


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

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ATTORNEY GENERAL

June 13, 1988

DAN LIPSCHULTZ
Dept. of Human Services, Rules Div.
444 Lafayette Road, 2d floor

CHRISTIE B. ELLER
Assistant Attorney General

296-6839

In the Matter of the Adopted Permanent Rules Relating to Work Readiness

The above-referenced rule has been approved as to its legality by the Attorney General on June 13, 1988.

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

Also enclosed are any petitions, requests, submissions 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 establish 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.

CBE:bbl

Enclosure

cc: Maryanne Hruby
Duane Harves

CBE

# RULE REVIEW CHECKLIST

File No. 1490 Docket No. 05-0009-0850

DATE RECEIVED 5-31-88 ADOPTED W/O HEARING X

REVIEW DATE 6-9-88 EMERGENCY RULE

DUE DATE 6-14-88

REVISOR APPROVED ✓

APPROVED REVISOR DISAPPROVED

DISAPPROVED FIELD W/SEC.STATE

WITHDRAWN RETURNED TO AGENCY

---

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion

9/7/87 Date published in State Register

Comments

~~Petition for Adoption of a Rule~~

~~Board's Authorizing Resolution~~

✓ Proposed rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

256D.05 1(a) 256D.05 1(b) Statutory Authority

no Small Business Statement

yes Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

no Small Business Statement

no Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

3/16/88 Date (30)/25 days before adoption

✓ Publication in State Register

3/21/88 Date (30)/25 days before adoption

~~Resolution Adopting~~

✓ Findings of Fact, Conclusions & Order Adopting

5/31/88 Date

✓ Written requests, submissions or comments

✓ Declaration of attorney

Craig Anderson Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3816

TO: Rita Desmond
515 Transportation Building
St. Paul, MN 55155

FROM: Dan Lipschultz
Rules Division
Minnesota Department of Human Services

SUBJECT: Review of a Rule Adopted Without a Public Hearing; Rules Relating to the Work Readiness Program, parts 9500.1300 to 9500.1318.

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.

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. No requests to be notified of submittal of the rules to the Attorney General have been received.

If you have any questions on this submitted material, please call me at 297-4302.

Department of Human Services

Adopted Permanent Rules Relating to Work Readiness Program

Rules as Adopted

9500.1302 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 1a. **Bona fide offer of employment.** "Bona fide offer of employment" means an offer of employment, made in good faith by an employer.

Subp. 2. to 9. [Unchanged.]

9500.1306 APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subpart 1. and 2. [Unchanged.]

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

A. to D. [Unchanged.]

E. The applicant has not refused, without good cause, a bona fide offer of suitable employment within 60 days prior to the date he or she is determined to be ineligible for general assistance.

9500.1308 REQUIREMENT TO INFORM APPLICANTS.

Subpart 1. [Unchanged.]

Subp. 2. **Duty to inform eligible applicants of work readiness requirements.** At the time the local agency determines that an applicant is eligible for the work readiness program, the local agency must provide the applicant with a notice of the determination on a form prescribed by the commissioner, a copy of the program description prescribed under part 9500.1304, subpart 2, and a written notice meeting the standards in part 9500.1252, which informs the applicant of:

A. and B. [Unchanged.]

C. the disqualification that will be imposed if a registrant voluntarily quits suitable employment without good cause, refuses without good cause to accept a bona fide offer of suitable employment, or fails, without good cause, to comply with other work readiness program requirements; and

D. [Unchanged.]

9500.1310 WORK READINESS SERVICES AND PAYMENTS.

Subpart 1. [Unchanged.]

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

A. [Unchanged.]

B. The vocational adviser shall develop a written employability development plan for each registrant within the registrant's first program month. The plan must be based on the assessment provided under item A and the vocational adviser's knowledge of the level of competition for employment that is or may become available, and must be designed to address the registrant's barriers to employment and prepare the registrant for suitable employment. The registrant must be given a copy of his or her plan and the plan must:

(1) [Unchanged.]

(2) require the registrant to accept any bona fide offer of suitable employment;

(3) to (7) [Unchanged.]

C. to F. [Unchanged.]

Subp. 3. [Unchanged.]

9500.1314 REGISTRANT DUTIES.

A registrant shall comply with all requirements of the local agency work readiness program, including the requirements explained under part 9500.1308, subpart 2, and the requirements specified in the employability development plan provided under part 9500.1310, subpart 2, item B. Registrants must inform the local agency of terminations of employment and bona fide offers of suitable employment. Registrants must cooperate with local

agency efforts to verify whether good cause for refusing or terminating suitable employment exists. Refusal to participate in a grant diversion program under Minnesota Statutes, section 256D.09, subdivision 3, is not considered a refusal of a bona fide offer of employment. Except for registrants participating in work readiness under part 9500.1262, a registrant who fails, without good cause, to comply with the local agency work readiness requirements shall be disqualified from the receipt of work readiness services and payments under part 9500.1316.

9500.1316 FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subpart 1. **Determination and notice of failure to comply.** If a local agency determines that a registrant has failed, without good cause, to comply with the requirements of the work readiness program, the local agency must notify the registrant of its determination. The notice must meet the standards established in part 9500.1252, and must contain the information in items A to E.

A. [Unchanged.]

B. The notice must specify the particular action the registrant must take to meet the requirements. If the registrant has voluntarily quit suitable employment without good cause or refused without good cause to accept a bona fide offer of suitable employment, then the notice must specify that the particular action the registrant must take to meet the requirements is to accept suitable employment before the effective date of the disqualification.

C. to E. [Unchanged.]

Subp. 2. to 4. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 13 1988

Joan Anderson Growe 12:11 P.M.
Secretary of State

APPROVED AS TO FORM AND LEGALITY

June 13 , 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Christine B Eller
ASSISTANT ATTORNEY GENERAL

# Department of Human Services

## Income Maintenance Bureau
## Assistant Payments Division

### Notice of Intent to Solicit Outside Opinion Concerning Proposed Permanent Rules Governing the Work Readiness Program

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions in preparing to propose permanent rules governing the work readiness program, parts 9500.1300 to 9500.1318.

The adoption of these rules is authorized by *Laws of Minnesota 1987*, chapter 403,, article 3, section 37.

These rules, if adopted, will affect work readiness applicants and registrants who refuse to accept legitimate offers of suitable employment and work readiness registrants who voluntarily quit suitable employment while receiving work readiness payments or services.

All interested or affected persons or groups 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:

Dan Lipschultz
Rules Division
Minnesota Department of Human Services
4th Floor Centennial Office Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-4302.

All statements of information and comment will be accepted until further notice is given or the Notice of Hearing or Notice of Intent to Adopt Without a Hearing is published in the *State Register.* Any written material received by the State Department of Human Services shall become part of the rulemaking record.

# Nonpublic Education Council

### Applications Being Accepted for State Recognition of Education Accreditation Organizations

In compliance with the state's new compulsory school attendance law (Chapter 178 of the *1987 Minnesota Session Laws*), the Nonpublic Education Council is now accepting applications from education accreditation organizations who wish to have state approval for the 1987-88 school year.

All nonpublic schools must meet certain state requirements in order to fulfill the standards the compulsory attendance law as amended by the 1987 Minnesota Legislature. Nonpublic schools must either be accredited by state-approved accreditation organizations or work with local school districts in following state reporting requirements. Also, all nonpublic schools that choose the accreditation route to compliance are urged to affiliate with a state-approved accrediting organization by October 1, 1987.

The Nonpublic Education Council, formerly the Nonpublic School Advisory Committee, is a group of 15 citizens appointed by the commissioner of education who are broadly representative of state nonpublic education interests. For information about application procedures or the law, contact:

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.

Review Rule ASAP - Call
Dan Lipschultz when bringing to
Secretary of State 4/18/88 at
the latest.

Authority
256D.051 subd 8 (1987) OK? ("accordance to Rules adopted by Commission")
256D.051 subd 14 OK.

Rule
See proposed
p1 line 21 - "Good Cause" what is it?
Minn Stat uses "Good Cause" (256D.051 subd 8)
but no definition appears for the phrase.

Department of Human Services

Proposed Permanent Rules Relating to Work Readiness Program

Rules as Proposed

9500.1302 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 1a. **Bona fide offer of employment.** "Bona fide offer of employment" means an offer of employment, made in good faith by an employer.

Subp. 2. to 9. [Unchanged.]

9500.1306 APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subpart 1. and 2. [Unchanged.]

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

A. to D. [Unchanged.]

what is "good cause"

E. The applicant has not refused, without good cause, a bona fide offer of suitable employment within 60 days prior to the date he or she is determined to be ineligible for general assistance.

9500.1308 REQUIREMENT TO INFORM APPLICANTS.

Subpart 1. [Unchanged.]

Subp. 2. **Duty to inform eligible applicants of work readiness requirements.** At the time the local agency determines that an applicant is eligible for the work readiness program, the local agency must provide the applicant with a notice of the determination on a form prescribed by the commissioner, a copy of the program description prescribed under part 9500.1304, subpart 2, and a written notice meeting the standards ~~established~~ in part 9500.1252, which informs the applicant of:



Approved
by Revisor _____

A. and B. [Unchanged.]

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

D. [Unchanged.]

9500.1310 WORK READINESS SERVICES AND PAYMENTS.

Subpart 1. [Unchanged.]

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

A. [Unchanged.]

B. The vocational adviser shall develop a written employability development plan for each registrant within the registrant's first program month. The plan must be based on the assessment provided under item A and the vocational adviser's knowledge of the level of competition for employment that is or may become available, and must be designed to address the registrant's barriers to employment and prepare the registrant for suitable employment. The registrant must be given a copy of his or her plan and the plan must:

(1) [Unchanged.]

(2) require the registrant to accept any bona fide offer of suitable employment;

(3) to (7) [Unchanged.]

C. to F. [Unchanged.]

Subp. 3. [Unchanged.]

9500.1314 REGISTRANT DUTIES.

A registrant shall comply with all requirements of the local agency work readiness program, including the requirements explained under part 9500.1308, subpart 2, and the requirements specified in the employability development plan provided under part 9500.1310, subpart 2, item B. Registrants must inform the local agency of terminations of employment and bona fide offers



Approved by Revisor _____

of suitable employment. Registrants must cooperate with local agency efforts to verify whether good cause for refusing or terminating suitable employment exists. Refusal to participate in a grant diversion program under Minnesota Statutes, section 256D.09, subdivision 3, is not considered a refusal of a bona fide offer of employment. Except for registrants participating in work readiness under part 9500.1262, a registrant who fails, without good cause, to comply with the local agency work readiness requirements shall be disqualified from the receipt of work readiness services and payments under part 9500.1316.

9500.1316 FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subpart 1. **Determination and notice of failure to comply.** If a local agency determines that a registrant has failed, without good cause, to comply with the requirements of the work readiness program, the local agency must notify the registrant of its determination. The notice must meet the standards established in part 9500.1252, and must contain the information in items A to E.

A. [Unchanged.]

B. The notice must specify the particular action the registrant must take to meet the requirements. If the registrant has voluntarily quit suitable employment without good cause or refused without good cause to accept a bona fide offer of suitable employment, then the notice must specify that the particular action the registrant must take to meet the requirements is to accept suitable employment before the effective date of the disqualification.

C. to E. [Unchanged.]

Subp. 2. to 4. [Unchanged.]



Approved
by Revisor _____

# Office of the Revisor of Statutes

## Administrative Rules

**TITLE:** Proposed Permanent Rules Relating to Work Readiness Program

**AGENCY:** Department of Human Services

**MINNESOTA RULES:** Chapter 9500

The attached rules are approved for publication in the State Register

Paul M. Marinac
Assistant Deputy Revisor

Department of Human Services

In the Matter of the Proposed Adoption of Rules of the State Department of Human Services Relating to the Work Readiness Program, parts 9500.1302, 9500.1306 to 9500.1310, 9500.1314 and 9500.1316

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 1987 Supplement, section 256D.051, subdivision 8 and Minnesota Statutes, section 256D.051, subdivision 14.

All persons have 30 days or until 4:30 p.m. on April 20, 1988 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 in writing. 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:

Dan Lipschultz
Department of Human Services
444 Lafayette Rd. 2nd Floor South
St. Paul, MN 55155-3816
Telephone: 612/297-4302

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

The rule implements statutory changes adopted in 1987. It affects counties and work readiness applicants and registrants. Specifically, the rule: 1) eliminates involuntary termination from employment as a basis for disqualification from work readiness; 2) extends work readiness disqualification to any applicant who, without good cause, refuses a bonafide offer of suitable employment within 60 days prior to application; and 3) defines "bonafide offer of employment". The rule further requires registrants to: 1) inform local agencies when they are offered or terminated from suitable employment; and 2) cooperate with local agency efforts to verify whether good cause exists for refusing or terminating employment.

A free copy of the rule is available upon request from:

Nancy Storelee
Department of Human Services
444 Lafayette Rd. 2nd Floor South
St. Paul, MN 55155-3816
Telephone: 612/296-2854

A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

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 Nancy Storelee upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

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 Nancy Storelee.

Date: 3/3/88

SANDRA S. GARDEBRING
Commissioner

IN THE MATTER OF THE PROPOSED ADOPTION OF AMENDMENTS TO DEPARTMENT OF HUMAN SERVICES RULES GOVERNING THE WORK READINESS PROGRAM, PARTS 9500.1300 to 9500.1318.

MINNESOTA DEPARTMENT OF HUMAN SERVICES

STATEMENT OF NEED AND REASONABLENESS

## INTRODUCTION

The above-entitled amendments are proposed in response to statutory changes enacted in the 1987 legislative session. These changes eliminated involuntary termination from employment as a basis for disqualification from work readiness and extended disqualification to any applicant who has refused a legitimate offer of employment within 60 days prior to application. The changes also limit the requirement that recipients accept and remain in employment to cases where the employment is "suitable" and the employment offer is "legitimate." See Laws of Minnesota 1987, chapter 403, article 3, section 37.

The proposed rule amendments bring department rules governing work readiness into conformity with statute and implement the 1987 statutory changes. The rules are authorized by Minnesota Statutes, section 256D.051, subdivision 14 and Minnesota Statutes 1987 Supplement, section 256D.051, subdivision 8.

A notice of solicitation was published in the State Register on September 7, 1987. A draft was prepared and reviewed on November 19, 1987 by an advisory committee composed of representatives of the Department of Human Services and the Department of Jobs and Training, as well as representatives of job-training providers and a cross-section of Minnesota counties. The proposed rule amendments contain the revisions made in response to recommendations of the advisory committee.

## SPECIFIC RULE PROVISIONS

The specific proposed amendments to rule parts 9500.1300 to 9500.1318 are affirmtively presented by the department in the following narrative in accordance with the provisions of the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14 and the rules of the Attorney General's Office.

9500.1302 DEFINITIONS.

Subpart 2. Bona fide offer of employment. Minnesota Statutes 1987 Supplement, section 256D.051, subdivision 8 requires applicants and registrants to accept offers of employment which are "legitimate." This subpart is necessary to clarify the meaning of "legitimate offer" since the term is not defined in statute. The term "bona fide" is used in rule instead of "legitimate" to be consistent with regulations governing the AFDC and Food Stamp programs which use the term bona fide.

This subpart defines bona fide offer as an offer made in good faith by an employer. The good faith component of the definition is reasonable because it protects applicants and registrants from being disqualified for refusing employment that is not actually available to them. This result is consistent with the definition of the term "legitimate" used in statute. The American Heritage Dictionary, 2d College Edition (1982) defines legitimate as "authentic" or "genuine." The good faith component simply ensures that the employment offer is genuine.

Defining bona fide offer as an offer "made by an employer" is reasonable because it also helps ensure that the offer is genuine. It does so by ensuring that the offer is not made by an intermediary who may be unreliable and who may purport to extend offers that do not exist. It is assumed that an offer received directly from an employer is more reliable than an offer received through an intermediary.

9500.1306 APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subpart 3. Eligibility criteria. The proposed amendments to subpart 3 are necessary to make department rules consistent with statute. The amendments to this subpart simply incorporate the statutory requirement that a work readiness applicant or registrant accept a legitimate offer of suitable employment if the employment is offered within 60 days prior to application. The amendments are reasonable because they are consistent with state statute and department rules as well as federal regulations governing the food stamp program.

9500.1308 REQUIREMENT TO INFORM APPLICANTS.

Subpart 2, item C. This amendment is necessary to keep this rule provision consistent with state statute. The amendment is reasonable because it eliminates the language which was deleted from state statute in Laws of Minnesota 1987, chapter 403, article 3, section 37 and inserts the new statutory language with the modification noted above (using "bona fide" in lieu of "legitimate").

9500.1310 WORK READINESS SERVICES AND PAYMENTS.

Subpart 2, item B, subitem (2). This amendment is necessary to keep this rule provision consistent with statute and with other provisions of work readiness rules. The amendment is reasonable because it adds the qualifier "bona fide" which, as explained above, is used in this rule as a synonym for the term "legitimate" which was added to state statute.

9500.1314 REGISTRANT DUTIES.

The proposed amendments require a registrant to inform the local agency of any terminations of employment and any bona fide offers of employment and to cooperate with local agency efforts to verify assertions of good cause for terminating or refusing to accept employment. These requirements are necessary to enable local agencies to enforce and implement properly the statutory requirement that registrants accept legitimate offers of suitable employment as a condition of continuing work readiness eligibility. The requirements are reasonable because they are consistent with Minnesota Statutes, section 256D.051, subdivision 3 which requires work readiness registrants to "cooperate in all aspects of the work readiness program."

The proposed amendments also specify that refusal to participate in a grant diversion program is not considered a refusal of a bona fide offer of employment. This amendment was suggested by several members of the rule advisory committee. The amendment is necessary to ensure that these rules are consistent with part 3301.0370, subpart 5 which makes grant diversion a voluntary program. The amendment is reasonable because it exempts only grant diversion from the requirement that applicants and registrants accept and retain employment; this is consistent with existing state law. It does not exempt other state-funded employment, including employment under the job training partnership act and the Minnesota employment and economic development act, which registrants must accept under Minnesota Statutes, section 256D.051, subdivision 3.

9500.1316 FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subpart 1, item B. This amendment is needed to ensure that local agencies provide registrants with precise information on how they can avoid disqualification after quitting or refusing to accept suitable employment. The amendment is reasonable because it ensures that recipients are informed of what action they must take and by what date the action must be taken to avoid disqualification. The action which the notice must specify is the action the registrant is required to take under state statute: accept a legitimate offer of suitable employment and retain the employment unless there is good cause for not doing so.

EXPERT WITNESSES

If a public hearing is held on these rule amendments, the department does not intend to have outside expert witnesses testify on its behalf in support of the amendments.

3-2-88
Date

SANDRA S GARDEBRING
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULES OF THE STATE DEPARTMENT OF HUMAN SERVICES RELATING TO THE WORK READINESS PROGRAM, PARTS 9500.1302, 9500.1306 TO 9500.1310, 9500.1314 AND 9500.1316

AFFIDAVIT OF MAILING

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

That on the 16th day of March, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule 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 Bishop

Subscribed and sworn to before me

this 16 day of March, 19__

Louise J. Breidel

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

Department of Human Services

In the Matter of the Proposed Adoption of Rules of the State Department of Human Services Relating to the Work Readiness Program, parts 9500.1302, 9500.1306 to 9500.1310, 9500.1314 and 9500.1316

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

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All persons have 30 days or until 4:30 p.m. on April 20, 1988 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 in writing. 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:

Dan Lipschultz
Department of Human Services
444 Lafayette Rd. 2nd Floor South
St. Paul, MN 55155-3816
Telephone: 612/297-4302

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

The rule implements statutory changes adopted in 1987. It affects counties and work readiness applicants and registrants. Specifically, the rule: 1) eliminates involuntary termination from employment as a basis for disqualification from work readiness; 2) extends work readiness disqualification to any applicant who, without good cause, refuses a bonafide offer of suitable employment within 60 days prior to application; and 3) defines "bonafide offer of employment". The rule further requires registrants to: 1) inform local agencies when they are offered or terminated from suitable employment; and 2) cooperate with local agency efforts to verify whether good cause exists for refusing or terminating employment.

A free copy of the rule is available upon request from:

Nancy Storelee
Department of Human Services
444 Lafayette Rd. 2nd Floor South
St. Paul, MN 55155-3816
Telephone: 612/296-2854

A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

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 Nancy Storelee upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

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 Nancy Storelee.

Date: 3/3/88

SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULES OF THE STATE DEPARTMENT OF HUMAN SERVICES RELATING TO THE WORK READINESS PROGRAM, PARTS 9500.1302, 9500.1306 TO 9500.1310, 9500.1314 AND 9500.1316

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 16th day of March, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule 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 parties:

.The 87 Minnesota County Human Services Agencies

.Advisory committee members

Nancy Bishop

Subscribed and sworn to before me

this 16 day of March, 19__

Louise J. Breidel

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

Department of Human Services

In the Matter of the Proposed Adoption of Rules of the State Department of Human Services Relating to the Work Readiness Program, parts 9500.1302, 9500.1306 to 9500.1310, 9500.1314 and 9500.1316

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes 1987 Supplement, section 256D.051, subdivision 8 and Minnesota Statutes, section 256D.051, subdivision 14.

All persons have 30 days or until 4:30 p.m. on April 20, 1988 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 in writing. 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:

Dan Lipschultz
Department of Human Services
444 Lafayette Rd. 2nd Floor South
St. Paul, MN 55155-3816
Telephone: 612/297-4302

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

The rule implements statutory changes adopted in 1987. It affects counties and work readiness applicants and registrants. Specifically, the rule: 1) eliminates involuntary termination from employment as a basis for disqualification from work readiness; 2) extends work readiness disqualification to any applicant who, without good cause, refuses a bonafide offer of suitable employment within 60 days prior to application; and 3) defines "bonafide offer of employment". The rule further requires registrants to: 1) inform local agencies when they are offered or terminated from suitable employment; and 2) cooperate with local agency efforts to verify whether good cause exists for refusing or terminating employment.

A free copy of the rule is available upon request from:

Nancy Storelee
Department of Human Services
444 Lafayette Rd. 2nd Floor South
St. Paul, MN 55155-3816
Telephone: 612/296-2854

A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

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 Nancy Storelee upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of Minnesota Statutes, section 14.11.

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 Nancy Storelee.

Date: 3/3/88

/s/ SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULES OF THE STATE DEPARTMENT OF HUMAN SERVICES RELATING TO THE WORK READINESS PROGRAM, PARTS 9500.1302, 9500.1306 TO 9500.1310, 9500.1314 AND 9500.1316

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 16th day of March, 1988.

Nancy Bishop

**1547.0109 ISSUANCE OF LICENSE.**

Any person desiring to operate a retail food store must make written application for a license to operate a retail food store on forms provided by the Department of Agriculture. The application must include the name and address of each applicant, the location and type of the proposed retail food store, the signature of each applicant, and other required information.

Before approving an application for a license to operate a retail food store, the Department of Agriculture must inspect the proposed retail food store to determine compliance with the provisions of this chapter.

The Department of Agriculture shall issue a license to operate a retail food store if its inspection reveals that the proposed retail food store is designed, constructed, and equipped to be operated in a manner that protects the public health.

**1547.0110 REVIEW OF PLANS.**

Before construction or major remodeling of a retail food store, and when an existing structure is converted to use as a retail food store, properly prepared plans and specifications for construction, major remodeling, or conversion must be submitted to the Department of Agriculture for review and approval. The plans and specifications must show the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Department of Agriculture will treat the plans and specifications as confidential or trade secret information in accordance with law and will approve the plans and specifications if they meet the requirements of this chapter. A retail food store may not be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Department of Agriculture.

**1547.0111 PREOPERATIONAL INSPECTION.**

If plans and specifications are required by part 1547.0110, the Department of Agriculture shall inspect the retail food store before the start of operations to determine compliance with the approved plans and specifications and with the requirements of this chapter.

**1547.0112 EXISTING ESTABLISHMENTS.**

Building facilities and equipment in use before the effective date of this chapter that do not meet fully the design and fabrication requirements of this chapter are acceptable if they are in good repair, capable of being maintained in a sanitary condition, and the food contact surfaces, if any, are in compliance with part 1547.0002, subpart 19.

New building facilities and new equipment for which contractual obligations are incurred before the effective date of this chapter that do not fully meet the design and fabrication requirements of this chapter are acceptable if they are capable of being maintained in a sanitary condition and the food contact surfaces, if any, are in compliance with part 1547.0002, subpart 19.

# Department of Human Services

## Proposed Permanent Rules Relating to Work Readiness Program

### Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes 1987 Supplement*, section 256D.051, subdivision 8 and *Minnesota Statutes*, section 256D.051, subdivision 14.

All persons have 30 days or until 4:30 p.m. on April 20, 1988 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 in writing. 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.

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.

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

Dan Lipschultz
Department of Human Services
444 Lafayette Rd. 2nd Floor South
St. Paul, MN 55155-3816
Telephone: 612/297-4302

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

The rule implements statutory changes adopted in 1987. It affects counties and work readiness applicants and registrants. Specifically, the rule: 1) eliminates involuntary termination from employment as a basis for disqualification from work readiness; 2) extends work readiness disqualification to any applicant who, without good cause, refuses a bonafide offer of suitable employment within 60 days prior to application; and 3) defines "bonafide offer of employment". The rule further requires registrants to: 1) inform local agencies when they are offered or terminated from suitable employment; and 2) cooperate with local agency efforts to verify whether good cause exists for refusing or terminating employment.

A free copy of the rule is available upon request from:

Nancy Storelee
Department of Human Services
444 Lafayette Rd. 2nd Floor South
St. Paul, MN 55155-3816
Telephone: 612/296-2854

A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

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 Nancy Storelee upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11.

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 Nancy Storelee.

Dated: 3 March 1988

Sandra S. Gardebring, Commissioner
Department of Human Services

## Rules as Proposed

### 9500.1302 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 1a. **Bona fide offer of employment.** "Bona fide offer of employment" means an offer of employment, made in good faith by an employer.

Subp. 2. to 9. [Unchanged.]

### 9500.1306 APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subpart 1. and 2. [Unchanged.]

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

A. to D. [Unchanged.]

E. The applicant has not refused, without good cause, a bona fide offer of suitable employment within 60 days prior to the date he or she is determined to be ineligible for general assistance.

**9500.1308 REQUIREMENT TO INFORM APPLICANTS.**

Subpart 1. [Unchanged.]

Subp. 2. **Duty to inform eligible applicants of work readiness requirements.** At the time the local agency determines that an applicant is eligible for the work readiness program, the local agency must provide the applicant with a notice of the determination on a form prescribed by the commissioner, a copy of the program description prescribed under part 9500.1304, subpart 2, and a written notice meeting the standards ~~established~~ in part 9500.1252, which informs the applicant of:

A. and B. [Unchanged.]

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

D. [Unchanged.]

**9500.1310 WORK READINESS SERVICES AND PAYMENTS.**

Subpart 1. [Unchanged.]

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

A. [Unchanged.]

B. The vocational adviser shall develop a written employability development plan for each registrant within the registrant's first program month. The plan must be based on the assessment provided under item A and the vocational adviser's knowledge of the level of competition for employment that is or may become available, and must be designed to address the registrant's barriers to employment and prepare the registrant for suitable employment. The registrant must be given a copy of his or her plan and the plan must:

(1) [Unchanged.]

(2) require the registrant to accept any bona fide offer of suitable employment;

(3) to (7) [Unchanged.]

C. to F. [Unchanged.]

Subp. 3. [Unchanged.]

**9500.1314 REGISTRANT DUTIES.**

A registrant shall comply with all requirements of the local agency work readiness program, including the requirements explained under part 9500.1308, subpart 2, and the requirements specified in the employability development plan provided under part 9500.1310, subpart 2, item B. Registrants must inform the local agency of terminations of employment and bona fide offers of suitable employment. Registrants must cooperate with local agency efforts to verify whether good cause for refusing or terminating suitable employment exists. Refusal to participate in a grant diversion program under Minnesota Statutes, section 256D.09, subdivision 3, is not considered a refusal of a bona fide offer of employment. Except for registrants participating in work readiness under part 9500.1262, a registrant who fails, without good cause, to comply with the local agency work readiness requirements shall be disqualified from the receipt of work readiness services and payments under part 9500.1316.

**9500.1316 FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.**

Subpart 1. **Determination and notice of failure to comply.** If a local agency determines that a registrant has failed, without good cause, to comply with the requirements of the work readiness program, the local agency must notify the registrant of its determination. The notice must meet the standards established in part 9500.1252, and must contain the information in items A to E.

A. [Unchanged.]

B. The notice must specify the particular action the registrant must take to meet the requirements. If the registrant has voluntarily quit suitable employment without good cause or refused without good cause to accept a bona fide offer of suitable

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

employment, then the notice must specify that the particular action the registrant must take to meet the requirements is to accept suitable employment before the effective date of the disqualification.

C. to E. [Unchanged.]

Subp. 2. to 4. [Unchanged.]

# Adopted Rules

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

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

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

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

# Department of Human Services

## Adopted Permanent Rules Relating to Payment Rates For ICF/MR's

The rules proposed and published at *State Register*, Volume 12, Number 29, pages 1429-1433, January 18, 1988 (12 S.R. 1429) are adopted as proposed.

# Waste Management Board

## Adopted Permanent Rules Relating to Waste Tire Recycling Grant and Loan Program

The rules proposed and published at *State Register*, Volume 12, Number 25, pages 1251-1256, December 21, 1987 (12 S.R. 1251) are adopted with the following modifications:

### Rules as Adopted

**9220.0820 GRANT LIMITATIONS; AGREEMENT.**

Subpart 1. **Grant amount.** Grants must not exceed 75 percent of the eligible costs of the proposed study. No single grant may exceed $30,000. Grants must not be awarded to cover a cost associated with tasks performed before the grant award or after the expiration of the grant agreement.

**9220.0835 LOAN LIMITATIONS.**

Subpart 1. **Loan amount.** ~~No~~ The maximum waste tire recycling loan ~~may exceed~~ is 90 percent of the eligible capital costs of the project or $1,500,000, whichever is less.

# Department of Commerce

## Withdrawal of Notice of Adoption and Change in Effective Date for Credit Life Insurance Rules

The notice of adoption published in the *State Register* on March 7, 1988 at page 1968 was published in error and is hereby withdrawn. The notice will be republished on May 2, 1988, to be effective June 1, 1988.

Michael A. Hatch, Commissioner

STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Rules of the State Department of Human Services Relating to the Work Readiness Program, parts 9500.1300 to 9500.1318.

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

Notice of the Commissioner's intent to adopt the above-entitled rules was published in the State Register on March 14, 1988 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 March 9, 1988. 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 mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rules for 30 days after notice of proposed rulemaking. The agency did not receive any requests for a public hearing.

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

1. The only comments received by the department during the public comment period were from the Hennepin County Bureau of Social Services.

2. Hennepin County's comments express support for the rule as proposed and do not recommend any modifications.

## CONCLUSIONS

I hereby conclude that:

1. The commissioner has statutory authority to promulgate these rules.

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

3. The proposed rules are necessary and reasonable and no modifications to the rules are needed.

NOW, THEREFORE, IT IS ORDERED that the rules identified as rules relating to the work readiness program, parts 9500.1300 to 9500.1318 are adopted this 31st day of May, 1988, pursuant to authority vested in me by Minnesota Statutes, section 256D.051, subdivision 14 and Minnesota Statutes 1987 Supplement, section 256D.051, subdivision 8.

Sandra Gardebring

SANDRA S. GARDEBRING
Commissioner

BUREAU OF SOCIAL SERVICES
A-2303 Government Center
Minneapolis, Minnesota 55487-0232

April 19, 1988

Mr. Dan Lipschultz
Minnesota Department of Human Services
444 Lafayette Road, 2nd Floor South
St. Paul, MN 55155-3816

Dear Mr. Lipschultz:

Attached for your information is a memorandum from staff indicating support for the proposed Work Readiness rules. Please note that they reflect the views of both the departments which implement the Work Readiness program within the Bureau of Social Services.

Thank you for your consideration of the attached comments.

Sincerely,

Darcy Miner for

Kevin P. Kenney
Associate County Administrator

lh

cc: Darcy Miner
Kay Mitchell, Clerk of
the County Board
William Brumfield

Attachment

HENNEPIN COUNTY DEPARTMENT OF TRAINING AND EMPLOYMENT ASSISTANCE

WORK READINESS PROGRAM

M E M O R A N D U M

TO: Robert D. Morris, Assistance Director

FROM: Lee J. Berger, WR Program Manager
Alan Sarhan, GA Program Manager

SUBJECT: PROPOSED PERMANENT RULES RELATING TO WORK READINESS PROGRAM

Re: Refusal of suitable employment

The following comments are being made in support or opposition to the proposed rule implementing statutory changes adopted in 1987.

Rules as Proposed:

1. 9500.1302 DEFINITIONS.

Subp. 1A. Bona fide offer of employment.

We support this definition as written in the proposal.

2. 9500.1306 APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

Subp. 3. E. The applicant has not refused, without good cause, a bona fide offer of suitable employment within 60 days prior to the date he or she is determined to be ineligible for general assistance.

Strong support is given this statutory change as written. This statement follows our philosophical principle that no one has the right to choose to receive public assistance in lieu of working when they are employable and a suitable job is available.

3. 9500.1308. REQUIREMENT TO INFORM APPLICANTS.

Subp. 2. C. the disqualification that will be imposed if a registrant voluntarily quits suitable employment without good cause, refuses without good cause to accept a bona fide offer of suitable employment, or fails, without good cause, to comply with other work readiness program requirements; and ...

Strong support is given this statutory change as written for the same reason as indicated in item 2 above.

4. 9500.1314 REGISTRANT DUTIES.

"....Registrants must inform the local agency of terminations of employment and bona fide offers of suitable employment. Registrants must cooperate with local agency efforts to verify whether good cause for refusing or terminating suitable employment exists. Refusal to participate in a grant diversion program under Minnesota Statutes, section 256D.09, subdivision 3, is not considered a refusal of a bona fide offer of employment."

The above is supported as written. Work Readiness is designed to strongly reinforce the concepts that clients have the primary responsibility for their own well being and should minimize dependence upon public assistance or employment programs.

5. 9500.1316 FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subp. 1. B. "....If the registrant has voluntarily quit suitable employment without good cause or refused without good cause to accept a bona fide offer of suitable employment, then the notice must specify that the particular action the registrant must take to meet the requirements is to accept suitable employment before the effective date of disqualification."

Support is given this change as written. It is clearly in the registrant's best interest to accept an offer of suitable employment rather than continuing dependence upon public assistance.

In the Matter of the Adoption of Rules of the State Department of Human Services Relating to the Work Readiness Program, parts 9500.1300 to 9500.1318.

DECLARATION OF COUNSEL

I, Craig R. Anderson, 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 0860.

Craig R. Anderson

Special Assistant
Attorney General

Dated:
5/31/88