

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJC

RULE REVIEW CHECKLIST

File No. 1742
DATE RECEIVED Sept 25, 1990
REVIEW DATE 10-5-90
DUE DATE 10-9-90
(DIS)APPROVED 10-8-90 mjc
WITHDRAWN _____

Docket No. 05 0009 0612
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 10-2-90
REVISOR (DIS)APPROVED _____
FILED W/SEC. OF STATE _____
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/Opinion (if applicable)
_____ Date published in State Register
_____ Comments

_____ Petition for Adoption of a Rule

_____ Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
175.171 (1) * Statutory Authority
✓ Small Business Statement
_____ Expenditure of public money statement
7-13-90 Signature

✓ Statement of Need and Reasonableness (if applicable)
NA Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
July 27, ~~Aug 15, 1990~~ Dated (30/25 days before adoption
✓ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
July 30, 1990 Date (30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of ~~comment period~~ (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
_____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Sept 13, 1990 Date

_____ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Scott Strand Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

* See my notes

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: October 9, 1990

TO: DONALD G. JACKMAN
Director
Division of Labor Standards

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to
Master Job Classifications for Prevailing Wage Determinations

The above-referenced rule has been approved as to its legality by the Attorney General on October 8, 1990.

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

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of tne notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MC:sc

cc: William Brown, Chief Judge
MaryAnn Hruby
Scott Strand

STATE OF MINNESOTA
Department of Labor and Industry
Labor Standards Division

In the Matter of the Proposed
Adoption of a Rule of the State
Department of Labor and Industry,
Labor Standards Division, Governing
Prevailing Wages

STATEMENT OF NEED AND REASONABLENESS

The proposed rule amends the list of workers subject to the "prevailing wage" law contained in Minnesota Statutes, section 177.41-177.44 (1988). The prevailing wage statutes and rules establish the procedures by which the Department of Labor and Industry sets a minimum wage for workers on construction projects[1] financed in whole or in part by state funds.

A list of master job classifications specifically subject to the prevailing wages as set by the Department is contained in Minnesota Rules, part 5200.1100. The proposed rule adds the category of "asbestos abatement worker" as class 435 in subpart 5. This class of workers is now prevalent in the state construction industry. When the current list of special crafts was compiled and promulgated as a rule in 1977, this class of workers did not exist or did not exist in sufficient numbers to justify a rate classification specifically for such work. The Minnesota Asbestos Abatement Contractors Association has recently requested that the Department propose this rule.

Because of the hazardous nature of asbestos-containing materials, Congress passed the Asbestos Hazard Emergency Response Act of 1986 (AHERA), 40 CFR, Part 763, Subp. E. AHERA requires local education agencies to identify asbestos-containing materials in their school buildings and take appropriate actions to control the release of asbestos fibers. The deadline for local education agencies to begin implementation of a management plan to do so was July 9, 1989; completion of the plan is to be done in a timely fashion. Public schools, as recipients of state funding because they operate from public buildings, must pay prevailing wages for erection, construction, remodeling, or repair work, including work on asbestos abatement projects. (Minn. Stat. § 177.41; 177.42, subd. 2; 177.43 (1988)

The Minnesota Asbestos Abatement Act, passed in 1987, requires licensure of all persons performing "asbestos-related work." Minn. Stat. § 326.72, subd. 1 (1988). "Asbestos-related work" is defined as "the enclosure, removal, or encapsulation of asbestos-containing material in a quantity that meets or exceeds the U. S. Environmental Protection Agency's requirement of 260 lineal feet of friable asbestos on pipes or 160 square feet of friable asbestos on other facility components." Minn. Stat. § 326.71, subd. 4 (1988).

The Commissioner of the Minnesota Department of Health issues a license to asbestos abatement contractors pursuant to Minn. Stat. § 326.72 (1988) and Minn. Rules, part 7005.1613, for all asbestos-related work in the state of Minnesota, and certifies asbestos abatement site supervisors and asbestos abatement workers pursuant to Minn. Stat. § 326.73 (1988) and Minn. Rules, part 7005.1614. This rule does not in any respect change the licensing, permit, certification, or other requirements for asbestos abatement work except that

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[1] As defined by Minn. Stat. §177.42, subd. 2 (1988)

a minimum prevailing rate for asbestos abatement workers on state projects would be certified by the Department of Labor and Industry as the minimum pay rate for these workers.

Since 1973 when the prevailing wage law was first enacted, the asbestos abatement work in public buildings has increased from none or virtually none, to contracts totalling approximately $5,520,000 for the two-year period which ended December 31, 1989. While the Minnesota Department of Administration is not certain of the dollar value of state asbestos abatement contracts for the coming biennium, the figure is expected to exceed five and a half million dollars. Because of the amount of asbestos abatement work presently occurring as well as anticipated future projects, a rate is needed for this classification in order to ensure fair compensation for this class of workers and to promote high quality work. State agencies letting bids on abatement work and contractors performing such work may better estimate liability for wages if a certified rate is included in bid specifications.

Failure to certify this class of workers may result in an underpayment to some workers, a result contrary to the letter and spirit of Chapter 177.

IMPACT ON SMALL BUSINESS

Minnesota Statutes § 14.115 requires an agency to fulfill several requirements when promulgating rules which may affect small business.

Subdivision 1 permits an agency to include more employees than the 50 stated in Item C if necessary to adapt the rule to the needs and problems of small business. The Department reviewed the rules and declines this option as the rule is not dependent on the number of employees a company has on its payroll.

Subdivision 2 requires an agency to consider five methods of listing the adverse impact on small business. The Department has considered each of the five methods and has reached the following conclusions:

A. Establishing less stringent compliance or reporting requirements. The Department has determined the Item A is not applicable as the rule does not include any reporting requirements.

B. Less stringent schedules or deadlines for compliance on reporting requirements. The Department has determined that Item B is not applicable as the rule does not include schedules or deadlines for compliance.

C. Consolidation or simplification of compliance or reporting requirements. The Department has determined that Item C is not applicable as the rule does not prescribe any reports and therefore, there are no reports to consolidate or simplify.

D. Establishment of performance standards to replace design or operational standards. This method does not apply as there are no design or operational standards contained in the rule.

E. The exemption of small business from any or all requirements. This method is clearly contrary to the statutory objectives that are the basis of the proposed amendment to the rule. The majority of asbestos abatement

contractors are probably small businesses; any exemption for small businesses from prevailing wage requirements would violate the statutory mandate to pay prevailing wages and thereby circumvent the legislative directive. The rule assists small business by setting a standard rate so that a smaller company is not easily underbid by a larger company which has more options in adjusting the various costs involved in funding the project. The prevailing wage law encourages competition based on non-wage costs rather than taking the lowest bid at the expense of underpayment to the worker.

FISCAL IMPACT

This rule will not have a significant impact on the costs of projects covered by the prevailing wage determination law because the rates will be approximately the same as the existing wage rates. The rates will be approximately the same because they will be calculated based on a survey of current industry rates. Some employers will be positively impacted and others negatively impacted. In other words, employers now paying more than the prevailing rate will have an opportunity to decrease wages if not precluded from doing so by contract. Other employers will be required to increase wages to attain the prevailing rate. Still other employers will simply pay the same rate. Overall, wages will be approximately the same; the prevailing wage is simply the market rate in the community for the type of work in each class.

Any additional cost would be minor pursuant to Minn. Stat. §3.983, subd. 3(5) (Supp. 1989). Any additional cost, should there be any, would clearly not exceed $100,000 in one year under Minn. Stat. §14.11, subd. 1 (1988) and likewise would not exceed three million dollars statewide under Minn. Stat. §3.983, subd. 3(5) (.00242 x $130,750,969,473 [taxable property in the state in 1989] = $3,164,173). Therefore, a fiscal note need not be prepared.

SUMMARY

In summary, the new amendment to existing rules proposed for adoption is necessary to fulfill the Department's obligations and duties under the provisions of the prevailing wage law and to assure that the wages of laborers engaged in state projects are comparable to the wages paid for similar work in the community as a whole.

forecast in the first quarter of the calendar year by the Home Health Agency Market Basket of Operating Costs, Health Care Costs, unless otherwise adjusted by statute. The Home Health Agency Market Basket of Operating Costs is published by Data Resources, Inc., and is revised quarterly. The Home Health Agency Market Basket of Operating Costs is incorporated by reference and is available for inspection at the Department of Human Services, Division of Reports and Statistics, Third Floor, 444 Lafayette Road, Saint Paul, Minnesota 55155, and through the Minitex interlibrary loan system.

[For text of subps 3 to 6, see M.R.]

REPEALER. *Minnesota Rules,* part 9505.2445, subpart 2, is repealed.

Department of Labor and Industry

Proposed Permanent Rules Relating to Master Job Classifications For Prevailing Wage Determinations

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry 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 found in *Minnesota Statutes* section 175.171 (1) (1988) and *Minnesota Statutes,* sections 177.41-177.44 (1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Public 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:

Donald G. Jackman
Director, Division of Labor Standards
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155
(612) 297-3349

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

A copy of the proposed rule is attached to this notice.

The rule proposed for adoption adds the master job classification of asbestos abatement worker to the rules governing payment of prevailing wages on state-funded construction projects.

A free copy of the rule is available upon request from Donald Jackman at the above address and telephone number.

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 Donald Jackman upon request.

The rule will set the prevailing rate for asbestos abatement workers on state-funded construction projects. Small businesses currently paying less than the prevailing rate will be required to increase the rate paid to these workers, and small businesses currently paying more than the prevailing rate may have the option of decreasing the rate paid to these employees on future projects, subject to contract

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.

agreements. Therefore, the impact on small business varies by company. Further information concerning the impact of the proposed rule on small businesses is contained in the Statement of Need and Reasonableness.

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 submisson of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Don Jackman at the above address and telephone number.

Dated: 13 July 1990

Ken Peterson
Commissioner

Rules as Proposed

5200.1100 MASTER JOB CLASSIFICATIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Special crafts.**

Code No.	Position Title
401	Asbestos workers
402	Boilermakers
403	Bricklayers
404	Carpenters
405	Carpet layers (linoleum)
406	Cement masons
407	Electricians
408	Elevator constructors
409	Glaziers
410	Lathers
411	Groundman
412	Ironworkers
413	Lineman
414	Millwright
415	Painters
416	Piledriverman
417	Pipefitters - steamfitters
418	Plasterers
419	Plumbers
420	Roofer
421	Sheet metal workers
422	Sprinkler fitters
423	Terrazzo workers
424	Tile setters
435	Asbestos abatement worker

Wage determinations shall be made for other classifications not listed if such other classifications are in general use in the area being surveyed.

Pollution Control Agency

Proposed Permanent Rules Relating to Underground Storage Tanks

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) 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* §§ 14.22 to 14.28 (1988). The MPCA's authority to adopt the rule is set forth in *Minnesota Statutes* § 116.49 (1988).

Department of Labor and Industry

Adopted Permanent Rules Relating to Master Job Classifications For Prevailing Wage Determinations

Rules as Adopted

5200.1100 MASTER JOB CLASSIFICATIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Special crafts.**

Code No.	Position Title
401	Asbestos workers
402	Boilermakers
403	Bricklayers
404	Carpenters
405	Carpet layers (linoleum)
406	Cement masons
407	Electricians
408	Elevator constructors
409	Glaziers
410	Lathers
411	Groundman
412	Ironworkers
413	Lineman
414	Millwright
415	Painters
416	Piledriverman
417	Pipefitters - steamfitters
418	Plasterers
419	Plumbers
420	Roofer
421	Sheet metal workers
422	Sprinkler fitters
423	Terrazzo workers
424	Tile setters
435	Asbestos abatement worker

Wage determinations shall be made for other classifications not listed if such other classifications are in general use in the area being surveyed.

APPROVED AS TO FORM AND LEGALITY

October 18 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJCassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 08 1990
Joan Anderson Growe
Secretary of State
4:15 P.M.
M

Stat Auth

MN Stat 177.41 - 177.44 (1988)

State Projects and State Highways Const.

Public Policy

175.171 (1) (1988) (cited in Notice of Intent)

(1) The department of Labor and Industry shall have the following powers and duties:

(2) To adopt reasonable and proper rules

The section (1) cited states to exercise all powers and perform all duties of the department. They should have cited section (2) in the Notice of Intent

Findings of Fact

K (5) Did not state the number of people that requested a hearing

Minnesota
Department of Labor and Industry

443 Lafayette Road
St. Paul, Minnesota 55155
(612) 296-6107

Telecommunication Device
for the Deaf (612) 297-4198

FAX (612) 297-1329

September 24, 1990

Patti Nolte
Public Finance Division
Attorney General's Office
525 Park Street, Suite 500
St. Paul, Minnesota 55103

Re: Proposed Permanent Rule of the Minnesota Department of Labor and Industry Concerning Master Job Classifications for Prevailing Wage Determinations

Dear Ms. Nolte:

Enclosed please find rulemaking documents in the above matter for approval by the Attorney General. The Declaration of Counsel was signed by Assistant Attorney General Scott Strand on September 19, 1990.

Should you have any questions, please feel free to contact me at 297-4791.

Sincerely,

Penny Johnson

Penny Johnson
Staff Attorney

PJ/cb

Enclosure

Celebrate MINNESOTA 1990

An Equal Opportunity Employer

Minnesota
Department of Labor and Industry

Labor and Industry Building
443 Lafayette Road
St. Paul, Minnesota 55101
(612) 296-6107

Telecommunication Device
for the Deaf (612) 297-4198

September 17, 1990

RECEIVED
SEP 18 1990
ATTORNEY GENERAL'S OFFICE
SUITE 200
520 LAFAYETTE ROAD
ST. PAUL, MN 55155

Scott Strand, Manager
Labor & Agriculture
Law Division
Attorney General's Office
520 Lafayette Road, Suite 200
St. Paul, Minnesota 55155

Re: Prevailing Wage Rule on Asbestos Abatement Workers

Dear Mr. Strand:

Concerning the above rule, enclosed please find for your review:

1. Request by the Minnesota Asbestos Abatement Contractors Association dated July 5, 1990 to adopt a rule. (Please ignore my handwritten editorial notes on the attachment to this request).

2. Proposed Rule, including Revisors' Certificate.

3. Notice of Intent to Adopt a Rule Without a Public Hearing.

4. Statement of Need and Reasonableness.

5. Affidavit of Mailing the Notice of Intent to Adopt a Rule Without a Public Hearing and Certificate of Mailing List.

6. Notice of Intent to Adopt a Rule Without a Public Hearing as published in the State Register on July 30, 1990.

7. Four copies of the Rule as Adopted.

8. Findings of Fact, Conclusions of Law and Order Adopting Rule.

9. Declaration of Counsel.

Please note that we did not solicit outside information or opinion on this very simple, straightforward rule. Therefore, you will not find a Notice of Solicitation of Outside Information or Opinion in the packet. We did not receive any comment's any requests for Notice of Submission to the Attorney General.

If the rule and accompanying documents meets with your approval, please return them to me for forwarding to the Public Finance Division of the Attorney General's office. If you choose to forward the rule directly, please send me a copy of your transmittal memo and the original Declaration of Counsel for the official file. Thank you for your assistance.

Sincerely,

WORKERS' COMPENSATION DIVISION

Penny Johnson

Penny Johnson
Staff Attorney

PJ/cm

Enclosures

Minnesota Asbestos Abatement Contractors Association

RECEIVED

JUL 9 1990

DIVISION OF
LABOR STDS

July 5, 1990

Don Jackman
Director
Labor Standards Division
Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155

Re: Classification For Asbestos Abatement

Dear Mr. Jackman:

On behalf of the Minnesota Asbestos Abatement Contractors Association, I request that your office consider implementing a wage rate classification for those removing asbestos for purposes of paying prevailing wages on state funded construction projects.

Enclosed is a description of work that is undertaken by an asbestos abatement specialist. This description is also recognized by the statute regulating asbestos abatement projects.

Thank you for your consideration in this matter, and please contact me if our office may be of some assistance.

Very truly yours,

MATTHEW WINKEL

MW/lab

enc.

3433 Broadway Street N.E., Suite 250 • Minneapolis, Minnesota 55413 • 612-378-9526

RECEIVED
JUL 9 1990
DIVISION OF
LABOR STDS

ASBESTOS ABATEMENT SPECIALIST

Description of Work

The work of ~~The nature of work undertaken by~~ an asbestos abatement specialist involves ~~the construction of any type of enclosure mechanism for the purpose of containing~~ asbestos being ~~released as a result of abatement; the~~ removal ~~of~~ asbestos or asbestos-containing material by whatever means; or ~~the~~ encapsulation ~~of~~ asbestos/asbestos-containing material; and any other related tasks necessary to accomplish an asbestos abatement project.

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry, Labor Standards Division, Governing Prevailing Wages

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Department of Labor and Industry 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 found in Minnesota Statutes, section 175.171 (2) (1988) and Minnesota Statutes, sections 177.41 - 177.44 (1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Public 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:

Donald G. Jackman
Director, Division of Labor Standards
Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155
(612) 297-3349

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

A copy of the proposed rule is attached to this notice.

The rule proposed for adoption adds the master job classification of asbestos abatement worker to the rules governing payment of prevailing wages on state-funded construction projects.

A free copy of the rule is available upon request from Donald Jackman at the above address and telephone number.

(12) **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 Donald Jackman upon request.

The rule will set the prevailing rate for asbestos abatement workers on state-funded construction projects. (14) Small businesses currently paying less than the prevailing rate will be required to increase the rate paid to these workers, and small businesses currently paying more than the prevailing rate may have the option of decreasing the rate paid to these employees on future projects, subject to contract agreements. Therefore, the impact on small business varies by company. Further information concerning the impact of the proposed rule on small businesses is contained in the Statement of Need and Reasonableness.

(9) 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 Don Jackman at the above address and telephone number.

7-13-90
Date

Ken Peterson
Commissioner

Department of Labor and Industry

Proposed Permanent Rules Relating to Master Job Classifications For Prevailing Wage Determinations

Rules as Proposed

5200.1100 MASTER JOB CLASSIFICATIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Special crafts.**

Code No.	Position Title
401	Asbestos workers
402	Boilermakers
403	Bricklayers
404	Carpenters
405	Carpet layers (linoleum)
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409	Glaziers
410	Lathers
411	Groundman
412	Ironworkers
413	Lineman
414	Millwright
415	Painters
416	Piledriverman
417	Pipefitters - steamfitters
418	Plasterers
419	Plumbers
420	Roofer
421	Sheet metal workers
422	Sprinkler fitters
423	Terrazzo workers
424	Tile setters
<u>435</u>	<u>Asbestos abatement worker</u>

Wage determinations shall be made for other classifications not listed if such other classifications are in general use in the area being surveyed.

Approved by Revisor PMM

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Master Job Classifications for Prevailing Wage Determinations

AGENCY: Department of Labor and Industry

MINNESOTA RULES: Chapter 5200

The attached rules are approved for publication in the State Register

Paul M. Marinac
Assistant Deputy Revisor

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Amendment of the Proposed Adoption of the Rule of the State Department of Labor and Industry, Labor Standards Division, Governing Prevailing Wages

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

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on July 30, 1990 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 27, 1990. (2) 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.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking.

(7) 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:

1. That the Department has complied with all procedural requirements of law or rule adopting the proposed amendments.

2. That the Department has acted within its statutory authority in adopting this proposed amendments.

(8) 3. That the above captioned amendment is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, part 5200.1100, subp. 5, Code 435 is adopted this 13th day of September, 19 90, pursuant to authority vested in me by Minnesota Statutes, section 175.171 and 177.41-177.44 (1988).

(9)

Ken Peterson
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Amendment of the Proposed Adoption of the Rule of the State Department of Labor and Industry, Labor Standards Division, Governing Prevailing Wages

DECLARATION OF COUNSEL

I, SCOTT STRAND, ~~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 0612.

~~Special~~ Assistant Attorney General

Dated: 9/19/90

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry Labor Standards Division, Governing Prevailing Wages

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)

Jaci Rogers, 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 Labor and Industry, Labor Standards Division Prevaling Wage rulemaking mailing list is accurate, complete, and current as of this 15 day of August, 1990.

That on the 27 day of July, 1990, 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 United States mailing a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Jaci Rogers
Jaci Rogers
Labor Standards Division

Subscribed and sworn to before me
this 15 day of August, 1990.

Robert J Roppe

ROBERT J. ROPPE
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES NOVEMBER 19, 1992