upon income and family size. The schedule will be adjusted annually based on the state median income and will be published in the State Register. The schedule below is

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for family sizes two through six and is based on the state median income published in the December 6, 1984 Federal Register.

The family fee is calculated by multiplying the annual income times a percentage base. The percentage base is indexed to the family's ability to pay. A portion of the family fee may be claimed as credit against tax liability according to the Internal Revenue Code and Minnesota income tax laws. The percent of tax credit which may be claimed depends on an individual's taxable income during a tax year.

CHILD DAY CARE INCOME ELIGIBILITY AND FEE SCHEDULE

(Using Increments of 2.5 Percent for Each Range up to 60 Percent of the State Median Income and One Percent Increments From 60 Percent to 75 Percent of the State Median Income)

Family of 2, State Median Income: $19,493

60 percent of SMI = $11,696

AFDC Income Level Threshold: $5,209

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 5,209- 5,361	$ 434- 447	.25	$ 3	~~$-1.00~~	~~60.0~~
	5,362- 5,848	448- 487	.25	3	~~1.00~~	~~60.0~~
	5,849- 6,335	488- 528	.25	3	~~1.00~~	~~60.0~~
	6,336- 6,823	529- 569	.25	3	~~1.00~~	~~60.0~~
	6,824- 7,310	570- 609	.25	4	~~2.40~~	~~60.0~~
37.5	7,311- 7,797	610- 650	.50	8	~~4.00~~	~~60.0~~
	7,798- 8,285	651- 690	.50	8	~~4.00~~	~~60.0~~
	8,286- 8,772	691- 731	.50	9	~~5.40~~	~~60.0~~
	8,773- 9,259	732- 772	.50	9	~~5.40~~	~~60.0~~
50.0	9,260- 9,747	773- 812	.50	10	~~6.00~~	~~60.0~~
	9,748-10,234	813- 853	.75	14	~~7.90~~	~~56.5~~
	10,235-10,721	854- 893	.75	15	~~8.50~~	~~56.5~~
	10,722-11,208	894- 934	.75	15	~~8.35~~	~~55.7~~
60.0	11,209-11,696	935- 975	.75	16	~~8.80~~	~~54.8~~
		Add 25 Percent To Base (*)				
	11,697-11,891	976- 991	1.0	26	~~14.15~~	~~54.4~~
	11,892-12,086	992-1,007	1.0	34	~~18.00~~	~~53.0~~
	12,087-12,281	1,008-1,023	1.0	42	~~22.10~~	~~52.6~~
	12,282-12,476	1,024-1,040	1.0	51	~~26.60~~	~~52.2~~
65.0	12,477-12,670	1,041-1,056	1.0	60	~~31.10~~	~~51.8~~
	12,671-12,865	1,057-1,072	1.25	73	~~37.45~~	~~51.3~~
	12,866-13,060	1,073-1,088	1.25	81	~~41.25~~	~~50.9~~
	13,061-13,255	1,089-1,105	1.25	89	~~44.95~~	~~50.5~~

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	13,256-13,450	1,106-1,121	1.25	97	~~48.60~~	~~50.1~~
70.0	13,451-13,645	1,122-1,137	1.25	105	~~52.20~~	~~49.7~~
	13,646-13,840	1,138-1,153	1.50	118	~~58.20~~	~~49.3~~
	13,841-14,035	1,154-1,170	1.50	123	~~58.80~~	~~47.8~~
	14,036-14,230	1,171-1,186	1.50	130	~~61.60~~	~~47.4~~
	14,231-14,425	1,187-1,202	1.50	137	~~64.40~~	~~47.0~~
75.0	14,426-14,620	1,203-1,218	1.50	144	~~67.10~~	~~46.6~~

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 3, State Median Income: $24,078

60 percent of SMI = $14,447

AFDC Income Level Threshold: $6,337

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 6,337- 6,621	$ 528- 552	.25	$ 3	$-~~1.80~~	~~60.0~~
	6,622- 7,223	553- 602	.25	3	~~1.80~~	~~60.0~~
	7,224- 7,825	603- 652	.25	4	~~2.40~~	~~60.0~~
	7,826- 8,427	653- 702	.25	4	~~2.40~~	~~60.0~~
	8,428- 9,029	703- 752	.25	4	~~2.40~~	~~60.0~~
37.5	9,030- 9,631	753- 803	.50	9	~~5.40~~	~~60.0~~
	9,632-10,233	804- 853	.50	9	~~5.10~~	~~56.5~~
	10,234-10,835	854- 903	.50	10	~~5.65~~	~~56.5~~
	10,836-11,437	904- 953	.50	10	~~5.55~~	~~55.3~~
50.0	11,438-12,039	954-1,003	.50	10	5.30	53.0
	12,040-12,641	1,004-1,053	.75	16	~~8.30~~	~~51.8~~
	12,642-13,243	1,054-1,104	.75	16	~~8.10~~	~~50.5~~
	13,244-13,845	1,105-1,154	.75	16	~~7.90~~	~~49.3~~
60.0	13,846-14,447	1,155-1,204	.75	16	~~7.50~~	~~47.0~~
		Add 25 percent to Base (*)				
	14,448-14,688	1,205-1,222	1.0	28	~~13.05~~	~~46.6~~
	14,689-14,929	1,223-1,244	1.0	36	~~16.30~~	~~45.2~~
	14,930-15,169	1,245-1,264	1.0	45	~~20.20~~	~~44.8~~
	15,170-15,410	1,265-1,284	1.0	54	~~24.00~~	~~44.4~~
65.0	15,411-15,651	1,285-1,304	1.0	63	~~27.70~~	~~44.0~~
	15,652-15,891	1,305-1,324	1.25	78	~~33.95~~	~~43.5~~
	15,892-16,132	1,325-1,344	1.25	86	~~37.10~~	~~43.1~~
	16,133-16,373	1,345-1,364	1.25	95	~~40.55~~	~~42.7~~
	16,374-16,614	1,365-1,384	1.25	103	~~43.55~~	~~42.3~~
70.0	16,615-16,855	1,385-1,405	1.25	110	~~45.10~~	~~41.0~~
	16,856-17,095	1,406-1,425	1.50	124	~~50.35~~	~~40.6~~
	17,096-17,336	1,426-1,445	1.50	132	~~53.10~~	~~40.2~~
	17,337-17,577	1,446-1,465	1.50	140	~~55.70~~	~~39.8~~
	17,578-17,818	1,466-1,485	1.50	148	~~58.30~~	~~39.4~~
75.0	17,819-18,059	1,486-1,505	1.50	156	~~60.85~~	~~39.0~~

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(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 4, State Median Income: $28,667

60 percent of SMI = $17,200

AFDC Income Level Threshold: $7,393

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 7,393- 7,883	$ 616- 657	.25	$ 4	~~$-2.40~~	~~60.0~~
	7,884- 8,600	658- 717	.25	4	~~2.40~~	~~60.0~~
	8,601- 9,317	718- 776	.25	5	~~3.00~~	~~60.0~~
	9,318-10,033	777- 836	.25	5	~~2.80~~	~~56.5~~
	10,034-10,750	837- 896	.25	5	~~2.80~~	~~56.5~~
37.5	10,751-11,467	897- 956	.50	10	~~5.55~~	~~55.3~~
	11,468-12,183	957-1,015	.50	10	~~5.30~~	~~53.0~~
	12,184-12,900	1,016-1,075	.50	10	~~5.15~~	~~51.3~~
	12,901-13,617	1,076-1,135	.50	11	~~5.50~~	~~49.7~~
50.0	13,618-14,333	1,136-1,195	.50	11	~~5.20~~	~~47.4~~
	14,334-15,050	1,196-1,254	.75	17	~~7.80~~	~~45.8~~
	15,051-15,767	1,255-1,314	.75	17	~~7.55~~	~~44.5~~
	15,768-16,484	1,315-1,374	.75	17	~~7.10~~	~~41.8~~
60.0	16,485-17,200	1,375-1,433	.75	17	~~6.90~~	~~40.6~~
		Add 25 percent to base (*)				
	17,201-17,487	1,434-1,457	1.0	29	~~11.55~~	~~39.8~~
	17,488-17,774	1,458-1,481	1.0	39	~~15.35~~	~~39.3~~
	17,775-18,060	1,482-1,505	1.0	48	~~18.00~~	~~37.5~~
	18,061-18,347	1,506-1,529	1.0	57	~~21.15~~	~~37.1~~
65.0	18,348-18,634	1,530-1,553	1.0	66	~~23.95~~	~~36.3~~
	18,635-18,920	1,554-1,577	1.25	81	~~29.00~~	~~35.8~~
	18,921-19,207	1,578-1,601	1.25	90	~~31.50~~	~~35.0~~
	19,208-19,494	1,601-1,625	1.25	99	~~34.25~~	~~34.6~~
	19,495-19,780	1,626-1,648	1.25	108	~~36.95~~	~~34.2~~
70.0	19,781-20,067	1,649-1,672	1.25	114	~~36.80~~	~~32.3~~
	20,068-20,354	1,673-1,696	1.50	129	~~41.15~~	~~31.9~~
	20,355-20,640	1,697-1,720	1.50	137	~~42.60~~	~~31.1~~
	20,641-20,927	1,720-1,744	1.50	145	~~44.50~~	~~30.7~~
	20,928-21,214	1,745-1,768	1.50	152	~~45.30~~	~~29.8~~
75.0	21,215-21,500	1,768-1,792	1.50	160	~~47.05~~	~~29.4~~

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 5, State Median Income: $33,253

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60 percent of SMI = $19,952

AFDC Income Level Threshold: $8,292

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	--% -Tax Credit
25.0	$ 8,292- 9,145	$ 691- 762	.25	$ 4	$-2.40	60.0
	9,146- 9,976	763- 831	.25	5	3.00	60.0
	9,977-10,807	832- 901	.25	6	3.40	56.5
	10,808-11,639	902- 970	.25	6	3.30	54.8
	11,640-12,470	971-1,039	.25	6	3.10	52.2
37.5	12,471-13,301	1,040-1,108	.50	10	5.05	50.5
	13,302-14,133	1,109-1,178	.50	11	5.25	47.8
	14,134-14,964	1,179-1,247	.50	11	5.10	46.2
	14,965-15,795	1,248-1,316	.50	11	4.90	44.5
50.0	15,796-16,627	1,317-1,386	.50	11	4.55	41.4
	16,628-17,458	1,387-1,455	.75	17	6.80	39.8
	17,459-18,289	1,456-1,524	.75	17	6.30	37.1
	18,290-19,120	1,525-1,593	.75	18	6.35	35.4
60.0	19,121-19,952	1,594-1,663	.75	18	6.10	33.8
		Add 25 percent to Base(*)				
	19,953-20,284	1,664-1,690	1.0	30	9.60	31.9
	20,285-20,617	1,691-1,718	1.0	40	12.45	31.1
	20,618-20,950	1,719-1,746	1.0	50	15.35	30.7
	20,951-21,282	1,747-1,773	1.0	59	17.60	29.8
65.0	21,283-21,614	1,774-1,801	1.0	69	20.00	29.0
	21,615-21,947	1,802-1,829	1.25	85	24.30	28.6
	21,948-22,280	1,830-1,857	1.25	93	24.90	26.8
	22,281-22,612	1,858-1,884	1.25	101	26.15	25.9
	22,613-22,945	1,885-1,912	1.25	111	28.30	25.5
70.0	22,946-23,277	1,913-1,940	1.25	119	29.40	24.7
	23,278-23,610	1,941-1,967	1.50	134	31.90	23.8
	23,611-23,942	1,968-1,995	1.50	143	33.45	23.4
	23,943-24,275	1,996-2,023	1.50	149	32.80	22.0
	24,276-24,607	2,024-2,051	1.50	159	35.00	22.0
75.0	24,608-24,940	2,052-2,078	1.50	168	36.95	22.0

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 6, State Median Income: $37,838

60 Percent of SMI = $22,703

AFDC Income Level Threshold: $8,292

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	--% -Tax Credit

25.0	$ 9,204-10,405	$ 767- 867	.25	$ 4	~~$-2.25~~	~~56.5~~
	10,406-11,351	868- 946	.25	5	~~2.80~~	~~55.7~~
	11,352-12,297	947-1,025	.25	5	~~2.65~~	~~52.6~~
	12,298-13,243	1,026-1,104	.25	5	~~2.55~~	~~50.5~~
	13,244-14,189	1,105-1,182	.25	5	~~2.40~~	~~47.8~~
37.5	14,190-15,135	1,183-1,261	.50	11	~~5.00~~	~~45.8~~
	15,136-16,081	1,262-1,340	.50	11	~~4.70~~	~~42.7~~
	16,082-17,027	1,341-1,419	.50	11	~~4.50~~	~~40.6~~
	17,028-17,973	1,420-1,498	.50	12	~~4.70~~	~~38.9~~
50.0	17,974-18,919	1,499-1,577	.50	12	~~4.30~~	~~35.8~~
	18,920-19,865	1,578-1,655	.75	18	~~6.10~~	~~33.8~~
	19,866-20,811	1,656-1,734	.75	18	~~5.55~~	~~30.7~~
	20,812-21,757	1,735-1,813	.75	18	~~5.20~~	~~29.0~~
60.0	21,758-22,703	1,814-1,892	.75	18	~~4.70~~	~~25.9~~
		Add 25 percent to Base(*)				
	22,704-23,081	1,893-1,923	1.0	31	~~7.80~~	~~25.1~~
	23,082-23,460	1,924-1,955	1.0	41	~~10.00~~	~~24.3~~
	23,461-23,838	1,956-1,986	1.0	51	~~11.95~~	~~23.4~~
	23,839-24,216	1,987-2,018	1.0	61	~~13.40~~	~~22.0~~
65.0	24,217-24,595	2,019-2,050	1.0	71	~~15.60~~	~~22.0~~
	24,596-24,973	2,051-2,081	1.25	88	~~19.35~~	~~22.0~~
	24,974-25,351	2,082-2,113	1.25	99	~~21.80~~	~~22.0~~
	25,352-25,730	2,114-2,144	1.25	110	~~24.20~~	~~22.0~~
	25,731-26,108	2,145-2,176	1.25	119	~~25.00~~	~~21.0~~
70.0	26,109-26,487	2,177-2,207	1.25	129	~~27.10~~	~~21.0~~
	26,488-26,865	2,208-2,239	1.50	147	~~30.90~~	~~21.0~~
	26,866-27,243	2,240-2,270	1.50	157	~~33.00~~	~~21.0~~
	27,244-27,622	2,271-2,302	1.50	168	~~35.30~~	~~21.0~~
	27,623-28,000	2,303-2,333	1.50	178	~~37.40~~	~~21.0~~
75.0	28,001-28,379	2,334-2,365	1.50	186	~~37.20~~	~~20.0~~

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

3301.0580 [Emergency] EMPLOYMENT AND TRAINING ELIGIBILITY.

Subpart 1. **Child care during job search.** Counties shall provide the equivalent of one month of full-time child care to persons seeking employment. This amount can be prorated over a period of up to four months at the option of the applicant.

Subp. 2. ~~**Setting-aside-of-funds.**--Counties-shall-set-aside child-care-assistance-funds-for-persons-who-are-receiving assistance-for-education-or-training-programs-with-demonstrated effectiveness.--The-funds-must-be-set-aside-for-the-length-of the-program.--If-education-or-training-extends-beyond-the program-year,-counties-must-set-aside-funds-on-a-contingent basis.--Resources-to-cover-the-assistance-may-be-from-the sliding-fee-program-only-or-from-a-combination-of-funding~~

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~~sources for child care assistance.~~

~~Subp. 3. Length of assistance. Counties shall pay child care assistance to recipients for the length of the program or 24 months, whichever is shorter. Persons enrolled in programs for two or more years may select the 24-month period during which they will receive assistance.~~ **Child care during education or training.** Counties shall provide child care assistance to persons participating in education or training programs with demonstrated effectiveness which ~~have been approved~~ are contained in an employability development plan submitted by the applicant. The administering agency shall accept an employability development plan prepared for the applicant by another employment or training program. The administering agency shall provide an employability development assessment and plan as defined by part 3301.0020 [Emergency], subparts 9 and 10, for applicants unable to obtain one prior to application through another program.

Counties shall pay child care assistance to persons eligible under this subpart for the length of the education or training program or 24 months, whichever is less. Persons enrolled in an education or training program for two or more years may select the 24-month period during which they will receive assistance.

Upon approval of an application for assistance under this subpart, counties must set aside funds from the current allocation to cover the child care assistance for the current sliding fee program year. If a person's education or training program extends beyond the sliding fee program year of initial eligibility determination, counties must set aside amounts to cover the person's eligible period of education or training upon receipt of the sliding fee allocations in subsequent years. Counties may cover the child care assistance for persons eligible under this subpart from a combination of funding sources other than sliding fee.

Subp. ~~4.~~ 3. **Local policies.** Counties may establish additional policies on continuation in and completion of training programs and transfer between programs. These policies

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must be in writing and be available to the public.

~~Subp. 5. WIN participation. The WIN assessment and employability development plan shall be followed in determining the eligibility for sliding fee child care assistance funds for employment and training services.~~

3301.0590 [Emergency] PROVISION OF SERVICE.

Subpart 1. **Service charge.** The ~~county~~ department shall determine annually the median service charge for each type of child care service available in the county and report that information ~~on a form provided by the commissioner~~ by ~~August~~ December 31 of each year.

Subp. 2. **Limitation of assistance.** The county may limit the number of families to whom assistance is provided if allocations are insufficient.

Subp. 3. **Disproportionate distribution.** A county that disproportionately distributes money among the three eligibility groups must document to the commissioner the reasons for the distribution. A county's rationale may include such factors as the number of families being served by other funding sources and the number of families in need of child care in each category.

3301.0600 [Emergency] PAYMENT OF ASSISTANCE.

Subpart 1. **Payment options.** The administering agency shall make payment in either of the following ways:

A. reimbursement of an eligible family's expenses incurred up to the limits specified by the county; or

B. reimbursement of the child care provider charges up to the limits specified by the county.

Subp. 2. **Notification.** The administering agency shall inform the family or child care provider who will receive payment how and when it will be received.

Subp. 3. **Payment by computation.** The administering agency shall inform the family of the method by which its monthly family fee payment was computed.

Subp. 4. **Payment schedule.** The administering agency shall make payments at least monthly.

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Subp. 5. **Sick child care.** The county may pay sick child care on a limited basis in addition to making payments for regular child care. Sick child care assistance payments may not exceed the day care center maximum set by the county for the sick child's age. For purposes of this subpart, sick child care means child care services as defined in part 3301.0480 [Emergency], subpart 3 which provide care to children who as a result of illness cannot attend the family's regular provider.

3301.0610 [Emergency] DATA COLLECTION AND EVALUATION.

Subpart 1. **Data collection.** The commissioner shall collect the following data by August 31 of each year:

A. the amount of money the counties spend on child care from all public funding sources;

B. the number of children receiving child care by all public funding sources;

C. the average number of children who receive assistance per family under the sliding fee program;

D. the average length of time a child receives child care under the sliding fee program;

E. the number of families receiving child care in each eligibility category of the sliding fee program;

F. the county's average expenditure per child care slot for 12 months under the sliding fee program; and

G. ~~the number of families who received AFDC in the six months prior to receiving assistance with child care costs~~ other data as requested by the commissioner for purposes of program evaluation and monitoring.

Subp. 2. **Program evaluation.** The commissioner shall evaluate the program to determine its effectiveness in preventing and reducing dependence on public assistance and in providing other benefits.

Subp. 3. **Reporting.** The administering agency shall collect data and prepare periodic reports as required by the commissioner.

3301.0620 [Emergency] FAIR HEARING PROCESS.

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Subpart 1. ~~Responsibilities of the county.--The county shall ensure that one or more review officers are appointed to conduct informal grievance procedures concerning the issues in subpart 2 and in accordance with the procedures in subparts 3 to 6.--Review officers who are appointed must not have participated, in any way, in the action in question.~~

~~Subp. 2.--Grievable~~ Adverse actions. Applicants and recipients have the ~~right~~ option to request the county to conduct ~~an informal grievance procedure on~~ a conciliation conference to attempt to resolve complaints arising from any of the following actions:

A. a determination of ineligibility for child care assistance;

B. unauthorized termination of child care assistance;

C. determination of the factors considered in setting the family fee; and

D. income redetermination resulting in change of a family fee.

~~For purposes of item B, a recipient may not appeal if the child care assistance was terminated during the period of time when funds were to be available on a contingent basis.~~

Subp. ~~3.~~ 2. Notice requirements. The county shall notify the applicant or the recipient, in writing, of any ~~grievable~~ adverse action. The determinations described in subpart 1, items A and C must include written notice of the applicant's or recipient's right to the election described in subpart 3, where and how to request the election, the time limit within which to make the request, and the reasons for the determination. Notice of the proposed actions described in subpart 1, items B and D must be mailed to the applicant or recipient at least 15 calendar days before the effective date of the action. The notice must clearly state what action the county ~~intends~~ proposes to take, the effective date of the proposed action, the reasons for the proposed action, the necessary corrective measures, the ~~right to grieve the action~~ option to request either a conciliation conference or an administrative hearing, where and how to make the request, the time limits ~~for the grievance~~ within which a request must be made, and the

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consequences of the action.

Subp. ~~4.--Notice-of-intent-to-grieve.--An-applicant-or-recipient-who-receives-the-notice-described-in-subpart-3-must-request-the-county,-in-writing,-to-conduct-the-grievance~~ procedure 3. Election. An applicant or recipient who receives a determination or a notice of proposed action under subpart 2 must mail or deliver either a written notice of request for a conciliation conference to the ~~LSU~~ administering agency or a written notice of request for the hearing specified under subpart 5 to the ~~department~~ administering agency on or before the effective date of the proposed action or the date specified in the notice, or the action will be final.

Subp. ~~5.--Informal-grievance-procedure~~ 4. Conciliation conference. The county shall provide ~~an-informal-grievance~~ procedure a conciliation conference within 30 days of receipt of a written request.

The county shall give the applicant or recipient ten calendar days' notice of the ~~hearing~~ conference date. The applicant or recipient and the county's representative has the right to appear, to ~~call~~ bring witnesses, and submit ~~new~~ documentation. The written request and ~~all-actions-and-decisions~~ the resolution, if any, of the procedure conference shall be maintained as part of the official record. The ~~hearing officer~~ county's representative shall ~~make-a-determination~~ issue a written resolution, if only mutual agreement is reached between the county's representative and the applicant or recipient. The resolution must ~~any, within ten five calendar days of the date of the informal-grievance-procedure conciliation conference~~ be signed by both parties and issued on the same day as the conciliation conference is held. [Add Insert]

Subp. ~~6.~~ 5. Administrative hearing process. ~~A dissatisfied-party. An-applicant-or-recipient-whose-complaint-was not-resolved-in-the-conciliation-conference-may,-request-in writing-to-the-department-within-15-calendar-days-of-the-mailing of-an-adverse-determination conference~~, a fair hearing shall be conducted in the manner prescribed by Minnesota Statutes, section 268.10, subdivision 3, or the ~~determination~~ action will be final. A right to review will be provided in accordance with Minnesota Statutes, section 268.10, subdivision 5. The ~~adverse determination~~ proposed action will not take effect until the

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Insert for part 3301.0620, subp. 4:

Add to second paragraph:

Participating in a conciliation conference or signing a resolution does not constitute a waiver of the right to an administrative hearing.

Begin new paragraph:

An applicant or recipient may, within 15 calendar days of the conference, mail or deliver a written request to the administering agency for an administrative hearing. No determination, proposed action, or resolution of a conciliation conference will be final until the 15 day period has passed, and no appeal has been requested.

appeal is decided by the administrative hearing process.

SUPPORT SERVICES

3301.0630 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0630 to 3301.0650 [Emergency] govern the provision of support services, other than sliding fee child care, to participants in employment and training services.

Subp. 2. **Applicability.** Parts 3301.0630 to 3301.0650 [Emergency] apply to all LSUs providing or arranging for work-related transportation and other support services subject to availability of funds.

3301.0640 [Emergency] TRANSPORTATION.

Subpart 1. ~~**Reimbursement rate.**~~ Transportation costs. LSUs shall provide or arrange for advance payment ~~or reimbursement~~ of work-related transportation costs for participants in employment and training services. Participants will be ~~reimbursed or~~ paid in advance at a rate of ~~16~~ 15 cents per actual mile traveled to and from home and the agency approved employment and training site when a personal vehicle is used. A participant will be paid in advance ~~or reimbursed~~ actual costs when public transportation or carpooling is used. Insert 55a

Subp. 2. **Report.** The participant must report transportation expenses on forms provided by the local agency or contractor.

3301.0650 [Emergency] OTHER SUPPORT SERVICES.

Support services other than sliding fee child care and transportation shall be provided or arranged for by LSUs based on employment and training program requirements and availability of funds. Other support services include child care services other than sliding fee, work-related expenses as defined in part 3301.0020 [Emergency], subpart 29 and family services including:

A. homemaker services;

B. financial management;

C. family planning;

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Insert at the end of subpart 1 of part 3301.0640:

Upon receipt of the actual expense reports required in subpart 2, the LSU shall correct any underpayment or overpayment resulting from the advance payment. If the participant agrees in writing, an LSU may reimburse the participant for work-related transportation costs paid by the participant.

D. counseling;

E. employment-related medical, remedial, and health care services;

F. employment-related medical expenses;

G. vocational rehabilitation; and

H. other services necessary to enable a registrant to participate in employment and training.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR - 6 1986
Joan Anderson Growe
Secretary of State

8:43 AM

APPROVED AS TO FORM AND LEGALITY

3/5 1986

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

AG copy

Department of Jobs and Training

Adopted Rules Relating to Employment

Rules as Adopted, Emergency

3301.0010 [Emergency] PURPOSE AND STATUTORY AUTHORITY.

Parts 3301.0010 to 3301.0650 [Emergency] govern the administration of a coordinated delivery system for the state's employment and training services and support services as authorized by Laws of Minnesota 1985, first special session chapter 14, article 9.

3301.0020 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 3301.0010 to 3301.0650 [Emergency], the following terms have the meanings given them unless the context clearly requires a different meaning.

Subp. 2. **AFDC.** "AFDC" means the aid to families with dependent children program, under title IV of the Social Security Act, United States Code, title 42, section 601 et seq., as amended and Minnesota Statutes, sections 256.72 to 256.87.

Subp. 3. **CIP.** "CIP" means the community investment program authorized by Minnesota Statutes, section 268.90.

Subp. 4. **Co-location.** "Co-location" means locating staff from one agency in the physical space of another agency. Co-location may also mean the physical consolidation of office and common space such as lobby and reception areas, testing and conference rooms, supply rooms, and employee rooms.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Jobs and Training or a designee.

Subp. 6. **Coordinator.** "Coordinator" means the coordinator of the Office of Full ~~Employment and~~ Productivity and Opportunity.

FF(1)

Subp. 7. **County board.** "County board" means the board of county commissioners of a county.

Subp. 8. **Department.** "Department" means the Department of Jobs and Training.

Subp. 9. **Employability assessment.** "Employability assessment" means a written record of the registrant's education and training, prior work experience, and the barriers to seeking and securing suitable employment.

Subp. 10. **Employability development plan.** "Employability development plan" means the plan written for a registrant by a vocational advisor that sets forth the registrant's vocational goal, training, education, and support services necessary for the registrant to reach that goal.

Subp. 11. **Employment.** "Employment" means a job with a private, nonprofit, or public employer.

Subp. 12. **Employment and training services.** "Employment and training services" means programs, activities, and services as defined in Minnesota Statutes, section 268.0111, subdivision 4.

Subp. 13. **GA.** "GA" means the general assistance program authorized by Minnesota Statutes, chapter 256D to provide financial assistance to needy families and individuals.

Subp. 14. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action that is reasonable and justified when viewed in the context of the surrounding circumstances.

Subp. 15. **JTPA.** "JTPA" means the Job Training Partnership Act authorized under Public Law Number 97-300, United States Code, title 29, section 1501, as amended.

Subp. 16. **Local agency.** "Local agency" means a county or multi-county agency responsible under Minnesota law for the administration of the AFDC, GA, and WR programs.

Subp. 17. **LSU.** "LSU" means local service unit as defined in Minnesota Statutes, section 268.0111, subdivision 6.

Subp. 18. **Participant.** "Participant" means a person who is receiving employment and training services.

Subp. 19. **Public assistance.** "Public assistance" means aid to families with dependent children, general assistance, and

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work readiness.

Subp. 20. **Registrant.** "Registrant" means a person who is registered for employment and training services.

Subp. ~~20.~~ 21. **Registration.** "Registration" means the process which must be completed by an individual prior to beginning employment and training services.

Subp. ~~21.~~ 22. **Service provider.** "Service provider" means a public, nonprofit, or private organization or agency with whom an LSU has a written contract to provide specified employment and training or support services.

Subp. ~~22.~~ 23. **Subsidized employment.** "Subsidized employment" means work in a job for which an individual's wages and benefits are partially or totally paid with government program funds.

Subp. ~~23.~~ 24. **Suitable employment.** "Suitable employment" means a job that meets existing health and safety standards set by federal, state, or local regulations, is within the physical and mental ability of the person as determined by a ~~qualified professional,~~ vocational advisor pays at least the minimum wage prescribed by state or federal law and does not include temporary day labor.

Subp. ~~24.~~ 25. **Support services.** "Support services" means those services which are necessary to enable an individual to engage in employment and training, including child care, transportation, assistance with work-related expenses, and family services as described in parts 3301.0630 [Emergency] and 3301.0650 [Emergency].

Subp. ~~25.~~ 26. **Unsubsidized employment.** "Unsubsidized employment" means a job for which the wages and benefits are paid entirely by the employer without government program funds.

Subp. ~~26.~~ 27. **Vocational advisor.** "Vocational advisor" means a person employed by or under contract with the local agency who 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

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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.

Subp. ~~27.~~ 28. **Wage subsidy program.** "Wage subsidy program" means the Minnesota Employment and Economic Development wage subsidy program authorized by Minnesota Statutes, sections 268.672 to 268.682.

Subp. ~~28.~~ 29. **WR.** "WR" means the work readiness program authorized under Minnesota Statutes, section 256D.051.

Subp. ~~29.~~ 30. **Work-related expenses.** "Work-related expenses" means normal expenses associated with maintaining a job, including meals during work hours, work clothing, tools or supplies, any salary or wage deductions for union dues, and any other costs related to employment other than child care and transportation.

GENERAL ADMINISTRATION

3301.0030 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0030 to 3301.0650 [Emergency] establish general administrative provisions for operation of employment and training services and support services.

Subp. 2. **Applicability.** Parts 3301.0030 to 3301.0650 [Emergency] apply to the ~~commissioners~~ commissioner of the Department of Jobs and Training ~~and the Department of Human Services~~ or ~~their designees~~ designee, county boards, local agencies, LSUs, and service providers which administer employment and training services and support services. FF 5

Subp. 3. **Preparation of written materials.** All referral forms, notices, and other information prepared by the commissioner, a county board, a local agency, an LSU, or a service provider pursuant to parts 3301.0010 to 3301.0650 [Emergency] for distribution to applicants, participants, recipients, or registrants must be prepared in clear and easily FF 6

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understood English. The commissioner shall prepare a written statement in English, Spanish, Laotian, Vietnamese, Cambodian, and Hmong that states that the written document accompanying the statement is very important, and that if the reader does not understand the document the reader should seek immediate assistance. The written statement must accompany all referral forms, notices, and other information given to applicants, participants, recipients, and registrants pursuant to parts 3301.0010 to 3301.0650 [Emergency].

FF6

3301.0040 [Emergency] CO-LOCATION.

Subpart 1. **Co-location requirements.** The LSU shall require that staffs and facilities of local agencies and service providers are located and coordinated in a manner as to fulfill the requirements of Minnesota Statutes, section 268.871, subdivision 4.

Subp. 2. **Request for waiver.** An LSU may request a waiver from the co-location requirements in Minnesota Statutes, section 268.871, subdivision 4 by submitting a written request to the commissioner. The request must state the reasons the waiver is sought and the evidence supporting the reasons.

Subp. 3. **Criteria.** The LSU must demonstrate in its request that one or both of the following conditions would occur if services were co-located:

A. the delivery of services would be greatly hindered due to geographic distance from the proposed co-location site or the lack of public transportation; or

B. a significant financial hardship would be imposed on the LSU, and no significant financial hardship to participants results from the alternative plan proposed by the LSU.

Subp. 4. **Approval or disapproval of request.** The commissioner, after consultation with the coordinator and the commissioner of human services, may approve a request for a waiver of the co-location requirement if the LSU has demonstrated that one or both of the conditions in subpart 3

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would occur, subject to subpart 5. The commissioner shall notify the LSU of the decision in writing within 30 days of the date the request is received and shall state the reasons for the approval or disapproval.

Subp. 5. **Conditions for waiver of co-location for registration.** A waiver of co-location requirements will not be approved by the commissioner unless the LSU ensures that timely registration requirements will be met by either of the following:

A. the local agency, by contract or agreement, provides registration as described in part ~~3301.0160~~ 3301.0140 [Emergency], subpart 2, items A and B; or FF7

B. the LSU demonstrates that the procedure currently used within the county provides registration to AFDC applicants and recipients throughout the work week during regular business hours and at a location within reasonable travel distance from the local agency. For purposes of this item, "reasonable travel distance" means no more than 15 minutes travel time from the local agency to the place of registration FF8 by the means of transportation actually available to the individual.

The commissioner will assist an LSU meeting the waiver conditions in item A with necessary federal or Department of Human Services approval.

3301.0050 [Emergency] CERTIFICATION OF SERVICE PROVIDERS.

LSU plans submitted pursuant to Minnesota Statutes, section 268.88 shall identify those public, private, or nonprofit agencies that will provide employment and training services. The commissioner shall certify those providers referred to in the LSU plan if it is demonstrated in the plan that the provider has met the performance standards established by the coordinator. In contracting with service providers, LSUs shall give preference to those entities referred to in Minnesota Statutes, section 268.871, subdivision 2.

3301.0060 [Emergency] STANDARDS FOR PROGRAM ADMINISTRATION.

Subpart 1. **Standards for LSUs.** LSUs shall:

A. provide or arrange for necessary FF10 child care

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services;

B. reimburse or arrange for payment of allowable transportation costs as set forth in part 3301.0640 [Emergency];

C. establish ~~an informal grievance procedure~~ a conciliation process according to part 3301.0100 [Emergency] and ~~inform~~ provide written notice to all individuals applying for employment and training services of their right to ~~the procedure~~ this process and their coexistent right to a fair hearing; FF 11

D. provide or arrange for delivery of other necessary support services such as ~~defined~~ those enumerated in part 3301.0650 [Emergency]; FF 12

E. ensure that employability assessments, if required, are conducted to determine the suitability of employment and training services; the assessment must be prepared within 30 calendar days of the date the individual has registered for employment and training services;

F. require that a vocational advisor conduct the employability assessment and prepare the employability development plan; and

G. ~~require that public assistance applicants can register on the same day for employment and training services;~~ FF 13 ~~and~~

H. ensure that public assistance recipients are registered for employment and training services within time limits necessary to avoid delaying receipt of assistance, denying benefits, or reducing the amount of benefits.

Subp. 2. **Standards for service providers.** Service providers shall:

A. meet the performance standards established by the coordinator;

B. conduct employability assessments, if required, within 30 calendar days of the date the individual has registered for employment and training services to determine the suitability of employment and training services;

C. ensure that a vocational advisor conduct the employability assessment and prepare the employability

development plan; and

D. ~~require that public assistance applicants can register on the same day for employment and training services; and~~ FF14

E. register public assistance recipients for employment and training services within time limits necessary to avoid delaying receipt of assistance, denying benefits, or reducing the amount of benefits.

GENERAL PARTICIPATION

3301.0070 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0070 to 3301.0100 [Emergency] establish general standards for participation in employment and training services ~~by public assistance recipients and wage subsidy program registrants~~. FF15

Subp. 2. **Applicability.** Parts 3301.0070 to 3301.0100 [Emergency] apply to all applicants for and ~~recipients of~~ participants in employment and training services ~~who are public assistance recipients and wage subsidy program registrants~~. FF15

3301.0080 [Emergency] CONDITIONS FOR PARTICIPATION.

Individuals may participate in employment and training services if they:

A. register for employment and training services;

B. participate in the employment assessments and employability development plan preparation, if required; and

C. fulfill all requirements of the employment and training services identified in the employability development plan.

3301.0090 [Emergency] RIGHTS AND RESPONSIBILITIES OF PARTICIPATION.

Subpart 1. **Rights of all registrants.** Registrants for employment and training services shall be given: FF16

A. ~~given~~ an employment assessment within 30 calendar days of the date of registration, if an assessment is required by the employment and training program;

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B. ~~informed-about~~ written notice describing the availability of support services necessary to allow participation in employment and training:

(1) at the time of registration for wage subsidy applicants; and

(2) during the assessment for all other programs;

C. ~~given-a-copy-of-the-employability-development plan,-if-required,-at-the-time-it-is-prepared;~~

~~D.--informed~~ written notice of ~~the~~ and basis for all ~~decisions~~ adverse actions regarding eligibility and participation in employment and training services; and

D. written notice of a right to the fair hearing process set forth in part 3301.0100 [Emergency].

Subp. 2. **Rights of public assistance participants.** Public assistance recipients required to participate in employment and training services shall be given:

A. a copy of the employability development plan at the time it is prepared;

~~E.--informed~~ B. written notice of the sanctions, if any, which shall be imposed against an individual who fails to fulfill the responsibilities as described in subpart ~~2~~ 3 and the conditions of participation as described in part 3301.0080 [Emergency]; and

~~F.--informed~~ C. written notice at the time of registration of the requirements with which they must comply;

~~G.--informed-of-the-right-to-notice-of-any-adverse action-regarding-participation-in-employment-and-training services;-and~~

~~H.--informed-of-the-right-to-a-fair-hearing-as described-in-part-3301.0100-[Emergency]-after-an-appeal-of-any adverse-action-regarding-eligibility-for-or-participation-in employment-and-training-services.~~

Subp. ~~2.~~ 3. **Responsibilities.** A ~~registrant~~ public assistance recipient required to participate in employment and training services shall:

A. accept referral to suitable employment as

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determined in the employability development plan;

B. seek suitable employment as determined in the employability development plan;

C. accept an offer of suitable employment as determined in the employability development plan unless otherwise provided in parts 3301.0010 to 3301.0660 [Emergency];

D. participate in employment and training services as outlined in the employability development plan;

E. notify the local agency of any changes in employment status, health, address, or telephone number; and

F. comply with all other requirements as specified in the employability development plan.

Subp. ~~3.~~ 4. **Disqualification.** The LSU shall require that ~~registrants~~ public assistance recipients required to participate in employment and training services and who fail to fulfill the responsibilities established in subpart ~~2~~ 3 without good cause are notified that they have 15 calendar days to fulfill those responsibilities or to request, in writing, ~~a grievance procedure pursuant to~~ the fair hearing process set forth in part 3301.0100 [Emergency] or ~~face possible disqualification~~ be disqualified from further employment and training services.

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3301.0100 [Emergency] FAIR HEARING PROCESS.

Subpart 1. ~~Responsibilities of the LSU. The LSU shall require that one or more review officers are appointed to conduct informal grievance procedures concerning the actions listed in subpart 2 in accordance with the procedure in subparts 3 to 6. Review officers who are appointed must not have participated in any way in the action in question.~~

Subp. ~~2.~~ Grievable Adverse actions. Employment and training services applicants and participants have the ~~right~~ option to request the LSU to conduct ~~an informal grievance procedure on the~~ a conciliation conference to attempt to resolve complaints arising from any of the following actions:

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A. a determination of ineligibility for CIP or the wage subsidy program;

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B. unauthorized termination from employment and training services provided funding for those services is available;

C. failure to provide a timely registration for employment and training services;

D. disqualification resulting from a determination of failure to participate as described in part 3301.0090 [Emergency], subparts 2 and 3; and

E. failure to provide or arrange for support services other than child care funded by sliding fee if eligibility is established and funds are available; and

F. the contents of an employability development plan prepared pursuant to part 3301.0161 [Emergency], subpart 2. FF17

Any local agency action to reduce or terminate public assistance benefits shall be appealed in accordance with Minnesota Statutes, section 256.045.

Subp. ~~3.~~ 2. Notice requirements. The LSU shall require the service provider to notify the ~~party~~ applicant or participant, in writing, of any ~~grievable~~ adverse action. Notice of the proposed action must be mailed to employment and training applicants and participants at least 15 calendar days before the effective date of the action. The notice must clearly state what action the LSU or service provider ~~intends~~ proposes to take, the effective date of the proposed action, the reasons for the proposed action, the necessary corrective measures, the ~~right to grieve the action~~ option to request either a conciliation conference or an administrative hearing, the time limits ~~for the grievance~~ within which a request must be made, and the consequences of the action. A determination of ineligibility must include written notice of the applicant's right to the election described in subpart 3, the time limit within which to make the request, and the reasons for the determination. FF17

Subp. ~~4. Notice of intent to grieve. An individual applying for employment and training services or a participant who receives the notice described in subpart 3 must request the~~

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~~LSU,-on-or-before-the-date-specified-in-the-notice,-to-conduct the-grievance-procedure~~ 3. Election. An individual applying for employment and training services or a participant who receives a notice of proposed action under subpart 2 must mail or deliver either a written notice of request for a conciliation conference to the LSU or a written notice of request for hearing to the department on or before the effective date of the proposed action or the date specified in the notice or the action will be final. An individual applying for employment and training services may request ~~an~~ the LSU to conduct a ~~grievance procedure~~ conciliation conference or the department to conduct a hearing on the actions specified in subpart ~~2~~ 1, items C and E. The request must be in writing.

Subp. 5.--~~Informal-grievance-procedure~~ 4. Conciliation conference. The LSU shall provide ~~an-informal-grievance procedure~~ a conciliation conference within 30 days of receipt of a written request. The LSU shall give the employment and training applicant or participant ten calendar days' written notice of the ~~hearing~~ conference date. The applicant or participant and the county's representative has the right to appear, to ~~call~~ bring witnesses, and to submit ~~new~~ documentation. The written request and ~~all-actions-and decisions~~ the resolution, if any, of the ~~procedure~~ conference shall be maintained as part of the official record. The ~~hearing officer~~ county representative shall ~~make-a-determination~~ issue a written resolution, if any, within ten calendar days of the date of the ~~informal-grievance-procedure~~ conciliation conference.

Subp. 6. 5. Administrative hearing process. ~~A dissatisfied-party~~ An individual whose complaint was not resolved in the conciliation conference may request in writing to the department within 15 calendar days of the ~~mailing-of-an adverse-determination~~ conference, a fair hearing conducted in the manner prescribed by Minnesota Statutes, section 268.10, subdivision 3, or the ~~determination~~ action will be final. A right to review will be provided in accordance with Minnesota Statutes, section 268.10, subdivision 5. The proposed action

will not take effect nor will disqualification ~~shall not~~ occur until the appeal is decided by the administrative hearing process.

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REGISTRATION AND CERTIFICATION OF
AFDC APPLICANTS AND RECIPIENTS

3301.0110 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0110 to ~~3301.0170~~ 3301.0160 [Emergency] is to establish minimum standards for LSUs and county boards to register and certify applicants and recipients of AFDC in employment and training services~~, except as otherwise provided~~ in the federal work incentive program (WIN) in accordance with the Social Security Act, title IV C, section 432 (a).

Subp. 2. **Applicability.** Parts 3301.0110 to ~~3301.0170~~ 3301.0160 [Emergency] apply to all LSUs ~~and county boards and to all~~, counties in the WIN program, local agencies and AFDC applicants and recipients.

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3301.0120 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purposes of parts 3301.0110 to ~~3301.0170~~ 3301.0160 [Emergency] the following terms have the meanings given them.

Subp. 2. **Applicant.** "Applicant" means a person who requests aid through AFDC and whose eligibility has not yet been determined.

Subp. 3. **Application.** "Application" means ~~the date an applicant submits the completed~~, receipt by the local agency of a signed and dated application form ~~to the local agency~~ for AFDC.

Subp. 4. **Certification.** "Certification" means a determination that an AFDC registrant is ready and able to participate in employment and training services and that support services, if needed, are arranged for or provided.

Subp. 5. **Recipient.** "Recipient" means a person who is receiving AFDC or has been determined eligible to receive AFDC.

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3301.0130 [Emergency] AUTHORITY TO DELEGATE OR CONTRACT.

The county board may contract with or delegate to the local agency, or contract with a service provider, the responsibility for conducting registration of AFDC applicants and recipients in accordance with parts 3301.0110 to ~~3301.0170~~ 3301.0160 [Emergency]. A single service provider must be selected for the registration of both applicants and recipients.

~~3301.0140 [Emergency] NOTIFICATION OF APPLICANTS AND RECIPIENTS.~~

~~The county board shall notify:~~

~~A. each applicant at the time of application that registration for employment and training services on the same day, if possible, is a condition of receiving AFDC, unless the applicant meets one of the criteria for exemption in Minnesota Statutes, section 256.736, subdivision 3, and that eligibility for employment and training services begins on the date of registration;~~

~~B. each recipient of the requirement to register for employment and training in order to remain eligible for AFDC, unless the recipient meets one of the criteria for exemption in Minnesota Statutes, section 256.736, subdivision 3;~~

~~C. each applicant or recipient in writing of the exempt or nonexempt determination at the time of application for AFDC or in accordance with item B;~~

~~D. each nonexempt applicant or recipient that refusal or failure to register will result in the sanctions in chapter 9500;~~

~~E. each applicant or recipient of the right to a hearing before a human services hearing officer to contest the termination or denial of benefits as the result of refusal to register pursuant to Minnesota Statutes, section 256.045, and~~

~~F. each applicant and recipient who is exempt according to Minnesota Statutes, section 256.736, subdivision 3, clauses (5) to (8) in writing of:~~

~~(1) the option to volunteer for employment and training services;~~

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~~(2) the availability of child care and other support services; and~~

~~(3) the right to withdraw from employment and training at any time without loss of benefits as long as they remain exempt.~~

~~3301.0150 [Emergency] CHANGE OF STATUS.~~

~~Subpart 1. Reporting requirement. The county board shall inform applicants and recipients of the requirement to report to the local agency any changes which may affect their exempt or nonexempt status.~~

~~Subp. 2. Notification of registration requirement after change in status. If the local agency determines that a recipient's exempt status has changed to nonexempt, the local agency must inform the recipient in writing, at least ten calendar days before issuance of the next payment, of the requirement to register, including time and place, to avoid delay, denial, or reduction of benefits.~~

~~3301.0160~~ 3301.0140 [Emergency] REGISTRATION FOR EMPLOYMENT AND TRAINING.

Subpart 1. Registration requirement. An applicant or recipient must register for employment and training services as a condition of receiving AFDC, unless the applicant or recipient meets one of the criteria for exemption in Minnesota Statutes, section 256.736, subdivision 3.

Subp. 2. Timely registration. The following requirements apply to timely registration of applicants and recipients unless the county board is granted a waiver of co-location requirements according to part 3301.0040 [Emergency].

A. For applicants, the county board shall require that registration for employment and training services ~~and~~ be available simultaneously with application for AFDC ~~occur simultaneously~~. Simultaneous means that, at the time the applicant submits a ~~completed~~, signed and dated AFDC application form to the local agency, ~~the county board must register~~ registration for employment and training services be available

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to the applicant ~~for employment and training services~~. FF18

B. For recipients, the county board must provide registration for employment and training services to recipients throughout regular business hours during the regular work week.

Subp. 3. **Registration procedure.** The county board shall require that the registration procedure is limited to the steps necessary to establish the eligibility of the applicant or the continuing eligibility of the recipient. The county board will require that the applicant or recipient:

A. complete a work history on a form approved by the commissioner;

B. complete and sign the registration form approved by the commissioner;

C. is informed of the available employment and training services, available support services, the rights and responsibilities of participation, and the sanctions that may apply; and FF18

D. is ~~scheduled and~~ referred for an employability assessment.

Subp. 4. **Registration form distribution.** The county board shall require that copies of the registration form are provided to:

A. the registrant at the time of registration;

B. the local agency; and

C. the service provider of the employability assessment within three days of the registration.

~~3301.0161~~ 3301.0150 [Emergency] EMPLOYABILITY ASSESSMENT AND DEVELOPMENT PLAN.

Subpart 1. **Employability assessment.** The county board shall require that a vocational advisor conduct and complete an employability assessment.

Subp. 2. **Employability development plan.** The county board shall require that a vocational advisor prepare a written employability development plan based on the employability assessment and knowledge of available jobs in the area. The

plan must include:

A. an estimate of the length of time necessary to obtain suitable employment;

B. the requirement that the registrant must accept any offer of suitable employment, including those offered through JTPA, the wage subsidy program, and other employment and training services except when participation is voluntary;

C. specific job search requirements based on the assessment;

D. other specialized employment, training, and educational activities necessary to prepare the registrant for suitable employment;

E. provisions for assessing the registrant's progress in securing suitable employment; and

F. an assessment of the registrant's need for support services and family services as described in part 3301.0650 [Emergency], the availability of the services, and referral to providers of the services.

Subp. 3. **Requirements for completion of employability development plan.** The written employability development plan shall be completed within 30 calendar days from the date of registration. Upon completion of the plan and provision of necessary support services, the registrant shall be certified as ready for employment or training except as provided in part ~~3301.0170~~ 3301.0160 [Emergency], subpart 1.

Subp. 4. **Distribution of the employability development plan.** Copies of the completed employability development plan shall be distributed to the registrant, the service provider, and the local agency.

~~3301.0170~~ 3301.0160 [Emergency] SUPPORT SERVICES.

Subpart 1. **Provision of support services.** The county board shall require that a registrant not be certified unless ~~the needed~~ support services are arranged for or provided. Support services which shall ~~include~~ be provided by the county to all applicants and recipients required to register for

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employment and training services are: transportation, child care, other expenses related directly to participation in employment and training, and ~~may include~~ necessary family services ~~as~~. Family services are described in part 3301.0650 [Emergency].

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Subp. 2. **Registrant reassessment.** The county board shall permit the service provider to reassess a registrant's need for support and family services if the service provider believes the:

A. registrant may no longer need support services identified in the employability development plan;

B. registrant who currently is not receiving support services needs them; or

C. registrant needs additional support services.

COMMUNITY INVESTMENT PROGRAM (CIP)

3301.0180 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0180 to 3301.0250 [Emergency] is to establish administrative standards and the terms and conditions of participation for the community investment program authorized by Minnesota Statutes, section 268.90.

Subp. 2. **Applicability.** Parts 3301.0180 to 3301.0250 [Emergency] apply to participants, including public assistance recipients, in-community investment programs, county boards authorized to establish these programs, and participating employers.

3301.0190 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purposes of parts 3301.0180 to 3301.0250 [Emergency], the following term has the meaning given it.

Subp. 2. **Participant.** "Participant" means a person who is temporarily employed in a community investment program.

3301.0200 [Emergency] PROGRAM STANDARDS.

A county board may establish a CIP which includes one or

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more work projects and which may incorporate funding and terms and conditions of other work programs, such as JTPA, wage subsidy program, Minnesota Conservation Corps, GA or WR grant diversion, and Minnesota Summer Youth. The CIP must:

A. provide temporary employment for individuals experiencing prolonged unemployment and extreme hardship;

B. provide participants with training and work experience related to the objectives identified in the employability development plan;

C. benefit the state and community; and

D. not include work that replaces part or all of the work of a public employee position established before January 1, 1985.

3301.0210 [Emergency] PROGRAM ADMINISTRATION.

Subpart 1. **County board authority.** The county board is responsible for planning, implementing, and operating a CIP in accordance with parts 3301.0180 to 3301.0250 [Emergency]. The county board may contract the delivery of services to a certified service provider.

Subp. 2. **Requirements of CIP employers.** The county board or service provider shall ensure by written contract that CIP project employers meet the conditions of employment identified in Minnesota Statutes, section 268.90, subdivision 2, clauses (a) to (d) and provide verification, if applicable, of compliance with workers' compensation laws; affirmative action; and fair labor, health, safety, and environmental standards.

Subp. 3. **Monitoring.** The county board or service provider shall establish regular, on-site monitoring as necessary to ensure that all employment conditions are met and that participants are progressing toward work adjustment and self sufficiency as outlined in their employability development plan.

Subp. 4. **Support services.** The county board shall:

A. arrange for or provide child care, transportation, and other necessary support services to participants;

B. arrange for payment of support services directly

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to the vendor or reimbursement of the participant or service provider; and

C. maximize available resources from other programs including work readiness administrative funds, title XX, Community Social Services Act, sliding fee child care, work incentive program, JTPA, and the wage subsidy program to provide or arrange for support services.

Subp. 5. **Length of participation.** The county board or its service provider shall set the length of CIP employment according to the terms and conditions of other programs which fund CIP employment, including JTPA, wage subsidy program, Minnesota Youth Conservation Corps, GA or WR grant diversion, and Minnesota Summer Youth.

3301.0220 [Emergency] PROGRAM PLAN.

Subpart 1. **CIP plans.** County boards electing to establish a CIP shall submit a plan for approval to the commissioner by February 1, 1986.

Subp. 2. **CIP plan content.** CIP plans shall include:

A. a designation and description of the administering entity, which may be:

(1) the county;

(2) a regional joint powers board;

(3) a joint human services board; or

(4) a contract service provider;

B. identification of any other governmental unit or private organization with which the county will jointly fund and administer a CIP project and a statement of benefit resulting from the joint effort;

C. a list of other consulted and involved employee representatives, nonprofit organizations, governmental units, community action agencies, community based organizations, local union representatives, and client group representatives;

D. a description of the projects, including geographical areas of the county or counties served;

E. program objectives for the participants and the

community;

F. the estimated number of participants and whether they are AFDC, GA, or WR volunteers, or WR recipients required to participate;

G. the arrangement for payment of participant work expenses;

H. the sources of funding to be used by the county or its service provider to subsidize participant wages including GA or WR grant diversion and wage subsidy; and

I. the sources of funding to be used by the county to meet support service needs of CIP participants.

Subp. 3. **CIP plan approval criteria.** The commissioner shall approve or disapprove county plans or the plan's annual update on the basis of:

A. inclusion of all the items in subpart 2;

B. demonstration and documentation of the county's or the service provider's ability to:

(1) deliver the programs and services to be provided; and

(2) ensure clients receive appropriate employment and training services in a fair and expeditious manner;

C. coordination of CIP activities with other agencies or programs providing employment and training activities to minimize duplication of efforts including: Job Service, JTPA, private industry councils, and vocational education;

D. provision of required support services, such as child care, transportation, and work-related expenses as necessary for clients;

E. responsiveness of CIP work experience or training to the local labor market conditions and the employment outlook in the area;

F. inclusion of available monitoring and evaluation information and the county's or local agency's response to corrective actions.

3301.0230 [Emergency] CONDITIONS OF EMPLOYMENT.

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Subpart 1. **Mandatory participation.** The county board may mandate participation of WR registrants in a CIP. However, the county may not require AFDC or GA recipients to participate in CIP. WR registrants who are required to participate in a CIP must accept and complete CIP placements ~~as a condition of continuing eligibility for~~ or be disqualified from WR services and payments. FF19

Subp. 2. **Referral conditions.** The county board or its service provider may offer CIP employment to participants only after the following employment and training service priorities have been determined ~~inappropriate for the individual or~~ unavailable due to lack of funds or local labor market conditions: FF20

A. permanent, unsubsidized, full-time private or nonprofit sector employment in conjunction with the targeted jobs tax credit;

B. permanent, subsidized full-time private sector employment;

C. permanent, subsidized full-time nonprofit sector employment;

D. training;

E. relocation; and

F. part-time subsidized, nonprofit, or public employment with continued employment assistance.

Subp. 3. **Work hours.** The standards in items A and B shall be used to determine the minimum and maximum number of hours CIP participants will be required to work.

A. No participant shall be required to work less than eight hours or allowed to work more than 32 hours of a 40-hour work week. The remaining eight hours must be available to the participant for individual voluntary job search.

B. Subject to item A, the number of hours a participant will work shall be the number:

(1) required by a CIP employer for successful project oepration; ? typo

(2) necessary to achieve the employment and

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training objectives identified in the participant's employability development plan; or

(3) established by the requirements of the grant diversion program under parts 3301.0360 to 3301.0410 [Emergency].

Subp. 4. **Wages.** CIP participants shall be paid the state minimum wage ~~or~~, the ~~prevailing~~ same wage rate being paid at the work site for similar work, or the wage paid to employees doing comparable work in that locality, whichever is greater. FF 21

Subp. 5. **Travel distance.** A participant shall not be required to travel more than two hours round trip between home and the work site, excluding time required to take children to and from a ~~day-care~~ child-care facility. FF 22

Subp. 6. **Support services.** A participant shall not be required to participate in CIP employment unless necessary support services identified in the ~~individual's~~ participant employability development plan are arranged for or provided. FF 23

WAGE SUBSIDY PROGRAM

3301.0260 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0260 to 3301.0350 [Emergency] is to implement the wage subsidy program authorized by Minnesota Statutes, sections 268.672 to 268.682.

Subp. 2. **Applicability.** Parts 3301.0260 to 3301.0350 [Emergency] apply to unemployed individuals and to the LSUs authorized under Minnesota Statutes, sections 268.672 to 268.682.

3301.0270 [Emergency] STATUTORY TERMS INTERPRETED.

Subpart 1. **Scope.** The terms and phrases used in Minnesota Statutes, sections 268.672 to 268.682 shall have the meanings and explanations given in subparts 2 and 3.

Subp. 2. **Income source.** "Income source" as used in Minnesota Statutes, section 268.676, subdivision 1, clause (1) includes wages or salaries from employment; earnings from self-employment; rents; social security benefits; old age and survivors benefits; supplemental security income; veteran's benefits; pensions; alimony; child support; wage subsidy program wages or subsidies; periodic income from insurance annuities;

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interest or dividend income from investment or savings accounts; unemployment insurance benefits including federal supplemental compensation and extended benefits; payments from the Railroad Retirement Board; and workers' compensation payments.

Subp. 3. **Supplies and materials.** "Supplies and materials" as used in Minnesota Statutes, section 268.677, subdivision 2 ~~and 268.678, subdivision 8~~ means usual consumable supplies and materials and does not include items ordinarily classified as equipment and capital items having a life expectancy of one year or more.

3301.0280 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purposes of parts 3301.0260 to 3301.0350 [Emergency], the following terms have the meanings given them.

Subp. 2. **Farmer.** "Farmer" means a person whose major source of gross earned income ~~is~~ during the preceding year was derived from a family farm or family farm corporation as defined in Minnesota Statutes, section 500.24, subdivision ~~2b~~ 2, clause (b) or (c).

Subp. 3. **Good cause.** "Good cause" means a reasonable and justified decision by the employer when viewed in the context of the surrounding circumstances that the employee fails or refuses to comply with usual and applicable work rules or to attain performance standards.

Subp. 4. **Participant.** "Participant" means a person who is receiving assistance through the wage subsidy program.

Subp. 5. **Severe household financial need.** "Severe household financial need" means inability to meet outstanding indebtedness for essential, personal, and business needs.

Subp. 6. **Unemployed.** "Unemployed" means a person who is neither employed nor self-employed and is available for full-time employment unless participating in a job training program. The LSU or service provider shall consider a farmer or a member of a farm family household who can demonstrate severe

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household financial need to be unemployed for purposes of parts 3301.0260 to 3301.0350 [Emergency].

3301.0290 [Emergency] ELIGIBILITY AND PRIORITY.

Subpart 1. **Eligibility.** The LSU or service provider shall find a job applicant eligible for the wage subsidy program if the applicant meets all of the following criteria:

A. has been a resident of this state for at least one month;

B. is unemployed;

C. is not receiving and is not qualified to receive unemployment compensation or workers' compensation; and

D. is determined to be likely to be available for employment by an eligible employer for the duration of the job.

LSUs or service providers may make preliminary eligibility determinations on the basis of a mail application if appropriate. The LSUs or service providers shall require applicants who are determined eligible to register for the wage subsidy program.

Subp. 2. **Eligibility determination for farmers.** The ~~LSU shall request from the farmer or household member~~ following items shall be accepted by the LSU as documentation ~~that serves as evidence~~ of severe household financial need ~~including~~:

A. letters from financial institutions or retailers denying credit;

B. loan foreclosure notices from financial institutions;

C. acceleration notices, delinquency notices, and collection letters from creditors; ~~or~~

D. professionally prepared financial statements;

E. commencement of a bankruptcy;

F. cancellation of a contract for deed; or

G. projected income statements prepared by the University of Minnesota Extension Service, an Area Vocational Technical Institute, or the Farmers Home Administration.

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Subp. 3. **Priority.** LSUs or service providers, in

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selecting eligible job applicants for the wage subsidy program, shall consider equally the following priorities:

A. applicants living in households with no other income source;

B. applicants whose incomes and resources are less than the standards for eligibility for general assistance;

C. applicants who are eligible for AFDC; and

D. applicants who live in a farm household who demonstrate severe household financial need.

Selections of eligibles from priority groups should reasonably reflect the proportion each group is of the total eligible for participation in the program in the jurisdiction served by the LSU.

3301.0300 [Emergency] USE OF FUNDS.

Subpart 1. **Funds for wage subsidies.** An LSU shall use no more than 25 percent of the funds available for wages for employment with eligible government and nonprofit agencies. This limit may be exceeded only with written approval of the commissioner. The LSU must submit a written request for a waiver to the commissioner which outlines the efforts made to comply and the reasons the goal is considered unattainable.

Subp. 2. **Funds for child-care services.** The LSU must provide child-care services for participants who are determined eligible under parts 3301.0560 to 3301.0580 [Emergency]. Child-care services provided or subsidized must be supplied by licensed day-care facilities or those exempted by Minnesota Statutes, section 245.791.

LSUs shall use existing resources from other programs, including those provided under the child care sliding fee program, before authorizing expenditure of wage subsidy program funds for child care. LSUs shall make the availability of child-care resources known to eligible applicants and provide information and referral services.

3301.0310 [Emergency] NOTIFICATION.

Eligible private sector employers shall notify the LSU of

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the termination of employment of any eligible job applicant not later than ten working days after the employment termination date.

3301.0320 [Emergency] REPAYMENT.

The LSU shall use the following criteria to establish the terms of repayment by employers of wage subsidy funds.

The proportional reduction in the amount that must be repaid for employment of less than one year following the six-month subsidized period shall be 5.9 percent of the amount received for each of the first 11 months and 5.1 percent for the 12th month. Employment for more than ten working days in a month will count as a full month for computation purposes.

The LSU shall require that repayment begin no later than 60 calendar days after either the termination of employment or the determination by the LSU or designee that the employee's dismissal was without good cause. A voluntary quit by the employee shall be treated the same with regard to repayment as a good cause dismissal for purposes of Minnesota Statutes, section 268.681, subdivision 3.

The repayment schedule shall not ordinarily exceed one year. Small repayments should be for a shorter period. The repayment schedule may be extended in extenuating circumstances with the approval of the commissioner. The employer may elect to repay at an accelerated rate or in a lump sum.

3301.0330 [Emergency] FUNDING FOR PLACEMENT IN A COMMUNITY INVESTMENT PROGRAM.

For eligible individuals placed in a CIP, the department shall provide the LSU with 75 percent of the wage subsidy up to a maximum of 780 hours or 26 weeks, whichever occurs first. The LSU must pay 25 percent of the wage subsidy concurrently with the department's share and the payment may not be an in-kind contribution. The LSU may increase the work hours of a CIP participant using funding sources other than public assistance and the wage subsidy program, provided the total number of hours may not exceed the maximum of 32 hours per week.

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3301.0340 [Emergency] EMPLOYMENT CONDITIONS.

Subpart 1. **Law and contract compliance.** The LSU or service provider must not violate the provisions of any collective bargaining agreement or state or federal law when referring or placing eligible job applicants.

Subp. 2. **Refusal to join a labor union.** Eligible job applicants shall not be disqualified from participation in the program for refusing to join a labor union as a condition of employment.

Subp. 3. **Placement in a job affected by a labor dispute.** Eligible job applicants shall not be referred to, placed, or remain on a job affected by a labor dispute involving a work stoppage.

Subp. 4. **Placement approval by collective bargaining agents.** The eligible employer shall give assurance to the LSU or service provider that the appropriate collective bargaining agents have approved of the job duties of the persons employed under the program.

3301.0350 [Emergency] PROGRAM ADMINISTRATION.

Subpart 1. **Record maintenance.** LSUs and service providers must maintain records necessary for reporting activities, monitoring of activities, and possible audit. Eligible employers must keep records pursuant to state and federal employment, health, safety, and environmental laws at least three years after the date of the last action affecting them under the terms of this program.

Subp. 2. **Rules binding.** The rules in parts 3301.0260 to 3301.0350 [Emergency] are binding on LSUs, service providers, and eligible employers entering into contracts under Minnesota Statutes, sections 268.672 to 268.682.

GENERAL ASSISTANCE AND WORK READINESS GRANT DIVERSION

3301.0360 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0360 to 3301.0410 [Emergency] is to establish standards for diverting

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part or all of a GA recipient's grant or a WR registrant's assistance payment as a wage subsidy to an employer providing employment or employment-related training under Minnesota Statutes, section 256D.09, subdivision 3.

Subp. 2. **Applicability.** Parts 3301.0360 to 3301.0410 [Emergency] apply to GA recipients and WR registrants, to local agencies required to administer the WR and GA programs under Minnesota Statutes, sections 256D.01 to 256D.21, and public or private entities providing work readiness services under contract with the local agency.

3301.0370 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purpose of parts 3301.0360 to 3301.0410 [Emergency] the following terms shall have the meaning given them.

Subp. 2. **Diverted grant.** "Diverted grant" means the ~~lesser~~ amount of ~~either (a) the net income of the participant, or (b) the standard of assistance applicable to the participant~~ the GA grant or WR assistance payment available for a wage subsidy, not to exceed the single person standard of assistance for any participant, and calculated according to part 3301.0380, subpart 6. FF27

Subp. 3. **Employment or employment-related training.** "Employment" or "employment-related training" means a job or on-the-job training with:

A. a private, nonprofit, or public employer who agrees to employ the individual in a permanent job; or

B. an approved community investment program; and

which pays ~~at least the minimum wage~~ wages at a rate set forth in part 3301.0230, subpart 4 and provides the participant with a net monthly income equal to or greater than 150 percent of the assistance standard ~~of assistance~~ for one person applicable to ~~the participant~~ all participants less the ~~residual~~ monthly payment, if any, paid to the participant. FF 29

Subp. 4. **Net monthly income.** "Net monthly income" means

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the ~~total of~~ income remaining from the participant's gross monthly income ~~minus deductions, disregards, and exclusions~~ after subtracting disregarded and excluded income allowed by the commissioner of the Department of Human Services for the GA program.

Subp. 5. **Participant.** "Participant" means a GA recipient or a WR registrant who is referred to the grant diversion program and who volunteers to participate.

Subp. 6. **~~Residual grant~~ Monthly payment.** "~~Residual grant~~ Monthly payment" means the amount equal to the standard of assistance applicable to ~~the participant~~ a single person reduced by the income received after application of earned income deductions and disregards. FF27

3301.0380 [Emergency] RESPONSIBILITIES OF THE LOCAL AGENCY.

Subpart 1. **Program administration and delivery.** The local agency shall administer and deliver the grant diversion program directly or may contract for delivery of services with service providers.

Subp. 2. **Assessment and referral.** The local agency or its service provider shall require that a vocational advisor assess the suitability and availability of ~~voluntary participants for~~ employment or employment-related training for voluntary GA participants through grant diversion pursuant to part 9500.1215, subpart 2 and, based on the employability development plan objectives, refer the participant to the appropriate employment or employment-related training. FF28

Subp. 3. **Maximum amount of GA grant or WR assistance payment for diversion.** For purposes of the grant diversion process the amount of the GA grant or WR assistance payment available as a wage subsidy to an employer will not exceed the assistance standard for one person for each participant regardless of the composition of the participant's assistance unit as defined by the commissioner of human services under the GA program. When the grant diversion participant is a member of an assistance unit group and the GA grant or WR assistance FF27

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payment to the assistance unit is greater than the assistance standard for one person, only the assistance standard for one person may be withdrawn from the amount of assistance paid to the assistance unit for the diversion process, and the balance must continue to be paid to the members of the assistance unit not participating in grant diversion. FF27

Subp. ~~3.~~ 4. **Notification of participant requirements.** The local agency or service provider shall inform participants of the following information:

A. the requirement to complete the grant diversion period as specified in the contract pursuant to subpart 4;

B. the effect of participation on GA and WR eligibility;

C. the maximum length of participation;

D. the months during which the grant will be diverted;

E. the amount of the diverted grant; ~~and~~

F. the amount, if any, of the residual grant; and

G. actions to be taken if a WR registrant or GA recipient required to participate in WR fails to complete the grant diversion period of participation. FF28

Subp. ~~4.~~ 5. **Contract requirements.** The local agency or its contract service provider shall require a written contract with the employer which includes:

A. the length of the subsidized employment;

B. the amount of the monthly subsidized wage;

C. the method of payment of the subsidized wage;

D. data gathering and reporting requirements;

E. a provision prohibiting employers from terminating, laying off, or reducing the regular working hours of current employees in order to hire through the grant diversion process; and

F. the requirement to pay the participant the same wage, fringe benefits, and provide the same workers' compensation coverage as is given other employees of the employer doing the same job, or if there is no identical job, a comparable job. FF29

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Subp. 5. 6. Calculation and payment of diverted grants and residual grants monthly payment. The local agency will determine and pay the amount of the diverted grant and the amount, if any, of the residual grant monthly payment according to items A to D: FF 28

A. The local agency shall obtain and enter into the case file the following information at the time a participant accepts employment or employment-related training through grant diversion:

(1) name and address of the employer;

(2) occupational title of the employer;

(3) the period of the subsidized employment or employment-related training contract;

(4) hourly wage;

(5) number of work hours per week; and

(6) date of the first day of employment or employment-related training.

B. The local agency will apply the following steps to calculate the amounts of the diverted and residual grants and monthly payments: FF28

(1) Determine the expected gross earned income of the participant during the first complete calendar month of participation.

(2) Subtract from the amount in subitem (1) the standard earned income deductions exclusions and disregards established by the commissioner of human services for GA recipients under Minnesota Statutes, chapter 256D. FF 28

(3) Add to the amount obtained from subitem (2) all unearned income regularly received or expected to be received in the first full calendar month of participation to arrive at the net income available to the participant.

(4) Compare the net income to the assistance standard of assistance for one person applicable to the participant all participants. The lower of the two amounts will be diverted to the employer as a subsidy for wages. FF28

(5) If the net income is less than the applicable

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assistance standard ~~of assistance~~ for one person, the difference between the two is the ~~residual grant~~ monthly payment.

C. The local agency will continue to pay the participant the ~~full amount of the~~ regular standard of assistance until the participant has received one full calendar month of wages; thereafter the local agency ~~will~~ shall withhold the amount of the assistance standard for one person, and pay the diverted grant (subitem (4)) to the employer to subsidize wages and pay the ~~residual grant~~ monthly payment, if any, (subitem (5)) to the participant. The local agency may pay the subsidy for wages directly to the employer or reimburse a service provider that has paid the subsidy to the employer.

D. A participant's and the assistance unit's eligibility for GA or WR is frozen at the time the participant begins work in a grant diversion placement. After a participant begins employment or employment-related training, changes in resources, household, or income will not affect GA or WR eligibility, the ~~residual grant~~ monthly payment amount, or diverted grant amount for the duration of the grant diversion placement.

FF28

Subp. ~~6.~~ 7. Support services. The local agency or its contract service provider shall not refer a participant to employment or employment-related training that would require a participant to travel to a work site unless the local agency pays work-related transportation costs ~~in excess of~~ excluding the transportation ~~deduction~~ costs allowed as a disregard from earned income under the GA program. The local agency or its contract service provider shall not refer a participant who is the sole adult in an assistance unit with one or more children under the age of 12 to employment or employment-related training during hours when the child is at home unless the local agency pays the cost of ~~necessary~~ child care that is in excess of the child care deduction from earned income ~~or unless child care is otherwise available at no cost to the participant~~.

Subp. ~~7.~~ 8. Fiscal reporting. The local agency shall submit fiscal, abstract, or summary reports as required by the

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commissioner.

Subp. ~~8.~~ 9. **Disqualification of work readiness participants.** The local agency shall apply parts 9500.1218 and 9500.1219 [Emergency] if it determines that a WR registrant has failed without good cause to complete the grant diversion period, and shall apply parts 9500.1105 to 9500.1107 [Emergency] if it determines that a GA recipient required to participate in WR has failed without good cause to complete the grant diversion period.

FF 28

3301.0400 [Emergency] PARTICIPANT RIGHTS AND RESPONSIBILITIES.

Subpart 1. **Right to refuse placement.** A GA recipient or WR registrant may refuse employment or employment-related training through grant diversion without penalty.

Subp. 2. **Failure of ~~work-readiness~~ participants to complete grant diversion period.** A WR ~~participant~~ registrant or a GA recipient required to participate in WR who volunteers for grant diversion and fails to complete the grant diversion period without good cause ~~may~~ shall be disqualified from receipt of WR services and payments according to parts 9500.1218 and 9500.1219 [Emergency], or disqualified from receipt of GA in accordance with parts 9500.1105 to 9500.1107 [Emergency].

FF 28

Subp. 3. **Reporting.** Participants must continue to provide the monthly household report form as required by the Department of Human Services to determine continued food stamp eligibility during participation in grant diversion and to document changes for continued assistance after the completion of grant diversion.

3301.0410 [Emergency] MAXIMUM PERIOD OF GRANT DIVERSION.

Subpart 1. **General assistance.** A GA participant's grant may be diverted to an employer for up to five months.

Subp. 2. **Work readiness.** A WR participant's assistance payment may be diverted:

A. for up to five consecutive months if the participant is from a distressed county and agrees to participate; or

B. for four consecutive months if the participant ~~is~~

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redetermined eligible for work readiness in the first 15 days of the second month of receipt of WR assistance and agrees to participate has completed two months of WR and has been determined eligible for four additional months of WR and agrees to participate. FF28

SUPPORTED WORK PROGRAM

3301.0420 {Emergency} PURPOSE AND APPLICABILITY.

Subpart 1. Purpose. The purpose of parts 3301.0420 to 3301.0440 {Emergency} is to establish the terms and conditions governing the supported work program for recipients of APDC pursuant to Minnesota Statutes, section 268.86, subdivision 9.

Subp. 2. Applicability. Parts 3301.0420 to 3301.0440 {Emergency} apply to recipients of APDC who have received public assistance for more than three years and who are residents of counties that have had more than three percent of their APDC recipients on public assistance for three years or longer.

3301.0430 {Emergency} DUTIES OF THE COUNTY.

Subpart 1. Program development criteria. Counties who have had more than three percent of their APDC recipients on public assistance for more than three years shall ensure the provision of supported work program to assist those recipients in making a transition to employment. FF30

Subp. 2. Program description. The program must include:

A. employability assessment;

B. employability development plan prepared in consultation with the participant;

C. job seeking skills training;

D. referral to appropriate services, programs, or training that may result in job readiness and employment, and

E. referral to suitable employment.

Subp. 3. Identification of eligible APDC recipients. The county board shall require the local agency to identify recipients who have:

A. received APDC for more than three years;

B. little or no work history, and

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~~C.--little-or-no-formal-education-beyond-high-school.~~

~~Subp. 4.--Contracted-programming.--The-county-board-may contract-the-provision-of-a-supported-work-program-with-a service-provider.~~

~~Subp. 5.--Notice-to-eligible-recipients.--The-county-board shall-require-the-local-agency-to-inform-recipients-meeting-the criteria-in-subpart-3-of-their-eligibility-for-the-supported work-program-and-their-responsibilities-to-the-program.~~

~~Subp. 6.--Referral-of-eligible-recipients.--The-local agency-shall-refer-eligible-recipients-to-the-supported-work program.~~

~~3301.0440-[Emergency]-PARTICIPANT-RESPONSIBILITIES.~~

~~Each-supported-work-program-participant-shall:~~

~~A.--attend-the-supported-work-program-orientation,-job readiness-workshops,-and-peer-group-meetings-during-the-period of-participation;-and~~

~~B.--cooperate-in-all-aspects-of-the-program,-including:~~

~~(1)-employability-assessment-and-development-of the-employability-development-plan;~~

~~(2)-referrals-to-other-appropriate-services-and programs;~~

~~(3)-referral-to-or-offers-of-suitable-employment; and~~

~~(4)-continuance-of-employment.~~

TRANSITIONAL TRAINING PROGRAM

3301.0450 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. Purpose. Parts 3301.0450 to 3301.0470 [Emergency] govern the implementation and administration of the transitional training program for approved training authorized by Minnesota Statutes, section 268.65. The program will provide structurally unemployed workers with on-the-job training and classroom training opportunities in conjunction with the payment of unemployment insurance benefits to which the trainees may be entitled.

Subp. 2. Applicability. Parts 3301.0450 to 3301.0480

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[Emergency] apply to the commissioner or designee and participants in the transitional training program.

3301.0460 [Emergency] DEFINITION.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purpose of parts 3301.0450 to 3301.0470 [Emergency] the following term shall have the meaning given it.

Subp. 2. **Participant.** "Participant" means an individual who is structurally unemployed as defined in Minnesota Statutes, section 268.65, subdivision 2, clauses (1) to (3) and who is participating in the transitional training program.

3301.0470 [Emergency] PROPORTIONAL REDUCTION OF PENALTY.

Proportional reduction in the amount that must be repaid as the employer penalty for on-the-job training contracts authorized by Minnesota Statutes, section 268.65, subdivision 5 shall be 5.9 percent for each of the first 11 months and 5.1 percent for the 12th month. Employment for more than ten working days in a month will count as a full month for computation purposes.

CHILD CARE SLIDING FEE

3301.0480 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0480 to 3301.0620 [Emergency] is to govern the administration of the child care sliding fee programs for reducing, according to a sliding fee schedule, the costs of child care services to enable eligible families to seek or retain employment or to participate in ~~employment~~ education or training programs needed to obtain employment. FF31

Subp. 2. **Applicability.** Parts 3301.0480 to 3301.0620 [Emergency] apply to all county boards and administering agencies authorized under Minnesota Statutes, section 268.91 to provide child care assistance to eligible families based on the availability of funds. FF31

3301.0490 [Emergency] DEFINITIONS.

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Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purpose of parts 3301.0480 to 3301.0620 [Emergency] the following terms shall have the meaning given them.

Subp. 2. **Administering agency.** "Administering agency" means the county welfare department or any public or nonprofit agency designated by the county to administer the child care sliding fee program.

Subp. 3. **Child care services.** "Child care services" means ~~service~~ services as defined in Minnesota Statutes, section 268.91, subdivision 1, clause (a) which are provided for less than 24 hours a day ~~which provides care~~ for children age 14 and under, as a substitute for, or supplement to, parental care for a planned period of time and which are provided by licensed day-care facilities or by those exempt by Minnesota Statutes, section 245.791. FF 32, 51

Subp. 4. **County.** "County" means the board of county commissioners.

Subp. 5. **CSSA.** "CSSA" means Community Social Services Act. FF 33

Subp. 6. **Family.** "Family" means parents or other caretaker relatives and dependent children under 18 years of age living in the same home including children temporarily absent from the household in settings such as schools, foster care, and residential treatment facilities. FF 34

Subp. ~~6.~~ 7. **Family fee.** "Family fee" means the portion of the provider charge the family must contribute for child care costs.

Subp. ~~7.~~ 8. **Geographic area.** "Geographic area" means the area of the local service unit.

Subp. ~~8.~~ 9. **Income.** "Income" means all monthly income, before deductions, received from sources including wages or ~~compensation by all family members 16 years or older, net income from self employment, net farm income, social security payments, dividends, interest, rent received or royalties, general assistance payments, pensions and annuities, unemployment compensation, alimony, child support, veterans' pensions, or any~~ FF 36

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~~combination-of-the-above-sources-of-income~~ salaries from employment; earnings from self-employment; rents; social security benefits; old-age and survivor's benefits; supplemental security income; veteran's benefits; pensions; alimony; child support; wage subsidy; program wages or subsidies; periodic income from insurance annuities; interest or dividend income from investment or savings accounts; unemployment insurance benefits including federal supplemental compensation and extended benefits; payments from the Railroad Retirement Board; and workers' compensation payments. Wages or salary from summer jobs held by family members aged 16 and 17 shall not be considered income for purposes of determining family eligibility.

~~Subp. 9. Monthly tax credit. "Monthly tax credit" means the portion of the family fee to be claimed as a credit against tax liability according to the Internal Revenue Code.~~

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Subp. 10. Percent of tax credit. "Percent of tax credit" means the proportion of specific expenses defined in the Internal Revenue Code and Minnesota income tax laws which can be claimed as a credit against tax liability.

FF 36

Subp. 11. Percentage base. "Percentage base" means the percent of annual gross income that is used to calculate the family fee. The percentage base is indexed to the family's ability to pay.

Subp. 12. Program costs. "Program costs" means the sum of the provider charges plus the administrative costs.

Subp. 13. Program year. "Program year" means the state fiscal year, beginning July 1 and ending June 30.

Subp. 14. Programs with demonstrated effectiveness. "Programs with demonstrated effectiveness" means education or training programs approved by the commissioner of education under rules pursuant to Minnesota Statutes, section 124.625, which result in suitable employment as defined in part 3301.0020 [Emergency], subpart 23.

Subp. 15. Provider charge. "Provider charge" means the amount the child care service provider charges per month for child care services.

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Subp. 16. **Recipient.** "Recipient" means a family who receives sliding fee child care assistance.

Subp. 17. **State median income.** "State median income" means the state's annual median income based on family size. The state median income is developed by the federal Bureau of Census and is published annually in the Federal Register.

3301.0500 [Emergency] STANDARDS FOR COUNTIES.

Subpart 1. **Establishment of standards and procedures.** Counties shall ~~adopt~~ apply the policies and procedures in the CSSA plan for the provision of child care services to enable parents to seek ~~and obtain~~ or retain employment or to participate in education or training. FF37, 38

Subp. 2. **Provision of child care.** Counties shall assist applicants for child care services who are financially eligible under part 3301.0560 [Emergency] and who are employed or who are seeking employment ~~and training services to obtain skills necessary to secure suitable employment~~ as specified in part 3301.0580 [Emergency], subpart 1, or participating in an education or training program as specified in part 3301.0580 [Emergency], subpart 2. This may include an arrangement with another provider or agency for support services. FF39

3301.0510 [Emergency] COUNTY RESPONSIBILITIES.

Subpart 1. **Designation.** The county shall designate the administering agency.

Subp. 2. **Local share match.** The county shall provide a local share match equal to five percent of the program cost during the first grant year and 15 percent of the cost during each of the succeeding years. Counties which at some time participated in the child care sliding fee program under Minnesota Statutes, section 245.84, subdivision 2, are participating in a succeeding year for purposes of this program. For purposes of determining the local match, administrative costs shall be seven percent of the provider charge. The local match may include in-kind materials and services furnished by the county and required for the

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administration of the program. The local match may not include the amount of minimum fee payments made by families.

3301.0520 [Emergency] ALLOCATION OF FUNDS.

Subpart 1. ~~Initial-year~~ Allocation. For fiscal year 1986, the commissioner shall allocate 45 percent of the total child care appropriation to the seven county metropolitan area and 55 percent to the area outside the metropolitan area. For fiscal year 1987 and succeeding years, the commissioner shall allocate 50 percent of the total appropriation to each of these areas.

Subp. 2. **Succeeding-years** Reallocation of unused funds. The commissioner shall reallocate unused funds after December 31 of each year at the commissioner's discretion based on need factors such as labor market conditions, demand for child care services, and number of persons applying for employment and training programs notwithstanding Minnesota Statutes, section 268.91, subdivision 3.

3301.0530 [Emergency] ~~APPLICATION FOR~~ ALLOCATION PLAN.

Subpart 1. **Application.** ~~--The county shall make application on forms provided by the commissioner.~~

~~Subp. 2.~~ **Submittal** of plan. The county shall submit ~~two copies of the application~~ an annual plan to the commissioner by May 1 ~~of each year~~.

Subp. ~~3.--Application~~ 2. Plan content. The ~~application~~ plan shall contain:

A. a narrative of the county's total program for child care services for employment and training purposes, including the amount and source of all other funds used for providing child care services; and

B. a copy of the most recent ~~information~~ CSSA plan for child care services provided to the Department of Human Services ~~under the Community Social Services Act~~ for the target population which has need of child care services in order to secure or retain employment or to obtain the training or education necessary to secure employment.

Subp. ~~4.~~ 3. Approval. The commissioner shall inform the

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FF 41

county of the approval of the ~~application~~ plan within 30 calendar days of the submission deadline.

3301.0540 [Emergency] DUTIES OF THE ADMINISTERING AGENCY.

Subpart 1. **Advertisement of child care services.** The administering agency shall inform:

A. parents of the availability of child care sliding fee assistance, the procedures for applying for that assistance, and tax credit for child care payments through news media, child care service providers, social service agencies and others, on an ongoing basis; and

B. every applicant for or recipient of AFDC of child care sliding fee assistance.

Subp. 2. **Assistance to applicants.** The administering agency shall provide written information about the program including types of available child care services, limits on availability, application requirements, assistance in making application, and, upon request, a copy of the fee schedule.

FF 42

Subp. 3. **~~Notification procedures~~ Application procedure.** The administering agency shall ~~inform each applicant of the approval or denial of the application within 15 working days of receipt of a completed signed application. Notice of denial of an application must contain the reason for denial. Eligibility for assistance will be from the date of application~~ accept signed and dated applications submitted by mail or delivered to the agency as long as the application was submitted within 15 calendar days of the date the applicant signed the form. The administering agency shall mail the notice of approval or denial of assistance within 30 calendar days of receipt of the application. The administering agency shall accept required documentation submitted by the applicant during but no later than the end of the agency's response time. With the consent of the applicant, the administering agency may extend the response time by 15 calendar days.

FF 43

The date of eligibility for assistance will be the later of the date of signature on the application or the beginning date

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of employment, education, training, or employment services. The notice of approval of the application must state the following information: the final date of the eligibility period; that address, family size, income, and employment, education or training status be reported every six months; and that all changes in address, family size, and employment, education or training status and significant changes in income as described in part 3301.0560 [Emergency], subpart 4 must be reported immediately to the administering agency. FF43

Notice of denial of an application must state the reason for denial. Failure to provide required documentation is just cause for eligibility denial.

Subp. 4. **Eligibility or family fee redetermination.** The administering agency shall redetermine either eligibility or family fee when notified by the ~~applicant~~ recipient of a change in ~~family-size-or-a-significant-change-in-income~~ information provided in the initial application, or every six months, whichever occurs first. ~~A-significant-change-is-any~~ The administering agency will not take any action on reports of changes in monthly gross income unless the change in monthly gross income ~~which~~ results in a ten percent decrease or increase. FF44

3301.0550 [Emergency] APPLICATION FOR CHILD CARE SERVICE ASSISTANCE.

Families must apply for child care service assistance to the administering agency in the family's county of residence.

3301.0560 [Emergency] ELIGIBILITY CRITERIA.

Subpart 1. **Income level.** Families are eligible to receive child care service assistance if ~~their-income-level-is-above-the-upper-eligibility-limit-for-AFDC-but-below-75-percent-of-the-state-median-income~~ they:

A. receive AFDC;

B. have household income below the eligibility level for AFDC for a family of the same size; or

C. have household income above the upper eligibility limit for AFDC but below 75 percent of the state median income. FF45.

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Child care assistance must be available to families eligible under item A as in-kind services, and to families eligible under item B, at no cost.

Subp. 2. **Required proof of income eligibility.** Income of the applicant family shall be verified based on the 12-month period immediately preceding the application date or the most recent calendar year, or the current monthly income of the family multiplied by 12, whichever provides the most accurate assessment of the income available to the family. Verification of income shall be made through documentary evidence in the possession of the applicant or be obtained from the source of the income.

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Subp. 3. **Continuing eligibility.** Families receiving assistance under one of the three criteria under Minnesota Statutes, section 268.91, subdivision 4, for financial eligibility may not be refused further assistance upon a change of financial status as long as the family's income does not exceed 75 percent of the state median income. ~~The family must inform the administering agency of a significant change in financial status as described in part 3301.0540 [Emergency], subpart 4.~~

Subp. 4. **Recipient responsibilities.** The recipient is responsible for immediately notifying the administering agency of any change in the information provided in the initial application including significant changes in income. Significant changes in income are changes in monthly gross income which result in a ten percent increase or decrease. The recipient must provide to the administering agency the current status of the information provided in the initial application every six months during their eligibility period.

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3301.0570 [Emergency] FAMILY FEE PAYMENT SCHEDULE.

~~The following is~~ The schedule of monthly fee rates for families is based upon income and family size. The schedule will be adjusted annually based on the state median income and will be published in the State Register. The schedule below is

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for family sizes two through six and is based on the state median income published in the December 6, 1984 Federal Register.

The family fee is calculated by multiplying the annual income times a percentage base. The percentage base is indexed to the family's ability to pay. A portion of the family fee may be claimed as credit against tax liability according to the Internal Revenue Code and Minnesota income tax laws. The percent of tax credit which may be claimed depends on an individual's taxable income during a tax year. FF47

CHILD DAY CARE INCOME ELIGIBILITY AND FEE SCHEDULE

(Using Increments of 2.5 Percent for Each Range up to 60 Percent of the State Median Income and One Percent Increments From 60 Percent to 75 Percent of the State Median Income)

Family of 2, State Median Income: $19,493

60 percent of SMI = $11,696

AFDC Income Level Threshold: $5,209

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	~~Monthly Tax Credit~~	~~% Tax Credit~~
25.0	$ 5,209- 5,361	$ 434- 447	.25	$ 3	~~$-1.00~~	~~60.0~~
	5,362- 5,848	448- 487	.25	3	~~1.00~~	~~60.0~~
	5,849- 6,335	488- 528	.25	3	~~1.00~~	~~60.0~~
	6,336- 6,823	529- 569	.25	3	~~1.00~~	~~60.0~~
	6,824- 7,310	570- 609	.25	4	~~2.40~~	~~60.0~~
37.5	7,311- 7,797	610- 650	.50	8	~~4.00~~	~~60.0~~
	7,798- 8,285	651- 690	.50	8	~~4.00~~	~~60.0~~
	8,286- 8,772	691- 731	.50	9	~~5.40~~	~~60.0~~
	8,773- 9,259	732- 772	.50	9	~~5.40~~	~~60.0~~
50.0	9,260- 9,747	773- 812	.50	10	~~6.00~~	~~60.0~~
	9,748-10,234	813- 853	.75	14	~~7.90~~	~~56.5~~
	10,235-10,721	854- 893	.75	15	~~8.50~~	~~56.5~~
	10,722-11,208	894- 934	.75	15	~~8.35~~	~~55.7~~
60.0	11,209-11,696	935- 975	.75	16	~~8.80~~	~~54.8~~
		Add 25 Percent To Base (*)				
	11,697-11,891	976- 991	1.0	26	~~14.15~~	~~54.4~~
	11,892-12,086	992-1,007	1.0	34	~~18.00~~	~~53.0~~
	12,087-12,281	1,008-1,023	1.0	42	~~22.10~~	~~52.6~~
	12,282-12,476	1,024-1,040	1.0	51	~~26.60~~	~~52.2~~
65.0	12,477-12,670	1,041-1,056	1.0	60	~~31.10~~	~~51.8~~
	12,671-12,865	1,057-1,072	1.25	73	~~37.45~~	~~51.3~~
	12,866-13,060	1,073-1,088	1.25	81	~~41.25~~	~~50.9~~
	13,061-13,255	1,089-1,105	1.25	89	~~44.95~~	~~50.5~~

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	13,256-13,450	1,106-1,121	1.25	97	~~48.60~~	~~50.1~~
70.0	13,451-13,645	1,122-1,137	1.25	105	~~52.20~~	~~49.7~~
	13,646-13,840	1,138-1,153	1.50	118	~~58.20~~	~~49.3~~
	13,841-14,035	1,154-1,170	1.50	123	~~58.80~~	~~47.8~~
	14,036-14,230	1,171-1,186	1.50	130	~~61.60~~	~~47.4~~
	14,231-14,425	1,187-1,202	1.50	137	~~64.40~~	~~47.0~~
75.0	14,426-14,620	1,203-1,218	1.50	144	~~67.10~~	~~46.6~~

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 3, State Median Income: $24,078

60 percent of SMI = $14,447

AFDC Income Level Threshold: $6,337

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 6,337- 6,621	$ 528- 552	.25	$ 3	$-~~1.80~~	~~60.0~~
	6,622- 7,223	553- 602	.25	3	~~1.80~~	~~60.0~~
	7,224- 7,825	603- 652	.25	4	~~2.40~~	~~60.0~~
	7,826- 8,427	653- 702	.25	4	~~2.40~~	~~60.0~~
	8,428- 9,029	703- 752	.25	4	~~2.40~~	~~60.0~~
37.5	9,030- 9,631	753- 803	.50	9	~~5.40~~	~~60.0~~
	9,632-10,233	804- 853	.50	9	~~5.10~~	~~56.5~~
	10,234-10,835	854- 903	.50	10	~~5.65~~	~~56.5~~
	10,836-11,437	904- 953	.50	10	~~5.55~~	~~55.3~~
50.0	11,438-12,039	954-1,003	.50	10	5.30	53.0
	12,040-12,641	1,004-1,053	.75	16	~~8.30~~	~~51.8~~
	12,642-13,243	1,054-1,104	.75	16	~~8.10~~	~~50.5~~
	13,244-13,845	1,105-1,154	.75	16	~~7.90~~	~~49.3~~
60.0	13,846-14,447	1,155-1,204	.75	16	~~7.50~~	~~47.0~~
		Add 25 percent to Base (*)				
	14,448-14,688	1,205-1,222	1.0	28	~~13.05~~	~~46.6~~
	14,689-14,929	1,223-1,244	1.0	36	~~16.30~~	~~45.2~~
	14,930-15,169	1,245-1,264	1.0	45	~~20.20~~	~~44.8~~
	15,170-15,410	1,265-1,284	1.0	54	~~24.00~~	~~44.4~~
65.0	15,411-15,651	1,285-1,304	1.0	63	~~27.70~~	~~44.0~~
	15,652-15,891	1,305-1,324	1.25	78	~~33.95~~	~~43.5~~
	15,892-16,132	1,325-1,344	1.25	86	~~37.10~~	~~43.1~~
	16,133-16,373	1,345-1,364	1.25	95	~~40.55~~	~~42.7~~
	16,374-16,614	1,365-1,384	1.25	103	~~43.55~~	~~42.3~~
70.0	16,615-16,855	1,385-1,405	1.25	110	~~45.10~~	~~41.0~~
	16,856-17,095	1,406-1,425	1.50	124	~~50.35~~	~~40.6~~
	17,096-17,336	1,426-1,445	1.50	132	~~53.10~~	~~40.2~~
	17,337-17,577	1,446-1,465	1.50	140	~~55.70~~	~~39.8~~
	17,578-17,818	1,466-1,485	1.50	148	~~58.30~~	~~39.4~~
75.0	17,819-18,059	1,486-1,505	1.50	156	~~60.85~~	~~39.0~~

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 4, State Median Income: $28,667

60 percent of SMI = $17,200

AFDC Income Level Threshold: $7,393

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 7,393- 7,883	$ 616- 657	.25	$ 4	~~$-2.40~~	~~60.0~~
	7,884- 8,600	658- 717	.25	4	~~2.40~~	~~60.0~~
	8,601- 9,317	718- 776	.25	5	~~3.00~~	~~60.0~~
	9,318-10,033	777- 836	.25	5	~~2.80~~	~~56.5~~
	10,034-10,750	837- 896	.25	5	~~2.80~~	~~56.5~~
37.5	10,751-11,467	897- 956	.50	10	~~5.55~~	~~55.3~~
	11,468-12,183	957-1,015	.50	10	~~5.30~~	~~53.0~~
	12,184-12,900	1,016-1,075	.50	10	~~5.15~~	~~51.3~~
	12,901-13,617	1,076-1,135	.50	11	~~5.50~~	~~49.7~~
50.0	13,618-14,333	1,136-1,195	.50	11	~~5.20~~	~~47.4~~
	14,334-15,050	1,196-1,254	.75	17	~~7.80~~	~~45.8~~
	15,051-15,767	1,255-1,314	.75	17	~~7.55~~	~~44.5~~
	15,768-16,484	1,315-1,374	.75	17	~~7.10~~	~~41.8~~
60.0	16,485-17,200	1,375-1,433	.75	17	~~6.90~~	~~40.6~~
		Add 25 percent to base (*)				
	17,201-17,487	1,434-1,457	1.0	29	~~11.55~~	~~39.8~~
	17,488-17,774	1,458-1,481	1.0	39	~~15.35~~	~~39.3~~
	17,775-18,060	1,482-1,505	1.0	48	~~18.00~~	~~37.5~~
	18,061-18,347	1,506-1,529	1.0	57	~~21.15~~	~~37.1~~
65.0	18,348-18,634	1,530-1,553	1.0	66	~~23.95~~	~~36.3~~
	18,635-18,920	1,554-1,577	1.25	81	~~29.00~~	~~35.8~~
	18,921-19,207	1,578-1,601	1.25	90	~~31.50~~	~~35.0~~
	19,208-19,494	1,601-1,625	1.25	99	~~34.25~~	~~34.6~~
	19,495-19,780	1,626-1,648	1.25	108	~~36.95~~	~~34.2~~
70.0	19,781-20,067	1,649-1,672	1.25	114	~~36.80~~	~~32.3~~
	20,068-20,354	1,673-1,696	1.50	129	~~41.15~~	~~31.9~~
	20,355-20,640	1,697-1,720	1.50	137	~~42.60~~	~~31.1~~
	20,641-20,927	1,720-1,744	1.50	145	~~44.50~~	~~30.7~~
	20,928-21,214	1,745-1,768	1.50	152	~~45.30~~	~~29.8~~
75.0	21,215-21,500	1,768-1,792	1.50	160	~~47.05~~	~~29.4~~

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(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 5, State Median Income: $33,253

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60 percent of SMI = $19,952

AFDC Income Level Threshold: $8,292

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	--% -Tax Credit
25.0	$ 8,292- 9,145	$ 691- 762	.25	$ 4	$-2.40	60.0
	9,146- 9,976	763- 831	.25	5	3.00	60.0
	9,977-10,807	832- 901	.25	6	3.40	56.5
	10,808-11,639	902- 970	.25	6	3.30	54.8
	11,640-12,470	971-1,039	.25	6	3.10	52.2
37.5	12,471-13,301	1,040-1,108	.50	10	5.05	50.5
	13,302-14,133	1,109-1,178	.50	11	5.25	47.8
	14,134-14,964	1,179-1,247	.50	11	5.10	46.2
	14,965-15,795	1,248-1,316	.50	11	4.90	44.5
50.0	15,796-16,627	1,317-1,386	.50	11	4.55	41.4
	16,628-17,458	1,387-1,455	.75	17	6.80	39.8
	17,459-18,289	1,456-1,524	.75	17	6.30	37.1
	18,290-19,120	1,525-1,593	.75	18	6.35	35.4
60.0	19,121-19,952	1,594-1,663	.75	18	6.10	33.8
		Add 25 percent to Base(*)				
	19,953-20,284	1,664-1,690	1.0	30	9.60	31.9
	20,285-20,617	1,691-1,718	1.0	40	12.45	31.1
	20,618-20,950	1,719-1,746	1.0	50	15.35	30.7
	20,951-21,282	1,747-1,773	1.0	59	17.60	29.8
65.0	21,283-21,614	1,774-1,801	1.0	69	20.00	29.0
	21,615-21,947	1,802-1,829	1.25	85	24.30	28.6
	21,948-22,280	1,830-1,857	1.25	93	24.90	26.8
	22,281-22,612	1,858-1,884	1.25	101	26.15	25.9
	22,613-22,945	1,885-1,912	1.25	111	28.30	25.5
70.0	22,946-23,277	1,913-1,940	1.25	119	29.46	24.7
	23,278-23,610	1,941-1,967	1.50	134	31.90	23.8
	23,611-23,942	1,968-1,995	1.50	143	33.45	23.4
	23,943-24,275	1,996-2,023	1.50	149	32.80	22.0
	24,276-24,607	2,024-2,051	1.50	159	35.00	22.0
75.0	24,608-24,940	2,052-2,078	1.50	168	36.95	22.0

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 6, State Median Income: $37,838

60 Percent of SMI = $22,703

AFDC Income Level Threshold: $8,292

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	--% -Tax Credit

25.0	$ 9,204-10,405	$ 767- 867	.25	$ 4	$-2.25	56.5
	10,406-11,351	868- 946	.25	5	2.80	55.7
	11,352-12,297	947-1,025	.25	5	2.65	52.6
	12,298-13,243	1,026-1,104	.25	5	2.55	50.5
	13,244-14,189	1,105-1,182	.25	5	2.40	47.8
37.5	14,190-15,135	1,183-1,261	.50	11	5.00	45.8
	15,136-16,081	1,262-1,340	.50	11	4.70	42.7
	16,082-17,027	1,341-1,419	.50	11	4.50	40.6
	17,028-17,973	1,420-1,498	.50	12	4.70	38.9
50.0	17,974-18,919	1,499-1,577	.50	12	4.30	35.8
	18,920-19,865	1,578-1,655	.75	18	6.10	33.8
	19,866-20,811	1,656-1,734	.75	18	5.55	30.7
	20,812-21,757	1,735-1,813	.75	18	5.20	29.0
60.0	21,758-22,703	1,814-1,892	.75	18	4.70	25.9
		Add 25 percent to Base(*)				
	22,704-23,081	1,893-1,923	1.0	31	7.80	25.1
	23,082-23,460	1,924-1,955	1.0	41	10.00	24.3
	23,461-23,838	1,956-1,986	1.0	51	11.95	23.4
	23,839-24,216	1,987-2,018	1.0	61	13.40	22.0
65.0	24,217-24,595	2,019-2,050	1.0	71	15.60	22.0
	24,596-24,973	2,051-2,081	1.25	88	19.35	22.0
	24,974-25,351	2,082-2,113	1.25	99	21.80	22.0
	25,352-25,730	2,114-2,144	1.25	110	24.20	22.0
	25,731-26,108	2,145-2,176	1.25	119	25.00	21.0
70.0	26,109-26,487	2,177-2,207	1.25	129	27.10	21.0
	26,488-26,865	2,208-2,239	1.50	147	30.90	21.0
	26,866-27,243	2,240-2,270	1.50	157	33.00	21.0
	27,244-27,622	2,271-2,302	1.50	168	35.30	21.0
	27,623-28,000	2,303-2,333	1.50	178	37.40	21.0
75.0	28,001-28,379	2,334-2,365	1.50	186	37.20	20.0

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(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

3301.0580 [Emergency] EMPLOYMENT AND TRAINING ELIGIBILITY.

Subpart 1. **Child care during job search.** Counties shall provide the equivalent of one month of full-time child care to persons seeking employment. This amount can be prorated over a period of up to four months at the option of the applicant.

Subp. 2. **~~Setting-aside-of-funds.--Counties-shall-set-aside child-care-assistance-funds-for-persons-who-are-receiving assistance-for-education-or-training-programs-with-demonstrated effectiveness.--The-funds-must-be-set-aside-for-the-length-of the-program.--If-education-or-training-extends-beyond-the program-year,-counties-must-set-aside-funds-on-a-contingent basis.--Resources-to-cover-the-assistance-may-be-from-the sliding-fee-program-only-or-from-a-combination-of-funding~~**

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~~sources for child care assistance.~~

~~Subp. 3. Length of assistance. Counties shall pay child care assistance to recipients for the length of the program or 24 months, whichever is shorter. Persons enrolled in programs for two or more years may select the 24-month period during which they will receive assistance.~~ **Child care during education or training.** Counties shall provide child care assistance to persons participating in education or training programs with demonstrated effectiveness which have been approved in an employability development plan submitted by the applicant. The administering agency shall accept an employability development plan prepared for the applicant by another employment or training program. The administering agency shall provide an employability development assessment and plan as defined by part 3301.0020 [Emergency], subparts 9 and 10, for applicants unable to obtain one prior to application through another program.

Counties shall pay child care assistance to persons eligible under this subpart for the length of the education or training program or 24 months, whichever is less. Persons enrolled in an education or training program for two or more years may select the 24-month period during which they will receive assistance.

Upon approval of an application for assistance under this subpart, counties must set aside funds from the current allocation to cover the child care assistance for the current sliding fee program year. If a person's education or training program extends beyond the sliding fee program year of initial eligibility determination, counties must set aside amounts to cover the person's eligible period of education or training upon receipt of the sliding fee allocations in subsequent years. Counties may cover the child care assistance for persons eligible under this subpart from a combination of funding sources other than sliding fee.

Subp. ~~4.~~ 3. **Local policies.** Counties may establish additional policies on continuation in and completion of training programs and transfer between programs. These policies

must be in writing and be available to the public.

~~Subp. 5. WIN participation. The WIN assessment and employability development plan shall be followed in determining the eligibility for sliding fee child care assistance funds for employment and training services.~~ FF48

3301.0590 [Emergency] PROVISION OF SERVICE.

Subpart 1. **Service charge.** The ~~county~~ department shall determine annually the median service charge for each type of child care service available in the county and report that information ~~on a form provided by the commissioner~~ by ~~August~~ December 31 of each year. FF49

Subp. 2. **Limitation of assistance.** The county may limit the number of families to whom assistance is provided if allocations are insufficient.

Subp. 3. **Disproportionate distribution.** A county that disproportionately distributes money among the three eligibility groups must document to the commissioner the reasons for the distribution. A county's rationale may include such factors as the number of families being served by other funding sources and the number of families in need of child care in each category.

3301.0600 [Emergency] PAYMENT OF ASSISTANCE.

Subpart 1. **Payment options.** The administering agency shall make payment in either of the following ways:

A. reimbursement of an eligible family's expenses incurred up to the limits specified by the county; or

B. reimbursement of the child care provider charges up to the limits specified by the county.

Subp. 2. **Notification.** The administering agency shall inform the family or child care provider who will receive payment how and when it will be received.

Subp. 3. **Payment by computation.** The administering agency shall inform the family of the method by which its monthly family fee payment was computed.

Subp. 4. **Payment schedule.** The administering agency shall make payments at least FF 50 monthly.

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Subp. 5. **Sick child care.** The county may pay sick child care on a limited basis in addition to making payments for regular child care. Sick child care assistance payments may not exceed the day care center maximum set by the county for the sick child's age. For purposes of this subpart, sick child care means child care services as defined in part 3301.0480 [Emergency], subpart 3 which provide care to children who as a result of illness cannot attend the family's regular provider. FF51

3301.0610 [Emergency] DATA COLLECTION AND EVALUATION.

Subpart 1. **Data collection.** The commissioner shall collect the following data by August 31 of each year:

A. the amount of money the counties spend on child care from all public funding sources;

B. the number of children receiving child care by all public funding sources;

C. the average number of children who receive assistance per family under the sliding fee program;

D. the average length of time a child receives child care under the sliding fee program;

E. the number of families receiving child care in each eligibility category of the sliding fee program;

F. the county's average expenditure per child care slot for 12 months under the sliding fee program; and

G. ~~the number of families who received APDC in the six months prior to receiving assistance with child care costs~~ other data as requested by the commissioner for purposes of program evaluation and monitoring. FF52

Subp. 2. **Program evaluation.** The commissioner shall evaluate the program to determine its effectiveness in preventing and reducing dependence on public assistance and in providing other benefits.

Subp. 3. **Reporting.** The administering agency shall collect data and prepare periodic reports as required by the commissioner.

3301.0620 [Emergency] FAIR HEARING PROCESS.

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Subpart 1. ~~Responsibilities of the county.~~ ~~The county shall ensure that one or more review officers are appointed to conduct informal grievance procedures concerning the issues in subpart 2 and in accordance with the procedures in subparts 3 to 6. Review officers who are appointed must not have participated, in any way, in the action in question.~~

~~Subp. 2.~~ **~~Grievable~~ Adverse actions.** Applicants and recipients have the ~~right~~ option to request the county to conduct ~~an informal grievance procedure on~~ a conciliation conference to attempt to resolve complaints arising from any of the following actions:

A. a determination of ineligibility for child care assistance;

B. unauthorized termination of child care assistance;

C. determination of the factors considered in setting the family fee; and

D. income redetermination resulting in change of a family fee.

~~For purposes of item B, a recipient may not appeal if the child care assistance was terminated during the period of time when funds were to be available on a contingent basis.~~

Subp. ~~3.~~ 2. **Notice requirements.** The county shall notify the applicant or the recipient, in writing, of any ~~grievable~~ adverse action. The determinations described in subpart 1, items A and C must include written notice of the applicant's or recipient's right to the election described in subpart 3, the time limit within which to make the request, and the reasons for the determination. Notice of the proposed action must be mailed to the applicant or recipient at least 15 calendar days before the effective date of the action. The notice must clearly state what action the county ~~intends~~ proposes to take, the effective date of the proposed action, the reasons for the proposed action, the necessary corrective measures, the ~~right to grieve the action~~ option to request either a conciliation conference or an administrative hearing, the time limits ~~for the~~ grievance within which a request must be made, and the

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consequences of the action.

Subp. ~~4.--Notice-of-intent-to-grieve.--An-applicant-or-recipient-who-receives-the-notice-described-in-subpart-3-must-request-the-county,-in-writing,-to-conduct-the-grievance-procedure~~ 3. Election. An applicant or recipient who receives a notice of proposed action under subpart 2 must mail or deliver either a written notice of request for a conciliation conference to the LSU or a written notice of request for hearing to the department on or before the effective date of the proposed action or the date specified in the notice, or the action will be final.

Subp. ~~5.--Informal-grievance-procedure~~ 4. Conciliation conference. The county shall provide ~~an-informal-grievance-procedure~~ a conciliation conference within 30 days of receipt of a written request.

The county shall give the applicant or recipient ten calendar days' notice of the ~~hearing~~ conference date. The applicant or recipient and the county's representative has the right to appear, to ~~call~~ bring witnesses, and submit ~~new~~ documentation. The written request and ~~all-actions-and-decisions~~ the resolution, if any, of the ~~procedure~~ conference shall be maintained as part of the official record. The ~~hearing officer~~ county's representative shall ~~make-a-determination~~ issue a written resolution, if any, within ~~ten~~ five calendar days of the date of the ~~informal-grievance-procedure~~ conciliation conference.

Subp. ~~6.~~ 5. Administrative hearing process. ~~A-dissatisfied-party~~ An applicant or recipient whose complaint was not resolved in the conciliation conference may request in writing to the department within 15 calendar days of the ~~mailing-of-an-adverse-determination~~ conference, a fair hearing conducted in the manner prescribed by Minnesota Statutes, section 268.10, subdivision 3, or the ~~determination~~ action will be final. A right to review will be provided in accordance with Minnesota Statutes, section 268.10, subdivision 5. The ~~adverse-determination~~ proposed action will not take effect until the

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appeal is decided by the administrative hearing process.

SUPPORT SERVICES

3301.0630 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0630 to 3301.0650 [Emergency] govern the provision of support services, other than sliding fee child care, to participants in employment and training services.

Subp. 2. **Applicability.** Parts 3301.0630 to 3301.0650 [Emergency] apply to all LSUs providing or arranging for work-related transportation and other support services subject to availability of funds.

3301.0640 [Emergency] TRANSPORTATION.

Subpart 1. **Reimbursement rate.** LSUs shall provide or arrange for advance payment or reimbursement of work-related transportation costs for participants in employment and training services. Participants will be reimbursed or paid in advance at a rate of ~~16~~ 15 cents per actual mile traveled to and from home and the agency approved employment and training site when a personal vehicle is used. A participant will be paid in advance or reimbursed actual costs when public transportation or carpooling is used. FF54

Subp. 2. **Report.** The participant must report transportation expenses on forms provided by the local agency or contractor.

3301.0650 [Emergency] OTHER SUPPORT SERVICES.

Support services other than sliding fee child care and transportation shall be provided or arranged for by LSUs based on employment and training program requirements and availability of funds. Other support services include child care services other than sliding fee, work-related expenses as defined in part 3301.0020 [Emergency], subpart 29 and family services including: FF55

A. homemaker services;

B. financial management;

C. family planning;

D. counseling;

E. employment-related medical, remedial, and health care services;

F. employment-related medical expenses;

G. vocational rehabilitation; and

H. other services necessary to enable a registrant to participate in employment and training.

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Employment Programs

FINDINGS OF FACT AND CONCLUSIONS FOR EMERGENCY RULES

Notice of Intent to Adopt Emergency Rules on the above-entitled matter was published in the State Register on December 2, 1985. As is required by Minnesota Statutes, section 14.30, a copy of the notice was sent on November 26, 1985 by United States mail to all persons on the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1a.

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

The data and views submitted by the public support changing the parts of the rules listed below for the reasons given therein.

Part 3301.0020 [Emergency], subpart 6. Coordinator:

The definition for "Coordinator" incorrectly identifies the name of the state office. The correct name is the Office of Full Productivity and Opportunity and the change reflects this correction.

Part 3301.0020 [Emergency], subpart 19. Public assistance:

Since the term "public assistance" is used in several sections of this rule, it should be added to the definitions for the convenience of the reader. The language used to define the term in the statute (Minn. Stat. §268.0111, subd. 7) is repeated in this subpart.

Part 3301.0020 [Emergency], subpart 24. Suitable employment:

In order to be consistent with other parts of the rule which require that a "vocational advisor" be responsible for the assessment of suitable employment, the term "qualified professional" has been replaced with "vocational advisor".

Part 3301.0020 [Emergency], subpart 26. Unsubsidized employment:

A technical change in the definition of the term "unsubsidized employment" was made to provide clarity. The addition of the phrase "without government program funds" makes it clear that the employer is the sole source of the wages and benefits.

Part 3301.0030 [Emergency], subpart 2. Applicability:

Because of the rationale provided below for Parts 3301.0110-3301.0160 regarding the single-state agency issue, this part has been amended by deleting reference to the commissioner of the Department of Human Services.

Part 3301.0030 [Emergency], subpart 3. Preparation of Written Materials:

This part is amended by adding a new subpart 3, "Preparation of Written Materials". This new subpart is included to insure that participants understand the information given them. The new subpart requires local service units, counties, and service providers to provide notices in clear and understandable language and to provide a notice in other languages explaining

that the enclosed information is important. The department received comments expressing the need for this new subpart. The Minnesota Department of Human Services has long recognized the need to provide critical information in clear and easy to read written form and in other languages. The Department of Human Services has adopted a permanent rule (9555.3409) for the General Assistance program. The Department of Human Services has made all of the Work Readiness notices subject to this rule as well. Since the multi-language notice is in use by all local agencies, requiring its use would not be a burden. It should be clearly understood that new subpart 3 does not require all notices to be in foreign languages; rather, it requires that a cover notice in other languages be included with the English notice required under the various parts of these rules.

Part 3301.0040 [Emergency] Co-location, subpart 5A.:

Two technical amendments were made to item A of subpart 5. The reference to 3301.0160 was changed to 3301.0140 to be consistent with the deletions and consequent renumbering of that section of the rule. The second change--adding "items A and B" to the reference to subpart 2--was made because the reference to just subpart 2 was too broad in that it referred back to part 3301.0040. The new reference correctly identifies one of the types of timely registration.

Part 3301.0040 [Emergency] Co-location, subpart 5B.:

Subpart 5 is amended by inserting "to the place of registration" after "agency" in the second sentence of item B. This amendment is necessary to clarify the requirement that local service units establish the place for persons to register for employment and training services no more than 15 minutes travel distance from the local agency in order for the LSU to receive a waiver from the co-location requirement set out in subpart 1 of 3301.0040 [Emergency].

The department received many comments from both rural and metro area counties expressing concerns that the 15 minute travel distance was too short and that more time was needed for applicants for employment and training services to travel from their homes to the place of registration. The rule is not intended to require that local service units establish places of registration which are within 15 minutes travel distance from persons' homes. Rather, the purpose is to insure that the applicant will only need to travel a minimum distance between the local agency where public assistance applications are taken and the office which handles employment and training services registration.

Part 3301.0060 [Emergency] Standards for Program Administration , subpart 1C; Part 3301.0090 [Emergency] Rights and Responsibilities, subparts 1 and 2; Part 3301.0100 [Emergency] Fair Hearing Process, subparts 2-5; Part 3301.0540 [Emergency], Duties of Administering Agency,subpart 2; Part 3301.0620 [Emergency] Fair Hearing Process (under Child Care Sliding Fee rule), subparts 2 and 3:

The rule provisions listed above are amended to require that applicants and participants be given written notice of information and decisions relating to the participation in employment and training services including the provision of support services. The department received a comment suggesting that all critical information be provided in writing to applicants and participants. The addition of the requirement that notices be given in writing to the above cited parts will ensure consistency throughout the rules. By informing applicants and participants in writing, LSU's, counties, and service providers can ensure that all persons will receive the same information and copies of the notices can be kept on file as documentation that the applicant/participant has been been informed. Written notice is an important element in a system of due process.

Part 3301.0060 [Emergency] Standards for Program Administration, subpart 1A.:
Item A of subpart 1 is amended by adding "necessary" before "child care services". Without the addition of this word, the rule appeared to require that LSUs provide or arrange for child care services to all employment and training services program participants. Because some programs do not mandate that child care services be provided to participants and there may be participants who do not need child care, this change was made for clarification purposes.

Part 3301.0060 [Emergency] Standards for Program Administration, subpart 1C.:
Item C of subpart 1 is amended in order to be consistent with the changes which were made to part 3301.0100 [Emergency]. An explanation of amendments to part 3301.0100 is provided in the paragraph above and under the paragraph entitled Part 3301.0100 below.

Part 3301.0060 [Emergency] Standards for Program Administration, subpart 1D.:
Item D of subpart 1 is amended by replacing the term "defined" with "such as those enumerated" to make it clear that Part 3301.0650 [Emergency] is not meant to be a definition of "other necessary support services", but merely lists some of those services which may be provided if they are determined necessary for an individual to participate in an employment and training program and funds are available.

Part 3301.0060 [Emergency] Standards for Program Administration, subpart 1G.:
Item G of subpart 1 is deleted because the wording implied that LSUs can require public assistance applicants to register for employment and training services "on the same day" that they apply for public assistance benefits. This is not consistent with the standards for registration of AFDC applicants set forth in part 3301.0160 [Emergency], and therefore was deleted in order to avoid confusion or misunderstanding.

Part 3301.0060 [Emergency] Standards for Program Administration, subpart 2D.:
The language in item D of subpart 2 implied that service providers require public assistance applicants to register for employment and training services "on the same day" they apply for benefits. This item is deleted for the same reasons as Subpart 1G above.

Part 3301.0070 [Emergency] Purpose and Applicability, subparts 1 and 2:
Both subparts 1 and 2 referred to "public assistance recipients and wage subsidy program registrants" in employment and training services. The language is unclear as to whether these parts apply only when individuals receive both wage subsidy and public assistance, or whether they apply to both groups, independently. Since the parts were intended to apply to all individuals applying for or participating in employment and training services, the parts were amended by deleting reference to the two groups without changing the substance.

Part 3301.0090 [Emergency] Rights and Responsibilities:
This part of the rule is amended to distinguish between the rights of <u>all</u> applicants for and participants in employment and training services and those applicants and participants who receive public assistance. Commentators explained that the department's proposed rule did not clearly differentiate between those two groups. Subpart 1 applies to <u>all</u> registrants. while subpart 2 and 3 apply only to public assistance applicants and participants. It is necessary to have separate subparts for public assistance participants and all participants since the rules governing specific programs make such distinctions.

Due to the creation of a new subpart, the items in old subpart 1 are re-lettered. Items A and B remain the same. Item C, which requires that the registrant be given a copy of the employability development plan, is deleted because not all employment and training programs require an employability development plan, i.e., the wage subsidy program; and thus, inclusion of this provision was confusing. Item D becomes the new C. The new C contains a technical change--replacing the term "decisions" with "adverse actions" which comports with changes in Part 3301.0100 [Emergency] Fair Hearing Process. Item H, relating to the Fair Hearing Process becomes the new D. The new D is amended by deleting the words after the comma, since applicants and participants are not required to file an appeal prior to an administrative hearing. (See changes to Part 3301.0100 Fair Hearing Process.) Items E, F, and G are included under subpart 2 and are re-lettered as A, B, and C.

Part 3301.0100 [Emergency] Fair Hearing Process.

Comments which were received regarding this part fall into the following four areas of concern: (1) The informal grievance procedure proposed is too technical, burdensome and costly for LSUs to administer; (2) Include an additional action upon which election for a conciliation conference or an appeal may be made, i.e. the contents of an employability development plan ; (3) The notice requirements do not distinguish between adverse actions which take effect immediately, such as a determination of ineligibility, and those which are "proposed" and will take effect at a later date, such as disqualification; and (4) The individual's right to a fair hearing should not be made contingent upon the use of the informal grievance procedure, but rather the grievance procedure should be optional.

Concerns (1) and (4) were addressed by amending all subparts to reflect the replacement of a mandatory informal grievance procedure with an optional conciliation conference. More specifically, subpart 1 which required LSUs to appoint unbiased review officers to conduct an informal grievance procedure was deleted. This subpart is no longer necessary since the grievance procedure required an unbiased third party to conduct the procedure and issue a decision, whereas, the conciliation conference requires no third party, but rather that a county representative meet with the applicant or participant to attempt to resolve the complaint. The new subpart 3 entitled "Election" specifies that the conciliation conference is optional. Changes to the new subpart 4 which describes the conciliation conference were made to incorporate the substance of this new process. In addition, all subparts were amended to replace references to the informal grievance procedure with conciliation conference. This new procedure greatly reduces the foreseen increase in staff costs for the LSUs and will help to eliminate administrative burdens.

Concern (2) was addressed by the addition of item F. under subpart 1. The addition of the word "proposed" in front of "action" where appropriate remedies the concern mentioned in (3). Concern (3) is also addressed by the addition of the last sentence in new subpart 2.

Parts 3301.0110-3301.0160 [Emergency] REGISTRATION AND CERTIFICATION OF AFDC APPLICANTS AND RECIPIENTS:

Commentators questioned applying state registration and work requirements for AFDC recipients to non-WIN counties when there appears to be no funding available to those counties for implementation of the rule provisions. One commentator suggested an alternative interpretation of sections 17 and 18 of the Jobs Bill which is to apply the sections only to WIN counties. This suggestion is adopted by the department in view of federal regulations which 1) limit the state's discretion to establish independent work conditions for AFDC recipients, and 2) designate the state Department of Human Services (DHS) as the single state agency responsible for setting policies and promulgating rules affecting the AFDC program. Since the Department of Jobs and Training

(DJT) has responsibility for administration and operation of various aspects of the WIN program pursuant to federal law and regulation, the suggested interpretation is appropriate because it limits the rule's application to WIN counties only. Implicit in the suggestion is the fact that DJT has limited authority to promulgate rules with regard to the WIN program, i.e. participation including registration and certification. Thus, Parts 3301.0140 and 3301.0150 were deleted because they dealt with AFDC eligibility which is not a DJT responsibility, but rather that of DHS.

In addition, subpart 1 of Part 3301.0110 was changed to make it clear that the standards established in the rule are not all inclusive for the WIN program; rather they are minimum standards to establish registration and certification requirements for AFDC applicants and recipients. Subpart 2 of this part was changed to comport with the decision to apply the rule only to WIN counties.

Subpart 3 of Part 3301.0120 [Emergency] which defines "application" is amended by eliminating the requirement of a "completed" AFDC application form in order to be consistent with DHS rules which merely require that an AFDC application be "signed and dated".

Subpart 2A. of new Part 3301.0140 [Emergency] is amended in order to be consistent with the new definition of application.

Subpart 3C. of new Part 3301.0140 [Emergency] is amended to include notifying the applicant or recipient of available support services. This is consistent with the definition of certification which requires the provision of needed support services as part of the certification process. Notification of available support services is integral to the registration and certification process.

Subpart 1 of the new Part 3301.0160 [Emergency] is changed to eliminate confusion as to mandatory and permissive provision of support services for AFDC applicants and recipients required to register for employment and training services.

Part 3301.0230 [Emergency] Conditions of Employment, subpart 1:

The phrase "as a condition of continuing eligibility for" was replaced with "or be disqualified from" to be consistent with Part 3301.0090, subpart 4 and Part 3301.0100, subpart 1D of the rule which use the term "disqualification" when referring to public assistance recipients.

Part 3301.0230 [Emergency] Conditions of Employment, subpart 2:

According to one commentator, the language in this subpart grants unilateral authority to a county board or its service provider to determine which of the priorities are "appropriate" for an individual before placing that individual in a CIP job, an authority which is not provided in Minn. Stat. §268.85. As a result, the rule was amended by deleting the phrase, "inappropriate for the individual or". The addition of the condition that the employment and training service priorities are unavailable due to local labor market conditions is a reasonable substitute because it is consistent with the intent of the statute.

Part 3301.0230 [Emergency], Conditions of Employment, subpart 4:

A commentator stated that this subpart did not comply with the statutory requirement at Minn. Stat. §268.90, subd. 2(d) that CIP participants be paid "the same wage rates as employees doing comparable work in that locality" or one of the other two alternatives, whichever is greater. The new language addresses this omission.

Part 3301.0230 [Emergency] Conditions of Employment, subpart 5:

The word "child" was substituted for "day" in order to be consistent with the use of the term "child-care" throughout the rule.

Part 3301.0230 [Emergency] Conditions of Employment, subpart 6:
The term "participant" is substituted for "individual" so that it agrees with the previous reference to participant in this subpart and other provisions of the CIP rule.

Part 3301.0270 [Emergency] Statutory Terms Interpreted, subpart 3:
A technical amendment was needed here because Minn. Stat. 268.678, subd. 8 was repealed, and thus, reference to this subdivision was deleted.

Part 3301.0280 [Emergency] Definitions, subpart 2:
The proposed definition of the term "farmer" is deficient because: (1) the reference to the term "income", by itself, is ambiguous; (2) it seems to focus solely on the farmer's present circumstances, thus excluding farmers who have no present farm income due to the loss of land, livestock and machinery to creditors; and (3) it excludes family members who have operated a family farm as a family corporation.

The amended definition ensures that farmers will not be excluded from the wage subsidy program merely because their farm is or has been operating at a loss. It also ensures that persons who are presently going through liquidation will retain the status of farmers so long as they functioned as farmers in the preceding year, even though they cannot claim that their farm is presently operating. The inclusion of family members in situations where the farm was operated as a family farm corporation is consistent with recent legislation that exempts the earnings of family farm corporation members from garnishment. See Minnesota Laws 1985, chapter 306, sections 4, 5, 10, 11, 13 and 14.

Part 3301.0290 [Emergency], Subpart 2:
Subpart 2 identifies the types of documentation that may serve as evidence of "severe household financial need". Commentators suggested that (1) the probative effect of the documentation should be stated in a more affirmative manner, and (2) the list should include other items that are probative of financial distress. As a result, the first sentence in this subpart was changed to address the first concern. Other types of documentation were added to Item C and new Items E, F, and G were also added.

Parts 3301.0360-3301.0410 [Emergency] GENERAL ASSISTANCE AND WORK READINESS GRANT DIVERSION:
A commentator noted that the parts of the rule relating to the grant diversion program do not account for cases in which the GA or WR assistance unit consists of persons other than a single individual. To clarify that these parts are intended to apply only to a single individual, the commentator suggested that the grant diversion program apply the single person standard of assistance ($201) to the diversion process regardless of the unit composition or amount of the grant in excess of $201. Thus, in those cases where the grant is greater than $201, the excess will remain payable to the other members of the assistance unit, and only $201 will be available for a wage subsidy to the employer.

As a result of the comment, the following changes have been made in the grant diversion section:

Part 3301.0370 [Emergency] Definitions, subpart 2 and 6:
The definition of diverted grant in subpart 2 is amended to reflect the need to apply the single person standard of assistance as mentioned above. The term "residual grant" defined in subpart 6 is changed to "monthly payment" to be consistent with this same rationale.

Part 3301.0380 [Emergency] Responsibilities of the Local Agency, subpart

3:

Subpart 3 is added to incorporate the rationale given above for the grant diversion program.

Other technical changes were made to Part 3301.0360-3301.0410 [Emergency], such as substituting the term "monthly payment" for "residual grant" to be consistent with the previously mentioned changes to the grant diversion program.

The following rule provisions were amended for clarification purposes: Part 3301.0380 [Emergency], subpart 2, 3 (renumbered 4), 5 (renumbered 6), and 6 (renumbered 7).

The following rule provisions were amended for clarification purposes and consistency with Department of Human Services rules: Part 3301.0380 [Emergency], subpart 8 (renumbered 9); Part 3301.0400, subpart 2; and 3301.0410, subpart 2B.

Part 3301.0370 [Emergency], subpart 3, item B and Part 3301.0380 [Emergency], subpart 4 (renumbered 5), and item F are amended in order to be consistent with wage rates of other employment and training programs and to comply with the requirement of Minn. Stat. §256D.09, subd. 3(e) that a grant diversion participant must be paid an amount of wage "which shall not be less than the minimum wage and shall be the usual and customary wage for comparable jobs with the employer."

Parts 3301.0420-3301.0440 [Emergency] SUPPORTED WORK PROGRAM:

The many comments received regarding this program fall into the following areas of concern: (1) The program is not adequately defined making administration and operation difficult; (2) Participation of nonexempt AFDC recipients in employment and training services has been addressed in Parts 3301.0110 to 3301.0160 so that these rule provisions appear duplicative; (3) The program also appears to mirror the WIN program; (4) The provision of support services has not been addressed; and (5) No funding is available for this program.

As a result of these comments, the Supported Work Program rule provisions are deleted. Since Minn. Stat. §268.872 provides that the commissioner and LSUs are not required to provide employment and training services that exceed the level of available federal, state and local funds, and because funding is clearly unavailable for this program, deleting these rule provisions is necessary and reasonable.

Part 3301.0480 [Emergency] Subpart 1. Purpose:

Comments were received on this part regarding the lack of specific purposes for the sliding fee child care funds. While the rule addressed the use of funds for those seeking employment and training, it did not address another specific purpose of the funds which is to keep people in employment. Thus, subpart 1 is amended by adding the words "seek or retain employment" to clarify the appropriate use of the funds. Part 3301.0480 (Emergency) Subpart 2. Applicability:

Commentators stated that clarification of the fact that the sliding fee program is not an entitlement program is needed. As a result the following change is made: "[the rules apply] to all county boards and administering agencies authorized . . . to provide child care assistance to eligible families <u>based on the availability of funds</u>".

Part 3301.0490 [Emergency] DEFINITIONS Subpart 3. Child Care Services:

Comments were received on this part regarding the standardization of definitions. As a result the following change is made: Inserting the statutory reference, Minn. Stat. §268.91, subd. 1(a) as part of the definition of "child care services." The addition of the last phrase, "and which are provided by licensed day-care facilities or by those exempt by Minnesota

Statutes, section 245.791" is added in order to be consistent with Part 3301.0300, subpart 2 and to better identify department standards for use of sliding fee child care funds.

Part 3301.0490 [Emergency] Subpart 5 (new definition).
Since the acronym CSSA is used several times in the rule, the department is amending the rule to include a definition of the term.

Part 3301.0490 [Emergency] Subpart 6. Family. Comments were received on this part regarding the difference between family and household. It was pointed out that the definition of family was too restrictive. As a result the the following change is made: inserting the words "or other caretaker relatives" in addition to parents, thereby broadening the definition of family.

Part 3301.0490 [Emergency] Subpart 8. Income.
Comments were received on this part regarding the use of different definitions for "income" within the same rule. As a result the definition of income is amended to be consistent with the one in the wage subsidy program (see Part 3301.0260, subp. 2) except for the last sentence which excludes wages from summer jobs for family members aged 16 and 17.

Part 3301.0490 [Emergency] Subpart 10. Percent of tax credit.
Comments were received on this part regarding the fact that the applicable percent of tax credit is a composite of both the state and federal tax credits available for child care. As a result the following language is inserted: "and Minnesota income tax laws" to accompany the reference to the Internal Revenue Code.

Part 3301.0500 [Emergency] Subpart 1. Establishment of standards and procedures.
Comments were received on this part regarding the need to specifically mention the use of child care services to enable parents to retain employment. As a result the following change is made: insert the words "or retain employment" in reference to the types of services counties would provide.

Part 3301.0500 [Emergency] Subpart 1. "CSSA" plan reference.
Comments were received on this part regarding the fact that to produce a set of policies and procedures would be a duplication of information required in the counties' CSSA plan. As a result the counties will include the sliding fee policies and procedures in their CSSA plans and submit those plans to the commissioner. (See 3301.0530, subpart 1.)

Part 3301.0500 [Emergency] Subpart 2. Provision of child care.
Comments were received on this part regarding the use of the term "suitable employment", and regarding those applicants who are seeking service to be able to retain employment. As a result the language is amended to include a reference to those financially eligible applicants who were <u>seeking to retain employment</u> and included a reference to an expanded definition of suitable employment in Part 3301.0580, subpart 2.

Part 3301.0520 [Emergency] ALLOCATION OF FUNDS.
Comments were received regarding the inappropriate and confusing nature of the titles for the subparts under this part. As a result the titles for subparts 1 and 2 are changed to better reflect the content of the paragraphs.

Part 3301.0530 [Emergency] APPLICATION FOR ALLOCATION.
Comments were received on this part regarding the fact that counties should not have to "apply" for a mandatory program, rather they should submit

a plan. As a result the following change is made: the word "plan" is substituted for "application". In new subpart 2, item B, the reference to "recent information" was clarified to read "recent CSSA plan for child care services".

Part 3301.0540 [Emergency] Subpart 2. Assistance to Applicants.
Comments were received on this part regarding clarification of how information was going to be presented and disseminated. As a result the following change is made: the agency shall provide written information about the program . . . agencies will provide copies of the fee schedule upon request. Adding the words "upon request" addresses the issue of requiring counties to provide copies of a lengthy fee schedule which has limited useability, and which, in fact, does not ensure that an individual will apply for child care assistance. This amendment will save the counties duplicating costs without limiting the rights of potential recipients.

Part 3301.0540 [Emergency] Subpart 3. Application procedures.
Comments were received on this part regarding the lack of a definition as to what constituted a completed application and the need to establish more specific timelines for application, approval or denial, and eligibility date. As a result the following changes are made: specifying the content of a completed application, the content of the approval or denial notification, and establishing the date of eligibility as being the "latter of the date of signature on the application or the beginning date of employment, education, training, or employment services." Also, the subpart title was changed from "Notification procedures" to "Application procedure."

Part 3301.0540 [Emergency] Subpart 4. Eligibility redetermination.
Comments were received on this part regarding the fact that income and family size are not the only factors used in determining program eligibility and family fee. As a result language is inserted which would require the "recipient" ("applicant" was an incorrect term) to notify the administering agency of any change in the information provided in the initial application. The other changes in this subpart are technical changes.

Part 3301.0560 [Emergency] Subpart 1. Income level.
Commentators indicated that the statement regarding eligibility criteria was unclear and seemed to exclude the AFDC group. As a result the department is making the following change: substituting the statutory language regarding eligibility groups. (See Minn. Stat. §268.91, subd. 4).

Part 3301.0560 [Emergency] Subpart 2. Required proof of income eligibility.
Comments were received on this part regarding the unfairness and the difficulty inherent in establishing household income as that income received during the last twelve months. As a result the following changes are made: the agency may use the preceding twelve month period "or the current monthly income multiplied by 12 whichever provides the most accurate assessment of income available to the family." Since many users of support services for child care are in transition, recently separated, divorced, or unemployed, it is fairer to use a more current monthly income figure to establish eligibility. Part 3301.0560 [Emergency] Subparts 3 and 4. Continuing eligibility and Recipient Responsibilities:
Comments were received on this part regarding the combining of two similar references: families providing information to the administering agency and eligibility issues as defined in 3301.0540, subp. 4. As a result the last sentence in subpart 3 is eliminated and a subpart 4 is inserted which more specifically outlines recipient responsibilities.

Part 3301.0570 [Emergency] Family Fee Payment Schedule:

The references to specific tax credits per month, and to specific percentage rates for tax credits, were removed at the suggestion of commentators for the following reasons: The tax credits listed in the tables included in the proposed rules were in error since they did not take into account the fact that the qualifying income (Annual Gross Income) used to determine monthly family fees for sliding fee child care might occur in more than one tax year. The tax credit (and the percentage tax credit) were working estimates for persons in the middle of the range and were not accurate for all persons in that range. In addition, Annual Gross Income as defined for the Sliding Fee Child Care Program includes some income that is not taxable income, specifically child support payments. This added datum means that there is not necessarily any relationship between the Annual Gross Income Ranges and the appropriate State and Federal Tax percentage or monthly tax credits published in the proposed rule. The monthly tax credits listed are potentially so inaccurate that the information should not even be included as a guide.

Part 3301.0580 [Emergency] EMPLOYMENT AND TRAINING ELIGIBILITY.

Subparts 2, 3, and 5. Comments were received on these parts in two areas of concern: (1) the applicant's degree of discretion in selecting an education or training program, and (2) the authority for setting aside funds on a contingent basis. The first concern was addressed by broadening the requirement of an employability development plan to all applicants for sliding fee child care rather than limiting it to WIN participants as in the old subpart 5. The second concern was addressed by revising the language, "setting aside of funds on a contingent basis" to read "counties must set aside amounts to cover the persons eligible period of education or training upon receipt of the sliding fee allocation in subsequent years." Technical changes which are made are: subparts 3 and 5 are deleted and subpart 2 is expanded to include the substance of subparts 3 and 5 and is retitled.

Part 3301.0590 [Emergency] PROVISION OF SERVICE.

Comments were received on this part regarding the timing of the information. As a result the following change is made: the median service charge survey will be conducted in the fall and become effective in January. In this way changes in provider costs can be coordinated with changes in the state median income figures which become available in December of each year.

Part 3301.0600 [Emergency] Subpart 4. Payment schedule.

Comments were received on this part regarding the desirability of providing counties the option of making child care service payments more than once a month. As a result the following change is made: inserting the words "at least" in front of "monthly".

Part 3301.0600 [Emergency] Subpart 5. Sick child care.

Comments were received on this part requesting a definition of "sick child care". As a result a definition of "sick child care" was added.

Part 3301.0610 [Emergency] DATA COLLECTION AND EVALUATION.

Comments were received on this part requesting the elimination of the data collection item, "number of families who received AFDC in the 6 months prior to receiving assistance with child care costs." This data element was eliminated since it had no relationship to performance or evaluation of program effectiveness. In its place was substituted "other data as requested by the commissioner for the purpose of program evaluation and monitoring."

Part 3301.0620 [Emergency] FAIR HEARING PROCESS:

The comments received regarding the fair hearing process were the same as those listed under Part 3301.0100 of this statement except for Concern (3)

regarding other types of actions upon which an applicant or recipient can file a complaint. Under this part, a commentator noted that an applicant would, in fact, be filing a complaint about the "factors considered in setting the family fee," not the determination of the family fee itself. The addition to Item C in subpart 1 addresses this comment.

The remainder of the changes in this part are consistent with those made to Part 3301.0100 and address the same concerns listed under that part.

Part 3301.0640 [Emergency] Transportation:

The department received comments regarding the reimbursement rate for transportation costs and the time of payment of transportation costs. Several commentators stated that the reimbursement rate was too high and that local service units should have the authority to determine the rate. The department has amended the rate from 16¢ to 15¢ per mile to reduce the financial burden on the local service units while at the same time preserving a uniform minimum reimbursement rate.

Another commentator recommended that the rules authorize the local service units to pay for transportation costs in advance or on a reimbursement basis, whichever method is requested by the participant. The commentator explained that due to the limited money received from public assistance grants, participants will be unable to pay for transportation costs in advance out of their grant checks. This is particularly true for persons living outside the metropolitan area.

As a result of these comments regarding form of payment, this part was amended. While the amendment to this part does not require the LSUs to make advance payment for transportation when requested, it does add the word "advance" to "payment" or "paid" in several places in order to more appropriately describe another form of payment for transportation costs and to encourage use of advance payment.

Part 3301.0650 [Emergency] OTHER SUPPORT SERVICES:

Commentators noted that this part of the rule appeared to mandate provision of other support services if a particular employment and training program required such services with no regard as whether the LSU had funding available. As a result, the following phrase was added to the first sentence of this part: "and availability of funds".

CONCLUSIONS:

The changes made to these rules enable the department to more effectively administer and operate employment and training programs. The changes have reduced administrative burdens and costs to the LSUs and service providers without affecting the rights of the program participants.

STATE OF MINNESOTA

Joseph Samargia

Joseph Samargia
COMMISSIONER
DEPARTMENT OF JOBS AND
TRAINING

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to Employment Programs

ORDER ADOPTING
EMERGENCY RULES

The above-entitled matter was published in the State Register on December 2, 1986, as proposed emergency rules pursuant to Minnesota Statutes, sections 14.29 to 14.36.

After affording interested and affected persons an opportunity to submit written data and views within 25 days of the publication date, reviewing and considering the data and views, determining that these rules are needed and reasonable, and revising the rule consistent with the Attorney General's recommendations attached hereto,

NOW, THEREFORE, IT IS ORDERED that the rules identified as Rules Relating to Employment are adopted this 19th day of February, 1986, pursuant to the authority vested in me by Minnesota Laws 1985, Special Session, Chapter 14, Article 9 and Minnesota Statutes, section 268.021.

STATE OF MINNESOTA

Joseph Samargia
COMMISSIONER OF
THE DEPARTMENT OF
JOBS AND TRAINING

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Administration

Office Memorandum

TO: COLLEEN GUNDERSON
Management Analysis Unit
Administrative & Technical Services

DATE: 2/6/86

FEB 13 1986

FROM: MIKE MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: Proposed Jobs and Training Rules Governing Employment Programs

As we have discussed by telephone, I have reviewed the above-referenced rules and must reject them as to form and legality for these principal reasons:

1. 3301.0140, subp. 1 (page 15, lines 18-24) of the rule requires in relevant part that "An applicant or recipient must register for employment and training services as a condition of receiving AFDC." You have advised me that some LSU's and county boards do not provide employment and training services and, thus, this subpart would frustrate the provision of AFDC to qualified persons situated in an area where such services are unavailable. This outcome does not appear to be compatible with Minn. Stat. Chapter 256 and the rule should be changed to conform with that law.

2. 3301.0100, subp. 5 (page 12, lines 28-34) as well as such other portions of the rule as 3301.0620, subp. 5 (page 54, lines 27-33) provide that "An individual whose complaint was not resolved in the conciliation conference may request in writing to the department with 15 calendar days of the conference, a fair hearing ..." (emphasis added). However, the rule does not define either the nature of the conciliation conference or what constitutes "resolution." This results in a vague rule which appears to be legally void.

3. 3301.0500, subpart 1 (page 40, lines 7-12) authorizes counties to apply the policies and procedures in their CSSA plans regarding child care services for parents seeking employment or employment training. Unfortunately, the rule does not address what happens if the particular CSSA plan is in conflict with other parts of the rule. This could result in an internal inconsistency in the application of the rule and should be corrected.

Additionally, you have indicated an interest in further amending the rule consistent with suggestions made by the Legal Services Advocacy Project. I believe the changes you discussed would add clarity to the rule.

JMM:pmf
cc: Maryanne Hruby
Duane Harves

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to Employment Programs

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STATE OF MINNESOTA

Joseph Samargia
COMMISSIONER OF
THE DEPARTMENT OF
JOBS AND TRAINING

All interested or affected persons are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Eleanor Weber
Rules Unit
Department of Human Services
444 Lafayette Road
St. Paul, MN 55101

Oral statements of information and comment will be received during regular business hours over the telephone at 612/297-4301.

All statements of information and comment will be accepted until further notice is given. Any written material received by the Department shall become part of the hearing record.

A Notice of Intent to Solicit Outside Opinion on draft amendments to these rule parts was published in the *State Register* on May 20, 1985 (9 SR 2544). The purpose of this notice is to extend the comment period given in the May 20, 1985 notice.

Department of Jobs and Training

Outside Opinion Sought Regarding Proposed Rules to Operate Programs of the Department of Jobs and Training

Notice is hereby given that the Department of Jobs and Training is seeking information or opinions from sources outside the agency in drafting rules governing the operation of the programs assigned the new department by Minnesota Laws 1985, 1st Special Session Chapter 14, Article 9.

The promulgation of these rules is authorized by Minnesota Statutes 268.021, which permits the commissioner to adopt rules with respect to programs he administers, and specifically by:

1) Minn. Stat. §256.736, Subd. 3 as amended by Minnesota Laws 1985, 1st Special Session §14, Article 9, Section 17, which requires the commissioner to adopt rules to provide standards for county boards.

2) Minn. Stat. §256D.09 Subd. 3 as amended by Minnesota Laws 1985, 1st Special Session §14, Article 9, Section 30 which requires the commissioner to establish by rule a grant diversion process for payment of a recipient's grant or work readiness.

3) Minn. Stat. §256D.113 as amended by Minnesota Laws 1985, 1st Special Session, §14, Article 9, Section 31 which authorizes the commissioner of Jobs and Training to make emergency and permanent rules to carry out the Employment Experience Program.

4) Minn. Stat. §268.33, Subd 1 as amended by Minnesota Laws 1985, 1st Special Session, §14, Article 9, Section 43 which requires the commissioner to make emergency or permanent rules to determine the priority and eligibility for employment and placement in the development of youth employment opportunities.

5) Minn. Stat. §268.673 Subd 6 as amended by Minnesota laws 1985, 1st Special Session §14, Article 9, Section 53 which authorizes the commissioner to adopt rules necessary to implement the Emergency Jobs Program as amended.

6) Minn. Stat. §268.86, Subd 5 as adopted by Minnesota Laws 1985, 1st Special Session §14, Article 9, Section 66, Subd 5 which requires the commissioner to establish by rule the conditions under which individuals participate in services, their rights and responsibilities while participating in employment and training programs, and the services by which the service must be administered, and a means to provide fair hearing procedures governing participation.

7) Minn. Stat. §268.871, Subd 4(c) as adopted by Minnesota Laws 1985, 1st Special Session §14, Article 9, Section 67 which authorizes the commissioner emergency and permanent rulemaking to implement this section on local delivery and requires him to establish circumstances under which the requirements of co-location may be waived.

8) Minn. Stat. §268.90, Subd 2(f) and Subd 3(1) and Subd 4(7) as adopted by Minnesota Laws 1985, 1st Special Session §14, Article 9, Section 71, Subd. 2(f) which requires the commissioner to establish by rule the terms and conditions governing the participation of appropriate public assistance recipients in the Community Investment Program; requires him to make emergency or permanent rules governing plan content, criteria for approval and administrative standards; and requires him to adopt rules to set administrative standards which County boards must meet and requirements of reports which County Board must submit.

9) Minn. Stat. §268.91, Subd 2 and Subd 6 as adopted by Minnesota Laws 1985, 1st Special Session §14 Article 9, Section 72, Subd 2 which requires the commissioner to adopt rules to govern the Child Care Sliding Fee Program including a sliding schedule of fees for parents receiving child care services; and allows the commissioner to require by rule that the county pay to him the portion of sliding fee allocations paid by the state for which the county is responsible.

Information and comments are requested on the following subject:

1) Participation, standards and responsibilities for AFDC

2) AFCD employment and training services exclusive of categorical and financial eligibility including supported work pro gram, employment search and demonstration projects

3) Standards for counties to determine eligible persons for employment and training services including the supervision c county boards

4) County eligibility standards for AFDC Employment and Training services

5) Timely registration in General Assistance and AFDC

6) Grant Diversion for work readiness and AFDC assistance payments

7) Wage Subsidy

8) Sliding Fee Child Care Program

9) Co-location of staff with local service units

10) Community Investment Programs

11) Employment Experience

12) Approved training for the unemployed

Information or comments will be accepted until notice is published that the Department of Jobs and Training intends to adop permanent rules. Information and comments should be directed to:

Mr. Donald Buckner
Minnesota Department of Jobs and Training
690 American Center Building
150 E. Kellogg Ave.
St. Paul, MN 55101
(612) 296-3627

Any written material received by the Department of Jobs and Training shall become part of the rulemaking record in the even rules are promulgated.

Joe Samargia
Commissioner
Department of Jobs and Trainin

Metropolitan Council

Public Hearing on Amendment to Housing Chapter of the Metropolitan Development Guide

The Metropolitan Council will hold a public hearing on Thursday, September 12, 1985, at approximately 1:30 p.m. in the Metro politan Council Chambers, 300 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, for the purpose of receivin public comment on proposed amendments to the Housing Chapter of the Metropolitan Development Guide. The revisions concer the review guidelines for housing bond plans and programs.

Minnesota Statutes Chapter 462C requires that local governments proposing to issue housing revenue bonds submit both th housing bond plan and the individual bond programs to the Metropolitan Council for review and comment. The Housing Chapter o the Metropolitan Development Guide contains guidelines to assist the Council in reviewing these housing bond plans and pro grams. The revisions to the guidelines currently being proposed are in response to recent changes in Minnesota Statutes 462C They will clarify the content and scope of the Council's comments with regard to local housing bond activities and the timefram within which the review must be completed.

All interested persons are encouraged to attend the public hearing and offer comments on the proposed guidelines. Persor wishing to speak should register in advance by contacting Lucy Thompson at 291-6521. Written comments will be accepted unt September 26, 1985. Questions on the proposed guidelines should be directed to Guy Peterson of the Council's Housing staff

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to Employment Programs

ORDER FOR NOTICE OF
INTENT TO ADOPT
EMERGENCY RULES

IT IS ORDERED this 15th day of November 1985, that the proposed emergency rules in the above-entitled matter be given to all persons who have registered their names with the Department for that purpose and be published in the State Register.

STATE OF MINNESOTA

Joseph Samargia
COMMISSIONER
DEPARTMENT OF
JOBS AND TRAINING

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to Employment Programs

NOTICE OF INTENT
TO ADOPT
EMERGENCY RULES

Notice is hereby given that the Department proposes to adopt the above-entitled rules pursuant to Minnesota Statutes, section 14.30.

The Department is authorized to adopt emergency rules for any program it administers or is responsible for under federal or state law by Minnesota Statutes, § 268.021. The Department is further authorized by Minnesota Laws 1985, Special Session, Chapter 14, Article 9, Sections 17, 30, 31, 40, 42, 43, 66, 67, and 71 which requires or allows the Department to adopt rules affecting the various programs authorized by this legislation. Persons interested in the rules shall have 25 days to submit comments in writing on the proposed rules.

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.

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

Written comments, requests for a copy of the proposed rules and requests for notice of the date of submission to the Attorney General should be submitted to: Donald M. Buckner, 690 American Center Building, 150 E Kellogg Boulevard, St. Paul, Minnesota 55101. Telephone Number 296-3627.

As required by Minnesota Statutes, sections 14.33 and 14.35, emergency rules shall take effect 5 working days after approval by the Attorney General, and will be in effect for 180 days.

Pursuant to Minnesota Statutes, sections 14.11, subdivision 1, the Department has determined that requiring local service units to establish an informal grievance procedure as set forth in part 3301.0100 [Emergency] of the proposed rules will result in additional local and state spending in excess of $100,000. The emergency rule will be in effect for 180 days and may be

renewed for an additional 180 days. The estimates of increase in costs cover a period of 360 days. The reasonable estimate of the total cost to the state to implement this rule is $70,000. The increase in local spending will affect counties or local service units. The reasonable estimate of the total cost to these local public bodies is $175,000.

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

STATE OF MINNESOTA

Joseph Samargia
COMMISSIONER

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating toEmployment Programs

AFFIDAVIT OF
MAILING THE
NOTICE OF PROPOSED
ADOPTION OF
EMERGENCY RULE

Colleen Gunderson being duly sworn deposes and says:

That on the 25th day of November 1985, at the City of Saint Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Proposed Adoption of Emergency Rule by depositing in the United States Mail at said City of Saint Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department for the purpose of receiving notice of the proposed adoption of rules by the Department.

STATE OF MINNESOTA

Colleen Gunderson

Colleen Gunderson
Management Analysis Unit
Admin. & Technical Services Division
DEPARTMENT OF JOBS AND TRAINING

Subscribed and sworn to before me
this 22nd day of January, 1986.

H.E. Kelly

Notary Public
Ramsey County

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

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to Employment Programs

MAILING LIST
CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained by the Department for the purpose of receiving notice of the proposed adoption of rules by the Department is accurate and complete as of 10:00 A.M., this 26th day of November, 1985.

STATE OF MINNESOTA

Colleen Gunderson

Colleen Gunderson
Rules Coordinator
Management Analysis Unit
Admin. & Technical Services Division
DEPARTMENT OF JOBS AND TRAINING

STATE REGISTER

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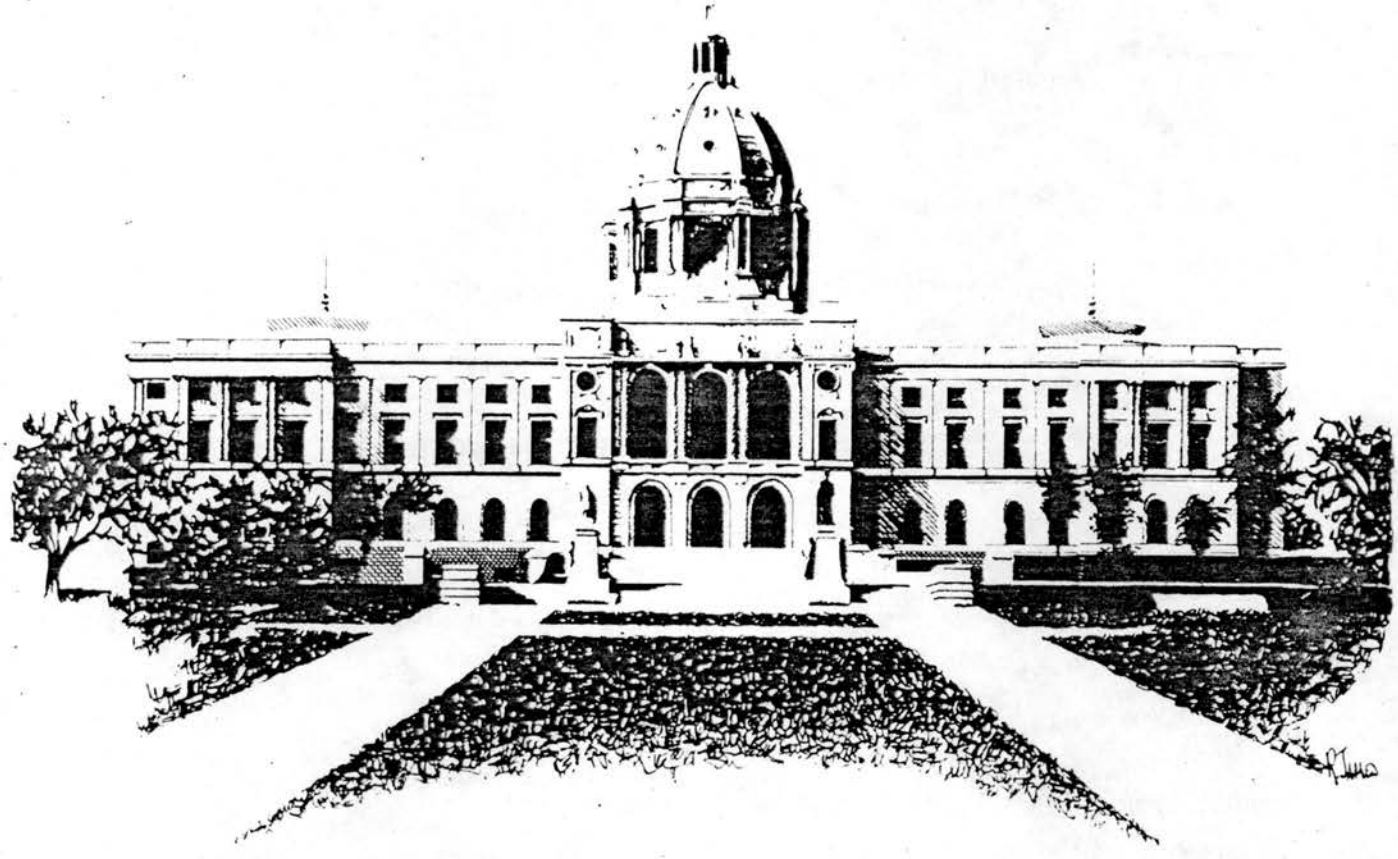
STATE OF MINNESOTA



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agency during the 30-day comment period a written request for a public hearing on the proposed rule or amendment, a public hearing will be held unless a sufficient number withdraw their request. The number of requests for a hearing which would constitute 20 percent of the persons who will be required to pay the fee for lodging and food and beverage establishments was misstated. The correct numbers are as follows:

Type of fee	20%
Food and Beverage Establishments	1,008
Lodging Establishments	302

November 18, 1985

Sister Mary Madonna Ashton
Commissioner of Health

Department of Jobs and Training

Proposed Emergency Rules Relating to Employment

Notice of Intent to Adopt Emergency Rules

Notice is hereby given that the Department proposes to adopt the above-entitled rules pursuant to Minnesota Statutes, section 14.30.

The Department is authorized to adopt emergency rules for any program it administers or is responsible for under federal or state law by Minnesota Statutes, § 268.021. The Department is further authorized by Minnesota Laws 1985, Special Session, Chapter 14, Article 9, Sections 17, 30, 31, 40, 42, 43, 66, 67, and 71 which requires or allows the Department to adopt rules affecting the various programs authorized by this legislation. Persons interested in the rules shall have 25 days to submit comments in writing on the proposed rules.

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.

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

Notice of the date of submission of the proposed rules to the Attorney General will be mailed to any person requesting to receive the notice.

Written comments, requests for a copy of the proposed rules and requests for notice of the date of submission to the Attorney General should be submitted to: Donald M. Buckner, 690 American Center Building, 150 E Kellogg Boulevard, St. Paul, Minnesota 55101. Telephone Number 296-3627.

As required by Minnesota Statutes, sections 14.33 and 14.35, emergency rules shall take effect 5 working days after approval by the Attorney General, and will be in effect for 180 days.

Pursuant to Minnesota Statutes, sections 14.11, subdivision 1, the Department has determined that requiring local service units to establish an informal grievance procedure as set forth in part 3301.0100 [Emergency] of the proposed rules will result in additional local and state spending in excess of $100,000. The emergency rule will be in effect initially for 180 days and will be continued for another 180 days pursuant to Minn. Stat. 14.35, and the cost estimates provided here cover both periods. The reasonable estimate of the total cost to the state to implement this rule is $70,000. The increase in local spending will affect counties or local service units. The reasonable estimate of the total cost to these local public bodies is $175,000.

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

Joseph Samargia
Commissioner

Rules as Proposed, Emergency (all new material)

3301.0010 [Emergency] PURPOSE AND STATUTORY AUTHORITY.

Parts 3301.0010 to 3301.0650 [Emergency] govern the administration of a coordinated delivery system for the state's employment and training services and support services as authorized by Laws of Minnesota 1985, first special session chapter 14, article 9.

3301.0020 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 3301.0010 to 3301.0650 [Emergency], the following terms have the meanings given them unless the context clearly requires a different meaning.

Subp. 2. **AFDC.** "AFDC" means the aid to families with dependent children program, under title IV of the Social Security Act, United States Code, title 42, section 601 et seq., as amended and Minnesota Statutes, sections 256.72 to 256.87.

Subp. 3. **CIP.** "CIP" means the community investment program authorized by Minnesota Statutes, section 268.90.

Subp. 4. **Co-location.** "Co-location" means locating staff from one agency in the physical space of another agency. Co-location may also mean the physical consolidation of office and common space such as lobby and reception areas, testing and conference rooms, supply rooms, and employee rooms.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Jobs and Training or a designee.

Subp. 6. **Coordinator.** "Coordinator" means the coordinator of the Office of Full Employment and Productivity.

Subp. 7. **County board.** "County board" means the board of county commissioners of a county.

Subp. 8. **Department.** "Department" means the Department of Jobs and Training.

Subp. 9. **Employability assessment.** "Employability assessment" means a written record of the registrant's education and training, prior work experience, and the barriers to seeking and securing suitable employment.

Subp. 10. **Employability development plan.** "Employability development plan" means the plan written for a registrant by a vocational advisor that sets forth the registrant's vocational goal, training, education, and support services necessary for the registrant to reach that goal.

Subp. 11. **Employment.** "Employment" means a job with a private, nonprofit, or public employer.

Subp. 12. **Employment and training services.** "Employment and training services" means programs, activities, and services as defined in Minnesota Statutes, section 268.0111, subdivision 4.

Subp. 13. **GA.** "GA" means the general assistance program authorized by Minnesota Statutes, chapter 256D to provide financial assistance to needy families and individuals.

Subp. 14. **Good cause.** "Good cause" means a reason for taking an action or failing to take an action that is reasonable and justified when viewed in the context of the surrounding circumstances.

Subp. 15. **JTPA.** "JTPA" means the Job Training Partnership Act authorized under Public Law Number 97-300, United States Code, title 29, section 1501, as amended.

Subp. 16. **Local agency.** "Local agency" means a county or multi-county agency responsible under Minnesota law for the administration of the AFDC, GA, and WR programs.

Subp. 17. **LSU.** "LSU" means local service unit as defined in Minnesota Statutes, section 268.0111, subdivision 6.

Subp. 18. **Participant.** "Participant" means a person who is receiving employment and training services.

Subp. 19. **Registrant.** "Registrant" means a person who is registered for employment and training services.

Subp. 20. **Registration.** "Registration" means the process which must be completed by an individual prior to beginning employment and training services.

Subp. 21. **Service provider.** "Service provider" means a public, nonprofit, or private organization or agency with whom an LSU has a written contract to provide specified employment and training or support services.

Subp. 22. **Subsidized employment.** "Subsidized employment" means work in a job for which an individual's wages and benefits are partially or totally paid with government program funds.

Subp. 23. **Suitable employment.** "Suitable employment" means a job that meets existing health and safety standards set by federal, state, or local regulations, is within the physical and mental ability of the person as determined by a qualified professional, pays at least the minimum wage prescribed by state or federal law and does not include temporary day labor.

Subp. 24. **Support services.** "Support services" means those services which are necessary to enable an individual to engage in

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.

employment and training, including child care, transportation, assistance with work-related expenses, and family services as described in parts 3301.0630 [Emergency] and 3301.0650 [Emergency].

Subp. 25. **Unsubsidized employment.** "Unsubsidized employment" means a job for which the wages and benefits are paid entirely by the employer.

Subp. 26. **Vocational advisor.** "Vocational advisor" means a person employed by or under contract with the local agency who 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.

Subp. 27. **Wage subsidy program.** "Wage subsidy program" means the Minnesota Employment and Economic Development wage subsidy program authorized by Minnesota Statutes, sections 268.672 to 268.682.

Subp. 28. **WR.** "WR" means the work readiness program authorized under Minnesota Statutes, section 256D.051.

Subp. 29. **Work-related expenses.** "Work-related expenses" means normal expenses associated with maintaining a job, including meals during work hours, work clothing, tools or supplies, any salary or wage deductions for union dues, and any other costs related to employment other than child care and transportation.

GENERAL ADMINISTRATION

3301.0030 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0030 to 3301.0650 [Emergency] establish general administrative provisions for operation of employment and training services and support services.

Subp. 2. **Applicability.** Parts 3301.0030 to 3301.0650 [Emergency] apply to the commissioners of the Department of Jobs and Training and the Department of Human Services or their designees, county boards, local agencies, LSUs, and service providers which administer employment and training services and support services.

3301.0040 [Emergency] CO-LOCATION.

Subpart 1. **Co-location requirements.** The LSU shall require that staffs and facilities of local agencies and service providers are located and coordinated in a manner as to fulfill the requirements of Minnesota Statutes, section 268.871, subdivision 4.

Subp. 2. **Request for waiver.** An LSU may request a waiver from the co-location requirements in Minnesota Statutes, section 268.871, subdivision 4 by submitting a written request to the commissioner. The request must state the reasons the waiver is sought and the evidence supporting the reasons.

Subp. 3. **Criteria.** The LSU must demonstrate in its request that one or both of the following conditions would occur if services were co-located:

A. the delivery of services would be greatly hindered due to geographic distance from the proposed co-location site or the lack of public transportation; or

B. a significant financial hardship would be imposed on the LSU, and no significant financial hardship to participants results from the alternative plan proposed by the LSU.

Subp. 4. **Approval or disapproval of request.** The commissioner, after consultation with the coordinator and the commissioner of human services, may approve a request for a waiver of the co-location requirement if the LSU has demonstrated that one or both of the conditions in subpart 3 would occur, subject to subpart 5. The commissioner shall notify the LSU of the decision in writing within 30 days of the date the request is received and shall state the reasons for the approval or disapproval.

Subp. 5. **Conditions for waiver of co-location for registration.** A waiver of co-location requirements will not be approved by the commissioner unless the LSU ensures that timely registration requirements will be met by either of the following:

A. the local agency, by contract or agreement, provides registration as described in part 3301.0160 [Emergency], subpart 2; or

B. the LSU demonstrates that the procedure currently used within the county provides registration to AFDC applicants and recipients throughout the work week during regular business hours and at a location within reasonable travel distance from the local agency. For purposes of this item, "reasonable travel distance" means no more than 15 minutes travel time from the local agency by the means of transportation actually available to the individual.

The commissioner will assist an LSU meeting the waiver conditions in item A with necessary federal or Department of Human Services approval.

3301.0050 [Emergency] CERTIFICATION OF SERVICE PROVIDERS.

LSU plans submitted pursuant to Minnesota Statutes, section 268.88 shall identify those public, private, or nonprofit agencies that will provide employment and training services. The commissioner shall certify those providers referred to in the LSU plan if it is demonstrated in the plan that the provider has met the performance standards established by the coordinator. In contracting with service providers, LSUs shall give preference to those entities referred to in Minnesota Statutes, section 268.871, subdivision 2.

3301.0060 [Emergency] STANDARDS FOR PROGRAM ADMINISTRATION.

Subpart 1. **Standards for LSUs.** LSUs shall:

A. provide or arrange for child care services;

B. reimburse or arrange for payment of allowable transportation costs as set forth in part 3301.0640 [Emergency];

C. establish an informal grievance procedure according to part 3301.0100 [Emergency] and inform all individuals applying for employment and training services of their right to the procedure;

D. provide or arrange for delivery of other necessary support services as defined in part 3301.0650 [Emergency];

E. ensure that employability assessments, if required, are conducted to determine the suitability of employment and training services; the assessment must be prepared within 30 calendar days of the date the individual has registered for employment and training services;

F. require that a vocational advisor conduct the employability assessment and prepare the employability development plan;

G. require that public assistance applicants can register on the same day for employment and training services; and

H. ensure that public assistance recipients are registered for employment and training services within time limits necessary to avoid delaying receipt of assistance, denying benefits, or reducing the amount of benefits.

Subp. 2. **Standards for service providers.** Service providers shall:

A. meet the performance standards established by the coordinator;

B. conduct employability assessments, if required, within 30 calendar days of the date the individual has registered for employment and training services to determine the suitability of employment and training services;

C. ensure that a vocational advisor conduct the employability assessment and prepare the employability development plan;

D. require that public assistance applicants can register on the same day for employment and training services; and

E. register public assistance recipients for employment and training services within time limits necessary to avoid delaying receipt of assistance, denying benefits, or reducing the amount of benefits.

GENERAL PARTICIPATION

3301.0070 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0070 to 3301.0100 [Emergency] establish general standards for participation in employment and training services by public assistance recipients and wage subsidy program registrants.

Subp. 2. **Applicability.** Parts 3301.0070 to 3301.0100 [Emergency] apply to all applicants for and recipients of employment and training services who are public assistance recipients and wage subsidy program registrants.

3301.0080 [Emergency] CONDITIONS FOR PARTICIPATION.

Individuals may participate in employment and training services if they:

A. register for employment and training services;

B. participate in the employment assessments and employability development plan preparation, if required; and

C. fulfill all requirements of the employment and training services identified in the employability development plan.

3301.0090 [Emergency] RIGHTS AND RESPONSIBILITIES OF PARTICIPATION.

Subpart 1. **Rights.** Registrants for employment and training services shall be:

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A. given an employment assessment within 30 calendar days of the date of registration, if an assessment is required by the employment and training program;

B. informed about the availability of support services necessary to allow participation in employment and training:

(1) at the time of registration for wage subsidy applicants; and

(2) during the assessment for all other programs;

C. given a copy of the employability development plan, if required, at the time it is prepared;

D. informed of the basis for all decisions regarding eligibility and participation in employment and training services;

E. informed of the sanctions, if any, which shall be imposed against an individual who fails to fulfill the responsibilities as described in subpart 2 and the conditions of participation as described in part 3301.0080 [Emergency];

F. informed at the time of registration of the requirements with which they must comply;

G. informed of the right to notice of any adverse action regarding participation in employment and training services; and

H. informed of the right to a fair hearing as described in part 3301.0100 [Emergency] after an appeal of any adverse action regarding eligibility for or participation in employment and training services.

Subp. 2. **Responsibilities.** A registrant required to participate in employment and training services shall:

A. accept referral to suitable employment as determined in the employability development plan;

B. seek suitable employment as determined in the employability development plan;

C. accept an offer of suitable employment as determined in the employability development plan unless otherwise provided in parts 3301.0010 to 3301.0660 [Emergency];

D. participate in employment and training services as outlined in the employability development plan;

E. notify the local agency of any changes in employment status, health, address, or telephone number; and

F. comply with all other requirements as specified in the employability development plan.

Subp. 3. **Disqualification.** The LSU shall require that registrants who fail to fulfill the responsibilities established in subpart 2 without good cause are notified that they have 15 calendar days to fulfill those responsibilities or to request, in writing, a grievance procedure pursuant to part 3301.0100 [Emergency] or face possible disqualification from further employment and training services.

3301.0100 [Emergency] FAIR HEARING PROCESS.

Subpart 1. **Responsibilities of the LSU.** The LSU shall require that one or more review officers are appointed to conduct informal grievance procedures concerning the actions listed in subpart 2 in accordance with the procedure in subparts 3 to 6. Review officers who are appointed must not have participated in any way in the action in question.

Subp. 2. **Grievable actions.** Employment and training services applicants and participants have the right to request the LSU to conduct an informal grievance procedure on the following actions:

A. a determination of ineligibility for CIP or the wage subsidy program;

B. termination from employment and training services provided funding for those services is available;

C. failure to provide a timely registration for employment and training services;

D. disqualification resulting from a determination of failure to participate as described in part 3301.0090 [Emergency], subparts 2 and 3; and

E. failure to provide or arrange for support services other than child care funded by sliding fee if eligibility is established and funds are available.

Any local agency action to reduce or terminate public assistance benefits shall be appealed in accordance with Minnesota Statutes, section 256.045.

Subp. 3. **Notice requirements.** The LSU shall require the service provider to notify the party, in writing, of any grievable action. Notice of the action must be mailed to employment and training applicants and participants at least 15 calendar days before the effective date of the action. The notice must clearly state what action the LSU or service provider intends to take, the necessary corrective measures, the right to grieve the action, the time limits for the grievance, and the consequences of the action.

Subp. 4. **Notice of intent to grieve.** An individual applying for employment and training services or a participant who receives the notice described in subpart 3 must request the LSU, on or before the date specified in the notice, to conduct the grievance procedure. An individual applying for employment and training services may request an LSU to conduct a grievance procedure on the actions specified in subpart 2, items C and E. The request must be in writing.

Subp. 5. **Informal grievance procedure.** The LSU shall provide an informal grievance procedure within 30 days of receipt of a written request. The LSU shall give the employment and training applicant or participant ten calendar days' notice of the hearing date. The applicant or participant has the right to appear, to call witnesses, and to submit new documentation. The written request and all actions and decisions of the procedure shall be maintained as part of the official record. The hearing officer shall make a determination within ten days of the date of the informal grievance procedure.

Subp. 6. **Administrative hearing process.** A dissatisfied party may request within 15 calendar days of the mailing of an adverse determination, a fair hearing conducted in the manner prescribed by Minnesota Statutes, section 268.10, subdivision 3, or the determination will be final. A right to review will be provided in accordance with Minnesota Statutes, section 268.10, subdivision 5. Disqualification shall not occur until the appeal is decided by the administrative hearing process.

REGISTRATION AND CERTIFICATION OF AFDC APPLICANTS AND RECIPIENTS

3301.0110 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0110 to 3301.0170 [Emergency] is to establish standards for LSUs and county boards to register and certify applicants and recipients of AFDC in employment and training services, except as otherwise provided in the federal work incentive program (WIN) in accordance with the Social Security Act, title IV C, section 432 (a).

Subp. 2. **Applicability.** Parts 3301.0110 to 3301.0170 [Emergency] apply to all LSUs and county boards and to all local agencies and AFDC applicants and recipients.

3301.0120 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purposes of parts 3301.0110 to 3301.0170 [Emergency] the following terms have the meanings given them.

Subp. 2. **Applicant.** "Applicant" means a person who requests aid through AFDC and whose eligibility has not yet been determined.

Subp. 3. **Application.** "Application" means the date an applicant submits the completed, signed application form to the local agency.

Subp. 4. **Certification.** "Certification" means a determination that an AFDC registrant is ready and able to participate in employment and training services and that support services, if needed, are arranged for or provided.

Subp. 5. **Recipient.** "Recipient" means a person who is receiving AFDC or has been determined eligible to receive AFDC.

3301.0130 [Emergency] AUTHORITY TO DELEGATE OR CONTRACT.

The county board may contract with or delegate to the local agency, or contract with a service provider, the responsibility for conducting registration of AFDC applicants and recipients in accordance with parts 3301.0110 to 3301.0170 [Emergency]. A single service provider must be selected for the registration of both applicants and recipients.

3301.0140 [Emergency] NOTIFICATION OF APPLICANTS AND RECIPIENTS.

The county board shall notify:

A. each applicant at the time of application that registration for employment and training services on the same day, if possible, is a condition of receiving AFDC, unless the applicant meets one of the criteria for exemption in Minnesota Statutes, section 256.736, subdivision 3; and that eligibility for employment and training services begins on the date of registration;

B. each recipient of the requirement to register for employment and training in order to remain eligible for AFDC, unless the recipient meets one of the criteria for exemption in Minnesota Statutes, section 256.736, subdivision 3;

C. each applicant or recipient in writing of the exempt or nonexempt determination at the time of application for AFDC or in accordance with item B;

D. each nonexempt applicant or recipient that refusal or failure to register will result in the sanctions in chapter 9500;

E. each applicant or recipient of the right to a hearing before a human services hearing officer to contest the termination or denial of benefits as the result of refusal to register pursuant to Minnesota Statutes, section 256.045; and

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F. each applicant and recipient who is exempt according to Minnesota Statutes, section 256.736, subdivision 3, clauses (5) to (8) in writing of:

(1) the option to volunteer for employment and training services;

(2) the availability of child care and other support services; and

(3) the right to withdraw from employment and training at any time without loss of benefits as long as they remain exempt.

3301.0150 [Emergency] CHANGE OF STATUS.

Subpart 1. **Reporting requirement.** The county board shall inform applicants and recipients of the requirement to report to the local agency any changes which may affect their exempt or nonexempt status.

Subp. 2. **Notification of registration requirement after change in status.** If the local agency determines that a recipient's exempt status has changed to nonexempt, the local agency must inform the recipient in writing, at least ten calendar days before issuance of the next payment, of the requirement to register, including time and place, to avoid delay, denial, or reduction of benefits.

3301.0160 [Emergency] REGISTRATION FOR EMPLOYMENT AND TRAINING.

Subpart 1. **Registration requirement.** An applicant or recipient must register for employment and training services as a condition of receiving AFDC, unless the applicant or recipient meets one of the criteria for exemption in Minnesota Statutes, section 256.736, subdivision 3.

Subp. 2. **Timely registration.** The following requirements apply to timely registration of applicants and recipients unless the county board is granted a waiver of co-location requirements according to part 3301.0040 [Emergency].

A. For applicants, the county board shall require that registration for employment and training services and application for AFDC occur simultaneously. Simultaneous means that, at the time the applicant submits a completed, signed AFDC application form to the local agency, the county board must register the applicant for employment and training services.

B. For recipients, the county board must provide registration for employment and training services to recipients throughout regular business hours during the regular work week.

Subp. 3. **Registration procedure.** The county board shall require that the registration procedure is limited to the steps necessary to establish the eligibility of the applicant or the continuing eligibility of the recipient. The county board will require that the applicant or recipient:

A. complete a work history on a form approved by the commissioner;

B. complete and sign the registration form approved by the commissioner;

C. is informed of the available employment and training services, the rights and responsibilities of participation, and the sanctions that may apply; and

D. is scheduled and referred for an employability assessment.

Subp. 4. **Registration form distribution.** The county board shall require that copies of the registration form are provided to:

A. the registrant at the time of registration;

B. the local agency; and

C. the service provider of the employability assessment within three days of the registration.

3301.0161 [Emergency] EMPLOYABILITY ASSESSMENT AND DEVELOPMENT PLAN.

Subpart 1. **Employability assessment.** The county board shall require that a vocational advisor conduct and complete an employability assessment.

Subp. 2. **Employability development plan.** The county board shall require that a vocational advisor prepare a written employability development plan based on the employability assessment and knowledge of available jobs in the area. The plan must include:

A. an estimate of the length of time necessary to obtain suitable employment;

B. the requirement that the registrant must accept any offer of suitable employment, including those offered through JTPA, the wage subsidy program, and other employment and training services except when participation is voluntary;

C. specific job search requirements based on the assessment;

D. other specialized employment, training, and educational activities necessary to prepare the registrant for suitable employment;

E. provisions for assessing the registrant's progress in securing suitable employment; and

F. an assessment of the registrant's need for support services and family services as described in part 3301.0650 [Emergency], the availability of the services, and referral to providers of the services.

Subp. 3. **Requirements for completion of employability development plan.** The written employability development plan shall be completed within 30 calendar days from the date of registration. Upon completion of the plan and provision of necessary support services, the registrant shall be certified as ready for employment or training except as provided in part 3301.0170 [Emergency], subpart 1.

Subp. 4. **Distribution of the employability development plan.** Copies of the completed employability development plan shall be distributed to the registrant, the service provider, and the local agency.

3301.0170 [Emergency] SUPPORT SERVICES.

Subpart 1. **Provision of support services.** The county board shall require that a registrant not be certified unless the needed support services are arranged for or provided. Support services shall include transportation, child care, other expenses related directly to participation in employment and training, and may include family services as described in part 3301.0650 [Emergency].

Subp. 2. **Registrant reassessment.** The county board shall permit the service provider to reassess a registrant's need for support and family services if the service provider believes the:

A. registrant may no longer need support services identified in the employability development plan;

B. registrant who currently is not receiving support services needs them; or

C. registrant needs additional support services.

COMMUNITY INVESTMENT PROGRAM (CIP)

3301.0180 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0180 to 3301.0250 [Emergency] is to establish administrative standards and the terms and conditions of participation for the community investment program authorized by Minnesota Statutes, section 268.90.

Subp. 2. **Applicability.** Parts 3301.0180 to 3301.0250 [Emergency] apply to participants, including public assistance recipients, in-community investment programs, county boards authorized to establish these programs, and participating employers.

3301.0190 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purposes of parts 3301.0180 to 3301.0250 [Emergency], the following term has the meaning given it.

Subp. 2. **Participant.** "Participant" means a person who is temporarily employed in a community investment program.

3301.0200 [Emergency] PROGRAM STANDARDS.

A county board may establish a CIP which includes one or more work projects and which may incorporate funding and terms and conditions of other work programs, such as JTPA, wage subsidy program, Minnesota Conservation Corps, GA or WR grant diversion, and Minnesota Summer Youth. The CIP must:

A. provide temporary employment for individuals experiencing prolonged unemployment and extreme hardship;

B. provide participants with training and work experience related to the objectives identified in the employability development plan;

C. benefit the state and community; and

D. not include work that replaces part or all of the work of a public employee position established before January 1, 1985.

3301.0210 [Emergency] PROGRAM ADMINISTRATION.

Subpart 1. **County board authority.** The county board is responsible for planning, implementing, and operating a CIP in accordance with parts 3301.0180 to 3301.0250 [Emergency]. The county board may contract the delivery of services to a certified service provider.

Subp. 2. **Requirements of CIP employers.** The county board or service provider shall ensure by written contract that CIP project

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employers meet the conditions of employment identified in Minnesota Statutes, section 268.90, subdivision 2, clauses (a) to (d) and provide verification, if applicable, of compliance with workers' compensation laws; affirmative action; and fair labor, health, safety, and environmental standards.

Subp. 3. **Monitoring.** The county board or service provider shall establish regular, on-site monitoring as necessary to ensure that all employment conditions are met and that participants are progressing toward work adjustment and self sufficiency as outlined in their employability development plan.

Subp. 4. **Support services.** The county board shall:

A. arrange for or provide child care, transportation, and other necessary support services to participants;

B. arrange for payment of support services directly to the vendor or reimbursement of the participant or service provider; and

C. maximize available resources from other programs including work readiness administrative funds, title XX, Community Social Services Act, sliding fee child care, work incentive program, JTPA, and the wage subsidy program to provide or arrange for support services.

Subp. 5. **Length of participation.** The county board or its service provider shall set the length of CIP employment according to the terms and conditions of other programs which fund CIP employment, including JTPA, wage subsidy program, Minnesota Youth Conservation Corps, GA or WR grant diversion, and Minnesota Summer Youth.

3301.0220 [Emergency] PROGRAM PLAN.

Subpart 1. **CIP plans.** County boards electing to establish a CIP shall submit a plan for approval to the commissioner by February 1, 1986.

Subp. 2. **CIP plan content.** CIP plans shall include:

A. a designation and description of the administering entity, which may be:

(1) the county;

(2) a regional joint powers board;

(3) a joint human services board; or

(4) a contract service provider;

B. identification of any other governmental unit or private organization with which the county will jointly fund and administer a CIP project and a statement of benefit resulting from the joint effort;

C. a list of other consulted and involved employee representatives, nonprofit organizations, governmental units, community action agencies, community based organizations, local union representatives, and client group representatives;

D. a description of the projects, including geographical areas of the county or counties served;

E. program objectives for the participants and the community;

F. the estimated number of participants and whether they are AFDC, GA, or WR volunteers, or WR recipients required to participate;

G. the arrangement for payment of participant work expenses;

H. the sources of funding to be used by the county or its service provider to subsidize participant wages including GA or WR grant diversion and wage subsidy; and

I. the sources of funding to be used by the county to meet support service needs of CIP participants.

Subp. 3. **CIP plan approval criteria.** The commissioner shall approve or disapprove county plans or the plan's annual update on the basis of:

A. inclusion of all the items in subpart 2;

B. demonstration and documentation of the county's or the service provider's ability to:

(1) deliver the programs and services to be provided; and

(2) ensure clients receive appropriate employment and training services in a fair and expeditious manner;

C. coordination of CIP activities with other agencies or programs providing employment and training activities to minimize duplication of efforts including: Job Service, JTPA, private industry councils, and vocational education;

D. provision of required support services, such as child care, transportation, and work-related expenses as necessary for clients;

E. responsiveness of CIP work experience or training to the local labor market conditions and the employment outlook in the area;

F. inclusion of available monitoring and evaluation information and the county's or local agency's response to corrective actions.

3301.0230 [Emergency] CONDITIONS OF EMPLOYMENT.

Subpart 1. **Mandatory participation.** The county board may mandate participation of WR registrants in a CIP. However, the county may not require AFDC or GA recipients to participate in CIP. WR registrants who are required to participate in a CIP must accept and complete CIP placements as a condition of continuing eligibility for WR services and payments.

Subp. 2. **Referral conditions.** The county board or its service provider may offer CIP employment to participants only after the following employment and training service priorities have been determined inappropriate for the individual or unavailable due to lack of funds:

A. permanent, unsubsidized, full-time private or nonprofit sector employment in conjunction with the targeted jobs tax credit;

B. permanent, subsidized full-time private sector employment;

C. permanent, subsidized full-time nonprofit sector employment;

D. training;

E. relocation; and

F. part-time subsidized, nonprofit, or public employment with continued employment assistance.

Subp. 3. **Work hours.** The standards in items A and B shall be used to determine the minimum and maximum number of hours CIP participants will be required to work.

A. No participant shall be required to work less than eight hours or allowed to work more than 32 hours of a 40-hour work week. The remaining eight hours must be available to the participant for individual voluntary job search.

B. Subject to item A, the number of hours a participant will work shall be the number:

(1) required by a CIP employer for successful project oepration;

(2) necessary to achieve the employment and training objectives identified in the participant's employability development plan; or

(3) established by the requirements of the grant diversion program under parts 3301.0360 to 3301.0410 [Emergency].

Subp. 4. **Wages.** CIP participants shall be paid the state minimum wage or the prevailing wage at the work site for similar work, whichever is greater.

Subp. 5. **Travel distance.** A participant shall not be required to travel more than two hours round trip between home and the work site, excluding time required to take children to and from a day-care facility.

Subp. 6. **Support services.** A participant shall not be required to participate in CIP employment unless necessary support services identified in the individual's employability development plan are arranged for or provided.

WAGE SUBSIDY PROGRAM

3301.0260 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0260 to 3301.0350 [Emergency] is to implement the wage subsidy program authorized by Minnesota Statutes, sections 268.672 to 268.682.

Subp. 2. **Applicability.** Parts 3301.0260 to 3301.0350 [Emergency] apply to unemployed individuals and to the LSUs authorized under Minnesota Statutes, sections 268.672 to 268.682.

3301.0270 [Emergency] STATUTORY TERMS INTERPRETED.

Subpart 1. **Scope.** The terms and phrases used in Minnesota Statutes, sections 268.672 to 268.682 shall have the meanings and explanations given in subparts 2 and 3.

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Subp. 2. **Income source.** "Income source" as used in Minnesota Statutes, section 268.676, subdivision 1, clause (1) includes wages or salaries from employment; earnings from self-employment; rents; social security benefits; old age and survivors benefits; supplemental security income; veteran's benefits; pensions; alimony; child support; wage subsidy program wages or subsidies; periodic income from insurance annuities; interest or dividend income from investment or savings accounts; unemployment insurance benefits including federal supplemental compensation and extended benefits; payments from the Railroad Retirement Board; and workers' compensation payments.

Subp. 3. **Supplies and materials.** "Supplies and materials" as used in Minnesota Statutes, section 268.677, subdivision 2 and 268.678, subdivision 8 means usual consumable supplies and materials and does not include items ordinarily classified as equipment and capital items having a life expectancy of one year or more.

3301.0280 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purposes of parts 3301.0260 to 3301.0350 [Emergency], the following terms have the meanings given them.

Subp. 2. **Farmer.** "Farmer" means a person whose major source of income is derived from a family farm as defined in Minnesota Statutes, section 500.24, subdivision 2b.

Subp. 3. **Good cause.** "Good cause" means a reasonable and justified decision by the employer when viewed in the context of the surrounding circumstances that the employee fails or refuses to comply with usual and applicable work rules or to attain performance standards.

Subp. 4. **Participant.** "Participant" means a person who is receiving assistance through the wage subsidy program.

Subp. 5. **Severe household financial need.** "Severe household financial need" means inability to meet outstanding indebtedness for essential, personal, and business needs.

Subp. 6. **Unemployed.** "Unemployed" means a person who is neither employed nor self-employed and is available for full-time employment unless participating in a job training program. The LSU or service provider shall consider a farmer or a member of a farm family household who can demonstrate severe household financial need to be unemployed for purposes of parts 3301.0260 to 3301.0350 [Emergency].

3301.0290 [Emergency] ELIGIBILITY AND PRIORITY.

Subpart 1. **Eligibility.** The LSU or service provider shall find a job applicant eligible for the wage subsidy program if the applicant meets all of the following criteria:

A. has been a resident of this state for at least one month;

B. is unemployed;

C. is not receiving and is not qualified to receive unemployment compensation or workers' compensation; and

D. is determined to be likely to be available for employment by an eligible employer for the duration of the job.

LSUs or service providers may make preliminary eligibility determinations on the basis of a mail application if appropriate. The LSUs or service providers shall require applicants who are determined eligible to register for the wage subsidy program.

Subp. 2. **Eligibility determination for farmers.** The LSU shall request from the farmer or household member documentation that serves as evidence of severe household financial need including:

A. letters from financial institutions or retailers denying credit;

B. loan foreclosure notices from financial institutions;

C. collection letters from creditors; or

D. professionally prepared financial statements.

Subp. 3. **Priority.** LSUs or service providers, in selecting eligible job applicants for the wage subsidy program, shall consider equally the following priorities:

A. applicants living in households with no other income source;

B. applicants whose incomes and resources are less than the standards for eligibility for general assistance;

C. applicants who are eligible for AFDC; and

D. applicants who live in a farm household who demonstrate severe household financial need.

Selections of eligibles from priority groups should reasonably reflect the proportion each group is of the total eligible for participation in the program in the jurisdiction served by the LSU.

3301.0300 [Emergency] USE OF FUNDS.

Subpart 1. **Funds for wage subsidies.** An LSU shall use no more than 25 percent of the funds available for wages for employment with eligible government and nonprofit agencies. This limit may be exceeded only with written approval of the commissioner. The LSU must submit a written request for a waiver to the commissioner which outlines the efforts made to comply and the reasons the goal is considered unattainable.

Subp. 2. **Funds for child-care services.** The LSU must provide child-care services for participants who are determined eligible under parts 3301.0560 to 3301.0580 [Emergency]. Child-care services provided or subsidized must be supplied by licensed day-care facilities or those exempted by Minnesota Statutes, section 245.791.

LSUs shall use existing resources from other programs, including those provided under the child care sliding fee program, before authorizing expenditure of wage subsidy program funds for child care. LSUs shall make the availability of child-care resources known to eligible applicants and provide information and referral services.

3301.0310 [Emergency] NOTIFICATION.

Eligible private sector employers shall notify the LSU of the termination of employment of any eligible job applicant not later than ten working days after the employment termination date.

3301.0320 [Emergency] REPAYMENT.

The LSU shall use the following criteria to establish the terms of repayment by employers of wage subsidy funds.

The proportional reduction in the amount that must be repaid for employment of less than one year following the six-month subsidized period shall be 5.9 percent of the amount received for each of the first 11 months and 5.1 percent for the 12th month. Employment for more than ten working days in a month will count as a full month for computation purposes.

The LSU shall require that repayment begin no later than 60 calendar days after either the termination of employment or the determination by the LSU or designee that the employee's dismissal was without good cause. A voluntary quit by the employee shall be treated the same with regard to repayment as a good cause dismissal for purposes of Minnesota Statutes, section 268.681, subdivision 3.

The repayment schedule shall not ordinarily exceed one year. Small repayments should be for a shorter period. The repayment schedule may be extended in extenuating circumstances with the approval of the commissioner. The employer may elect to repay at an accelerated rate or in a lump sum.

3301.0330 [Emergency] FUNDING FOR PLACEMENT IN A COMMUNITY INVESTMENT PROGRAM.

For eligible individuals placed in a CIP, the department shall provide the LSU with 75 percent of the wage subsidy up to a maximum of 780 hours or 26 weeks, whichever occurs first. The LSU must pay 25 percent of the wage subsidy concurrently with the department's share and the payment may not be an in-kind contribution. The LSU may increase the work hours of a CIP participant using funding sources other than public assistance and the wage subsidy program, provided the total number of hours may not exceed the maximum of 32 hours per week.

3301.0340 [Emergency] EMPLOYMENT CONDITIONS.

Subpart 1. **Law and contract compliance.** The LSU or service provider must not violate the provisions of any collective bargaining agreement or state or federal law when referring or placing eligible job applicants.

Subp. 2. **Refusal to join a labor union.** Eligible job applicants shall not be disqualified from participation in the program for refusing to join a labor union as a condition of employment.

Subp. 3. **Placement in a job affected by a labor dispute.** Eligible job applicants shall not be referred to, placed, or remain on a job affected by a labor dispute involving a work stoppage.

Subp. 4. **Placement approval by collective bargaining agents.** The eligible employer shall give assurance to the LSU or service provider that the appropriate collective bargaining agents have approved of the job duties of the persons employed under the program.

3301.0350 [Emergency] PROGRAM ADMINISTRATION.

Subpart 1. **Record maintenance.** LSUs and service providers must maintain records necessary for reporting activities, monitor-

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ing of activities, and possible audit. Eligible employers must keep records pursuant to state and federal employment, health, safety, and environmental laws at least three years after the date of the last action affecting them under the terms of this program.

Subp. 2. **Rules binding.** The rules in parts 3301.0260 to 3301.0350 [Emergency] are binding on LSUs, service providers, and eligible employers entering into contracts under Minnesota Statutes, sections 268.672 to 268.682.

GENERAL ASSISTANCE AND WORK READINESS GRANT DIVERSION

3301.0360 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0360 to 3301.0410 [Emergency] is to establish standards for diverting part or all of a GA recipient's grant or a WR registrant's assistance payment as a wage subsidy to an employer providing employment or employment-related training under Minnesota Statutes, section 256D.09, subdivision 3.

Subp. 2. **Applicability.** Parts 3301.0360 to 3301.0410 [Emergency] apply to GA recipients and WR registrants, to local agencies required to administer the WR and GA programs under Minnesota Statutes, sections 256D.01 to 256D.21, and public or private entities providing work readiness services under contract with the local agency.

3301.0370 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purpose of parts 3301.0360 to 3301.0410 [Emergency] the following terms shall have the meaning given them.

Subp. 2. **Diverted grant.** "Diverted grant" means the lesser amount of either (a) the net income of the participant, or (b) the standard of assistance applicable to the participant.

Subp. 3. **Employment or employment-related training.** "Employment" or "employment-related training" means a job or on-the-job training with:

A. a private, nonprofit, or public employer who agrees to employ the individual in a permanent job; or

B. an approved community investment program; and which pays at least the minimum wage and provides the participant with a net monthly income equal to or greater than 150 percent of the standard of assistance applicable to the participant less the residual, if any, paid to the participant.

Subp. 4. **Net monthly income.** "Net monthly income" means the total of the participant's gross monthly income minus deductions, disregards, and exclusions allowed by the commissioner of the Department of Human Services for the GA program.

Subp. 5. **Participant.** "Participant" means a GA recipient or a WR registrant who is referred to the grant diversion program and who volunteers to participate.

Subp. 6. **Residual grant.** "Residual grant" means the amount equal to the standard of assistance applicable to the participant reduced by the income received after application of earned income deductions and disregards.

3301.0380 [Emergency] RESPONSIBILITIES OF THE LOCAL AGENCY.

Subpart 1. **Program administration and delivery.** The local agency shall administer and deliver the grant diversion program directly or may contract for delivery of services with service providers.

Subp. 2. **Assessment and referral.** The local agency or its service provider shall require that a vocational advisor assess the suitability and availability of voluntary participants for employment or employment-related training through grant diversion pursuant to part 9500.1215, subpart 2 and, based on the employability development plan objectives, refer the participant to the appropriate employment or employment-related training.

Subp. 3. **Notification of participant requirements.** The local agency or service provider shall inform participants of the following information:

A. the requirement to complete the grant diversion period as specified in the contract pursuant to subpart 4;

B. the effect of participation on GA and WR eligibility;

C. the maximum length of participation;

D. the months during which the grant will be diverted;

E. the amount of the diverted grant; and

F. the amount, if any, of the residual grant.

Subp. 4. **Contract requirements.** The local agency or its contract service provider shall require a written contract with the employer which includes:

A. the length of the subsidized employment;

B. the amount of the monthly subsidized wage;

C. the method of payment of the subsidized wage;

D. data gathering and reporting requirements;

E. a provision prohibiting employers from terminating, laying off, or reducing the regular working hours of current employees in order to hire through the grant diversion process; and

F. the requirement to pay the participant the same wage, fringe benefits, and provide the same workers' compensation coverage as is given other employees of the employer doing the same job.

Subp. 5. **Calculation and payment of diverted and residual grants.** The local agency will determine and pay the amount of the diverted grant and the amount, if any, of the residual grant according to items A to D:

A. The local agency shall obtain and enter into the case file the following information at the time a participant accepts employment or employment-related training through grant diversion:

(1) name and address of the employer;

(2) occupational title of the employer;

(3) the period of the subsidized employment or employment-related training contract;

(4) hourly wage;

(5) number of work hours per week; and

(6) date of the first day of employment or employment-related training.

B. The local agency will apply the following steps to calculate the amounts of the diverted and residual grants:

(1) Determine the expected gross earned income of the participant during the first complete calendar month of participation.

(2) Subtract from the amount in subitem (1) the standard earned income deductions and disregards established by the commissioner of human services for GA recipients under Minnesota Statutes, chapter 256D.

(3) Add to the amount obtained from subitem (2) all unearned income regularly received or expected to be received in the first full calendar month of participation to arrive at the net income available to the participant.

(4) Compare the net income to the standard of assistance applicable to the participant. The lower of the two amounts will be diverted to the employer as a subsidy for wages.

(5) If the net income is less than the applicable standard of assistance, the difference between the two is the residual grant.

C. The local agency will continue to pay the participant the full amount of the standard of assistance until the participant has received one full calendar month of wages; thereafter the local agency will pay the diverted grant (subitem (4)) to the employer to subsidize wages and the residual grant, if any, (subitem (5)) to the participant. The local agency may pay the subsidy for wages directly to the employer or reimburse a service provider that has paid the subsidy to the employer.

D. A participant's eligibility for GA or WR is frozen at the time the participant begins work in a grant diversion placement. After a participant begins employment or employment-related training, changes in resources, household, or income will not affect GA or WR eligibility, the residual grant amount, or diverted grant amount for the duration of the grant diversion placement.

Subp. 6. **Support services.** The local agency or its contract service provider shall not require a participant to travel to a work site unless the local agency pays work-related transportation costs in excess of the transportation deduction from earned income. The local agency or its contract service provider shall not refer a participant who is the sole adult in an assistance unit with one or more children under the age of 12 to employment or employment-related training during hours when the child is at home unless the local agency pays the cost of necessary child care that is in excess of the child care deduction from earned income or unless child care is otherwise available at no cost to the participant.

Subp. 7. **Fiscal reporting.** The local agency shall submit fiscal, abstract, or summary reports as required by the commissioner.

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Subp. 8. **Disqualification of work readiness participants.** The local agency shall apply parts 9500.1218 and 9500.1219 if it determines that a WR registrant has failed without good cause to complete the grant diversion period.

3301.0400 [Emergency] PARTICIPANT RIGHTS AND RESPONSIBILITIES.

Subpart 1. **Right to refuse placement.** A GA recipient or WR registrant may refuse employment or employment-related training through grant diversion without penalty.

Subp. 2. **Failure of work readiness participants to complete grant diversion period.** A WR participant who volunteers for grant diversion and fails to complete the grant diversion period without good cause may be disqualified from receipt of WR services and payments according to parts 9500.1218 and 9500.1219.

Subp. 3. **Reporting.** Participants must continue to provide the monthly household report form as required by the Department of Human Services to determine continued food stamp eligibility during participation in grant diversion and to document changes for continued assistance after the completion of grant diversion.

3301.0410 [Emergency] MAXIMUM PERIOD OF GRANT DIVERSION.

Subpart 1. **General assistance.** A GA participant's grant may be diverted to an employer for up to five months.

Subp. 2. **Work readiness.** A WR participant's assistance payment may be diverted:

A. for up to five consecutive months if the participant is from a distressed county and agrees to participate; or

B. for four consecutive months if the participant is redetermined eligible for work readiness in the first 15 days of the second month of receipt of WR assistance and agrees to participate.

SUPPORTED WORK PROGRAM

3301.0420 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0420 to 3301.0440 [Emergency] is to establish the terms and conditions governing the supported work program for recipients of AFDC pursuant to Minnesota Statutes, section 268.86, subdivision 9.

Subp. 2. **Applicability.** Parts 3301.0420 to 3301.0440 [Emergency] apply to recipients of AFDC who have received public assistance for more than three years and who are residents of counties that have had more than three percent of their AFDC recipients on public assistance for three years or longer.

3301.0430 [Emergency] DUTIES OF THE COUNTY.

Subpart 1. **Program development criteria.** Counties who have had more than three percent of their AFDC recipients on public assistance for more than three years shall ensure the provision of supported work program to assist those recipients in making a transition to employment.

Subp. 2. **Program description.** The program must include:

A. employability assessment;

B. employability development plan prepared in consultation with the participant;

C. job seeking skills training;

D. referral to appropriate services, programs, or training that may result in job readiness and employment; and

E. referral to suitable employment.

Subp. 3. **Identification of eligible AFDC recipients.** The county board shall require the local agency to identify recipients who have:

A. received AFDC for more than three years;

B. little or no work history; and

C. little or no formal education beyond high school.

Subp. 4. **Contracted programming.** The county board may contract the provision of a supported work program with a service provider.

Subp. 5. **Notice to eligible recipients.** The county board shall require the local agency to inform recipients meeting the criteria in subpart 3 of their eligibility for the supported work program and their responsibilities to the program.

Subp. 6. **Referral of eligible recipients.** The local agency shall refer eligible recipients to the supported work program.

3301.0440 [Emergency] PARTICIPANT RESPONSIBILITIES.

Each supported work program participant shall:

A. attend the supported work program orientation, job readiness workshops, and peer group meetings during the period of participation; and

B. cooperate in all aspects of the program, including:

(1) employability assessment and development of the employability development plan;

(2) referrals to other appropriate services and programs;

(3) referral to or offers of suitable employment; and

(4) continuance of employment.

TRANSITIONAL TRAINING PROGRAM

3301.0450 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0450 to 3301.0470 [Emergency] govern the implementation and administration of the transitional training program for approved training authorized by Minnesota Statutes, section 268.65. The program will provide structurally unemployed workers with on-the-job training and classroom training opportunities in conjunction with the payment of unemployment insurance benefits to which the trainees may be entitled.

Subp. 2. **Applicability.** Parts 3301.0450 to 3301.0480 [Emergency] apply to the commissioner or designee and participants in the transitional training program.

3301.0460 [Emergency] DEFINITION.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purpose of parts 3301.0450 to 3301.0470 [Emergency] the following term shall have the meaning given it.

Subp. 2. **Participant.** "Participant" means an individual who is structurally unemployed as defined in Minnesota Statutes, section 268.65, subdivision 2, clauses (1) to (3) and who is participating in the transitional training program.

3301.0470 [Emergency] PROPORTIONAL REDUCTION OF PENALTY.

Proportional reduction in the amount that must be repaid as the employer penalty for on-the-job training contracts authorized by Minnesota Statutes, section 268.65, subdivision 5 shall be 5.9 percent for each of the first 11 months and 5.1 percent for the 12th month. Employment for more than ten working days in a month will count as a full month for computation purposes.

CHILD CARE SLIDING FEE

3301.0480 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** The purpose of parts 3301.0480 to 3301.0620 [Emergency] is to govern the administration of the child care sliding fee programs for reducing, according to a sliding fee schedule, the costs of child care services to enable eligible families to participate in employment or training programs.

Subp. 2. **Applicability.** Parts 3301.0480 to 3301.0620 [Emergency] apply to all county boards and administering agencies authorized under Minnesota Statutes, section 268.91 to provide child care assistance to eligible families.

3301.0490 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** In addition to the definitions in part 3301.0020 [Emergency], for the purpose of parts 3301.0480 to 3301.0620 [Emergency] the following terms shall have the meaning given them.

Subp. 2. **Administering agency.** "Administering agency" means the county welfare department or any public or nonprofit agency designated by the county to administer the child care sliding fee program.

Subp. 3. **Child care services.** "Child care services" means service for less than 24 hours a day which provides care for children age 14 and under, as a substitute for, or supplement to, parental care for a planned period of time.

Subp. 4. **County.** "County" means the board of county commissioners.

Subp. 5. **Family.** "Family" means parents and dependent children under 18 years of age living in the same home including children temporarily absent from the household in settings such as schools, foster care, and residential treatment facilities.

Subp. 6. **Family fee.** "Family fee" means the portion of the provider charge the family must contribute for child care costs.

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Subp. 7. **Geographic area.** "Geographic area" means the area of the local service unit.

Subp. 8. **Income.** "Income" means all monthly income, before deductions, received from wages or compensation by all family members 16 years or older, net income from self-employment, net farm income, social security payments, dividends, interest, rent received or royalties, general assistance payments, pensions and annuities, unemployment compensation, alimony, child support, veterans' pensions, or any combination of the above sources of income. Wages or salary from summer jobs held by family members aged 16 and 17 shall not be considered income for purposes of determining family eligibility.

Subp. 9. **Monthly tax credit.** "Monthly tax credit" means the portion of the family fee to be claimed as a credit against tax liability according to the Internal Revenue Code.

Subp. 10. **Percent of tax credit.** "Percent of tax credit" means the proportion of specific expenses defined in the Internal Revenue Code which can be claimed as a credit against tax liability.

Subp. 11. **Percentage base.** "Percentage base" means the percent of annual gross income that is used to calculate the family fee. The percentage base is indexed to the family's ability to pay.

Subp. 12. **Program costs.** "Program costs" means the sum of the provider charges plus the administrative costs.

Subp. 13. **Program year.** "Program year" means the state fiscal year, beginning July 1 and ending June 30.

Subp. 14. **Programs with demonstrated effectiveness.** "Programs with demonstrated effectiveness" means education or training programs approved by the commissioner of education under rules pursuant to Minnesota Statutes, section 124.625, which result in suitable employment as defined in part 3301.0020 [Emergency], subpart 23.

Subp. 15. **Provider charge.** "Provider charge" means the amount the child care service provider charges per month for child care services.

Subp. 16. **Recipient.** "Recipient" means a family who receives sliding fee child care assistance.

Subp. 17. **State median income.** "State median income" means the state's annual median income based on family size. The state median income is developed by the federal Bureau of Census and is published annually in the Federal Register.

3301.0500 [Emergency] STANDARDS FOR COUNTIES.

Subpart 1. **Establishment of standards and procedures.** Counties shall adopt policies and procedures for the provision of child care services to enable parents to seek and obtain employment or training.

Subp. 2. **Provision of child care.** Counties shall assist applicants for child care services who are seeking employment and training services to obtain skills necessary to secure suitable employment. This may include an arrangement with another provider or agency for support services.

3301.0510 [Emergency] COUNTY RESPONSIBILITIES.

Subpart 1. **Designation.** The county shall designate the administering agency.

Subp. 2. **Local share match.** The county shall provide a local share match equal to five percent of the program cost during the first grant year and 15 percent of the cost during each of the succeeding years. Counties which at some time participated in the child care sliding fee program under Minnesota Statutes, section 245.84, subdivision 2, are participating in a succeeding year for purposes of this program. For purposes of determining the local match, administrative costs shall be seven percent of the provider charge. The local match may include in-kind materials and services furnished by the county and required for the administration of the program. The local match may not include the amount of minimum fee payments made by families.

3301.0520 [Emergency] ALLOCATION OF FUNDS.

Subpart 1. **Initial year.** For fiscal year 1986, the commissioner shall allocate 45 percent of the total child care appropriation to the seven county metropolitan area and 55 percent to the area outside the metropolitan area. For fiscal year 1987 and succeeding years, the commissioner shall allocate 50 percent of the total appropriation to each of these areas.

Subp. 2. **Succeeding years.** The commissioner shall reallocate unused funds after December 31 of each year at the commissioner's discretion based on need factors such as labor market conditions, demand for child care services, and number of persons applying for employment and training programs notwithstanding Minnesota Statutes, section 268.91, subdivision 3.

3301.0530 [Emergency] APPLICATION FOR ALLOCATION.

Subpart 1. **Application.** The county shall make application on forms provided by the commissioner.

Subp. 2. **Submittal.** The county shall submit two copies of the application to the commissioner by May 1 of each year.

Subp. 3. **Application content.** The application shall contain:

A. a narrative of the county's total program for child care services for employment and training purposes, including the amount and source of all other funds used for providing child care services; and

B. a copy of the most recent information provided to the Department of Human Services under the Community Social Services Act for the target population which has need of child care services in order to secure or retain employment or to obtain the training or education necessary to secure employment.

Subp. 4. **Approval.** The commissioner shall inform the county of the approval of the application within 30 calendar days of the submission deadline.

3301.0540 [Emergency] DUTIES OF THE ADMINISTERING AGENCY.

Subpart 1. **Advertisement of child care services.** The administering agency shall inform:

A. parents of the availability of child care sliding fee assistance, the procedures for applying for that assistance, and tax credit for child care payments through news media, child care service providers, social service agencies and others, on an ongoing basis; and

B. every applicant for or recipient of AFDC of child care sliding fee assistance.

Subp. 2. **Assistance to applicants.** The administering agency shall provide information about the program including types of available child care services, limits on availability, application requirements, assistance in making application, and a copy of the fee schedule.

Subp. 3. **Notification procedures.** The administering agency shall inform each applicant of the approval or denial of the application within 15 working days of receipt of a completed signed application. Notice of denial of an application must contain the reason for denial. Eligibility for assistance will be from the date of application.

Subp. 4. **Eligibility redetermination.** The administering agency shall redetermine eligibility when notified by the applicant of a change in family size or a significant change in income, or every six months, whichever occurs first. A significant change is any change in monthly gross income which results in a ten percent decrease or increase.

3301.0550 [Emergency] APPLICATION FOR CHILD CARE SERVICE ASSISTANCE.

Families must apply for child care service assistance to the administering agency in the family's county of residence.

3301.0560 [Emergency] ELIGIBILITY CRITERIA.

Subpart 1. **Income level.** Families are eligible to receive child care service assistance if their income level is above the upper eligibility limit for AFDC but below 75 percent of the state median income.

Subp. 2. **Required proof of income eligibility.** Income of the applicant family shall be verified based on the 12-month period immediately preceding the application date or the most recent calendar year. Verification of income shall be made through documentary evidence in the possession of the applicant or be obtained from the source of the income.

Subp. 3. **Continuing eligibility.** Families receiving assistance under one of the three criteria under Minnesota Statutes, section 268.91, subdivision 4, for financial eligibility may not be refused further assistance upon a change of financial status as long as the family's income does not exceed 75 percent of the state median income. The family must inform the administering agency of a significant change in financial status as described in part 3301.0540 [Emergency], subpart 4.

3301.0570 [Emergency] FAMILY FEE PAYMENT SCHEDULE.

The following is the schedule of monthly fee rates for families based upon income and family size. The schedule will be adjusted annually based on the state median income.

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CHILD DAY CARE INCOME ELIGIBILITY AND FEE SCHEDULE

(Using Increments of 2.5 Percent for Each Range up to 60 Percent of the State Median Income and One Percent Increments From 60 Percent to 75 Percent of the State Median Income)

Family of 2, State Median Income: $19,493
60 percent of SMI = $11,696
AFDC Income Level Threshold: $5,209

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 5,209- 5,361	$ 434- 447	.25	$ 3	$ 1.80	60.0
	5,362- 5,848	448- 487	.25	3	1.80	60.0
	5,849- 6,335	488- 528	.25	3	1.80	60.0
	6,336- 6,823	529- 569	.25	3	1.80	60.0
	6,824- 7,310	570- 609	.25	4	2.40	60.0
37.5	7,311- 7,797	610- 650	.50	8	4.80	60.0
	7798- 8,285	651- 690	.50	8	4.80	60.0
	8,286- 8,772	691- 731	.50	9	5.40	60.0
	8,773- 9,259	732- 772	.50	9	5.40	60.0
50.0	9,260- 9,747	773- 812	.50	10	6.00	60.0
	9,748-10,234	813- 853	.75	14	7.90	56.5
	10,235-10,721	854- 893	.75	15	8.50	56.5
	10,722-11,208	894- 934	.75	15	8.35	55.7
60.0	11,209-11,696	935- 975	.75	16	8.80	54.8
		Add 25 Percent To Base (*)				
	11,697-11,891	976- 991	1.0	26	14.15	54.4
	11,892-12,086	992-1,007	1.0	34	18.00	53.0
	12,087-12,281	1,008-1,023	1.0	42	22.10	52.6
	12,282-12,476	1,024-1,040	1.0	51	26.60	52.2
65.0	12,477-12,670	1,041-1,056	1.0	60	31.10	51.8
	12,671-12,865	1,057-1,072	1.25	73	37.45	51.3
	12,866-13,060	1,073-1,088	1.25	81	41.25	50.9
	13,061-13,255	1,089-1,105	1.25	89	44.95	50.5
	13,256-13,450	1,106-1,121	1.25	97	48.60	50.1
70.0	13,451-13,645	1,122-1,137	1.25	105	52.20	49.7
	13,646-13,840	1,138-1,153	1.50	118	58.20	49.3
	13,841-14,035	1,154-1,170	1.50	123	58.80	47.8
	14,036-14,230	1,171-1,186	1.50	130	61.60	47.4
	14,231-14,425	1,187-1,202	1.50	137	64.40	47.0
75.0	14,426-14,620	1,203-1,218	1.50	144	67.10	46.6

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 3, State Median Income: $24,078
60 percent of SMI = $14,447
AFDC Income Level Threshold: $6,337

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 6,337- 6,621	$ 528- 552	.25	$ 3	$ 1.80	60.0
	6,622- 7,223	553- 602	.25	3	1.80	60.0
	7,224- 7,825	603- 652	.25	4	2.40	60.0
	7,826- 8,427	653- 702	.25	4	2.40	60.0
	8,428- 9,029	703- 752	.25	4	2.40	60.0
37.5	9,030- 9,631	753- 803	.50	9	5.40	60.0
	9,632-10,233	804- 853	.50	9	5.10	56.5
	10,234-10,835	854- 903	.50	10	5.65	56.5
	10,836-11,437	904- 953	.50	10	5.55	55.3
50.0	11,438-12,039	954-1,003	.50	10	5.30	53.0
	12,040-12,641	1,004-1,053	.75	16	8.30	51.8
	12,642-13,243	1,054-1,104	.75	16	8.10	50.5
	13,244-13,845	1,105-1,154	.75	16	7.90	49.3
60.0	13,846-14,447	1,155-1,204	.75	16	7.50	47.0
		Add 25 percent to Base (*)				
	14,448-14,688	1,205-1,222	1.0	28	13.05	46.6
	14,689-14,929	1,223-1,244	1.0	36	16.30	45.2
	14,930-15,169	1,245-1,264	1.0	45	20.20	44.8
	15,170-15,410	1,265-1,284	1.0	54	24.00	44.4
65.0	15,411-15,651	1,285-1,304	1.0	63	27.70	44.0
	15,652-15,891	1,305-1,324	1.25	78	33.95	43.5
	15,892-16,132	1,325-1,344	1.25	86	37.10	43.1
	16,133-16,373	1,345-1,364	1.25	95	40.55	42.7
	16,374-16,614	1,365-1,384	1.25	103	43.55	42.3
70.0	16,615-16,855	1,385-1,405	1.25	110	45.10	41.0
	16,856-17,095	1,406-1,425	1.50	124	50.35	40.6
	17,096-17,336	1,426-1,445	1.50	132	53.10	40.2
	17,337-17,577	1,446-1,465	1.50	140	55.70	39.8
	17,578-17,818	1,466-1,485	1.50	148	58.30	39.4
75.0	17,819-18,059	1,486-1,505	1.50	156	60.85	39.0

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

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Family of 4. State Median Income: $28,667
60 percent of SMI = $17,200
AFDC Income Level Threshold: $7,393

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 7,393- 7,883	$ 616- 657	.25	$ 4	$ 2.40	60.0
	7,884- 8,600	658- 717	.25	4	2.40	60.0
	8,601- 9,317	718- 776	.25	5	3.00	60.0
	9,318-10,033	777- 836	.25	5	2.80	56.5
	10,034-10,750	837- 896	.25	5	2.80	56.5
37.5	10,751-11,467	897- 956	.50	10	5.55	55.3
	11,468-12,183	957-1,015	.50	10	5.30	53.0
	12,184-12,900	1,016-1,075	.50	10	5.15	51.3
	12,901-13,617	1,076-1,135	.50	11	5.50	49.7
50.0	13,618-14,333	1,136-1,195	.50	11	5.20	47.4
	14,334-15,050	1,196-1,254	.75	17	7.80	45.8
	15,051-15,767	1,255-1,314	.75	17	7.55	44.5
	15,768-16,484	1,315-1,374	.75	17	7.10	41.8
60.0	16,485-17,200	1,375-1,433	.75	17	6.90	40.6
		Add 25 percent to base (*)				
	17,201-17,487	1,434-1,457	1.0	29	11.55	39.8
	17,488-17,774	1,458-1,481	1.0	39	15.35	39.3
	17,775-18,060	1,482-1,505	1.0	48	18.00	37.5
	18,061-18,347	1,506-1,529	1.0	57	21.15	37.1
65.0	18,348-18,634	1,530-1,553	1.0	66	23.95	36.3
	18,635-18,920	1,554-1,577	1.25	81	29.00	35.8
	18,921-19,207	1,578-1,601	1.25	90	31.50	35.0
	19,208-19,494	1,601-1,625	1.25	99	34.25	34.6
	19,495-19,780	1,626-1,648	1.25	108	36.95	34.2
70.0	19,781-20,067	1,649-1,672	1.25	114	36.80	32.3
	20,068-20,354	1,673-1,696	1.50	129	41.15	31.9
	20,355-20,640	1,697-1,720	1.50	137	42.60	31.1
	20,641-20,927	1,720-1,744	1.50	145	44.50	30.7
	20,928-21,214	1,745-1,768	1.50	152	45.30	29.8
75.0	21,215-21,500	1,768-1,792	1.50	160	47.05	29.4

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

Family of 5, State Median Income: $33,253
60 percent of SMI = $19,952
AFDC Income Level Threshold: $8,292

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 8,292- 9,145	$ 691- 762	.25	$ 4	$ 2.40	60.0
	9,146- 9,976	763- 831	.25	5	3.00	60.0
	9,977-10,807	832- 901	.25	6	3.40	56.5
	10,808-11,639	902- 970	.25	6	3.30	54.8
	11,640-12,470	971-1,039	.25	6	3.10	52.2
37.5	12,471-13,301	1,040-1,108	.50	10	5.05	50.5
	13,302-14,133	1,109-1,178	.50	11	5.25	47.8
	14,134-14,964	1,179-1,247	.50	11	5.10	46.2
	14,965-15,795	1,248-1,316	.50	11	4.90	44.5
50.0	15,796-16,627	1,317-1,386	.50	11	4.55	41.4
	16,628-17,458	1,387-1,455	.75	17	6.80	39.8
	17,459-18,289	1,456-1,524	.75	17	6.30	37.1
	18,290-19,120	1,525-1,593	.75	18	6.35	35.4
60.0	19,121-19,952	1,594-1,663	.75	18	6.10	33.8
		Add 25 percent to Base(*)				
	19,953-20,284	1,664-1,690	1.0	30	9.60	31.9
	20,285-20,617	1,691-1,718	1.0	40	12.45	31.1
	20,618-20,950	1,719-1,746	1.0	50	15.35	30.7
	20,951-21,282	1,747-1,773	1.0	59	17.60	29.8
65.0	21,283-21,614	1,774-1,801	1.0	69	20.00	29.0
	21,615-21,947	1,802-1,829	1.25	85	24.30	28.6
	21,948-22,280	1,830-1,857	1.25	93	24.90	26.8
	22,281-22,612	1,858-1,884	1.25	101	26.15	25.9
	22,613-22,945	1,885-1,912	1.25	111	28.30	25.5
70.0	22,946-23,277	1,913-1,940	1.25	119	29.40	24.7
	23,278-23,610	1,941-1,967	1.50	134	31.90	23.8
	23,611-23,942	1,968-1,995	1.50	143	33.45	23.4
	23,943-24,275	1,996-2,023	1.50	149	32.80	22.0
	24,276-24,607	2,024-2,051	1.50	159	35.00	22.0
75.0	24,608-24,940	2,052-2,078	1.50	168	36.95	22.0

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

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Family of 6. State Median Income: $37,838
60 Percent of SMI = $22,703
AFDC Income Level Threshold: $8,292

% of SMI	Annual Gross Income Range	Monthly Gross Income Range	% Base	Family Fee	Monthly Tax Credit	% Tax Credit
25.0	$ 9,204-10,405	$ 767- 867	.25	$ 4	$ 2.25	56.5
	10,406-11,351	868- 946	.25	5	2.80	55.7
	11,352-12,297	947-1,025	.25	5	2.65	52.6
	12,298-13,243	1,026-1,104	.25	5	2.55	50.5
	13,244-14,189	1,105-1,182	.25	5	2.40	47.8
37.5	14,190-15,135	1,183-1,261	.50	11	5.00	45.8
	15,136-16,081	1,262-1,340	.50	11	4.70	42.7
	16,082-17,027	1,341-1,419	.50	11	4.50	40.6
	17,028-17,973	1,420-1,498	.50	12	4.70	38.9
50.0	17,974-18,919	1,499-1,577	.50	12	4.30	35.8
	18,920-19,865	1,578-1,655	.75	18	6.10	33.8
	19,866-20,811	1,656-1,734	.75	18	5.55	30.7
	20,812-21,757	1,735-1,813	.75	18	5.20	29.0
60.0	21,758-22,703	1,814-1,892	.75	18	4.70	25.9
		Add 25 percent to Base(*)				
	22,704-23,081	1,893-1,923	1.0	31	7.80	25.1
	23,082-23,460	1,924-1,955	1.0	41	10.00	24.3
	23,461-23,838	1,956-1,986	1.0	51	11.95	23.4
	23,839-24,216	1,987-2,018	1.0	61	13.40	22.0
65.0	24,217-24,595	2,019-2,050	1.0	71	15.60	22.0
	24,596-24,973	2,051-2,081	1.25	88	19.35	22.0
	24,974-25,351	2,082-2,113	1.25	99	21.80	22.0
	25,352-25,730	2,114-2,144	1.25	110	24.20	22.0
	25,731-26,108	2,145-2,176	1.25	119	25.00	21.0
70.0	26,109-26,487	2,177-2,207	1.25	129	27.10	21.0
	26,488-26,865	2,208-2,239	1.50	147	30.90	21.0
	26,866-27,243	2,240-2,270	1.50	157	33.00	21.0
	27,244-27,622	2,271-2,302	1.50	168	35.30	21.0
	27,623-28,000	2,303-2,333	1.50	178	37.40	21.0
75.0	28,001-28,379	2,334-2,365	1.50	186	37.20	20.0

(*) The 25 percent added to the base is calculated by establishing the difference between the midpoint of the range and the 60 percent of the state median income. 25 percent is then used from that figure.

3301.0580 [Emergency] EMPLOYMENT AND TRAINING ELIGIBILITY.

Subpart 1. **Child care during job search.** Counties shall provide the equivalent of one month of full-time child care to persons seeking employment. This amount can be prorated over a period of up to four months at the option of the applicant.

Subp. 2. **Setting aside of funds.** Counties shall set aside child care assistance funds for persons who are receiving assistance for education or training programs with demonstrated effectiveness. The funds must be set aside for the length of the program. If education or training extends beyond the program year, counties must set aside funds on a contingent basis. Resources to cover the assistance may be from the sliding fee program only or from a combination of funding sources for child care assistance.

Subp. 3. **Length of assistance.** Counties shall pay child care assistance to recipients for the length of the program or 24 months, whichever is shorter. Persons enrolled in programs for two or more years may select the 24-month period during which they will receive assistance.

Subp. 4. **Local policies.** Counties may establish additional policies on continuation in and completion of training programs and transfer between programs. These policies must be in writing and be available to the public.

Subp. 5. **WIN participation.** The WIN assessment and employability development plan shall be followed in determining the eligibility for sliding fee child care assistance funds for employment and training services.

3301.0590 [Emergency] PROVISION OF SERVICE.

Subpart 1. **Service charge.** The county shall determine annually the median service charge for each type of child care service available in the county and report that information on a form provided by the commissioner by August 31 of each year.

Subp. 2. **Limitation of assistance.** The county may limit the number of families to whom assistance is provided if allocations are insufficient.

Subp. 3. **Disproportionate distribution.** A county that disproportionately distributes money among the three eligibility groups must document to the commissioner the reasons for the distribution. A county's rationale may include such factors as the number of families being served by other funding sources and the number of families in need of child care in each category.

3301.0600 [Emergency] PAYMENT OF ASSISTANCE.

Subpart 1. **Payment options.** The administering agency shall make payment in either of the following ways:

A. reimbursement of an eligible family's expenses incurred up to the limits specified by the county; or

B. reimbursement of the child care provider charges up to the limits specified by the county.

Subp. 2. **Notification.** The administering agency shall inform the family or child care provider who will receive payment how and when it will be received.

Subp. 3. **Payment by computation.** The administering agency shall inform the family of the method by which its monthly family fee payment was computed.

Subp. 4. **Payment schedule.** The administering agency shall make payments monthly.

Subp. 5. **Sick child care.** The county may pay sick child care on a limited basis in addition to making payments for regular child care. Sick child care assistance payments may not exceed the day care center maximum set by the county for the sick child's age.

3301.0610 [Emergency] DATA COLLECTION AND EVALUATION.

Subpart 1. **Data collection.** The commissioner shall collect the following data by August 31 of each year:

A. the amount of money the counties spend on child care from all public funding sources;

B. the number of children receiving child care by all public funding sources;

C. the average number of children who receive assistance per family under the sliding fee program;

D. the average length of time a child receives child care under the sliding fee program;

E. the number of families receiving child care in each eligibility category of the sliding fee program;

F. the county's average expenditure per child care slot for 12 months under the sliding fee program; and

G. the number of families who received AFDC in the six months prior to receiving assistance with child care costs.

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Subp. 2. **Program evaluation.** The commissioner shall evaluate the program to determine its effectiveness in preventing and reducing dependence on public assistance and in providing other benefits.

Subp. 3. **Reporting.** The administering agency shall collect data and prepare periodic reports as required by the commissioner.

3301.0620 [Emergency] FAIR HEARING PROCESS.

Subpart 1. **Responsibilities of the county.** The county shall ensure that one or more review officers are appointed to conduct informal grievance procedures concerning the issues in subpart 2 and in accordance with the procedures in subparts 3 to 6. Review officers who are appointed must not have participated, in any way, in the action in question.

Subp. 2. **Grievable actions.** Applicants and recipients have the right to request the county to conduct an informal grievance procedure on the following actions:

A. a determination of ineligibility for child care assistance;

B. termination of child care assistance;

C. determination of the family fee; and

D. income redetermination resulting in change of a family fee.

For purposes of item B, a recipient may not appeal if the child care assistance was terminated during the period of time when funds were to be available on a contingent basis.

Subp. 3. **Notice requirements.** The county shall notify the applicant or the recipient, in writing, of any grievable action. Notice of the action must be mailed to the applicant or recipient at least 15 calendar days before the effective date of the action. The notice must clearly state what action the county intends to take, the necessary corrective measures, the right to grieve the action, the time limits for the grievance, and the consequences of the action.

Subp. 4. **Notice of intent to grieve.** An applicant or recipient who receives the notice described in subpart 3 must request the county, in writing, to conduct the grievance procedure.

Subp. 5. **Informal grievance procedure.** The county shall provide an informal grievance procedure within 30 days of receipt of a written request.

The county shall give the applicant or recipient ten calendar days' notice of the hearing date. The applicant or recipient has the right to appear, to call witnesses, and submit new documentation. The written request and all actions and decisions of the procedure shall be maintained as part of the official record. The hearing officer shall make a determination within ten days of the date of the informal grievance procedure.

Subp. 6. **Administrative hearing process.** A dissatisfied party may request within 15 calendar days of the mailing of an adverse determination, a fair hearing conducted in the manner prescribed by Minnesota Statutes, section 268.10, subdivision 3, or the determination will be final. A right to review will be provided in accordance with Minnesota Statutes, section 268.10, subdivision 5. The adverse determination will not take effect until the appeal is decided by the administrative hearing process.

SUPPORT SERVICES

3301.0630 [Emergency] PURPOSE AND APPLICABILITY.

Subpart 1. **Purpose.** Parts 3301.0630 to 3301.0650 [Emergency] govern the provision of support services, other than sliding fee child care, to participants in employment and training services.

Subp. 2. **Applicability.** Parts 3301.0630 to 3301.0650 [Emergency] apply to all LSUs providing or arranging for work-related transportation and other support services subject to availability of funds.

3301.0640 [Emergency] TRANSPORTATION.

Subpart 1. **Reimbursement rate.** LSUs shall provide or arrange for payment or reimbursement of work-related transportation costs for participants in employment and training services. Participants will be reimbursed at a rate of 16 cents per actual mile traveled to and from home and the agency approved employment and training site when a personal vehicle is used. A participant will be paid or reimbursed actual costs when public transportation or carpooling is used.

Subp. 2. **Report.** The participant must report transportation expenses on forms provided by the local agency or contractor.

3301.0650 [Emergency] OTHER SUPPORT SERVICES.

Support services other than sliding fee child care and transportation shall be provided or arranged for by LSUs based on employment and training program requirements. Other support services include child care services other than sliding fee, work-related expenses as defined in part 3301.0020 [Emergency], subpart 29 and family services including:

A. homemaker services;

B. financial management;

C. family planning;

D. counseling;

E. employment-related medical, remedial, and health care services;

F. employment-related medical expenses;

G. vocational rehabilitation; and

H. other services necessary to enable a registrant to participate in employment and training.

ADOPTED RULES

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

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

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

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

Department of Commerce

Adopted Repeal of Contested Case Procedure and Advertisement of Sickness and Accident Insurance Rules

The rules proposed and published at *State Register*, Volume 10, Number 2, pages 41-42, July 8, 1985 (10 S.R. 41) is adopted as proposed.

Department of Commerce

Adopted Rule Relating to Comprehensive Health Insurance

The rules proposed and published at *State Register*, Volume 10, Number 2, pages 43-44, July 8, 1985 (10 S.R. 43) are adopted as proposed.

Department of Commerce

Adopted Rules Governing Security Requirements of Self-Insurers Under the No-Fault Automobile Insurance Act

The rules proposed and published at *State Register*, Volume 10, Number 2, pages 42-43, July 8, 1985 (10 S.R. 42) are adopted as proposed.

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STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption
of Rules of the State of Minnesota
Relating to Employment Programs

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

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

PLEASE TAKE NOTICE that the above-captioned rule has been submitted to the Administration Division of the Office of the Attorney General on this date, January 23, 1986. The Attorney General shall review the proposed emergency rules as to its legality, review its form to the extent form related to legality, including the issue of substantial change, and shall approve or disapprove the proposed emergency rule and any modifications on the tenth working day following the date of receipt of the proposed emergency rule from the Department.

The proposed emergency rules have been modified since being published in the the State Register on December 2, 1985. A free copy of the proposed rules as modified is available upon request from: Donald M. Buckner, 690 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota, 55101, Telephone: 296-3627.

STATE OF MINNESOTA

Joseph Samargia
COMMISSIONER OF
THE DEPARTMENT OF
JOBS AND TRAINING

STATE OF MINNESOTA
Office Memorandum

DEPARTMENT: Jobs and Training

TO: Michael Miles
Assistant Attorney General
Attorney General Office/Admin. Div.

DATE: February 19, 1986

FROM: Colleen Gunderson
Management Analysis Unit/ATS Div.
Administrative & Technical Services

Subject: Resubmission of Proposed Emergency Rules Relating to Employment Programs

Pursuant to the Administrative Procedures Act, chapter 14, the following documents, with appropriate revisions, are resubmitted for your review:

1. Emergency Rules as adopted. One copy. (The Revisor's Office will supply the certified original and three copies as soon as possible.)

2. Order adopting. Original and two copies.

Encs.

cc: Joseph Samargia
Donald Buckner
Kathryn Roberts

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Administration

Office Memorandum

TO: COLLEEN GUNDERSON
Management Analysis Unit
Administrative & Technical Services

DATE: 2/6/86

FROM: MIKE MILES
Assistant Attorney General

PHONE: 296-6555

SUBJECT: Proposed Jobs and Training Rules Governing Employment Programs

As we have discussed by telephone, I have reviewed the above-referenced rules and must reject them as to form and legality for these principal reasons:

1. 3301.0140, subp. 1 (page 15, lines 18-24) of the rule requires in relevant part that "An applicant or recipient must register for employment and training services as a condition of receiving AFDC." You have advised me that some LSU's and county boards do not provide employment and training services and, thus, this subpart would frustrate the provision of AFDC to qualified persons situated in an area where such services are unavailable. This outcome does not appear to be compatible with Minn. Stat. Chapter 256 and the rule should be changed to conform with that law.

2. 3301.0100, subp. 5 (page 12, lines 28-34) as well as such other portions of the rule as 3301.0620, subp. 5 (page 54, lines 27-33) provide that "An individual whose complaint was not resolved in the conciliation conference may request in writing to the department with 15 calendar days of the conference, a fair hearing ..." (emphasis added). However, the rule does not define either the nature of the conciliation conference or what constitutes "resolution." This results in a vague rule which appears to be legally void.

3. 3301.0500, subpart 1 (page 40, lines 7-12) authorizes counties to apply the policies and procedures in their CSSA plans regarding child care services for parents seeking employment or employment training. Unfortunately, the rule does not address what happens if the particular CSSA plan is in conflict with other parts of the rule. This could result in an internal inconsistency in the application of the rule and should be corrected.

Additionally, you have indicated an interest in further amending the rule consistent with suggestions made by the Legal Services Advocacy Project. I believe the changes you discussed would add clarity to the rule.

JMM:pmf
cc: Maryanne Hruby
Duane Harves

STATE OF MINNESOTA
Office Memorandum

DEPARTMENT: Jobs & Training

TO : J. Michael Miles
Assistant Attorney General
Admin. Div./Attorney General Office

DATE: January 23,1986

FROM : Colleen Gunderson
Management Analysts Unit
Administrative and Technical Services

PHONE: 296-3669

SUBJECT : In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Employment Programs.

Pursuant to the Administrative Procedures Act, Minnesota Statutes, section 14.31, the following documents are provided for your review of the adopted emergency rules:

1. Emergency Rules as adopted. Original and three copies.
2. Order adopting. Original and two copies.
3. Notice of Intent to Solicit Outside Opinion. No written comments were received.
4. Order for Notice of Intent to Adopt Emergency Rules.
5. Notice of Intent to Adopt Emergency Rules.
6. Rules as Proposed.
7. Mailing List Certificate.
8. Affidavit of Mailing the Notice of Proposed Adoption of Emergency Rule.
9. Comments Received on Rules as Proposed.
10. Order for Publication of Emergency Rules.
11. Findings of Fact and Conclusions for Emergency Rules.
12. Approval of the Proposed Emergency Rules by the Coordinator of the Office of Full Productivity and Opportunity.
13. Statement of Compliance with Rulemaking Procedures.
14. Notice of Submission of Emergency Rules to the Administration Division Attorney General.
15. Affidavit of Mailing Notice of Submission to the Administrative Division Attorney General.

Encs.

cc: Joseph Samargia
Donald Buckner
Kathryn Roberts

To: Mike

Date: 1.30.86

Re: Jobs + Training: Relating to Employment.

Rules as Adopted

p.3, line 19 3301.0020, subpt. 24

A comma should be inserted after "advisee"

p.22 line 35 3301.0230, subpt. 3. B.

"oepration" should be "operation"

p.39, line 13 3301.0490, subpt. 9 (deleted)

I cannot find a reference in the FF to this deletion but it appears related to the comment at FF36 on subpt. 10

p.54, line 18 3301.0620, subpt. 4

For grammatical correctness, "has" should be changed to "have."

Findings of Fact (25)

page 6 Contains what appears to be an erroneous interpretation of Laws 85, Ch. 306 by stating that income of family farm corporation is exempt from garnishment. Ch. 306 expressly includes such income in the definition of earnings. Except for funds identified in the exemption notice (Minn Stat. § 571.41 subd 7) earnings are subject to garnishment. Farm income is not listed amongst the exemptions.

This erroneous interpretation does not appear to affect the legality of the Rule. The interpretation was taken wholesale from a comment submitted by Southern Minnesota Regional Legal Services

SF-00006-03

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Office of Full Productivity and Opportunity

TO: Joe Samargia, Commissioner
Department of Jobs and Training

DATE: November 18, 1985

FROM: Kathryn R. Roberts
Coordinator

PHONE: 296-2227

SUBJECT: Approval of Rules

Pursuant to Minnesota Statute 267.03, Subd. 2, Section 9, this office has reviewed and approved the emergency rules (3301.0010 - 3301.0660) submitted by the Department of Jobs and Training.

The rules, as proposed, appear to be consistent with the intent of the jobs bill and related legislation. However, the question of whether or not the Department of Jobs and Training has authority, under federal law and regulation, to issue rules governing the AFDC program has not yet been resolved. The single state agency requirements contained in 45 CFR §205:100 would seem to prohibit the Department of Jobs and Training from issuing such rules. I believe the Department of Administration's Attorney General will address this question during that agency's review of the rules.

KRR:lo

cc: Don Buckner
Colleen Gunderson
J. Michael Miles

LEGAL SERVICES ADVOCACY PROJECT

300 MINNESOTA BUILDING ST. PAUL, MINNESOTA 55101
(612) 222-3749

RECEIVED
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ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SPONSORING PROGRAM DIRECTORS
Bruce Beneke
Michael Connolly
Jeremy Lane

Stephen D. Swanson
Tonja M. Orr
Dru Osterud
Harold Turner

February 4, 1986

Mike Miles
Office of Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, MN. 55155

RE: Proposed Adoption of Department of Jobs and Training Emergency Rates Relating to Employment Parts 3301.0100, 3301.0140, 3301.0230, 3301.0380, 3301.0500, 3301.0580 & 3301.0640.

Dear Mr. Miles:

The above-referenced emergency rules were submitted to the Attorney General by the Department of Jobs and Training (hereinafter the Department) for review in accordance with Minn. Stat. §14.32 and 2 MCAR §2000.0200 - §2000.1000. For the reasons stated below, the Attorney General should disapprove the emergency rules and return them to the department.

Part 3301.0100, subpart 2 of the adopted rule sets out the information that must be included in the notice to an applicant or participant of a proposed adverse action. Subpart 3 of that part describes how an applicant or participant may perfect an appeal of an adverse action; however, there is no requirement in this part that an applicant or participant be given written notice of how or where an appeal request must be made. There can be no doubt that basic due process requirements necessitate notice of the basis for the proposed action, the effective date, and the date by which an appeal request must be made. But those safeguards are ineffective if notice is not also given of where the appeal request must be filed and of the need to make the request in writing. This information is critical to the completion of the appeal request. It is therefore unreasonable for such information to be omitted from the notice required by Part 3301.0100, subp. 2.

The Minnesota Supreme Court has implicitly held that administrative rules must be reasonable. Manufactured Housing Institute v. Pettersen, 347 N.W.2d 234, 243 (Minn. 1984); Lee v. Delmont, 228 Minn. 101, 110, 114, 36 N.W.2d 530 (1949); Juster Brothers Inc. v. Christgau, 214 Minn. 108, 118, F N.W.2d. 501 (1943). If a rule is not reasonable, it is not

legal as used in Minn. Stat. §14.32; the rule therefore must be disapproved by the Attorney General pursuant to 2 MCAR §2000.0800E.

Subpart 3 of Part 3301.0100 of the adopted rule is likewise unreasonable because it requires an applicant or participant to file a request for a conciliation conference with the LSU but a request for an administrative hearing must be filed with the state agency. The applicant or participant will have only had contact with the LSU or service provider, not with the state agency. In many cases the appeal request will be made at the LSU or service provider when the applicant or participant first learns of the proposed adverse action. The practice with appeals of adverse determinations relating to public assistance is that the appeal request form is filed with the county agency even though the hearing is conducted through the state agency. The requirement of filing the appeal request with different offices depending on the type of process requested is unnecessarily complicated and has the potential for causing the denial of access to the appeal process. What happens if an aggrieved party makes a request for an administrative hearing by mailing the request form to the LSU instead of the department. Has the aggrieved party perfected his or her appeal? If not, does the LSU have the duty to inform the aggrieved party of the problem or to forward the request to the proper office within the time period necessary to meet the appeal deadline? It is not rational to say that under the circumstances described above, the aggrieved party would lose his or her right to proceed through the appeals process yet the adopted rule leads to that conclusion. For the reasons stated above, the rule must be disapproved as unreasonable.

In Part 3301.0100, subpart 5, which sets out the procedure for obtaining an administrative hearing following a conciliation conference, the phrase "an individual whose complaint was not resolved in the conciliation conference" is ambiguous. Ambiguity exists as to whether the issuance of a written resolution precludes the matter from being heard in an administrative hearing. It is also ambiguous as to who determines whether the complaint has or has not been resolved. If a determination is made at the state or local level that the complaint has been resolved, the applicant or participant could presumably be prevented from obtaining an administrative hearing. Pursuant to this subpart, the action will not become final until fifteen (15) days after the date of the conciliation conference; this can be interpreted as permitting requests for administrative appeals despite the existence of a written resolution. This ambiguity results in neither applicants, participants, nor LSUs knowing when or under what circumstance the provisions regarding administrative hearing process will apply. There is danger that the ambiguity will lead to the rule being applied unequally, thus violating constitutional provisions. The rule must be disapproved pursuant to 2 MCAR §2000.0800E.

Rule 3301.0140, subp. 1 requires that as a condition of receiving AFDC, an applicant or recipient must register for employment and training services. By virtue of Part 3301.0110, subp. 2, this part is applicable to all applicants or recipients, regardless of whether or not the

applicant or recipient resides in an area with a WIN program. Not all counties in Minnesota operate WIN programs. Pursuant to federal law at 45 C.F.R. §224.20(b)(6) those applicants and recipients of AFDC who reside outside of a WIN project area are not required to register for employment and training services in the WIN program. Clearly, parts 3301.0110 - 3301.0160 conflict with federal law to the extent that they are applicable to AFDC applicants and recipients who do not reside in WIN counties. 2 MCAR §2000.0800C requires that the rule be disapproved on the basis that it conflicts with applicable state law.

We would suggest that after the rule is returned to the department that the following language be added to correct the problem: Part 3301.0110, subp. 2, page 13, line 17, before the period, insert: "residing in a WIN project area"

Part 3301.01230, subpart 6 limits the exemption from participation in a CIP due to lack of support services to situations where those support services identified in the employability development plan are lacking. This part ties the provision of support services to the employability development plan. Under this part, a recipient would not be exempt from participation in a CIP if a support service was not identified in the employability development plan and therefore was not provided even though the service was necessary. A CIP falls within the definition of priority services as set forth at Minn. Stat. §268.85, subd. 2 (a)(6). Pursuant to Minn. Stat. §268.85, subd. 2 (b), all participants in priority services must be provided with necessary support services irrespective of whether or not those services are identified in an employability development plan. Part 3301.0210, subpart 4.A. requires that all CIP participants be provided with child care, transportation, and other necessary support services. This part implies that all necessary and required services may not be identified in the employability development plan and then utilizes that lack of identification as a basis for not providing the services. The provision of necessary services is a precondition for requiring participation in a CIP. Due to the conflict between the state law and the adopted rule, the rule must be disapproved pursuant to 2 MCAR §2000.0800 C.

✓Pursuant to 3301.0380, subpart 4, grant diversion participants must be notified of critical elements of the grant diversion program such as the length of time of participation, the amount of residual grant, and completion requirements. Despite the fact that the information outlined in paragraphs A-G is essential for a participant to properly comply with program requirements, there is no requirement that the notice be in writing. Penalties may attach to a grant division participant who does not complete the designated period of participation. It is essential that a participant know the consequences of failure to comply with program requirements. The Department can best ensure that a participant is actually given notice of program requirements if that notice is in writing. The department has recognized the reasonableness of requiring written notice in other parts of the rule. For example, in the proposed rule published December, 1985, parts 3301.0090, subp. 1, items B & D to H and part 3301.0540, subp. 3 required that applicants or recipients be notified of certain information although there was no requirement that the notification be in writing; after consideration of comments from

interested persons, these parts were changed to require that the notifications be in writing. It is unreasonable to fail to require written notice of essential information for participants in the grant diversion project.

For the reasons stated above, the rule because it is not reasonable must be disapproved.

Part 3301.0500, subpart 1 establishing the standards and procedures for provision of child care services must be disapproved on two basis. First, the adopted rule is substantially different from the proposed rule. Secondly, the adopted rule conflicts with state law.

While 2 MCAR §1400.1100 is not applicable to this proceeding it does provide a useful definition of substantial change. 2 MCAR §1400 provides:

> In determining whether the proposed final rule is substantially different, the hearing examiner shall consider the degree to which it affects classes of persons not represented at the previous hearing, or goes to a new subject matter of significant substantive effect, or makes a major substantive change that was not raised by the original notice of hearing in such a way as to invite reaction at the hearing, or results in a rule fundamentally different from that contained in the notice of hearing.

The rule as proposed provides that: "Counties shall adopt policies and procedures for the provision of child care services..." The rule as adopted states that "Counties shall apply the policies and procedures in the CSSA plan for the provision of child care services..." The proposed rule made no reference to CSSA plans and anticipated that the policies and procedures would be adopted in the future. Interested persons reviewing the proposed rule had no indication that they should address comments to the appropriateness of policies and procedures currently contained in county CSSA plans or to the appropriateness of using the CSSA plan for the adoption of policies and procedures for the child care sliding fee program. Not all county CSSA plans contain their policies and procedures. Often CSSA plans contain only a needs assessment, a description of the targeted population, and the proposed service response. Thus some counties have no written policy and procedures and the adopted rule would not require the adoption of such policies and procedures. If a CSSA plan does contain policies and procedures for child care services, the policies reflect county prioroties and budgetary considerations rather than the state mandated goals. CSSA plans are published every two years pursuant to Minn. Stat. §256E.09, subd. 1. The plans currently in effect were published in August, 1984 prior to the adoption of a statewide program. The policies contained in a current CSSA plan were adopted without any guidelines from either the federal or state government. Rather than new policies and procedures being adopted, already existing ones will

be incorporated into the program. Not only were interested parties not alerted to the need to comment on CSSA plans but also the program is fundamentally changed by the inclusion of previously established policies and procedures. The rule must be disapproved pursuant to Minn. Stat. §14.05, subd. 2.

The adopted rule also may result in conflicts with state law since CSSA plans already adopted contain policies which are contrary to state law. Lac Qui Parle and Meeker counties restrict child care to parents who are receiving AFDC; Minn. Stat. §268.91, subd. 4 makes other categories of families eligible for child care. The CSSA plan for Cottonwood county limits the time period for which child care assistance will be provided; no such restriction exists in the statute. The CSSA plan for Aiken county provides no child care assistance for employment or training purposes; again this is contrary to state law at Minn. Stat. §268.91, subd. 4. Pursuant to 2 MCAR §2000.0800 C, the rule must be disapproved.

Part 3301.0580, subpart 2 must also be disapproved since the adopted rule is a substantial change from the proposed rule. The proposed rule had no requirement that the applicant be in a program which has been approved in the employability development plan. Potential applicants for child care services who are involved in programs approved by the Department of Education had no notice in the proposed rule that Department of Education approval of their program may not be sufficient for child care services eligibility. Furthermore, this subpart conflicts with Minn. Stat. §268.91, subd. 5(b) which grants authority to approve education and training programs on the basis of demonstrated effectiveness to the commissioner of education. The adopted rule effectively gives the LSU this authority through the employability development plan. For these reasons the rule must be disapproved.

Part 3301.0620, subparts 2 and 3 contain the same defects as were discussed above with reference to Part 3301.0100 and should be disapproved for the reasons stated therein.

Part 3301.0640, subp.1 provides that transportation costs may either be paid in advance to the participation or may be reimbursed. This provision must be disapproved for two reasons: 1) it conflicts with applicable state law and 2) it is unreasonable.

Minn. Stat. §256.736, subd. 4 requires the commissioner of human services to arrange for or provide transportation for WIN registrants. Minn. Stat. §256.85, subd. 2(b) requires that individuals receiving priority services as defined in subd. 2(a) must be provided with transportation. The dictionary definitions of both "provide" and "arrange for" encompass the concept of action in advance of the need. Reimbursement is an after the fact action which does not equal arrangement for or preparation of transportation; thus the subpart conflicts with state statute and must be disapproved.

Giving the LSUs the option of reimbursing participants for transportation expenses is unreasonable in view of the participants' financial circumstances.

The participants will be public assistance recipients or wage subsidy program recipients. They will not have income above a subsistence level; for example a work readiness recipient only receives $201 per month; an AFDC family consisting of parent and one (1) child receives $434 per month. These participants in employment and training services will not be able to both pay for transportation costs up front from their meager income and meet their basic needs for food, shelter, and clothing. The purpose of the LSU providing support services such as transportation is to remove barriers to employment. It is quite likely that given the income levels of participants they will not have sufficient funds by the last week of the month to pay for transportation if they are forced to finance current transportation expenses themselves. Participants should not be put in the position of missing work because they have no means of transportation and the LSU will not pay for transportation in advance. The adopted rule would permit such a situation to exist. This is unreasonable in light of the intended goals of the employment and training services. The Department has in one program recognized that payment of transportation costs is essential to active participation in an employment or training program. Part 3301.0380, subpart 7 requires the local agency to pay transportation costs; the option to reimburse is not available in the grant diversion program.

For the reasons stated above, the above-referenced emergency rules should be disapproved and returned to the agency for further action.

Respectfully submitted,

Tonja M. Orr

Tonja M. Orr

Dru A. Osterud

Dru A. Osterud

TMO:DAO:lw

cc: Donald Buckner
Dept. of Jobs and Training