

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1324

Docket No. 05.0009.0859

DATE RECEIVED 10/15/86
REVIEW DATE 10/23
DUE DATE 10/29

ADOPTED W/O HEARING ✓
EMERGENCY RULE

APPROVED October 27, 1986
DISAPPROVED
WITHDRAWN

REVISOR APPROVED 10-29-86
REVISOR DISAPPROVED
FILED W/SEC. STATE 10-29-86
RETURNED TO AGENCY 10-31-86

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion
April 7, 1986 Date published in State Register
Yes Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule
Yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
256.01 Statutory Authority
no Small business statement
Yes Expenditure of public money statement
Yes Signature

✓ Statement of Need and Reasonableness

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
June 25, 1986 Date (30/25 days before adoption

✓ Publication in State Register
June 30, 1986 Date (30/25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting
Oct 7, 1986 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney
Blake Shepard Name of SAAG representing agency

✓ Notice of Submission to Attorney General

✓ Affidavit of Mailing Notice to Attorney General

✓ Certificate

✓ Order for Notice of Intent to adopt Rules without a Public Hearing.

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: LEONARD W. LEVINE
Commissioner of Human Services

ATTN: BLAKE SHEPARD
Special Assistant Attorney General

DATE: 10-29-86

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: Adopted Permanent Rule Relating to Holidays

The above-referenced rule has been approved as to its legality by the Attorney General on October 27, 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.

MJC:pmf

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR1324

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL-ADMINISTRATION

Office Memorandum

TO: LEONARD W. LEVINE
Commissioner of Human Services

DATE: 11-14-86

FROM: RITA M. DESMOND RMD
Legal Assistant
Attorney General's office

PHONE: 297-3471

SUBJECT:
Adopted Permanent Rule Relating to Holidays

Enclosed is a copy of the Department of Health rule in connection with the above-referenced adopted rule. This copy was inadvertently omitted with our office's memo of October 29, 1986.

If you have any questions concerning this matter, please do not hesistate to contact me.

RMD/ag
enc.

Department of Human Services

Adopted Permanent Rule Relating to Holidays

Rule as Adopted

9575.1070 HOLIDAYS.

Subpart 1. **Holidays.** Holidays for employees not represented by an exclusive representative shall include the following days:

A. to H. [Unchanged.]

I. Christmas Day, December 25; and

J. Any other day adopted as county-wide policy by the appointing authority.

Appointing authorities may designate one or both of the following as holidays: Christopher Columbus Day, the second Monday in October; and the Friday after Thanksgiving.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. **Sunday, Saturday holidays.** When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Sunday, the following Monday shall be a holiday. When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Saturday the preceding Friday shall be a holiday.

Subp. 3. to 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9575.1070, subparts 3, 4, and 5; and 9575.1080, subpart 3 are repealed.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Holidays

AGENCY: Department of Human Services

MINNESOTA RULES: Chapter 9575

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 29 1986

Joan Anderson Growe
Secretary of State
3:17 p.m.

APPROVED AS TO FORM AND LEGALITY
October 27 1986
[illegible]
BY: MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

The attached rules are approved for
filing with the Secretary of State

Susan E. Quayle
Assistant Revisor

Department of Human Services

Adopted Permanent Rule Relating to Holidays

Rule as Adopted

9575.1070 HOLIDAYS.

Subpart 1. **Holidays.** Holidays for employees not represented by an exclusive representative shall include the following days:

A. to H. [Unchanged.]

I. Christmas Day, December 25; and

J. Any other day adopted as county-wide policy by the appointing authority.

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Subp. 3. to 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9575.1070, subparts 3, 4, and 5; and 9575.1080, subpart 3 are repealed.

APPROVED AS TO FORM AND LEGALITY

October 27 1986

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Human Services

Adopted Permanent Rule Relating to Holidays

Rule as Adopted

9575.1070 HOLIDAYS.

Subpart 1. **Holidays.** Holidays for employees not represented by an exclusive representative shall include the following days:

A. to H. [Unchanged.]

I. Christmas Day, December 25; and

J. Any other day adopted as county-wide policy by the appointing authority.

Appointing authorities may designate one or both of the following as holidays: Christopher Columbus Day, the second Monday in October; and the Friday after Thanksgiving.

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Subp. 3. to 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9575.1070, subparts 3, 4, and 5; and 9575.1080, subpart 3 are repealed.

APPROVED AS TO FORM AND LEGALITY

October 27 1986

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Health

Adopted Permanent Rules Relating to Holidays

Rules as Adopted

4670.3070 HOLIDAYS.

Subpart 1. **Holidays.** Holidays for employees not represented by an exclusive representative shall include the following days:

A. to G. [Unchanged.]

H. Thanksgiving Day, the fourth Thursday in November;

I. Christmas Day, December 25; and

J. any other day adopted as county-wide policy by the appointing authority.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. and 3. [Unchanged.]

Subp. 4. to 6. [See repealer.]

REPEALER. Minnesota Rules, parts 4670.3070, subparts 4, 5, and 6; and 4670.3080, subpart 3 are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 14 1986
Joan Anderson Growe
Secretary of State
11:34 AM

APPROVED AS TO FORM AND LEGALITY
October 27 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Ralph Corey C4

The full text of the opinion is available upon request from the office of the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520, (612) 296-5148.

Department of Finance
Cash and Debt Management

Maximum Interest Rate for Municipal Obligations in April

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Jay Kiedrowski, announced today that the maximum interest rate for municipal obligations in the month of April would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Peter Sausen, Assistant Commissioner

Department of Human Services
Department of Health

Outside Opinion Sought Concerning Merit System Rules

Notice is hereby given that the Minnesota Department of Human Services and the Minnesota Department of Health are considering proposed amendments to those rules affecting holidays and optional leave policies. The agency's authority to amend the proposed rules is contained in Minn. Stat. Sections 256.012 and 144.071.

The proposed rule changes are:

Minnesota Rules, part 9575.1070, part 9575.1080.
Minnesota Rules, part 4670.3070, part 4670.3080.

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:

Ralph W. Corey, Supervisor
Minnesota Merit System
Fourth Floor, Centennial Office Building,
658 Cedar Street
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3996.

All statements of information and comment will be received until further notice. Any written material received by the department shall become part of the hearing record.

Bureau of Mediation Services

Informal Public Meeting Regarding Proposed Changes in Rules Governing Fair Share Fee Challenges

Notice is hereby given that the Bureau of Mediation Services will hold an informal public meeting in Room 5, State Office Building, on Monday, May 12, 1986, commencing at 9:00 a.m. The hearing will be conducted by Bureau Director Paul W. Goldberg and is intended to offer interested and affected persons with the opportunity to comment upon the amendment or promulgation of rules relating to fair share fee administration and fair share fee challenges under the Public Employment Labor Relations Act, Minnesota Statutes Chapter 179A, in light of the March 4, 1986, U.S. Supreme Court decision in **Chicago Teachers Union, Local No. 1, AFT, AFL-CIO, et al v. Annie Lee Hudson et al.**

Interested or affected persons wishing to present oral or written statements at this informal meeting are requested to telephone

APR - 7 1986

The Department of Commerce requests information and opinions concerning the subject matter of the rules. Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1. Interested persons or groups may submit data or views on the subject matter of concern orally or in writing. Written statements should be addressed to:

James G. Miller, Deputy Commissioner
Division of Financial Examinations
500 Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-2135

Oral statements will be received during regular business hours over the telephone at (612) 296-2715.

All statements of information and opinions shall be accepted until July 31, 1986. Any written material received by the Department of Commerce shall become part of the record submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Ethical Practices Board

Notice of 1986 Campaign Expenditure Limits

In accordance with Minn. Stat. §§ 10A.25 and 10A.255, the following are election year campaign expenditures limits for 1986, by office sought: Governor and Lt. Governor, $1,418,213; Attorney General, $236,369; Secretary of State, State Treasurer, State Auditor (each), $118,185; State Senator, $35,456; and State Representative, $17,728.

Department of Finance

Notice is hereby given that the Rural Finance Administration (RFA) in the Department of Finance is seeking written comment on draft rules for the operation of a new program to assist Minnesota farmers in restructuring their land debt. Copies of the draft rules are available upon request from:

RFA Program Director
309 Administration Building
St. Paul, MN 55155
(612) 296-5900

Comments are due at the address above on June 16, 1986 at 4:30 pm.

Departments of Human Services and Health Merit System

End of Solicitation Period for Comment Concerning Merit System Rules

Notice is hereby given that the comment period for the notice of intent to solicit outside opinion concerning Minnesota Merit System rules, published in the *State Register* April 7, 1986, will end on June 9, 1986.

Questions concerning the comment period may be addressed to:

Ralph W. Corey, Supervisor
Minnesota Merit System
Fourth Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Phone: (612) 296-3996

ASSOCIATION OF
MINNESOTA COUNTIES
555 Park Street
Suite 300
St. Paul, Minnesota 55103
612/224-3344

May 1, 1986

Ralph W. Corey, Supervisor
Minnesota Merit System
Fourth Floor, Centennial Office Building
658 Cedar Street
St. Paul, Mn 55155

Re: PROPOSED AMENDMENTS TO:
MINNESOTA RULES, PART 9575.1070, PART 9575.1080
MINNESOTA RULES, PART 4670.3070, PART 4670.3080

Dear Ralph:

On behalf of the Association of Minnesota Counties and its member counties we voice support for the proposed amendments to the above-referenced merit system rules. it is the contention of Minnesota Counties that the local appointing authority should have jurisdiction in the determination of the conditions of employment affecting their employees. This amendment is consistent with the Association's position on this issue.

Specificially, regarding pay for holidays, a number of jurisdictions do not provide all mandated state holidays as paid holidays, the current merit system rule mandating that employees covered under the merit system receive these holidays as paid creates an inconsistency in the treatment of county employees. This amendment will begin to allow the local jurisdictions to address these conflicts and establish consistent policies for all employees throughout the county.

The Association of Minnesota Counties strongly supports the proposed amendments to Minnesota Rules, part 9575.1070, part 9575.1080 and Minnesota Rules part 4670.3070, part 4670.3080.

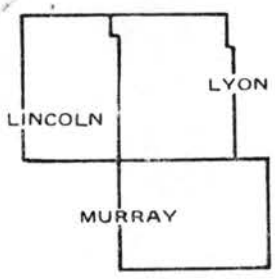
Sincerely

Lynn M. Boland

Lynn M. Boland
Technical Assistance Director

lmb:jg

MAY 2 1986



REGION VIII NORTH
WELFARE DEPARTMENT

Marshall, MN 56258
Phone: 507-537-6747

July 28, 1986

COURTHOUSE OFFICES IN

IVANHOE, MN.
56142

MARSHALL, MN.
56258

SLAYTON, MN.
56172

Ralph W. Corey, Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor - Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155

RE: Notice of Proposed Adoption of Rule Amendments

Dear Mr. Corey:

We, the undersigned employees of Region VIII North Welfare Department, including the counties of Lincoln, Lyon, and Murray, submit the following response regarding the proposed permanent rule relating to holidays. The comments outlined below have been summarized by the Personnel Committee of Region VIII North Welfare Department on our behalf.

9575.1070, Subpart 1 (lines 7-13)
We recommend and request that this section of the current rule remain intact; specifically, "...employees whose normally scheduled work day falls on a holiday listed below shall receive time off with pay." Our recommendation is based on the fact that if the rule is adopted as proposed, this could in fact represent a potential loss of existing benefits for employees. We voice no objection to the proposed addition of lines 13-15 to this section.

Subpart 1, J. (lines 18-19)
We offer no objection to this proposed amendment to the rule.

Subpart 1 (lines 23-24)
Herein lies our main concern and largest objection to the proposed amendments. We strongly recommend that this proposal not be adopted.

Within your department's Statement of Need and Reasonableness you express the concern of appointing authorities being inhibited in establishing holiday policy in situations involving unionized and non-unionized employees. We can certainly be sympathetic to their existing conflicts; however, alleviating this predicament in the proposed manner will in turn disadvantage employees in our situation as described in the following paragraphs.

JUL 30 1986
Rec'd 9:15 a.m.

Employees of Region VIII North Welfare are governed by a separate appointing authority (the Region VIII North Welfare Board) and treated as a separate entity from all other county employees. Our appointing authority establishes its own policies directly affecting employees of Region VIII North Welfare Department only. As we are not unionized (represented by an exclusive representative) the flexibility given to appointing authorities by the proposed rule will indeed leave us at an extreme disadvantage and place us in a position of bargaining for previously established benefits. This could potentially create possibilities of losing current benefits.

We realize it is your hope to see these proposed changes adopted and implemented on a county-wide basis, fairly and across the board. However, the exact opposite would be apparent in our situation. Not now or in the past has our appointing authority dealt with us in the same manner as the appointing authorities of all other county employees in our region; specifically in relation to salary and fringe benefits. All Region VIII North Welfare matters are settled separately and more often than not, in a less generous manner than demonstrated by the other county employees' appointing authorities. This has represented conflicts in the past between county employees and Region VIII North Welfare Department employees. This proposed rule amendment would only further our conflicts, and therefore we strongly object to its adoption.

Subpart 2 (line 25)
We offer no objection to this proposed addition to the rule.

In conclusion we request that a public hearing be held regarding these proposals and we be allowed input at such a hearing. If, for whatever reason, a public hearing is not held, please send us notification of the submission of the proposed amendments to the Attorney General as well as a copy of the rule if adopted.

Thank you for your anticipated consideration in this matter.

Respectfully,

The Undersigned Employees of Region VIII North Welfare Department
Represented by the Following Members of the Region VIII North Welfare
Department Personnel Committee

Wendy Wiese
Wendy Wiese
Chairperson/Lyon County

Mary Larson
Mary Larson
Lyon County Representative

Tammy Van Moer
Tammy Van Moer
Lyon County Representative

Betty Krogman
Betty Krogman
Lincoln County Representative

Kathryn Herding
Kathryn Herding
Murray County Representative

JUL 30 1986
Rec'd 9:15a.m.

SIGNATURES OF REGION VIII NORTH WELFARE DEPARTMENT EMPLOYEES

LINCOLN COUNTY

Marian Hamer
Betty Krogman
Colleen Pizzymus
Vera Yockey
Carol Lietz
Steve Boogaard
Margaret Andrzejewa
Robert M. Bergh
Lisa Pizzymus
Deloris Hauswedell

JUL 30 1986
Rec'd 9:15 a.m.

SIGNATURES OF REGION VIII NORTH WELFARE DEPARTMENT EMPLOYEES

LYON COUNTY

Wendy Wiese	Sandy Buesing
Tammy Van Moer	Glenyce Huso
Debra Moon	Judy Moore
Linda Hilton	Mary Larson
Delores Garland	Peggy Hames
Sandra Lachman	Kathleen Padzilowski
Connie Cavon	Corrine Lantgen
Charlene Stenerson	Rosita G. Miller
Sherry Marks	Melinda M. Swift
K. Carstensen	Dorothy A Hyde
Julia Sivreyn	Charles Hoffman
Shirley Von Bank	Don Maronde
Mary Stanton	Mary C Hanschild
Cindy Buchert	Donald Gacke
Elisa Colquyt	
Anne Wuyon Meyer	
Jean Moon	
Lisa Swedean	

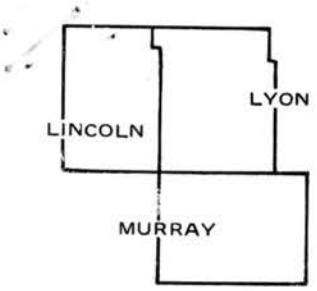
JUL 30 1986
Rec'd 9:15 a.m.

SIGNATURES OF REGION VIII NORTH WELFARE DEPARTMENT EMPLOYEES

MURRAY COUNTY

Kathryn Harding
Walter L Fraiberg
Linda E Boglin - Wing
Helen Francis
Lisa Anderson
Arlen Miller
Bonnie Friesen
Cindi Paulis
Lori A. Heinrichs
Julie Seifert Kautz

JUL 30 1986
Rec'd 9:15 a.m.



REGION VIII NORTH
WELFARE DEPARTMENT

Marshall, MN 56258
Phone: 507-537-6747

COURTHOUSE
OFFICES IN
IVANHOE, MN.
56142
MARSHALL, MN.
56258
SLAYTON, MN.
56172

September 3, 1986

Ralph W. Corey, Merit System Supervisor
Minnesota Department of Human Services
Centennial Office Building - 4th Floor
658 Cedar Street
St. Paul, MN 55155

RE: Withdrawal of Request for Public Hearing

Dear Mr. Corey:

Please accept this written notice as our agency's official withdrawal of the prior request for a public hearing regarding the proposed rule amendments relating to holidays. This is due to the fact that our Board has made the commitment to continue current holiday benefits regardless of the anticipated adoption of the proposed amendments.

I would like to thank you for your consideration and cooperation in this matter.

Sincerely,

Wendy Wiese

Wendy Wiese
Personnel Committee Chairperson

Enclosures

cc: Region VIII North Welfare Board

SEP 8 1986

SIGNATURES OF REGION VIII NORTH WELFARE DEPARTMENT EMPLOYEES

LYON COUNTY

Wendy Wiese	Charles Hoffman
Tammy Van Moer	Rosita G. Miller
Deb Moon	Sandra Hochman
Linda Hillman	Corrine Lantgen
Mary Stanton	Peggy Hames
Sherry Marks	Elisa Coequyt
Delores Garland	Dorothy Hyde
Julia Serreyn	Charlene Stenerson
K. Carstensen	Jean Moon
Shirley Von Bank	Kathleen Padzilo Jr.
Cindy Buchert	Melinda M. Swift
Mary C Hanschild	Sandy Buesing
Connie Caron	Mary K. Larson
Judy Moore	Don Maronde
Lisa Swedean	Donald Gache
Anne Wixson Meyer	

SIGNATURES OF REGION VIII NORTH WELFARE DEPARTMENT EMPLOYEES

MURRAY COUNTY

SIGNATURES OF REGION VIII NORTH WELFARE DEPARTMENT EMPLOYEES

LINCOLN COUNTY

Colleen Pryzymus

Kelly Krogman

Debris Hauswedell

Lisa Przymus

Vera Yockey

Margaret Andrzejczak

Steve Boogaard

Carol Lietz

Marian Hamer

Department of Health

Proposed Permanent Rules Relating to Holidays

Rules as Proposed

4670.3070 HOLIDAYS.

Subpart 1. **Holidays.** ~~Full-time-permanent,-probationary,-provisional,-and-limited-term-employees-whose-normally-scheduled-work-day-falls-on-a-holiday-listed-below-shall-receive-time-off-with-pay-for-that-day.--Compensatory-time-off-shall-be-allowed-for-work-done-on-these-days-except-when-payment-is-received.-Emergency-employees-are-not-eligible-for-holiday-pay.--The-following-are-holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to G. [Unchanged.]

H. Thanksgiving Day, the fourth Thursday in November; ~~and~~

I. Christmas Day, December 25; and

J. any other day adopted as county-wide policy by the appointing authority.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. and 3. [Unchanged.]

Subp. 4. to 6. [See repealer.]

REPEALER. Minnesota Rules, parts 4670.3070, subparts 4, 5, and 6; and 4670.3080, subpart 3 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Holidays

AGENCY: Department of Health

MINNESOTA RULES: Part 4670.3070

The attached rules are approved for publication
in the State Register

Susan E. Quayle

Susan E. Quayle
Assistant Revisor

Department of Human Services

Proposed Permanent Rule Relating to Holidays

Rule as Proposed

9575.1070 HOLIDAYS.

Subpart 1. ~~In general~~ Holidays. ~~Full-time permanent, probationary, provisional, limited term, and trainee employees whose normally scheduled work day falls on a holiday listed below shall receive time off with pay. Compensatory time off shall be allowed for work done on these days except when payment is received. Emergency employees are not eligible for holiday pay. The following days are holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to H. [Unchanged.]

I. Christmas Day, December 25; and

J. Any other day adopted as county-wide policy by the appointing authority.

Appointing authorities may designate one or both of the following as holidays: Christopher Columbus Day, the second Monday in October; and the Friday after Thanksgiving.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. **Monday Sunday, Saturday holidays.** When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Sunday, the following Monday shall be a holiday. When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Saturday the preceding Friday shall be a holiday.

Subp. 3. to 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9575.1070, subparts 3, 4, and 5; and 9575.1080, subpart 3 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Holidays

AGENCY: Department of Human Services

MINNESOTA RULES: Chapter 9575

The attached rules are approved for publication
in the State Register

Susan E. Quayle
Assistant Revisor

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Amendments to the Rule of the State Department of Human Services Governing Holidays

NOTICE OF PROPOSED ADOPTION OF RULE AMENDMENTS WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing, Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30 days (until 4:30 P.M. on July 30, 1986) in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor - Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-3996

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

The Minnesota Merit System rules provide for a system of personnel administration for 75 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation,

recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would allow appointing authorities to determine whether or not a specified holiday shall be a paid holiday. The proposed changes also remove language which specifies those employees eligible to receive holiday pay, how payment of a holiday should be handled during vacation or sick leave, and how payment to part-time employees should be handled. These amendments will provide appointing authorities with the opportunity to develop and administer a comprehensive holiday policy for their employees without any restrictions from the Merit System. A free copy of the rule is available upon request from Ralph W. Corey, Merit System Supervisor, Minnesota Department of Human Services, Fourth Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph Corey upon request.

There will be no cost to local public bodies to implement the proposed changes.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph Corey.

Dated: 6/6/86

Leonard W. Levine
Commissioner

Department of Human Services

Proposed Permanent Rule Relating to Holidays

Rule as Proposed

9575.1070 HOLIDAYS.

Subpart 1. ~~In general~~ Holidays. ~~Full-time permanent, probationary, provisional, limited term, and trainee employees whose normally scheduled work day falls on a holiday listed below shall receive time off with pay. Compensatory time off shall be allowed for work done on these days except when payment is received. Emergency employees are not eligible for holiday pay. The following days are holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to H. [Unchanged.]

I. Christmas Day, December 25; and

J. Any other day adopted as county-wide policy by the appointing authority.

Appointing authorities may designate one or both of the following as holidays: Christopher Columbus Day, the second Monday in October; and the Friday after Thanksgiving.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. **Monday Sunday, Saturday holidays.** When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Sunday, the following Monday shall be a holiday. When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Saturday the preceding Friday shall be a holiday.

Subp. 3. to 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9575.1070, subparts 3, 4, and 5; and 9575.1080, subpart 3 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Amendments to the Rule of the State Department of Health Governing Holidays

NOTICE OF PROPOSED ADOPTION OF RULE AMENDMENTS WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Health proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing, Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 144.071.

All persons have 30 days (until 4:30 P.M. on July 30, 1986) in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor - Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-3996

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

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would allow appointing authorities to determine whether or not a specified holiday shall be a paid holiday. The proposed changes also remove language which specifies those employees eligible to receive holiday pay, how payment of a holiday should be handled during vacation or sick leave, and how payment to part-time employees should be handled. These amendments will provide appointing authorities with the opportunity to develop and administer a comprehensive holiday policy for their employees without any restrictions from the Merit System. A free copy of the rule is available upon request from Ralph W. Corey, Merit System Supervisor, Minnesota Department of Human Services, Fourth Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph Corey upon request.

There will be no cost to local public bodies to implement the proposed changes.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph Corey.

Dated: 6/10/86

/s/ Mary Madonna Ashton

Sister Mary Madonna Ashton
Commissioner

Department of Health

Proposed Permanent Rules Relating to Holidays

Rules as Proposed

4670.3070 HOLIDAYS.

Subpart 1. **Holidays.** ~~Full-time-permanent,-probationary,-provisional,-and-limited-term-employees-whose-normally-scheduled-work-day-falls-on-a-holiday-listed-below-shall-receive-time-off-with-pay-for-that-day.--Compensatory-time-off-shall-be-allowed-for-work-done-on-these-days-except-when-payment-is-received.-Emergency-employees-are-not-eligible-for-holiday-pay.--The-following-are-holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to G. [Unchanged.]

H. Thanksgiving Day, the fourth Thursday in November; ~~and~~

I. Christmas Day, December 25; and

J. any other day adopted as county-wide policy by the appointing authority.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. and 3. [Unchanged.]

Subp. 4. to 6. [See repealer.]

REPEALER. Minnesota Rules, parts 4670.3070, subparts 4, 5, and 6; and 4670.3080, subpart 3 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE LEONARD W. LEVINE
COMMISSIONER OF HUMAN SERVICES
BEFORE SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA MERIT SYSTEM GOVERNING HOLIDAYS AND OPTIONAL LEAVE POLICY

STATEMENT OF NEED AND REASONABLENESS

I. The following considerations constitute the statutory and regulatory authority upon which the above cited rule amendments are based:

1. Federal law requires that in order for Minnesota to be eligible to receive grant-in-aid funds for its various public welfare and public health programs, it must establish and maintain a merit system for personnel administration. See e.g 42 USC Ch. 62.[1/]

1/ Also see sections of the United States Code and Code of Federal Regulations cited herein. The following programs have a statutory or regulatory requirement for the establishment and maintenance of personnel standards on a merit basis:

Aid to Families With Dependent Children - "AFDC" [42 USC § 602 (a) (5)]
Food Stamps [7 USC §2020 (e) (6) (B)]
Medical Assistance - "MA" [42 USC § 1396a (a) (4) (A)]
Aid to the Blind [42 USC § 1202 (a) (5) (A)]
Aid to the Permanently and Totally Disabled [42 USC § 1352 (a) (5) (A)]
Aid to the Aged, Blind or Disabled [42 USC § 1382 (a) (5) (A)]
State and Community Programs on Aging [12 USC § 3027 (a) (4)]
Adoption Assistance and Foster Care [42 USC 671 (a) (5)]
Old-Age Assistance [42 USC 302 (a) (5) (A)]
National Health Planning and Resources Development, Public Health Service Act [42 USC 300m-1 (b) (4) (B)]
Child Welfare Services [45 CFR 1392.49 (c)]
Emergency Management Assistance [44 CFR 302.5]

2. Pursuant to such congressional action the Office of Personnel Management, acting under authority transferred to the United States Civil Service Commission from the Departments of Health, Education and Welfare, Labor, and Agriculture by the Intergovernmental Personnel Act (IPA) of 1970 and subsequently transferred on January 1, 1979, to the Office of Personnel Management by the Reorganization Plan Number Two of 1978, promulgated the Standards for a Merit System of Personnel Administration 48 Fed. Reg. 9209-9212 (March 4, 1983) (to be codified at 5 CFR Part 900, Subpart F), which imposes on the State of Minnesota general requirements for a merit system of personnel administration in the administration of the federal grant-in-aid programs. (See, Footnote 1 Supra.)

3. Under the aforementioned grant-in-aid programs the State of Minnesota, through its appropriate agencies, is the grantee of federal program and administrative funds and, accordingly, the State is under an affirmative obligation to insure that such monies are properly and efficiently expended in compliance with the applicable federal standards. Those standards require that in order for the agencies under the Minnesota Merit System to be eligible to receive federal grant-in-aid funds the Minnesota Merit System rules must specifically include, among other things, an active recruitment, selection and appointment program, current classification and compensation plans, training, retention on the basis of performance and fair, non-discriminatory treatment of applicants and employees with due regard to their privacy and constitutional rights (48. Fed. Reg. 9211 (March 4, 1983) (To be codified at 5 CFR Section 900.603).

4. In conformance with 5 CFR Part 900, Subpart F, the Minnesota Legislature enacted Minn. Statutes, sections 144.071 and 256.012[2/], which respectively authorize the commissioner of health and the commissioner of human services to adopt necessary methods of personnel administration for implementing merit systems within their individual agencies. Collectively, the resulting programs are referred to as the "Minnesota Merit System".

2/ See also Minn. Stat. sections 393.07 (5), 256.01 (4), 393.07 (3) and 256.011.

5. Pursuant to such statutory authority those state agencies have adopted comprehensive administrative rules which regulate administration of the Minnesota Merit System.[3/]

6. The Minnesota Supreme Court upheld the authority of the Commissioner of Human Services and by implication that of the Commissioner of Health to promulgate personnel rules and regulations in quashing a writ of mandamus brought by the Hennepin County Welfare Board against the county auditor in an attempt to force payment of salaries in excess of the maximum rates established by the Director of Social Welfare.[4/]

> .....it is clear that the Director of Social Welfare was clearly right in adopting and promulgating a merit plan which includes initial, intervening, and maximum rates of pay for each class of position of the county welfare board system included within the plan and that the plan so adopted was binding upon all county welfare boards within the state..... In our opinion the federal and state acts, properly construed, provide that the Federal Security Administrator as well as the Director of Social Welfare shall have authority to adopt rules and regulations with respect to the selection, tenure of office and compensation of personnel within initial, intervening and maximum rates of pay but shall have no authority or voice in the selection of any particular person for a position in the state welfare program nor the determination of his tenure of office and individual compensation.

State ex rel., Hennepin County Welfare Board and another v. Robert F. Fitzsimmons, et al., 239 Minn. 407, 420, 58 N.W. 2d 882, (1953).

7. The above-cited proposed rule amendments are promulgated in accordance with the provisions of applicable Minnesota statutes and expressly guarantee the rights of public employers and Minnesota Merit System employees in conformance with the terms of the state's Public Employment Labor Relations Act (Minn. Stat. sections 179A.01-179A.25).

3/ Minn. Rules parts 9575.0010-9575.1580; and Minn. Rules parts 4670.0100-4670.4300.

4/ "Director of Social Welfare" was the former title of the Commissioner of Human Services.

II. The justification establishing the need for and reasonableness of the specific substantive provisions of the proposed rules, all of which concern the Minnesota Merit System operation, is as follows:

A. Holidays

Minnesota Rules, parts 9575.1070 and 4670.3070

The first rule amendment provides new language clarifying that the holidays specified in the rule pertain only to employees not represented by an exclusive representative. The Merit System's position has always been that the holiday rule does not apply to employees covered by a collective bargaining agreement. That position is reinforced by other rule language in Minn. Rules parts 9575.1000 and 4670.3000, which provide that the Merit System rule provisions governing leave policies shall apply to all employees except when otherwise negotiated by the appointing authority with an exclusive representative. Holidays are obviously a term and condition of employment and therefore a proper subject for collective bargaining under the provisions of the Public Employee Labor Relations Act. However, the proposed language is needed to eliminate any confusion that may still exist as to the application of the rule, and represents a reasonable means of clarifying its applicability to certain Merit System employees not covered by a collective bargaining agreement.

Amendments are proposed deleting current rule language in 9575.1070 subpart 1 and 4670.3070 subpart 1, which provide that employees whose normal work day falls on a holiday shall receive time off with pay. It is necessary and reasonable that this language be deleted in view of the overall intent of these amendments to the holiday rule, which is to allow the appointing authority to determine whether or not employees shall be paid for a holiday. An appointing authority is defined in the rules as a county board, county welfare board, human service board or other board or officer authorized by statute or lawfully delegated authority to make appointments to positions under the merit systems for human services or health. The reasonableness of this change is discussed in further detail infra, at pages 6 and 7.

An amendment is proposed to these two rules allowing the appointing authority to adopt, as an additional holiday for Merit System employees, any day other than just those that are statutorily defined as holiday in Minn. Statutes, section 645.44 subd. 5. Several agencies provide their employees with one or more "floating" holidays per year that can be taken anytime that is mutually agreeable to the employee and employer. Also, it is not uncommon for appointing authorities to designate all or part of Christmas Eve day and/or New Year's Eve day as a holiday. The proposed new language is reasonable because it gives the appointing authority greater flexibility to provide Merit System employees with other holidays in addition to those provided by statute.

An amendment is being proposed that grants authority to local appointing authorities to determine whether or not Merit System employees not represented by an exclusive representative shall be paid for any holidays designated by statute. The current holiday rule language, which would be deleted if the proposed amendment is adopted, provides that employees shall receive time off with pay if the holiday falls on their normally scheduled work day. Minnesota Statutes, section 645.44 subd. 5 which defines holidays makes no reference to payment or non-payment of employees on a holiday. It merely provides that "no public business shall be transacted on a holiday except in cases of necessity and except in cases of public business transacted by the legislature nor shall any civil process be served thereon."

Considerable concern has been expressed by appointing authorities over the current holiday rule language requiring time off with pay for Merit System employees not covered by the terms and conditions of a collective bargaining agreement. The primary concern expressed by the appointing authorities is that the current language inhibits their flexibility to establish a policy regarding payment for holidays that treats, in a like manner, unionized and non-unionized employees in a county's total work force as well as unionized and non-unionized employees in the same county welfare agency. Under the current rule language, it is possible,

within the same unionized welfare agency, that confidential and supervisory employees who are excluded from the bargaining unit would receive the holiday off with pay while the balance of the employees who are covered by the collective bargaining agreement might receive the holiday off without pay. Similarly, in a non-unionized welfare agency, all agency employees would receive the holiday off with pay while all other county employees might receive the holiday off without pay.

The Departments of Human Services and Health believe there is considerable merit to this concern. Merit System employees affected by the holiday rule are not employees of the Minnesota Merit System. Rather, like all other county employees who work in the county highway department, county courthouse and elsewhere in county government, they are employees of the appointing authority. Certain personnel management policies that impact all county employees should be left to the discretion of the appointing authority to develop and implement on a county-wide basis. Payment for holidays is one of those best left to local appointing authorities to administer.

The objective of the Merit System, as referenced in the Merit System rules, is to provide appointing authorities with an effective system of personnel administration based on merit principles. The Merit System has always encouraged the establishment and implementation, to the maximum extent possible, of sound personnel policies and practices within county government. One way to encourage this is to allow flexibility in implementing policies that treat, in a like manner, unionized and non-unionized Merit System employees and that also integrate well with similar policies governing other county employees having the same appointing authority. To the extent that all county employees with the same appointing authority can be treated alike with respect to commonly provided fringe benefits, it reduces potential friction between groups of Merit System employees as well as with other groups of county employees based on their organizational status. Merit System rule provisions that foster the possibility of allowing for disparate treatment among groups of county employees do not contribute

to an effective personnel management system for employees having the same appointing authority. The current rule language does allow for disparate treatment to occur by requiring that Merit System employees not represented by an exclusive representative shall receive time off with pay for holidays that fall on their normally scheduled work day. Since this language does not further the objective of having a consistent policy regarding holiday pay for both Merit System employees and other county employees, all of whom have the same appointing authority, it is reasonable to delete the current language and replace it with language that does further that objective. The Departments believe the proposed rule language providing that payment for holidays be determined by the appointing authority is reasonable in terms of furthering that objective.

An amendment is proposed to 9575.1070 subpart 2 substituting "Sunday" for "Monday." Minnesota Statutes, Section 645.44 subd. 5 defining holidays refers to holiday that fall on Sunday or Saturday rather than Monday and Saturday. This amendment is necessary to ensure that the rule language is consistent with statutory language regarding holidays that fall on Sunday and Saturday.

Amendments are proposed deleting all of the current language in subparts 3, 4 and 5 of 9575.1070 and subparts 4, 5 and 6 of 4670.3070. These subparts deal with the eligibility for holiday pay of Merit System employees not represented by an exclusive representative. The purpose of the amendments to 9575.1070 subpart 1 and 4670.3070 subpart 1 providing that payment for holidays be determined by the appointing authority is to allow flexibility for the establishment and implementation of a policy regarding holiday pay that treats, in a like manner, all county employees having the same appointing authority. The Departments of Human Services and Health believe this is a positive objective and that it is therefore reasonable to delete the aforementioned subparts to ensure that the Merit System rules do not place any unnecessary restrictions on the flexibility necessary to accomplish that objective.

Since Merit System employees have the same appointing authority as all other county employees, it is appropriate that Merit System rule language regarding holidays facilitate, rather than hinder, the appointing authority's ability to treat all employees alike with respect to fringe benefits that impact all employees.

In short, the proposed amendments to the holiday rule do not affect the requirement that counties must recognize the holidays defined by statute. They simply allow appointing authorities to freely address the question of payment for those holidays on a uniform basis for all employees. The Departments believe these changes are a reasonable means of allowing appointing authorities to develop uniform and comprehensive holiday leave plans for all of their employees in a manner that is still consistent with the mandate of Minn. Statutes, Section 645.44, subd. 5 and other provisions of law.

B. Optional Leave Policy

Minnesota Rules, parts 9575.1080 and 4670.3080

An amendment is proposed deleting all of the current language in subpart 3 of these rules. The proposed new language to be included in 9575.1070 subpart 1 and 4670.3070 subpart 1 has the same effect as the language in subpart 3 and, therefore, makes the language in subpart 3 unnecessary.

The aforegoing authorities and comments are submitted in justification of final adoption of the above-cited proposed rule amendments.

Ralph W. Corey

Ralph W. Corey
Merit System Supervisor

Dated: June 5, 1986

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING HOLIDAYS

AFFIDAVIT OF MAILING

Nancy Storelee, being first duly sworn, deposes and says:

That on the 25th day of June, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Proposed Adoption of Rule Amendments Without a Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Department of Human Services for the purpose of receiving notice of hearing by this Department.

Nancy Storelee

Subscribed and sworn to before me

this 25 day of June, 1986.

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Amendments to the Rule of the State Department of Human Services Governing Holidays

NOTICE OF PROPOSED ADOPTION OF RULE AMENDMENTS WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing, Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30 days (until 4:30 P.M. on July 30, 1986) in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor - Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-3996

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

The Minnesota Merit System rules provide for a system of personnel administration for 75 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation,

recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would allow appointing authorities to determine whether or not a specified holiday shall be a paid holiday. The proposed changes also remove language which specifies those employees eligible to receive holiday pay, how payment of a holiday should be handled during vacation or sick leave, and how payment to part-time employees should be handled. These amendments will provide appointing authorities with the opportunity to develop and administer a comprehensive holiday policy for their employees without any restrictions from the Merit System. A free copy of the rule is available upon request from Ralph W. Corey, Merit System Supervisor, Minnesota Department of Human Services, Fourth Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph Corey upon request.

There will be no cost to local public bodies to implement the proposed changes.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph Corey.

Dated: 6/6/86

Leonard W. Levine
Commissioner

Department of Human Services

Proposed Permanent Rule Relating to Holidays

Rule as Proposed

9575.1070 HOLIDAYS.

Subpart 1. ~~In general~~ Holidays. ~~Full-time permanent, probationary, provisional, limited term, and trainee employees whose normally scheduled work day falls on a holiday listed below shall receive time off with pay. Compensatory time off shall be allowed for work done on these days except when payment is received. Emergency employees are not eligible for holiday pay. The following days are holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to H. [Unchanged.]

I. Christmas Day, December 25; and

J. Any other day adopted as county-wide policy by the appointing authority.

Appointing authorities may designate one or both of the following as holidays: Christopher Columbus Day, the second Monday in October; and the Friday after Thanksgiving.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. **Monday Sunday, Saturday holidays.** When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Sunday, the following Monday shall be a holiday. When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Saturday the preceding Friday shall be a holiday.

Subp. 3. to 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9575.1070, subparts 3, 4, and 5; and 9575.1080, subpart 3 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF PROPOSED AMENDMENTS
TO EXISTING RULES OF THE MINNESOTA
MERIT SYSTEM GOVERNING HOLIDAYS

AFFIDAVIT OF MAILING

Rose Ann Bauer being first duly sworn, deposes and says:

That on the 25th day of June, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Proposed Adoption of Rule Amendments Without a Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Health for the purpose of receiving notice of the proposed adoption of rules of this Department.

Rose Ann Bauer

Subscribed and sworn to before me
this 25th day of June, 1986.

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Amendments to the Rule of the State Department of Health Governing Holidays

NOTICE OF PROPOSED ADOPTION OF RULE AMENDMENTS WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Health proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing, Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 144.071.

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Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor - Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-3996

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

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would allow appointing authorities to determine whether or not a specified holiday shall be a paid holiday. The proposed changes also remove language which specifies those employees eligible to receive holiday pay, how payment of a holiday should be handled during vacation or sick leave, and how payment to part-time employees should be handled. These amendments will provide appointing authorities with the opportunity to develop and administer a comprehensive holiday policy for their employees without any restrictions from the Merit System. A free copy of the rule is available upon request from Ralph W. Corey, Merit System Supervisor, Minnesota Department of Human Services, Fourth Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph Corey upon request.

There will be no cost to local public bodies to implement the proposed changes.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph Corey.

Dated: 6/10/86

Sister Mary Madonna Ashton
Commissioner

Department of Health

Proposed Permanent Rules Relating to Holidays

Rules as Proposed

4670.3070 HOLIDAYS.

Subpart 1. **Holidays.** ~~Full-time-permanent,-probationary,~~ ~~provisional,-and-limited-term-employees-whose-normally-scheduled~~ ~~work-day-falls-on-a-holiday-listed-below-shall-receive-time-off~~ ~~with-pay-for-that-day.--Compensatory-time-off-shall-be-allowed~~ ~~for-work-done-on-these-days-except-when-payment-is-received.~~ ~~Emergency-employees-are-not-eligible-for-holiday-pay.--The~~ ~~following-are-holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to G. [Unchanged.]

H. Thanksgiving Day, the fourth Thursday in November; and

I. Christmas Day, December 25; and

J. any other day adopted as county-wide policy by the appointing authority.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. and 3. [Unchanged.]

Subp. 4. to 6. [See repealer.]

REPEALER. Minnesota Rules, parts 4670.3070, subparts 4, 5, and 6; and 4670.3080, subpart 3 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

PROPOSED RULES

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

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

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

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

Department of Health

Proposed Permanent Rules Relating to Holidays

Notice of Proposed Adoption of Rule Amendments without a Public Hearing

Notice is hereby given that the State Department of Health proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing, Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 144.071.

All persons have 30 days (until 4:30 P.M. on July 30, 1986) in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written request for a public hearing must be submitted to:

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor—Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-3996

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

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CRF Part 900).

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.

If adopted, the proposed changes would allow appointing authorities to determine whether or not a specified holiday shall be a paid holiday. The proposed changes also remove languge which specifies those employees eligible to receive holiday pay, how payment of a holiday should be handled during vacation or sick leave, and how payment to part-time employees should be handled. These amendments will provide appointing authorities with the opportunity to develop and administer a comprehensive holiday policy for their employees without any restrictions from the Merit System. A free copy of the rule is available upon request from Ralph W. Corey, Merit System Supervisor, Minnesota Department of Human Services, Fourth Floor, Centennial Office Buidling, 658 Cedar Street, St. Paul, Minnesota 55155.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph Corey upon request.

There will be no cost to local public bodies to implement the proposed changes.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph Corey.

10 June 1986

Sister Mary Madonna Ashton
Commissioner

Rules as Proposed

4670.3070 HOLIDAYS.

Subpart 1. **Holidays.** ~~Full-time permanent, probationary, provisional, and limited term employees whose normally scheduled work day falls on a holiday listed below shall receive time off with pay for that day. Compensatory time off shall be allowed for work done on these days except when payment is received. Emergency employees are not eligible for holiday pay. The following are holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to G. [Unchanged.]

H. Thanksgiving Day, the fourth Thursday in November; ~~and~~

I. Christmas Day, December 25; and

J. any other day adopted as county-wide policy by the appointing authority.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. and 3. [Unchanged.]

Subp. 4. to 6. [See repealer.]

REPEALER. Minnesota Rules, parts 4670.3070, subparts 4, 5, and 6; and 4670.3080, subpart 3 are repealed.

Department of Human Services

Proposed Permanent Rule Relating to Holidays

Notice of Proposed Adoption of Rule Amendments without a Public Hearing.

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing, Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30 days (until 4:30 P.M. on July 30, 1986) in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written request for a public hearing must be submitted to:

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor—Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-3996

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

The Minnesota Merit System rules provide for a system of personnel administration for 75 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs. funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would allow appointing authorities to determine whether or not a specified holiday shall be a paid holiday. The proposed changes also remove languge which specifies those employees eligible to receive holiday pay, how payment of a holiday should be handled during vacation or sick leave, and how payment to part-time employees should be handled. These amendments will provide appointing authorities with the opportunity to develop and administer a comprehensive holiday policy for their employees without any restrictions from the Merit System. A free copy of the rule is available upon request from Ralph W. Corey, Merit System Supervisor, Minnesota Department of Human Services, Fourth Floor, Centennial Office Buidling, 658 Cedar Street, St. Paul, Minnesota 55155.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph Corey upon request.

There will be no cost to local public bodies to implement the proposed changes.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph Corey.

6 June 1986

Leonard W. Levine
Commissioner

Rule as Proposed

9575.1070 HOLIDAYS.

Subpart 1. ~~In general~~ **Holidays.** ~~Full-time permanent, probationary, provisional, limited-term, and trainee employees whose normally scheduled work day falls on a holiday listed below shall receive time off with pay. Compensatory time off shall be allowed~~

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.

~~for work done on these days except when payment is received. Emergency employees are not eligible for holiday pay. The following days are holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to H. [Unchanged.]

I. Christmas Day, December 25; and

J. Any other day adopted as county-wide policy by the appointing authority.

Appointing authorities may designate one or both of the following as holidays: Christopher Columbus Day, the second Monday in October; and the Friday after Thanksgiving.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. ~~Monday~~ Sunday, Saturday holidays. When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Sunday, the following Monday shall be a holiday. When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Saturday the preceding Friday shall be a holiday.

Subp. 3. to 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9575.1070, subparts 3, 4, and 5; and 9575.1080, subpart 3 are repealed.

Secretary of State
Election Division

Proposed Permanent Rules Relating to Optical Scan Voting Systems

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Secretary of State proposes to adopt the above-entitled rules without a public hearing. The Secretary has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, sections 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Election Division and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the Secretary of State will proceed according to the provisions of Minnesota Statutes, sections 14.13 to 14.18.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Grace Haukoos
Election Division Director
180 State Office Building
St. Paul, MN 55155-1299
(612) 296-9217

Authority for the adoption of these rules is contained in Minnesota Statutes, section 206.57. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Election Division upon request.

You are advised, pursuant to Minnesota Statutes, section 14.115 "Small business consideration in rulemaking", that the proposed rules will not have an impact on small business in Minnesota. Also, pursuant to Minnesota Statutes, section 14.11 "Special Notice of Rulemaking", the adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to the Election Division.

The rules proposed for adoption are as follows:

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Holidays

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT A PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on June 30, 1986, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on June 25, 1986. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The agency received 52 requests for a public hearing, of which 51 were subsequently withdrawn. Therefore, the agency did not receive requests for a public hearing from 25 or more persons which were not withdrawn.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, parts 9575.1070 and 9575.1080 is adopted this 7th day of October, 1986, pursuant to authority vested in me by Minnesota Statutes, section 256.012.

LEONARD W. LEVINE
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Holidays

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT A PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on June 30, 1986, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on June 25, 1986. The Statement of Need and Reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The agency received 52 requests for a public hearing, of which 51 were subsequently withdrawn. Therefore, the agency did not receive requests for a public hearing from 25 or more persons which were not withdrawn.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, parts 4670.3070 and 4670.3080 is adopted this 13th day of October, 1986, pursuant to authority vested in me by Minnesota Statutes, section 144.071.

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

STATE OF MINNESOTA

DEPARTMENTS OF HUMAN SERVICES AND HEALTH

In the Matter of the Proposed Adoption of the Rules of the State Departments of Human Services and Health Governing Holidays

DECLARATION OF COUNSEL

I, Blake Shepard, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0859.

Blake Shepard
Special Assistant Attorney General

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Holidays

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT A PUBLIC HEARING TO THE ATTORNEY GENERAL

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

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, October 15, 1986, for review as to legality and form to the extent forms relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the Attorney General. You may submit written comments to the Attorney General on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Any written comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The Attorney General standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the Attorney General decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

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

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Ralph W. Corey
Minnesota Merit System
Department of Human Services
4th Floor Centennial Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone Number (612) 296-3996

LEONARD W. LEVINE
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Holidays

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT A PUBLIC HEARING TO THE ATTORNEY GENERAL

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

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, October 15, 1986, for review as to legality and form to the extent forms relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the Attorney General. You may submit written comments to the Attorney General on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Any written comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The Attorney General standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the Attorney General decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

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

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Ralph W. Corey
Minnesota Merit System
Department of Human Services
4th Floor Centennial Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone Number (612) 296-3996

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

In the Matter of Proposed Adoption
of the Rules of the State Department
of Human Services Governing Holidays

AFFIDAVIT OF
MAILING THE NOTICE
OF SUBMISSION OF
RULES ADOPTED
WITHOUT PUBLIC
HEARING
TO THE ATTORNEY
GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Rose Ann Bauer, being sworn says:

That on the 15th day of October, 1986, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter has been submitted to the Attorney General.

Rose Ann Bauer
Rose Ann Bauer
Clerk Typist IV

Subscribed and sworn to before me
this 15 day of October, 1986.

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Holidays

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT A PUBLIC HEARING TO THE ATTORNEY GENERAL

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

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, October 15, 1986, for review as to legality and form to the extent forms relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the Attorney General. You may submit written comments to the Attorney General on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Any written comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The Attorney General standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the Attorney General decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

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

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Ralph W. Corey
Minnesota Merit System
Department of Human Services
4th Floor Centennial Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone Number (612) 296-3996

LEONARD W. LEVINE
COMMISSIONER OF HUMAN SERVICES

In the Matter of Proposed Adoption
of the Rules of the State Department
of Health Governing Holidays

AFFIDAVIT OF
MAILING THE NOTICE
OF SUBMISSION OF
RULES ADOPTED
WITHOUT PUBLIC
HEARING
TO THE ATTORNEY
GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Rose Ann Bauer, being sworn says:

That on the 15th day of October, 1986, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter has been submitted to the Attorney General.

Rose Ann Bauer
Rose Ann Bauer
Clerk Typist IV

Subscribed and sworn to before me
this 15 day of October, 1986.

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Holidays

NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT A PUBLIC HEARING TO THE ATTORNEY GENERAL

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

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, October 15, 1986, for review as to legality and form to the extent forms relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests for a hearing received, and other required documents also have been submitted to the Attorney General.

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the Attorney General. You may submit written comments to the Attorney General on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Any written comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The Attorney General standards for review are set forth in Minnesota Rules, part 2010.1000. You may receive a copy of the Attorney General decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

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

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Ralph W. Corey
Minnesota Merit System
Department of Human Services
4th Floor Centennial Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone Number (612) 296-3996

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING HOLIDAYS

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, and 14.22 or 14.30, that their names be placed on the State Department of Human Services rulemaking mailing list is accurate, complete, and current as of this 25th day of June, 1986.

Nancy Storelee

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF PROPOSED AMENDMENTS
OF EXISTING RULES OF THE MINNESOTA
MERIT SYSTEM GOVERNING HOLIDAYS

CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, Section 14.14, subd. 1, that their names be placed on file with and maintained by the Department of Health for the purpose of receiving notice of the proposed adoption of rules by this Department is accurate and complete as of 1:45, P.M., this 24 day of June, 1986.

Virginia A. Baca

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Rules of the State Department of Human Services Governing the Minnesota Merit System

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 13th day of June, 1986 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Human Services for that purpose and be published in the State Register.

STATE OF MINNESOTA

COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of Rules of the State Department of Health Governing the Minnesota Merit System

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 13th day of June, 1986 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Health for that purpose and be published in the State Register.

STATE OF MINNESOTA

Voctura O'Malley M.D.

COMMISSIONER OF HEALTH

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF DEPARTMENT OF HUMAN SERVICES RULES GOVERNING HOLIDAYS

AFFIDAVIT OF ADDITIONAL MAILING

Nancy Storelee, being first duly sworn, deposes and says:

That on the 25th day of June, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Proposed Adoption of Rule Amendments Without A Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following groups:

.The 87 Minnesota County Human Services Agencies
.Others requesting notice

Nancy Storelee

Subscribed and sworn to before me

this 25 day of June, 1986.

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC--MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Amendments to the Rule of the State Department of Human Services Governing Holidays

NOTICE OF PROPOSED ADOPTION OF RULE AMENDMENTS WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing, Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30 days (until 4:30 P.M. on July 30, 1986) in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor - Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-3996

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

The Minnesota Merit System rules provide for a system of personnel administration for 75 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation,

recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would allow appointing authorities to determine whether or not a specified holiday shall be a paid holiday. The proposed changes also remove language which specifies those employees eligible to receive holiday pay, how payment of a holiday should be handled during vacation or sick leave, and how payment to part-time employees should be handled. These amendments will provide appointing authorities with the opportunity to develop and administer a comprehensive holiday policy for their employees without any restrictions from the Merit System. A free copy of the rule is available upon request from Ralph W. Corey, Merit System Supervisor, Minnesota Department of Human Services, Fourth Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph Corey upon request.

There will be no cost to local public bodies to implement the proposed changes.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph Corey.

Dated: 6/6/86

Leonard W. Levine
Commissioner

Department of Human Services

Proposed Permanent Rule Relating to Holidays

Rule as Proposed

9575.1070 HOLIDAYS.

Subpart 1. ~~In general~~ Holidays. ~~Full-time permanent, probationary, provisional, limited term, and trainee employees whose normally scheduled work day falls on a holiday listed below shall receive time off with pay. Compensatory time off shall be allowed for work done on these days except when payment is received. Emergency employees are not eligible for holiday pay. The following days are holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to H. [Unchanged.]

I. Christmas Day, December 25; and

J. Any other day adopted as county-wide policy by the appointing authority.

Appointing authorities may designate one or both of the following as holidays: Christopher Columbus Day, the second Monday in October; and the Friday after Thanksgiving.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. **Monday Sunday, Saturday holidays.** When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Sunday, the following Monday shall be a holiday. When New Year's Day, Independence Day, Veteran's Day, or Christmas Day falls on Saturday the preceding Friday shall be a holiday.

Subp. 3. to 5. [See repealer.]

REPEALER. Minnesota Rules, parts 9575.1070, subparts 3, 4, and 5; and 9575.1080, subpart 3 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF PROPOSED AMENDMENTS TO EXISTING RULES OF THE MINNESOTA MERIT SYSTEM GOVERNING HOLIDAYS

AFFIDAVIT OF ADDITIONAL MAILING

Rose Ann Bauer being first duly sworn, deposes and says:

That on the 25th day of June, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, in addition to serving the attached Notice of Proposed Adoption of Rule Amendments Without a Public Hearing to all persons and associations who have requested that their names be placed on file for the purpose of receiving notice of the proposed adoption of rules by this Department, she also served the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following agencies:

Commissioner, Department of Health
Personnel Director, Department of Health
Merit System Council - 3
Affirmative Action Director, Department of Human Services

Rose Ann Bauer

Subscribed and sworn to before me
this 25th day of June, 1986

Louise J. Breidel

LOUISE J. BREIDEL
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMM. EXP. SEPT. 22, 1990

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Amendments to the Rule of the State Department of Health Governing Holidays

NOTICE OF PROPOSED ADOPTION OF RULE AMENDMENTS WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Health proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing, Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 144.071.

All persons have 30 days (until 4:30 P.M. on July 30, 1986) in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Ralph W. Corey
Merit System Supervisor
Minnesota Department of Human Services
Fourth Floor - Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
Telephone: (612) 296-3996

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

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would allow appointing authorities to determine whether or not a specified holiday shall be a paid holiday. The proposed changes also remove language which specifies those employees eligible to receive holiday pay, how payment of a holiday should be handled during vacation or sick leave, and how payment to part-time employees should be handled. These amendments will provide appointing authorities with the opportunity to develop and administer a comprehensive holiday policy for their employees without any restrictions from the Merit System. A free copy of the rule is available upon request from Ralph W. Corey, Merit System Supervisor, Minnesota Department of Human Services, Fourth Floor, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph Corey upon request.

There will be no cost to local public bodies to implement the proposed changes.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph Corey.

Dated: 6/10/86

Sister Mary Madonna Ashton
Commissioner

Department of Health

Proposed Permanent Rules Relating to Holidays

Rules as Proposed

4670.3070 HOLIDAYS.

Subpart 1. **Holidays.** ~~Full-time-permanent,-probationary,-provisional,-and-limited-term-employees-whose-normally-scheduled-work-day-falls-on-a-holiday-listed-below-shall-receive-time-off-with-pay-for-that-day.--Compensatory-time-off-shall-be-allowed-for-work-done-on-these-days-except-when-payment-is-received.-Emergency-employees-are-not-eligible-for-holiday-pay.--The-following-are-holidays~~ Holidays for employees not represented by an exclusive representative shall include the following days:

A. to G. [Unchanged.]

H. Thanksgiving Day, the fourth Thursday in November; and

I. Christmas Day, December 25; and

J. any other day adopted as county-wide policy by the appointing authority.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. and 3. [Unchanged.]

Subp. 4. to 6. [See repealer.]

REPEALER. Minnesota Rules, parts 4670.3070, subparts 4, 5, and 6; and 4670.3080, subpart 3 are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Department of Health

Adopted Permanent Rules Relating to Holidays

Rules as Adopted

4670.3070 HOLIDAYS.

Subpart 1. **Holidays.** Holidays for employees not represented by an exclusive representative shall include the following days:

A. to G. [Unchanged.]

H. Thanksgiving Day, the fourth Thursday in November;

I. Christmas Day, December 25; and

J. any other day adopted as county-wide policy by the appointing authority.

Payment for the above specified holidays shall be determined by the appointing authority.

Subp. 2. and 3. [Unchanged.]

Subp. 4. to 6. [See repealer.]

REPEALER. Minnesota Rules, parts 4670.3070, subparts 4, 5, and 6; and 4670.3080, subpart 3 are repealed.

11/14/86
Was refiled w/ Sec. of State
11-14/86 due to processing
error.

APPROVED AS TO FORM AND LEGALITY
October 27 1986
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Carsely
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 29 1986

Joan Anderson Growe
Secretary of State

3:17 P.M.

Notice of Intent

Rule attached to Notice

256.012 ✓

Follows Recommended Form

Language is changed.

MINNESOTA MERIT SYSTEM

FOR: COUNTY WELFARE
HUMAN SERVICE BOARDS
COUNTY AND LOCAL EMERGENCY SERVICES
COUNTY AND LOCAL PUBLIC HEALTH

OFFICE OF THE SUPERVISOR
FOURTH FLOOR, CENTENNIAL OFFICE BLDG.
ST. PAUL, MINNESOTA 55155
612/296-3996

TO: Rita Desmond
Legal Assistant
Attorney General's Office, Administrative Division

October 15, 1986

FROM: Ralph Corey
Merit System

RECEIVED
OCT 2 5 1986
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SUBJECT: Review of a Rule Adopted Without a Public Hearing; Minnesota Rules, parts 9575.1070 and 9575.1080 and 4670.3070 and 4670.3080

Enclosed are the documents required to be submitted under Minnesota Rules, part 2010.0300 for your review of a rule adopted without a public hearing for the above entitled matter.

Official documents in this submitted material include:

1. A copy or photocopy of the notice of solicitation of outside information or opinions as published in the State Register.

2. A copy of the proposed rule with a certificate of approval as to form by the revisor of statutes attached.

3. The notice of intent to adopt a rule without a public hearing as mailed.

4. The statement of need and reasonableness in support of the proposed rule complying with part 2010.0700.

5. The affidavit of mailing the notice of intent to adopt a rule without a public hearing. The affidavits state that the mailing list maintained by the agency pursuant to Minnesota Statutes, sections 14.22 and 14.14, subdivision 1a is accurate, complete, and current and that the notice of intent to adopt the rule without a public hearing was mailed to all persons and groups whose names appear on the list.

6. A copy or photocopy of the notice of intent to adopt the rule without a public hearing as published in the State Register.

7. Four copies of the rule as adopted. Any modification made to the proposed rule is reflected on the rule as adopted and is approved as to form by the revisor of statutes.

An Equal Opportunity Employer

8. The findings of fact, conclusions, and order adopting the rule.

9. All written requests, submissions, or comments on the rule received by the agency except requests solely for copies of the rule or of the statement of need and reasonableness.

10. The declaration of the attorney in the attorney general's office who represents the agency.

11. The notice of submission of the rule to the attorney general, if applicable.

12. The affidavit of mailing notice of submission of the rule to the attorney general, if applicable.

If you have any questions on this submitted material, please call me at 296-3996.