

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ATTORNEY GENERAL

October 4, 1988

RALPH W. COREY
Merit System Supervisor
Minnesota Merit System

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9422

In the Matter of the Adopted Rule Relating to Merit System; Certification of Candidates Eligible for Appointment

The above-refernced rule has been approved as to its legality by the Attorney General on October 4, 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

File No. 517

Docket No. ~~15.0009.0859~~

DATE RECEIVED 9/13/88

ADOPTED W/O HEARING X

REVIEW DATE 9/22/88

EMERGENCY RULE _____

DUE DATE 9/27/88

REVISOR APPROVED _____

APPROVED 9/26/88 JET

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE 10/3

WITHDRAWN _____

RETURNED TO AGENCY 10/4

X Rule as adopted (4 copies)

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

3/28/88 ~~Date published in State Register~~

no ~~Comments~~

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

_____ ~~Board's Authorizing Resolution~~

_____ ~~Date adopted~~

X Proposed Rule

X Revisor's Certificate

X Notice of Intent to Adopt Rule

12.22 subd. 3
144.071
256.012 Statutory Authority

no Small Business Statement

yes Expenditure of public money statement

yes Signature

X Statement of Need and Reasonableness (if applicable)

no Small Business Statement

~~n/a~~ Fees - § 16A.128

X Affidavit of Mailing Notice of Intent to Adopt Rule

7/20/88, 7/19/88 +

7/21/88 Date (30)/25 days before adoption

yes Notice attached

_____ ~~Copy of rule or summary attached~~

X Publication in State Register

3/28/88 Date (30)/25 days before adoption

_____ 180-day deadline from:

8/19/88, 8/18/88 +

8/20/88 end of comment period (§ 14.26) (rules without hearing)

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

_____ ~~Resolution Adopting~~

_____ ~~Date adopted~~

X Findings of Fact, Conclusions & Order Adopting

9/1/88 +

8/31/88 Date

_____ ~~Written requests, submissions or comments~~

X Declaration of attorney

James Alexander Name of SAAG representing agency

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

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

Department of Human Services

Adopted Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

Rules as Adopted

9575.0620 CERTIFICATION METHODS.

Subpart 1. **Competitive register.** Upon receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, the supervisor shall certify the 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the 15th person certified, from the open-competitive register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 2. **Promotional register.** The supervisor may also certify the seven highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination scores as that of the seventh name certified, from the appropriate promotional register if such register exists and is requested. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 3. **Certification for more than one vacancy.** If more than one vacancy exists, the supervisor shall certify at least as many names from the register as there are vacancies to be filled, together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any

additional names of persons having the same examination score as that of the last person certified on a competitive certification or as that of the last person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are fewer than 15 available candidates on the competitive certification or seven available candidates on the promotional certification.

Subp. 4. **Selection for appointment.** The appointing authority may select for appointment anyone among the certified candidates who is eligible for appointment.

Subp. 5. **Too few names on a certification.** When the number of names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than 15 on a competitive certification or seven on a promotional certification, and there are fewer than three different names on all registers combined, the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. **Provisional filling of vacancy.** If there is no register that the supervisor deems appropriate, then the vacancy may be filled provisionally as provided for in part 9575.0660.

Subp. 7. **Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in Minnesota Statutes, section 43A.02, subdivision 33, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 3 1988

Joan Anderson Growe
Secretary of State

2:05 pm

APPROVED AS TO FORM AND LEGALITY

9/26 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Health

Adopted Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

Rules as Adopted

4670.2300 CERTIFICATION METHODS.

Subpart 1. **Competitive register.** After receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, the supervisor shall certify the 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the 15th person certified, from the open competitive register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 2. **Promotional register.** The supervisor may also certify the seven highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the seventh name certified, from the appropriate promotional register if such register exists and is requested. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 3. **Multiple vacancies.** If more than one vacancy exists, the supervisor shall certify at least as many names from the register as there are vacancies to be filled, together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons

having the same examination score as that of the 15th person certified on a competitive certification or as that of the seventh person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are less than 15 available candidates on the competitive certification or seven available candidates on the promotional certification.

Subp. 4. **Selection for appointment.** The appointing authority may select for appointment anyone among the certified candidates who is eligible for appointment.

Subp. 5. **Inadequate registers.** When the number of names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than 15 on a competitive certification or seven on a promotional certification, and there are fewer than three different names on all registers combined, the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. **Provisional appointments.** If there is no register that the supervisor deems appropriate, then the vacancy may be filled provisionally as provided for in part 4670.2510, subpart 1.

Subp. 7. **Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in Minnesota Statutes, section 43A.02, subdivision 33, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

STATE OF MINNESOTA
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APPROVED AS TO FORM AND LEGALITY

9/26 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Health

Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

Rules as Proposed

4670.2300 CERTIFICATION METHODS.

Subpart 1. **Entrance Competitive register.** After receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, ~~he~~ the supervisor shall certify the ~~seven~~ 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified, from the open competitive ~~entrance~~ register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 2. **Promotional register.** The supervisor may also certify the ~~three~~ seven highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~third~~ seventh name certified, from the appropriate promotional register if such register exists and is requested. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 3. **Multiple vacancies.** If more than one vacancy exists, the supervisor shall certify at least as many names from the register as there are vacancies to be filled, together with any additional names of persons having an examination rating within three points of the person on the certification with the

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highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified on a competitive certification or as that of the ~~third~~ seventh person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are less than ~~seven~~ 15 available candidates on the competitive certification or ~~three~~ seven available candidates on the promotional certification.

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Approved by Revisor _____

total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4670

The attached rules are approved for publication in the State Register

Kathleen M. Traxler

Kathleen M. Traxler
Assistant Revisor

Department of Human Services

Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

Rules as Proposed

9575.0620 CERTIFICATION METHODS.

Subpart 1. **Entrance** Competitive **register.** Upon receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, the supervisor shall certify the ~~seven~~ 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified, from the open-competitive ~~entrance~~ register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

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Approved by Revisor

certification with the highest examination rating, and any additional names of persons having the same examination score as that of the last person certified on a competitive certification or as that of the last person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are fewer than ~~seven~~ 15 available candidates on the competitive certification or ~~three~~ seven available candidates on the promotional certification.

Subp. 4. **Selection for appointment.** The appointing authority may select for appointment anyone among the certified candidates who is eligible for appointment.

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Subp. 6. **Provisional filling of vacancy.** If there is no register that the supervisor deems appropriate, then the vacancy may be filled provisionally as provided for in part 9575.0660.

Subp. 7. **Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in Minnesota Statutes, section 43A.02, subdivision 33, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be

Approved
by Revisor _____

1 certified shall be determined by examination score.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

AGENCY: Department of Human Services

MINNESOTA RULES: Chapter 9575

The attached rules are approved for publication in the State Register

Kathleen M. Traxler
Assistant Revisor

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Certification (Minnesota Rules, part 9575.0620).

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.[1] The statutory authority to adopt the rule is Minnesota Statutes, section 256.012.

All persons have 30[2] days or until 4:30 p.m. on August 24, 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[3] 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.[4] Any person requesting a public hearing should state his or her name and address, and is encouraged to identify[5] 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.[7]

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.[5]

The proposed rule may be modified if the modifications[6] 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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. 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.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900)."

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 7-7-88

SANDRA S. GARDEBRING
COMMISSIONER OF HUMAN SERVICES

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Certification (Minnesota Rules, part 4670.2300).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Health 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, section 144.071.

All persons have 30 days or until 4:30 p.m. on August 24, 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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 7-7-88

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

Department of Public Safety

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Certification (Minnesota Rules, part 9575.0620).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Public Safety 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, section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on August 24, 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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minne a Merit System rules apply to tions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Minnesota Rules, part 7520.0200, subp. 2 makes Minnesota Rules, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to Minnesota Rules, part 9575.0620 would then apply to local and county emergency management agencies. If adopted, the amendments would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 7-7-88

RUDY PERPICH
GOVERNOR

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE SANDRA S. GARDEBRING
COMMISSIONER OF HUMAN SERVICES

BEFORE SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

BEFORE RUDY PERPICH
GOVERNOR

IN THE MATTER OF THE PROPOSED ADOPTION OF

RULES OF THE MINNESOTA MERIT SYSTEM GOVERNING CERTIFICATION METHODS

STATEMENT OF NEED AND REASONABLENESS

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

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

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

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

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

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

4. In conformance with 5 CFR Part 900, Subpart F, the Minnesota Legislature enacted Minn Stat. sec. 12.22 Subd. 3, sec. 144.071 and sec. 256.012[2/], which respectively authorize the Governor, the Commissioner of Health, and the Commissioner of Human Services to adopt necessary methods of personnel administration for implementing merit systems within their individual agencies. Collectively, the resulting programs are referred to as the "Minnesota Merit System".

5. Pursua :o such statutory authority th state agencies have adopted comprehensive administrative rules which regulate administration of the Minnesota Merit System.[3/]

6. The Minnesota Supreme Court has upheld the Authority of the Commissioner of Human Services and by implication that of the Commissioner of Health and the Governor to promulgate personnel rules and regulations. The Court quashed a writ of mandamus brought by the Hennepin County Welfare Board against the county auditor in attempting to force payment of salaries in excess of the maximum rates established by the Director of Social Welfare.[4/] State ex rel. Hennepin County Welfare Board and another v. Robert F. Fitzsimmons, et. al., 239 Minn. 407, 420, 58 N.A. 2d 882, (1953). The court stated:

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

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

3/ Minnesota Rules parts 9575.0010 - 9575.1580, parts 7520.0100 - 7520.1200, and parts 4670.0100 - 4670.4300.

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

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

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

A. Certification Methods

Minnesota Rules, parts 9575.0620 and 4670.2300 (Under the provisions of 7520.0150 Subpart 1, the Department of Human Services rules, parts 9575.0300 to 9575.1300 also apply to the Department of Public Safety's county and local agencies.) Minor amendments are proposed to the titles of Subpart 1 of these two rules substituting the word "competitive" for "entrance." The Merit System needs, whenever practicable, to maintain consistent language throughout its rules. Other references in the rules regarding eligible registers refer to them as competitive or promotional registers. In practice, registers are also commonly referred to as either competitive or promotional registers. Since additional amendments are being proposed to these Subparts, we believe it both reasonable and timely to propose this amendment.

Amendments are proposed to Subpart 1 of these rules increasing the number of available eligibles to be certified from a competitive register from the top seven names plus those with tied scores to the top fifteen names plus those with tied scores. At the time of application, job applicants for Merit System positions are given an opportunity to indicate in what counties they are available for employment, assuming they are placed on the eligible register. Unfortunately, many applicants are less than realistic and initially designate a much broader availability then they really desire.

Obviously, situat s also do change between the t an applicant takes the examination and is subsequently referred to an agency from the register for consideration in filling a vacant position. Applicants seldom inform the Merit System office of any changes in their employment availability. As a consequence of all this, many times agencies find only one or two eligibles from the seven names referred who are still available for an employment interview in that agency. In these situations, agencies will return the certification of names to the Merit System and request additional names of available eligibles on what is known as a supplementary certification. This results in a delay in the hiring process. Several county social service/human service agency directors have expressed concerns from time to time over this delay caused by the non-availability of eligibles. The Merit System has an obligation to not only send agencies qualified eligibles to fill their vacancies but to do so in as timely a manner as possible. The personnel management system administered by the Merit System is statewide in nature covering 78 counties. Some rural county agencies are quite small with as few as ten total staff. Any vacancy in such a small agency represents a significant need and a vacancy for either a social worker or a financial worker, which are the two largest entry level classifications of employees in the Merit System, represents a critical need for the agency. The ability to initially provide agencies with the names of fifteen rather than seven eligibles for consideration in filling vacancies will significantly reduce the number of occasions when agencies must request a supplementary certification of names which, in turn, will significantly reduce the length of time necessary to complete the hiring process.

In summary, there is a demonstrated need to address the issues of supplementary certifications and the time frame necessary to complete the process of notification, interviewing and selection of eligibles to fill vacant positions in county social service agencies. The Merit System has a responsibility to

provide the most efficient and effective personnel services as practicable to agencies. It also has the capability, through the rulemaking process, to address these specific issues. Increasing the number of names certified from the competitive register to fifteen from seven is a reasonable approach to resolving the issue of supplementary certifications leading to delays in the hiring process incurred by county agencies.

Amendments are proposed to Subpart 2 of these rules increasing the number of available eligibles to be certified from a promotional register from the top three names plus those with tied scores to the top seven names plus those with tied scores. The basic rationale for these proposed amendments is the same as for the proposed amendments to Subpart 1 of the rules. Additionally, it should be mentioned that many agencies have a policy of promotion from within wherever it is practicable and many agencies also have been experiencing a growth in their total staff complement. Given that policy and that trend, increasing the number of eligibles certified from a promotional register from three to seven names will allow more current employees the opportunity to be considered for promotional opportunities in many county agencies. Again, it represents a reasonable approach to the matter and furthers a policy of "promotion from within where practicable" which has been adopted by many agencies.

Amendments to Subparts 3 and 5 of these rules merely flow from the proposed amendments to Subparts 1 and 2 of the rules. Obviously, in light of those amendments, it is necessary to change the references in these subparts from seven to fifteen and from three to seven respectively to be consistent with those proposed amendments.

Amendments are proposed to add a new Subpart 7 to parts 9575.0620 and 4670.2300 relating to affirmative action. The Commissioner of the Department of Human Services has recently developed ten departmental priorities, one of which is affirmative action. One of the goals of that priority area is to increase the recruitment and hiring of protected group members. In Minnesota, the welfare system is county administered and state supervised with the supervising agency being the Department of Human Services. Any goals of the department which are shared with counties become goals of the counties as well. The Merit System, which is part of the Department of Human Services, provides personnel management services to county agencies charged with the administration of social service/human service and income maintenance programs. The Department of Human Services has always maintained an Affirmative Action plan applicable to county agencies and to which they must comply. The department has requested the Merit System county agencies to provide information regarding the number of protected group members (women, minorities, Vietnam-era veterans and handicapped) on their respective staffs. The resulting data will be evaluated and a determination made where there is an under-representation of protected group members in the agency's workforce. Those agencies with disparities will be requested to establish hiring goals for protected group members in each of the Merit System disparate job groups (professional, support, clerical and maintenance and trades positions) for a two year period.

The proposed new amendments represent an effort to assist Merit System agencies with disparities in meeting their hiring goals for protected group members. Given the establishment of hiring goals by agencies which represent, for them, a need and the fact that the Merit System exists principally to provide personnel services to agencies, it is not only reasonable but obligatory for the Merit System to provide an appropriate level of assistance to further agency goals in this area.

Several Merit System eligible registers contain the names of protected group members. However, in many instances, they are not high enough on the register to be certified for consideration in filling a vacant position. While the proposed amendments to Subparts 1 and 2 of these rules will, if adopted, provide some relief, it is reasonable to expect that there will still be situations where agencies will not be able to consider a reasonable number of protected group members.

The proposed amendment is self-explanatory and allows, under certain circumstances, for the certification of up to three additional protected group members from each protected group for which a disparity exists in an agency. The order of their certification will be determined by their scores on the examination and they may be considered for appointment on an equal basis with other eligibles certified to the agency. The amendment is patterned after and similar to a provision in the state Department of Employee Relations statute providing for the expanded certification of protected group members to state agencies.

With the establishment of affirmative action hiring goals by Merit System agencies, there is a need for the Merit System to respond in an appropriate manner. These amendments represent a reasonable approach to assisting agencies to meet their affirmative action hiring goals and to further, in general, the consideration of protected group members to fill vacant positions in Merit System agencies. They are also consistent with the state's policy of furthering affirmative action efforts through the expanded certification of protected group members.

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

Ralph W. Corey

Ralph W. Corey

Merit System Supervisor

Dated: June 13, 1988

In the Matter of the Proposed Adoption of the Rule of the State Department of Minnesota Governing Certification

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Nancy Storelee, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 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 which is accurate, complete, and current as of this 21st day of July, 1988.

That on the 21st day of July, 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 Rule by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Nancy Storelee
Name

Clerk Typist III
Title

Subscribed and sworn to before me

this 27 day of July, 1988.

Louise J. Briedel

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

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Certification (Minnesota Rules, part 9575.0620).

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, section 256.012.

All persons have 30 days or until 4:30 p.m. on August 24, 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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. 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.

The Minnesota it System rules provide for a tem of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 7-7-88

SANDRA S. GARDEBRING
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS
TO EXISTING RULES CONCERNING
CERTIFICATION OF ELIGIBLES
(MINNESOTA RULES, PART 4670.2300)

CERTIFICATE

I hereby certify that the list of persons, associations and 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 Health rulemaking mailing list is accurate, complete, and current as of this 19 day of July, 1988.

Bart Machacek f/D. Woodard

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES CONCERNING THE CERTIFICATION OF ELIGIBLES (MINNESOTA RULES, PART 4670.2300)

AFFIDAVIT OF MAILING

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

That on the 20th day of July, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Department of Health for the purpose of receiving notice of intent to adopt a rule without a public hearing by this Department.

Rose Ann Bauer

Subscribed and sworn to before me

this 20 day of July, 1988

Louise J. Breidel

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

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Certification (Minnesota Rules, part 4670.2300).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Health 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, section 144.071.

All persons have 30 days or until 4:30 p.m. on August 24, 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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 7-7-88

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS
TO EXISTING RULES CONCERNING
CERTIFICATION OF ELIGIBLES
(MINNESOTA RULES, PART 9575.0620)

CERTIFICATE

I hereby certify that the list of persons, associations and 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 Public Safety rulemaking mailing list is accurate, complete, and current as of this 19th day of July, 1988.

Barbara J Johnson

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES CONCERNING THE CERTIFICATION OF ELIGIBLES (MINNESOTA RULES PART 9575.0620)

AFFIDAVIT OF MAILING

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

That on the 20th day of July, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Department of Public Safety for the purpose of receiving notice of intent to adopt a rule without a public hearing by this Department.

Rose Ann Bauer

Subscribed and sworn to before me

this 20 day of July, 1988

Louise J. Breidel

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

Department of Public Safety

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Certification (Minnesota Rules, part 9575.0620).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Public Safety 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, section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on August 24, 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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minne a Merit System rules apply to tions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Minnesota Rules, part 7520.0200, subp. 2 makes Minnesota Rules, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to Minnesota Rules, part 9575.0620 would then apply to local and county emergency management agencies. If adopted, the amendments would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 7-7-88

RUDY PERPICH
GOVERNOR

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE PROPOSED ADOPTION OF THE RULES OF THE STATE DEPARTMENT OF HUMAN SERVICES GOVERNING CERTIFICATION

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 21st day of July, 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
.15 County Agency Personal Directors
.14 Unions
.3 Merit System Council Members
.1 DHS Affirmative Action Director
.74 Chairpersons of County Boards Under the Merit System

Nancy Storelee

Subscribed and sworn to before me

this 27 day of July, 1988

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 the Rule of the State Department of Human Services Governing Certification (Minnesota Rules, part 9575.0620).

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, section 256.012.

All persons have 30 days or until 4:30 p.m. on August 24, 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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. 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.

The Minnesota it System rules provide for a tem of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 7-7-88

SANDRA S. GARDEBRING
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING CERTIFICATION OF ELIGIBLES (MINNESOTA RULES 4670.2300)

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 20th day of July, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice, by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following parties:

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

Rose Ann Bauer

Sbuscribed and sworn to before me

this 20 day of July, 1988

Louise J. Breidel

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

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Certification (Minnesota Rules, part 4670.2300).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Health 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, section 144.071.

All persons have 30 days or until 4:30 p.m. on August 24, 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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 7-7-88

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

The Minne a Merit System rules apply to .tions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

Minnesota Rules, part 7520.0200, subp. 2 makes Minnesota Rules, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to Minnesota Rules, part 9575.0620 would then apply to local and county emergency management agencies. If adopted, the amendments would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Date: 7-7-88

RUDY PERPICH
GOVERNOR

Department of Public Safety

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Certification (Minnesota Rules, part 9575.0620).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Public Safety 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, section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on August 24, 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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING THE CERTIFICATION OF ELIGIBLES (MINNESOTA RULES, PART 9575.0620)

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 20th day of July, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice, by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid to the following parties:

Merit System Council - 3
Local and County Emergency Management Agencies - 22
Affirmative Action Director, Department of Human Services

Rose Ann Bauer

Subscribed and sworn to before me

this 20 day of July, 1988

Louise J. Breidel

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

Eleanor Weber
Rules Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3816

Oral statements will be received during regular business hours over the telephone at (612) 297-4301 by Eleanor Weber and in person at the above address.

All statements of information and opinions shall be accepted until further notice. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Departments of Human Services, Health and Public Safety

Merit System

Notice of Intent to Solicit Outside Opinion Concerning Merit System Rules

Notice is hereby given that the Minnesota Department of Human Services, the Minnesota Department of Health and the Minnesota Department of Public Safety are considering proposed amendments to rules on certification of eligibles.

The rules affected will be *Minnesota Rules*, parts 9575.0620 and 4670.2300.

The agency's authority to amend the proposed rules is contained in *Minnesota Statutes*, sections 256.012, 144.071 and 12.22, subd. 3.

All interested or affected 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:

Ralph W. Corey
Minnesota Merit System
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3822

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

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

Department of Jobs and Training

Unemployment Insurance Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to the Rules Relating to Unemployment Compensation Employer Taxes Including the Impact of the Rules on Small Businesses

Notice is hereby given that the State Department of Jobs and Training is seeking information or opinions from sources outside the agency in proposing to adopt amendments to the rules relating to unemployment compensation employer taxes. Of special interest are amendment provisions concerning employment contributions and reimbursements. The rule amendments are being proposed to interpret those parts of *Minnesota Statutes*, sections 268.03 to 268.24 which impose taxes on employers for purposes of the unemployment compensation program. These rules are being developed as authorized by *Minnesota Statutes* section 268.021, which permits the Commissioners of the Department of Jobs and Training to adopt rules governing programs the Commissioner administers under *Minnesota Statutes*, Chapter 268.

Outside opinion is also being solicited as to how those rules will affect small businesses as defined by *Minnesota Statutes*, section 14.115, subdivision 1.

Minnesota State Arts Board

Board Meeting

The Minnesota State Arts Board will hold a regular business meeting on Thursday, May 21, 1988. The meeting will be held at the Arts Board offices, 432 Summit Avenue, Saint Paul and will begin at 9:00 a.m.

Agenda items include the selection of Artist Assistance fellowship grantees for Prose, Poetry, and Theater Arts, and the state's first recipients of Folk Arts Apprenticeship grants.

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Amendments to Rules Regarding Unfair Practices with Respect to Motor Vehicle Fuel Franchise Agreements Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to amend current rules regarding unfair practices with respect to motor vehicle fuel franchise agreements. Promulgation of these amendments to rules is authorized by *Minnesota Statutes* § 80C.18 and § 45.023.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes* § 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to:

Richard G. Gomsrud
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and comment shall be accepted until June 15, 1988. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Departments of Human Services, Health, and Public Safety

End of Soliciation Period for Comments Concerning Merit System Rules

Notice is hereby given that the comment period for the notice of intent to solicit outside opinion concerning Minnesota Merit System rules, published in the *State Register* March 28, 1988, will end on May 23, 1988.

Questions concerning the comment period may be addressed to:

Ralph W. Corey
Minnesota Merit System
Second Floor, Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3822

3822

1530.0810 EXAMINATION OF MILK AND MILK PRODUCTS.

Sampling procedures and laboratory examinations ~~shall~~ must be in substantial compliance with the ~~14th~~ current edition of Standard Methods for the Examination of Dairy Products of the American Public Health Association, and the ~~13th~~ current edition of Official Methods of Analysis of the Association of Official Analytical Chemists.

Dairy plants shall submit for testing a representative sample of raw milk from each producer to a certified laboratory approved by the department. For Grade A producers, the sampling frequency must be as outlined in the current edition of the Grade A Pasteurized Milk Ordinance, and for manufacturing grade producers, as outlined in the *Federal Register* for April 7, 1972, volume 37, number 68, part II.

Dairy plants shall report these analyses to the regulatory agency monthly and in a manner that assures timely enforcement procedures.

After notice and opportunity for a hearing, the department may withdraw approval of any laboratory if tests are not conducted in accordance with prescribed laboratory test procedures, or test reports or results are fraudulent or inaccurate.

REPEALER. *Minnesota Rules,* parts 1525.0510; 1525.0520; 1525.0550; 1525.1470, subpart 3; 1525.2030; 1525.2040; 1525.2050; 1525.2060; 1525.2070; 1525.2090; 1525.2100; 1525.2110; 1525.2120; 1525.2130; 1525.2140; 1525.2150; 1525.2160; 1525.2170; 1525.2180; 1525.2190; 1525.2200; 1525.2210; 1525.2220; 1525.2230; 1525.2240; 1525.2250; 1525.2260; 1525.2270; 1525.2280; 1525.2290, are repealed.

Department of Health

Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Health 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,* section 144.071.

All persons have 30 days or until 4:30 p.m. on August 24, 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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 7 July 1988

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4670.2300 CERTIFICATION METHODS.

Subpart 1. ~~**Entrance**~~ Competitive **register.** After receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, ~~he~~ the supervisor shall certify the ~~seven~~ 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified, from the open competitive ~~entrance~~ register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 2. **Promotional register.** The supervisor may also certify the ~~three~~ seven highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~third~~ seventh name certified, from the appropriate promotional register if such register exists and is requested. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 3. **Multiple vacancies.** If more than one vacancy exists, the supervisor shall certify at least as many names from the register as there are vacancies to be filled, together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified on a competitive certification or as that of the ~~third~~ seventh person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are less than ~~seven~~ 15 available candidates on the competitive certification or ~~three~~ seven available candidates on the promotional certification.

Subp. 4. **Selection for appointment.** The appointing authority may select for appointment anyone among the certified candidates who is eligible for appointment.

Subp. 5. **Inadequate registers.** When the number of names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than ~~seven~~ 15 on a competitive certification or ~~three~~ seven on a promotional certification, and there are fewer than three different names on all registers combined, the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. **Provisional appointments.** If there is no register that the supervisor deems appropriate, then the vacancy may be filled provisionally as provided for in part 4670.2510, subpart 1.

Subp. 7. **Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in *Minnesota Statutes*, section 43A.02, subdivision 33, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

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.

Department of Human Services

Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

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,* section 256.012.

All persons have 30 days or until 4:30 p.m. on August 24, 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 according to *Minnesota Statutes,* sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. 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.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 *CFR* Part 900).

If adopted, the proposed changes would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of *Minnesota Statutes,* section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 a written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 7 July 1988

Sandra S. Gardebring
Commissioner of Human Services

Rules as Proposed

9575.0620 CERTIFICATION METHODS.

Subpart 1. ~~**Entrance**~~ Competitive **register.** Upon receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, the supervisor shall certify the ~~seven~~ 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified, from the open-competitive ~~entrance~~ register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 2. **Promotional register.** The supervisor may also certify the ~~three~~ seven highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination scores as that of the ~~third~~ seventh name certified, from the appropriate promotional register if such register exists and is requested. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 3. **Certification for more than one vacancy.** If more than one vacancy exists, the supervisor shall certify at least as many names from the register as there are vacancies to be filled, together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the last person certified on a competitive certification or as that of the last person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are fewer than ~~seven~~ 15 available candidates on the competitive certification or ~~three~~ seven available candidates on the promotional certification.

Subp. 4. **Selection for appointment.** The appointing authority may select for appointment anyone among the certified candidates who is eligible for appointment.

Subp. 5. **Too few names on a certification.** When the number of names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than ~~seven~~ 15 on a competitive certification or ~~three~~ seven on a promotional certification, and there are fewer than three different names on all registers combined, the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. **Provisional filling of vacancy.** If there is no register that the supervisor deems appropriate, then the vacancy may be filled provisionally as provided for in part 9575.0660.

Subp. 7. **Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in *Minnesota Statutes,* section 43A.02, subdivision 33, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

Department of Public Safety

Proposed Permanent Rules Relating to Merit System; Certification of Candidates Eligible for Appointment

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety 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,* section 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on August 24, 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.

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.

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: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 free copy of the proposed rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to positions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 *CFR* Part 900).

Minnesota Rules, part 7520.0200, subp. 2 makes *Minnesota Rules*, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to *Minnesota Rules*, part 9575.0620 would then apply to local and county emergency management agencies. If adopted, the amendments would increase the number of names referred to counties on a competitive certification from seven to 15 and on a promotional certification from three to seven. The proposed rule changes would also provide for expanded certification to an agency when a disparity exists between an agency's work force and its approved affirmative action plan.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822 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. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 7 July 1988

Rudy Perpich
Governor

Rules as Proposed

9575.0620 CERTIFICATION METHODS.

Subpart 1. ~~**Entrance**~~ **Competitive register.** Upon receiving a requisition, the supervisor shall certify the names of available eligibles. If one position is involved, the supervisor shall certify the ~~seven~~ 15 highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the ~~seventh~~ 15th person certified, from the open-competitive ~~entrance~~ register established for the class of positions. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 2. **Promotional register.** The supervisor may also certify the ~~three~~ seven highest available names together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination scores as that of the ~~third~~ seventh name certified, from the appropriate promotional register if such register exists and is requested. Names of available eligibles from the appropriate reemployment register, if one exists, shall also be certified as additional names.

Subp. 3. **Certification for more than one vacancy.** If more than one vacancy exists, the supervisor shall certify at least as many names from the register as there are vacancies to be filled, together with any additional names of persons having an examination rating within three points of the person on the certification with the highest examination rating, and any additional names of persons having the same examination score as that of the last person certified on a competitive certification or as that of the last person certified on a promotional certification. Supplementary certifications will be issued only in instances in which it is found that there are fewer than ~~seven~~ 15 available candidates on the competitive certification or ~~three~~ seven available candidates on the promotional certification.

Subp. 4. **Selection for appointment.** The appointing authority may select for appointment anyone among the certified candidates who is eligible for appointment.

Subp. 5. **Too few names on a certification.** When the number of names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than ~~seven~~ 15 on a competitive certification or ~~three~~ seven on a promotional certification, and there are fewer than three different names on all registers combined, the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. **Provisional filling of vacancy.** If there is no register that the supervisor deems appropriate, then the vacancy may be filled provisionally as provided for in part 9575.0660.

Subp. 7. **Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in *Minnesota Statutes*, section 43A.02, subdivision 33, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

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.

Board of Animal Health

Adopted Permanent Rules Relating to Importation of Swine into Minnesota; State-Federal Approved Markets for Swine

The rules proposed and published at *State Register*, Volume 12, Number 44, pages 2377-2378, May 2, 1988 (12 S.R. 2377) are adopted as proposed.

Department of Human Services

Adopted Permanent Rules Relating to Licensing Requirements for Child Care Centers

The rules proposed and published at *State Register*, Volume 12, Number 26, pages 1296-1325, December 28, 1987 (12 S.R. 1296) are adopted with the following modifications:

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STATE OF MINNESOTA
DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing Certification of Eligibles (Minnesota Rules, part 9575.0620)

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 July 25, 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 July 21, 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 above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, part 9575.0620 (as modified) is adopted this 31 day of August, 1988, pursuant to authority vested in me by Minnesota Statutes, section 256.012.

for Julie Brunner

SANDRA S. GARDEBRING
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Certification of Eligibles (Minnesota Rules, part 4670.2300)

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 July 25, 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 July 20, 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 above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, part 4670.2300 (as modified) is adopted this 1st day of September, 1988, pursuant to authority vested in me by Minnesota Statutes, section 144.071.

/s/ Mary Madonna Ashton
SISTER MARY MADONNA ASHTON
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing Certification of Eligibles (Minnesota Rules, part 9575.0620)

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

Notice of the Governor's intent to adopt the above-entitled rule was published in the State Register on July 25, 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 July 20, 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 above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, part 9575.0620 (as modified) is adopted this ____ day of September, 1988, pursuant to authority vested in me by Minnesota Statutes, section 12.22, subd. 3.

RUDY PERPICH
Governor

In the Matter of the Adoption of the Rule of the State Departments of Human Services, Health and Public Safety Governing Certification of Eligibles (Minnesota Rules, parts 9575.0620 and 4670.2300)

DECLARATION OF COUNSEL

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

James B. Alexander

James Alexander
Special Assistant Attorney General

Dated: 9-13-88

MINNESOTA MERIT SYSTEM

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

HUMAN SERVICES BUILDING
444 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155-3822
612/296-3996

DATE: September 13, 1988

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

FROM: Ralph W. Corey
Merit System Supervisor

SUBJECT: Review of a Rule Adopted Without a Public Hearing; Rules Relating the Merit System, Minnesota Rules, parts 9575.0620 and 4670.2300.

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.

Please note no requests, submissions or comments on the rule were received.

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 rule to the Attorney General.

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