

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ATTORNEY GENERAL

September 15, 1988

DONALD E. NOTVICK
Special Assistant
Attorney General

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9422

In the Matter of the Adopted Rule Relating to
Youth Employment Program

The above-refernced rule has been approved as to its legality by the Attorney General on September 15, 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, 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 accoradance 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.

JAL:rer

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RULE REVIEW CHECKLIST

File No. 1513 Docket No. 5.0009.0400

DATE RECEIVED 8/29/88 ADOPTED W/O HEARING X

REVIEW DATE 9/7/88 EMERGENCY RULE _____

DUE DATE 9/12/88 REVISOR APPROVED ✓

APPROVED 9/12/88 REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE 9/15/88

WITHDRAWN _____ RETURNED TO AGENCY 9/15/88

✓ Rule as adopted (4 copies)

_____ ~~Notice to Solicit Outside Information/Opinion (if applicable)~~

_____ ~~Date published in State Register~~

_____ ~~Comments~~

_____ ~~Petition for Adoption of a Rule (if applicable)~~

_____ ~~Board's Authorizing Resolution~~

_____ ~~Date adopted~~

✓ Proposed Rule

_____ Revisor's Certificate

_____ Notice of Intent to Adopt Rule

268.31-.36 Statutory Authority

yes Small Business Statement

no Expenditure of public money statement

_____ Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement

n/a Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

5/26/88 Date (30)/25 days before adoption

JR Notice attached

_____ ~~Copy of rule or summary attached~~

✓ Publication in State Register

6/6/88 Date (30)/25 days before adoption

_____ 180-day deadline from:

6/24/88 end of comment period (§ 14.26) (rules without hearing)

_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

_____ ~~Resolution Adopting~~

_____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting

7/15/88 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney

Don Notvik Name of SAAG representing agency

_____ ~~Notice of Submission to Atty. Gen. (if applicable)~~

✓ Aff. of Mailing Notice to Atty. Gen. (if applicable) NO

A.G. Copy

Department of Jobs and Training

Adopted Permanent Rules Relating to Youth Employment Program

Rules as Adopted

3300.0100 DEFINITION OF TERMS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Contract.** "Contract" means an agreement entered into between a political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment and training program under the act.

Subp. 5. and 7. [Unchanged.]

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment and training funded under the act.

3300.0200 PURPOSE AND STATUTORY AUTHORITY.

Parts 3300.0100 to 3300.0700 govern the administration of the Youth Employment Opportunities program as authorized by the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36. The purpose of the Minnesota Youth Program is:

A. to provide eligible youth with exposure to the world of work;

B. to encourage school completion or enrollment in alternative school programs; and

C. to enhance the basic educational skills of youth.

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations enumerated in part 3300.0100, subpart 4. Selection of contractors will be determined by the commissioner. Consideration will be given to contractors with experience in administering youth employment and training programs and to those who have demonstrated efforts to coordinate state and federal youth programs locally.

3300.0500 OPERATION PROCEDURES.

Approved by Revisor

Subpart 1. [Unchanged.]

Subp. 2. [See Repealer.]

Subp. 3. [Unchanged.]

Subp. 4. **Minimum wage.** Eligible youths not designated as supervisors shall be paid the federal or state minimum wage for a period not to exceed 40 hours per calendar week and for not more than 480 hours per calendar year.

Subp. 5. **Supervisors.** A contractor may designate eligible youth as supervisors for youths in its employ under the act. Youths designated as supervisors shall be paid the federal or state minimum wage plus a rate per hour to be established by the local contractor.

Subp. 6. **Employment of eligible youth.** Contractors may begin employing eligible youths upon signing the contract. Contractors have the option to employ youth during the non-summer months with the approval of the department.

3300.0601 SUPPORT SERVICES.

Contractors may provide or arrange for support services to eligible youth, using funds allocated under this act. The cost of the support services must not exceed 15 percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, basic skills training, counseling services, reasonable and necessary safety equipment and materials, required uniforms, and other normal expenses associated with employment and training funded under the act. Contractors shall not be required to provide support services to eligible youth when funds received under the act have been exhausted.

3300.0700 REALLOCATION PROCEDURES.

Funds may be reallocated within a county or between a county and a city or between counties under the following circumstances:

A. the city or county originally allocated the funds according to the formula in part 3300.0300 refuses the funds; or

B. the city or county originally allocated the funds

Approved by Revisor _____

gives its permission for those funds to be used in another city or county.

In addition, the contractors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,500 between any subdivision above for the purpose of simplified administration of the program.

During the period of the contract, the department may shift funds from one contractor to another with the mutual consent of both contractors.

REPEALER. Minnesota Rules, part 3300.0500, subpart 2, is repealed.

Approved
by Revisor _____

RECEIVED 2:45PM

SEP 15 1988

SECRETARY OF STATE

APPROVED AS TO FORM AND LEGALITY

9/12/88 19____

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Jobs and Training

Proposed Permanent Rules Relating to Youth Employment Program

Rules as Proposed

3300.0100 DEFINITION OF TERMS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Contract.** "Contract" means an agreement entered into between a political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment and training program under the act.

Subp. 5. and 7. [Unchanged.]

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C. to enhance the basic educational skills of youth.

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The commissioner may enter into contracts for operation of the program with organizations enumerated in part 3300.0100, subpart 4. Selection of contractors will be determined by the commissioner. Consideration will be given to contractors with experience in administering summer youth employment and training programs and to those who have demonstrated efforts to coordinate state and federal summer youth programs locally.

3300.0500 OPERATION PROCEDURES.

Approved by Revisor

Subpart 1. [Unchanged.]

Subp. 2. [See Repealer.]

Subp. 3. [Unchanged.]

Subp. 4. **Minimum wage.** Eligible youths not designated as supervisors shall be paid the federal or state minimum wage for a period not to exceed 40 hours per calendar week and for not more than ~~12 weeks~~ 480 hours per calendar year.

Subp. 5. **Supervisors.** A contractor may designate ~~one~~ eligible youth as ~~supervisor~~ supervisors for ~~every ten~~ youths in its employ under the act. ~~Contractors who employ at least five but less than ten youths may designate one youth as a supervisor.~~ Youths designated as supervisors shall be paid the federal or state minimum wage plus ~~65 cents~~ a rate per hour ~~for up to 40 hours per week for a period not exceeding 12 weeks~~ to be established by the local contractor.

Subp. 6. **Employment of eligible youth.** Contractors may begin employing eligible youths upon signing the contract. ~~No youth may be employed while attending school as a full time student, nor be employed beyond September 30 of each calendar year.~~ Contractors have the option to employ youth during the non-summer months with the approval of the department.

3300.0601 SUPPORT SERVICES.

Contractors ~~shall~~ may provide or arrange for support services to eligible youth, using funds allocated under this act. The cost of the support services must not exceed ~~ten~~ 15 percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, basic skills training, reasonable and necessary safety equipment and materials, required uniforms, and other normal expenses associated with employment and training funded under the act. Contractors shall not be required to provide support services to eligible youth when funds received under the act have been exhausted.

3300.0700 REALLOCATION PROCEDURES.

Funds may be reallocated within a county or between a

Approved by Revisor _____

county and a city or between counties under the following circumstances:

A. the city or county originally allocated the funds according to the formula in part 3300.0300 refuses the funds; or

B. the city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

In addition, the contractors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,500 between any subdivision above for the purpose of simplified administration of the program.

~~Contractors may shift funds from the postsecondary portion of their program to the regular portion of their program provided that they certify in writing to the department that they are unable to obtain sufficient youth who meet the criteria in part 3300.0500, subpart 2, and the department concurs.~~

During the period of the contract, the department may shift funds from one contractor to another with the mutual consent of both contractors.

REPEALER. Minnesota Rules, part 3300.0500, subpart 2, is repealed.

Approved
by Revisor _____

YOUTH EMPLOYMENT OPPORTUNITY RULES

STATEMENT OF NEED AND REASONABLENESS

These rules are prepared by the Department of Jobs and Training (DJT) in accordance with the provisions of the Minnesota Administrative Procedures Act (APA), Minnesota Statutes Section 14.22 to 14.28. The proposed rules have been developed pursuant to Minnesota Statutes Section 268.33 as amended by Laws 1985, First Special Session, Chapter 14, Article 9 (Omnibus Jobs Act), which authorize the commissioner to make permanent rules to implement the Youth Opportunity Program.

Because the proposed rules will have no effect on small businesses, Section 14.115 of the APA does not apply.

3300.0100 DEFINITION OF TERMS

Subparts 4 and 9. The Minnesota Youth Program (MYP) is no longer simply a summer "jobs" program. The references to youth employment "and training" programs reflects a new emphasis on basic skills training combined with work experience for youths. This statutory change in the State-funded MYP parallels changes in the federally-funded JTPA Summer Youth Employment and Training Program (SYETP). The State and federal programs are administered through the same service delivery system statewide.

3300.0200 PURPOSE

The purpose statement has been revised to reflect the statutory changes in the Minnesota Youth Program which expands services available to youths, makes services available on a year-round basis, and addresses the youth literacy problem. This statutory change in the State-funded MYP parallels changes in the federally-funded Title IIB SYETP.

3300.0400 CONTRACTING

The reference to "summer" has been deleted to reflect the fact that MYP services can be offered on a year-round basis, not just during the summer months.

3300.0500 OPERATION PROCEDURES

Subpart 2. The requirement that 33 1/3 of the program funds be used to serve youths ages 18-21 who are planning to attend post-secondary school has been eliminated with the intent that program operators will provide services to youths who are "most in need" as determined at the local level.

Subpart 4. The reference to State minimum wage has been added to reflect the fact that youths will be compensated at the State or federal minimum wage, whichever is higher, for a period not to exceed 40 hours per calendar week and for not more than 480 hours per calendar year. Previous language restricted program participation to not more than 12 weeks during the summer months.

Subpart 5. The language has been changed to allow MYP contractors to establish the ratio of youths to supervisors locally. Youths designated as supervisors will be paid the State or federal minimum wage plus a rate per hour to be established by the local contractor. This parallels federal policy governing the Title IIB SYETP.

Subpart 6. The language has been revised to provide contractors with the option to employ youths during the non-summer months with the written approval of the Department. This parallels federal policy governing the Title IIB SYETP.

3300.0601 SUPPORT SERVICES

Contractors may (not shall) provide or arrange for support services to eligible youths using MYP funds. There is no legislative mandate requiring program operators to provide support services. The cost of support services will not exceed 15 per cent of the contract. These services may include costs associated with the provision of basic skills training. Previous language restricted operators to using 10 per cent of their allocation for "job-related" support services.

3300.0700 REALLOCATION PROCEDURES

The language referring to the post-secondary program has been eliminated. (See Operation Procedures, Subpart 2, above.)

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Youth Employment Program

AFFIDAVIT OF MAILING

Colleen Gunderson, Rules Coordinator, being duly sworn deposes and says:

That on the 25th day of May, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the State of Minnesota Central Mail System for the United States mail system at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department for the purpose of receiving notice of rulemaking by the Department.

STATE OF MINNESOTA

Colleen Gunderson

Colleen Gunderson
Rules Coordinator
Policy Development Office
Department of Jobs and Training

Subscribed and sworn to before me
this 13th day of July, 1988.

Joyce L. Manney

Notary Public
Ramsey County

JOYCE L. MANNEY
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES OCTOBER 7, 1989

Department of Jobs and Training

Proposed Permanent Rules Relating to Youth Employment Program

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Department of Jobs and Training intends to adopt the above-entitled rule/s 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*, sections 268.33 which provides the Department with emergency and permanent rulemaking authority to implement sections 268.31 to 268.36.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule/s or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for 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 or 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:

Kay Tracy
Youth Programs Coordinator
State Job Training Office
690 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-6064

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.

A copy of the proposed rule follows this notice.

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 upon request from Kay Tracy at the above address.

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 related 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 Kay Tracy at the above address.

Because the proposed rule will have no effect on small business, section 14.115 of the APA does not apply.

Dated: 23 May 1988

Joe Samargia
Commissioner of Department of Jobs and Training

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 Jobs and Training

Proposed Permanent Rules Relating to Youth Employment Program

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Department of Jobs and Training intends to adopt the above-entitled rule/s 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*, sections 268.33 which provides the Department with emergency and permanent rulemaking authority to implement sections 268.31 to 268.36.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule/s or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for 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 or 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.

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Kay Tracy
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State Job Training Office
690 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-6064

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.

A copy of the proposed rule follows this notice.

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 upon request from Kay Tracy at the above address.

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 related 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 Kay Tracy at the above address.

Because the proposed rule will have no effect on small business, section 14.115 of the APA does not apply.

Dated: 23 May 1988

Joe Samargia
Commissioner of Department of Jobs and Training

Rules as Proposed

3300.0100 DEFINITION OF TERMS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Contract.** "Contract" means an agreement entered into between a political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment and training program under the act.

Subp. 5. and 7. [Unchanged.]

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment and training funded under the act.

3300.0200 PURPOSE AND STATUTORY AUTHORITY.

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A. to provide eligible youth with exposure to the world of work;

B. to encourage school completion or enrollment in alternative school programs; and

C. to enhance the basic educational skills of youth.

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations enumerated in part 3300.0100, subpart 4. Selection of contractors will be determined by the commissioner. Consideration will be given to contractors with experience in administering ~~summer~~ youth employment and training programs and to those who have demonstrated efforts to coordinate state and federal ~~summer~~ youth programs locally.

3300.0500 OPERATION PROCEDURES.

Subpart 1. [Unchanged.]

Subp. 2. [See Repealer.]

Subp. 3. [Unchanged.]

Subp. 4. **Minimum wage.** Eligible youths not designated as supervisors shall be paid the federal or state minimum wage for a period not to exceed 40 hours per calendar week and for not more than ~~12 weeks~~ 480 hours per calendar year.

Subp. 5. **Supervisors.** A contractor may designate ~~one~~ eligible youth as ~~supervisor~~ supervisors for ~~every ten~~ youths in its employ under the act. ~~Contractors who employ at least five but less than ten youths may designate one youth as a supervisor.~~ Youths designated as supervisors shall be paid the federal or state minimum wage plus ~~65 cents~~ a rate per hour ~~for up to 40 hours per week for a period not exceeding 12 weeks~~ to be established by the local contractor.

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Contractors ~~shall~~ may provide or arrange for support services to eligible youth, using funds allocated under this act. The cost of the support services must not exceed ~~ten~~ 15 percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, basic skills training, reasonable and necessary safety equipment and materials, required uniforms, and other normal expenses associated with employment and training funded under the act. Contractors shall not be required to provide support services to eligible youth when funds received under the act have been exhausted.

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.

3300.0700 REALLOCATION PROCEDURES.

Funds may be reallocated within a county or between a county and a city or between counties under the following circumstances:

A. the city or county originally allocated the funds according to the formula in part 3300.0300 refuses the funds; or

B. the city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

In addition, the contractors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,500 between any subdivision above for the purpose of simplified administration of the program.

~~Contractors may shift funds from the postsecondary portion of their program to the regular portion of their program provided that they certify in writing to the department that they are unable to obtain sufficient youth who meet the criteria in part 3300.0500, subpart 2, and the department concurs.~~

During the period of the contract, the department may shift funds from one contractor to another with the mutual consent of both contractors.

REPEALER. Minnesota Rules, part 3300.0500, subpart 2, is repealed.

Minnesota Municipal Board

Proposed Permanent Rules Relating to Filing Fees

Notice of Intent to Amend a Rule Without a Public Hearing

Notice is hereby given that the Minnesota Municipal Board intends to amend 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 amend the rule is contained in *Minnesota Statutes* 414.01, Subd. 10 and *Minnesota Statutes* 16A.128.

All persons have 30 days 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: Patricia D. Lundy, Assistant Director, Minnesota Municipal Board, 165 Metro Square Building, St. Paul, Minnesota 55101, (612) 296-2428.

The proposed amendments to the 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.

If adopted, the proposed amendments will increase the filing fees collected by the Minneosta Municipal Board for proposed boundary adjustments and clarify the language on fees. A copy of the proposed rule is attached to this notice.

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 the Minnesota Municipal Board upon request.

The approval of the Commissioner of Finance for amendments of rules relating to fees is required by *Minnesota Statutes* sections 16A.128, subd. 1a (1986). The commissioner's approval of the proposed increase in filing fee is contained in a memorandum dated April 22, 1988, which is attached to the Statement of Need and Reasonableness. The memorandum is also available from Patricia Lundy upon request.

Promulgation of the proposed rule amendments will have no quantitative or qualitative impact on the expenditure of public monies by local public bodies, agricultural land, or small businesses. The amendments would increase the filing fees for petitions for boundary changes from $1.00 to $2.00 an acre for orderly annexation and the increase for all other petitions with per-acre fees would go from $4.00 to $5.00 an acre. The minimum and maximum fees would remain the same, thereby resulting in minimal impact.

Minnesota Statutes Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more

In the Matter of the Adoption of the Rules of the Department of Jobs and Training Governing Youth Employment Opportunities

DECLARATION OF COUNSEL

I, **Donald E. Notvik**, 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 0407.

Dated: August 18, 1988.

DONALD E. NOTVIK
Special Assistant
Attorney General

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of the Rule of State of Minnesota Governing the Youth Employment Program

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

Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on June 6, 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 May 25, 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 rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

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

The single change between the rule as proposed and the rule as adopted is not substantial. This change adds counseling services as a support service at Part 3300.0601 and is not a significant new subject matter. The change is a necessary complement to the other support services contemplated by Part 3300.0601. The addition of counseling services should reasonably increase an individual's chances of successfully completing an employment and training program.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as the Youth Employment Program as modified is adopted this 15th day of July, 1988, pursuant to authority vested in me by Minnesota Statutes, section 268.0122, subdivision 5.

Joe Samargia
Commissioner of
Department of Jobs and Training

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Youth Employment Program

AFFIDAVIT OF NO MAILING OF NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Roger I. Sorbel, being first duly sworn, deposes and says:

That he did not serve a Notice of Submission to the Attorney General on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the attorney general because he did not receive any requests for such notice.

Roger I. Sorbel
Roger I. Sorbel
Management Analyst

Subscribed and sworn to before me
this 14th day of July, 1988.

JoAnn Benesh
Notary Public

JOANN BENESH
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JUNE 8, 1992

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Youth Employment Program	ORDER ADOPTING NONCONTROVERSIAL RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on June 6, 1988, and was sent by United States mail to all persons on the mailing list maintained by the Department pursuant to Minnesota Statutes, section 14.14, subdivision 1a, on May 25, 1988.

After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving fewer that 25 written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that the rules identified as Youth Employment Program are adopted this 15 day of July, 1988, pursuant to the authority vested in me by Minnesota Statutes, section 129A.10, subdivision 3.

STATE OF MINNESOTA

Joe Samargia
Commissioner
Department of Jobs and Training

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of the Rules of the State of Minnesota Relating to Youth Employment Program

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 23rd day of May, 1988, 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 Department for that purpose and be published in the State Register.

STATE OF MINNESOTA

Joe Samargia
COMMISSIONER OF
THE DEPARTMENT OF
JOBS AND TRAINING

STATE OF MINNESOTA
DEPARTMENT OF JOBS AND TRAINING

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Relating to Unemployment Compensation Employer Taxes

MAILING LIST CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1a, that their names be placed on file with and maintained by the Department for the purpose of receiving notice of the proposed adoption of rules by the Department is accurate and complete as of this 25th day of May, 1988.

STATE OF MINNESOTA

Colleen Gunderson

Colleen Gunderson
Rules Coordinator
Policy Development Office
Department of Jobs and Training

Subscribed and sworn to before me this 13th day of July, 1988.

Joyce L. Manney

JOYCE L. MANNEY
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES OCTOBER 7, 1989

SF-00006-05 (4/86)

DEPARTMENT : JOBS & TRAINING

STATE OF MINNESOTA

Office Memorandum

DATE : July 19, 1988

TO : Donald Notvik
Special Assistant Attorney General

FROM : Roger Sorbel RJS
Management Analyst
Policy Development

PHONE : 296-6874

SUBJECT : Rules for Youth Employment Program

I am submitting a Noncontroversial Rule and accompanying documents to you for your review. Please review the Rule. If the Rule is acceptable, complete a Statement Compliance with Rulemaking Procedures and submit the Rule and required documents to the Administration Division Attorney General.

During the 30-day comment period, we did not receive any comments or requests for Notice of Submission to the Administration Division Attorney General.

Please find enclosed copies of the following documents as required by Minnesota Rules 2000.0400:

1. Proposed Rule as published at 12 S.R. 2658 on June 6, 1988
2. Affidavit of Mailing
3. Mailing Certificate
4. Notice of Intent to Adopt Rules Without a Public Hearing
5. Statement of Need and Reasonableness
6. Order for Notice of Intent to Adopt Rules Without a Public Hearing
7. Order Adopting Noncontroversial Rule
8. Affidavit of No Mailing of Submission to the Attorney General

RS:tw

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Jobs and Training intends to adopt the above-entitled rule(s) 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, sections 268.33 which provides the Department with emergency and permanent rulemaking authority to implement sections 268.31 to 268.36.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule(s) or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for 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:

Kay Tracy
Youth Programs Coordinator
State Job Training Office
690 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-6064

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.

A copy of the proposed rule follows this notice.

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 rule has been prepared and is available upon request from Kay Tracy at the above address.

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. The Attorney General's review of the rule will focus on it's legality and form. 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 Kay Tracy at the above request.

Because the proposed rule will have no effect on small business, section 14.115 of the APA does not apply.

Dated: May 23, 1988

Joe Samargia
Comissioner
Department of Jobs and Training

Workers' Compensation Court of Appeals

Adopted Permanent Rules Relating to Procedure

Rules as Adopted

9800.0100 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Appellant.** "Appellant" means the first party filing a notice of appeal.

Subp. 3a. **Cross appellant.** "Cross appellant" means any party filing a notice of appeal after the appellant.

Subp. 4. to 7. [Unchanged.]

Subp. 8. **Motion pictures.** "Motion pictures" includes video tapes.

9800.0300 PREPARATION AND FORM OF LEGAL DOCUMENTS.

Pleadings, briefs, and other legal documents filed with the court shall be printed or typewritten, double spaced, and shall use only one side of the paper. All material shall be submitted on 8-1/2 by 11-inch paper.

9800.0400 TEMPORARY ORDERS.

Petitions for temporary orders filed with the court must conform to Minnesota Statutes, section 176.191 and part 1415.2300.

9800.0500 CONTINUANCES OF ORAL ARGUMENTS.

Subpart 1. **Continuances.** A continuance of an oral argument shall be granted only upon a showing of good cause. A request for a continuance must be made within five days of the filing of notice of oral argument. The court shall consider later requests only upon a showing that an earlier request could not have been made.

9800.0510 NONAPPEARANCE OF COUNSEL.

If counsel for a party fails to appear to present argument, the court may hear argument on behalf of a party whose counsel

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is present, and the case will be decided on the briefs and argument heard. If no counsel appear for any party, the case will be decided on the briefs unless the court shall otherwise order.

9800.0900 BRIEFS ON APPEAL.

Subpart 1. **Filing of brief of appellant where a transcript is required.** Appellants and cross appellants shall file a written brief, which shall address only issues raised in that party's notice of appeal, within 30 days after the court receives the transcript. Issues raised in the notice of appeal but not addressed in the brief shall be deemed waived and will not be decided by the court. The failure of any appellant or cross appellant to timely file a brief under this part may result in dismissal of that party's appeal under part 9800.1710.

The brief shall be accompanied by an affidavit stating that service of a copy of the brief has been made by the appellant upon all other parties to the action. The original brief and four copies shall be filed with the court in cases where a hearing is to be held. Only the original shall be filed where the hearing is waived by all parties.

Subp. 2. **Filing of brief of appellant where no transcript of the proceedings is required.** Where no transcript of the proceedings is required, appellants and cross appellants shall file a written brief, which shall address only issues raised in that party's notice of appeal, within 30 days after the filing of the notice of appeal. Issues raised in the notice of appeal but not addressed in the brief shall be deemed waived and will not be decided by the court. The failure of any appellant or cross appellant to timely file a brief under this part may result in dismissal of that party's appeal under part 9800.1710.

The brief shall be accompanied by an affidavit stating that service of a copy of the brief has been made by the appellant upon all other parties to the action. The original and four copies shall be filed with the court in cases where an oral argument is to be held. Only the original shall be filed where

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by Revisor _____

the oral argument is waived by all parties.

Subp. 3. **Filing of brief of respondent.** All respondents' briefs shall be filed with the court within 25 days after the filing of the appellant's or cross appellant's brief. The respondent's brief shall address only issues raised in the brief of the appellant or cross appellant and must be accompanied by an affidavit stating that service has been made upon all other parties to the action. The original and four copies shall be filed with the court in cases where an oral ~~agrument~~ argument is to be held. Only the original brief shall be filed where an oral argument is waived by all parties.

Subp. 4. [See Repealer.]

Subp. 5. **Reply briefs.** Reply briefs shall be filed within ten days after the filing of the respondent's brief. They shall address only issues addressed in the respondent's brief. The original and four copies shall be filed with proof of service upon all other parties when an oral argument is to be held. Only the original brief shall be filed when an oral argument is waived by all parties.

Subp. 6. [Unchanged.]

9800.1000 ORAL ARGUMENTS ON APPEAL.

Subpart 1. **Criteria considered in granting oral argument.** The court, in its discretion, may grant the parties permission to participate in oral argument. Factors considered in determining whether to grant oral argument include:

A. whether the request for oral argument was timely under part 9800.1600, subpart ~~3~~ 2;

B. whether the resolution of the appealed issues would establish legal precedent; and

C. whether oral argument would significantly aid the court in deciding the issues on appeal.

Each party shall be allotted 15 minutes to make its presentation to the court, including the showing of motion pictures, unless otherwise authorized by the court.

Subp. 2. **Motion pictures.** Any party desiring to show

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motion pictures at the oral argument must so inform the court and all other parties in writing within 30 days after the transcript is received by the court. This notice shall indicate the length of time necessary for viewing. The party shall furnish the necessary projection equipment on the day of the hearing. The court shall on its own motion require the showing of motion pictures when necessary for a full and fair adjudication of a case.

9800.1100 APPLICATION TO SET AWARD ASIDE AND GRANT A NEW HEARING.

An application to set an award aside and grant a new hearing shall be verified and accompanied by supporting affidavits or medical reports. The application shall be filed with the court and accompanied by proof of service on all parties to any award to which the application applies.

Responses and other pleadings shall be served upon all parties and filed with the court within 20 days after the filing of an application.

The court shall grant the application if it determines that cause exists pursuant to Minnesota Statutes, section 176.461. Applications shall be scheduled for hearing.

9800.1400 APPLICATIONS, PETITIONS, AND MOTIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Procedures for filing.** All requests for relief under this part shall be in writing, verified, accompanied by appropriate documentation, state the relief sought, the basis therefor, and be accompanied by an affidavit of service upon all other parties to the action. All requests for relief must be served and filed no later than five working days before the time set for oral argument, if any.

Subp. 3. **Responses.** All other parties shall have five working days after the filing of a request for relief within which to file a response in writing.

Subp. 4. [Unchanged.]

Subp. 5. **Oral argument not permitted.** Oral argument on applications, petitions, or motions shall not be permitted

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by Revisor _____

except upon order of the court.

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Subpart 1. **Scope.** ~~A petition to intervene may~~ Persons shall be ~~granted~~ permitted to intervene in accordance with the requirements of Minnesota Statutes, section 176.361, subdivision 1. After a petition to intervene is granted, the intervenor must appear at all scheduled hearings of the court relating to the claim unless a written stipulation signed by all parties has been filed with the court which settles all issues relating to the intervention.

Subp. 2. and 3. [Unchanged.]

9800.1600 COMMENCEMENT OF APPEALS.

Subpart 1. **Filing notice of appeal.** An appeal is initiated by filing a notice of appeal containing the information required by Minnesota Statutes, section 176.421, subdivision 3. The notice must be filed within 30 days of the filing of the decision being appealed. A respondent may cross appeal within the same 30-day period or within 15 days after service of the notice of appeal on that respondent, whichever is later.

Subp. 1a. **Preparation of transcript.** A written transcript of the record shall be prepared when required by Minnesota Statutes, section 176.421, subdivision 3, unless otherwise ordered by the court. An application for an order under this subpart shall conform to the requirements of part 9800.1400.

Subp. 2. **Notification of receipt of transcript.** The court shall notify the parties of the date that the transcript was received. This notification letter shall also inquire whether the parties desire an oral argument and if so, whether parties prefer oral argument before the entire court or a three member panel.

Parties must file a response to the notification letter within ten days after the court files the notification. Failure to file a timely response shall be considered a waiver of oral argument.

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by Revisor _____

9800.1710 DISMISSAL.

If any appellant or cross appellant fails to timely file a brief as required by part 9800.0900, any party may move this court for dismissal of the appeal. If the appellant or cross appellant is in default for more than 30 days and no party has moved for dismissal, the court shall summarily order the dismissal of the appeal or cross appeal without notice, subject to a motion to reinstate.

A motion to reinstate the appeal or cross appeal will be granted only if the appellant or cross appellant can show good cause for failing to timely file a brief, that the appeal or cross appeal is meritorious, and that reinstatement would not substantially prejudice the rights of any other party.

9800.1720 SUBMISSION WHEN A MEMBER OF THE COURT IS NOT PRESENT.

Except in exigent circumstances, the oral argument shall be heard before the full panel to which the case has been assigned or before the entire court if the matter is of exceptional importance. When any member of the court is not present at oral argument, the case shall be deemed submitted to that member on the record and briefs. When there is a change of court personnel or a recusal, cases shall be deemed submitted to the new member, or to any other member of the court, as necessary to complete a panel, on the record and briefs.

9800.1800 SUSPENSION OF RULES.

Upon a clear showing of extraordinary circumstances not contemplated by parts 9800.0100 to 9800.1720, the court may, upon petition of a party or upon its own petition five days after serving notice on the parties, suspend any requirements of parts 9800.0100 to 9800.1720. Rules implementing requirements imposed by law shall not be suspended even upon a clear showing of extraordinary circumstances.

REPEALER. Minnesota Rules, parts 9800.0500, subpart 2; 9800.0600; 9800.0900, subpart 4; and 9800.1300, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Procedure

AGENCY: Workers' Compensation Court of Appeals

MINNESOTA RULES: Chapter 9800

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

John C. Fuller
Assistant Deputy Revisor

8/29/88

DEPT: Attorney General - Bremer Tower

DATE: August 18, 1988

TO: RITA DESMOND
Legal Assistant
515 Transportion Bldg.

FROM: DONALD E. NOTVIK
Special Assistant
Attorney General

RECEIVED
AUG 18 88
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

10 Rules as adopted

PHONE: 296-1265

SUBJECT: Rules of Department of Jobs and Training Pertaining to the Youth Employment Program

The above-referenced Rules, with attachments, are herewith submitted for approval by the Attorney General pursuant to Minn. Stat. 1987 Supp.

Please note that there were no requests for notice of submission of these rules to the Attorney General.

DEN/kts
Attachments

Workers' Compensation Court of Appeals

Adopted Permanent Rules Relating to Procedure

Rules as Adopted

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Subpart 1. and 2. [Unchanged.]

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Approved
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A motion to reinstate the appeal or cross appeal will be granted only if the appellant or cross appellant can show good cause for failing to timely file a brief, that the appeal or cross appeal is meritorious, and that reinstatement would not substantially prejudice the rights of any other party.

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Upon a clear showing of extraordinary circumstances not contemplated by parts 9800.0100 to 9800.1720, the court may, upon petition of a party or upon its own petition five days after serving notice on the parties, suspend any requirements of parts 9800.0100 to 9800.1720. Rules implementing requirements imposed by law shall not be suspended even upon a clear showing of extraordinary circumstances.

REPEALER. Minnesota Rules, parts 9800.0500, subpart 2; 9800.0600; 9800.0900, subpart 4; and 9800.1300, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Procedure

AGENCY: Workers' Compensation Court of Appeals

MINNESOTA RULES: Chapter 9800

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

John C. Fuller
Assistant Deputy Revisor

Department of Jobs and Training

Proposed Permanent Rules Relating to Youth Employment Program

Rules as Proposed

3300.0100 DEFINITION OF TERMS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Contract.** "Contract" means an agreement entered into between a political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment and training program under the act.

Subp. 5. and 7. [Unchanged.]

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment and training funded under the act.

3300.0200 PURPOSE AND STATUTORY AUTHORITY.

Parts 3300.0100 to 3300.0700 govern the administration of the Youth Employment Opportunities program as authorized by the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36. The purpose of the Minnesota Youth Program is:

A. to provide eligible youth with exposure to the world of work;

B. to encourage school completion or enrollment in alternative school programs; and

C. to enhance the basic educational skills of youth.

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations enumerated in part 3300.0100, subpart 4. Selection of contractors will be determined by the commissioner. Consideration will be given to contractors with experience in administering ~~summer~~ youth employment and training programs and to those who have demonstrated efforts to coordinate state and federal ~~summer~~ youth programs locally.

3300.0500 OPERATION PROCEDURES.

Approved by Revisor JCF

Subpart 1. [Unchanged.]

Subp. 2. [See Repealer.]

Subp. 3. [Unchanged.]

Subp. 4. **Minimum wage.** Eligible youths not designated as supervisors shall be paid the federal or state minimum wage for a period not to exceed 40 hours per calendar week and for not more than ~~12 weeks~~ 480 hours per calendar year.

Subp. 5. **Supervisors.** A contractor may designate ~~one~~ eligible youth as ~~supervisor~~ supervisors for ~~every ten~~ youths in its employ under the act. ~~Contractors who employ at least five but less than ten youths may designate one youth as a supervisor.~~ Youths designated as supervisors shall be paid the federal or state minimum wage plus ~~65 cents~~ a rate per hour ~~for up to 40 hours per week for a period not exceeding 12 weeks~~ to be established by the local contractor.

Subp. 6. **Employment of eligible youth.** Contractors may begin employing eligible youths upon signing the contract. ~~No youth may be employed while attending school as a full time student, nor be employed beyond September 30 of each calendar year.~~ Contractors have the option to employ youth during the non-summer months with the approval of the department.

3300.0601 SUPPORT SERVICES.

Contractors ~~shall~~ may provide or arrange for support services to eligible youth, using funds allocated under this act. The cost of the support services must not exceed ~~ten~~ 15 percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, basic skills training, reasonable and necessary safety equipment and materials, required uniforms, and other normal expenses associated with employment and training funded under the act. Contractors shall not be required to provide support services to eligible youth when funds received under the act have been exhausted.

3300.0700 REALLOCATION PROCEDURES.

Funds may be reallocated within a county or between a

Approved
by Revisor _____

county and a city or between counties under the following circumstances:

A. the city or county originally allocated the funds according to the formula in part 3300.0300 refuses the funds; or

B. the city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

In addition, the contractors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,500 between any subdivision above for the purpose of simplified administration of the program.

~~Contractors may shift funds from the postsecondary portion of their program to the regular portion of their program provided that they certify in writing to the department that they are unable to obtain sufficient youth who meet the criteria in part 3300.0500, subpart 2, and the department concurs.~~

During the period of the contract, the department may shift funds from one contractor to another with the mutual consent of both contractors.

REPEALER. Minnesota Rules, part 3300.0500, subpart 2, is repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Youth Employment Program

AGENCY: Department of Jobs and Training

MINNESOTA RULES: Chapter 3300

The attached rules are approved for publication
in the State Register

John C. Fuller
Assistant Deputy Revisor

Department of Jobs and Training

Proposed Permanent Rules Relating to Youth Employment Program

Rules as Proposed

3300.0100 DEFINITION OF TERMS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Contract.** "Contract" means an agreement entered into between a political subdivision, school district, or a nonprofit organization and the commissioner for the operation of a youth employment and training program under the act.

Subp. 5. and 7. [Unchanged.]

Subp. 9. **Support services.** "Support services" means services which are necessary to enable an eligible individual to participate in employment and training funded under the act.

3300.0200 PURPOSE AND STATUTORY AUTHORITY.

Parts 3300.0100 to 3300.0700 govern the administration of the Youth Employment Opportunities program as authorized by the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36. The purpose of the Minnesota Youth Program is:

A. to provide eligible youth with exposure to the world of work;

B. to encourage school completion or enrollment in alternative school programs; and

C. to enhance the basic educational skills of youth.

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations enumerated in part 3300.0100, subpart 4. Selection of contractors will be determined by the commissioner. Consideration will be given to contractors with experience in administering ~~summer~~ youth employment and training programs and to those who have demonstrated efforts to coordinate state and federal ~~summer~~ youth programs locally.

3300.0500 OPERATION PROCEDURES.

Approved by Revisor JCF

Subpart 1. [Unchanged.]

Subp. 2. [See Repealer.]

Subp. 3. [Unchanged.]

Subp. 4. **Minimum wage.** Eligible youths not designated as supervisors shall be paid the federal or state minimum wage for a period not to exceed 40 hours per calendar week and for not more than ~~12 weeks~~ 480 hours per calendar year.

Subp. 5. **Supervisors.** A contractor may designate ~~one~~ eligible youth as ~~supervisor~~ supervisors for ~~every ten~~ youths in its employ under the act. ~~Contractors who employ at least five but less than ten youths may designate one youth as a supervisor.~~ Youths designated as supervisors shall be paid the federal or state minimum wage plus ~~65 cents~~ a rate per hour ~~for up to 40 hours per week for a period not exceeding 12 weeks~~ to be established by the local contractor.

Subp. 6. **Employment of eligible youth.** Contractors may begin employing eligible youths upon signing the contract. ~~No youth may be employed while attending school as a full time student, nor be employed beyond September 30 of each calendar year.~~ Contractors have the option to employ youth during the non-summer months with the approval of the department.

3300.0601 SUPPORT SERVICES.

Contractors ~~shall~~ may provide or arrange for support services to eligible youth, using funds allocated under this act. The cost of the support services must not exceed ~~ten~~ 15 percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, basic skills training, reasonable and necessary safety equipment and materials, required uniforms, and other normal expenses associated with employment and training funded under the act. Contractors shall not be required to provide support services to eligible youth when funds received under the act have been exhausted.

3300.0700 REALLOCATION PROCEDURES.

Funds may be reallocated within a county or between a

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county and a city or between counties under the following circumstances:

A. the city or county originally allocated the funds according to the formula in part 3300.0300 refuses the funds; or

B. the city or county originally allocated the funds gives its permission for those funds to be used in another city or county.

In addition, the contractors may reallocate up to the equivalent of one full-time slot or position not to exceed $1,500 between any subdivision above for the purpose of simplified administration of the program.

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