

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: January 2, 1991

TO: RALPH W. COREY
Minnesota Merit System

FROM: MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Rule Relating to Merit System

The above-referenced rules have been approved as to their legality by the Attorney General on December 28, 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 the 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.

MJC:sc

cc: Craig Anderson
William Brown, Chief Judge
MaryAnn Hruby

MJC

RULE REVIEW CHECKLIST

File No. 1775
DATE RECEIVED 12-19-90
REVIEW DATE 12-28-90
DUE DATE 1-2-91
(DIS)APPROVED 12-28-90
WITHDRAWN _____

Docket No. 05.0009.0859
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 12-21-90
REVISOR (DIS)APPROVED _____
FILED W/SEC. OF STATE _____
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
August 6, 1990 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
256.012 Statutory Authority
_____ Small Business Statement
_____ Expenditure of public money statement
10-22-90 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 all 3 mailed 1st Class.
Oct 31, 1990 Dated 30/25 days before adoption
✓ Notice attached indicates it is on the 31
attached
_____ Copy of rule or summary attached

✓ Publication in State Register
November 5, 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
✓ Date Human Services = Dec 14, 1990 Health = Dec 12, 1990 Public Safety December 17, 1990

_____ Written Requests, Submissions or Comments

_____ Declaration of Attorney
Craig Anderson Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if

Department of Public Safety

Adopted Permanent Rules Relating to Merit System

Rules as Adopted

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1991; PROFESSIONAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Administrative Officer Assistant	1832	2737
Emergency Management Director	1675	2510
Communications Officer	1603	2392
Operations Officer	1832	2737
Public Information Officer	1832	2737
Radiological Officer	1603	2392
Safety Services Coordinator	1832	2737

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), 1991; CLERICAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	882	1435
Clerk II	1026	1675
Clerk III	1197	1790
Clerk-Typist I	963	1565
Clerk-Typist II	1026	1675
Clerk-Typist III	1282	1918
Clerk-Steno	1026	1675

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 07 1991

Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
December 28 1990
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Crassely
SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Health

Adopted Permanent Rules Relating to Merit System

Rules as Adopted

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, 1991.

Subpart 1. **Plan.**

	Minimum	Maximum
Assistant Director of Environmental Health	2287	3571
Director of Environmental Health	2616	4087
Director of Public Health Nursing	2186	3571
Public Health Educator	1832	2859
Public Health Nurse	1918	2985
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1832	2859
Sanitarian	1751	2737

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Bookkeeper	1252	1956
Home Health Aide	1197	1790
Home Health Aide Coordinator	1405	2095
Inspector	1405	2095
Licensed Practical Nurse	1405	2095
Public Health Aide	1026	1675

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	882	1435
Clerk II	1026	1675
Clerk III	1197	1790
Clerk-Typist I	963	1565
Clerk-Typist II	1026	1675
Clerk-Typist III	1282	1918
Clerk-Steno	1026	1675
Switchboard Operator	963	1565

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. **Shift Differential.** Employees in the class specified in subpart 2 who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day work rate.

Subp. 2. **Shift differential; janitors.**

	Minimum	Maximum

Janitor 1026 1675

APPROVED AS TO FORM AND LEGALITY

December 28 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 07 1991

Joan Anderson Growe
Secretary of State

Department of Human Services

Adopted Permanent Rules Relating to Merit System

Rules as Adopted

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, 1991.

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	1832	2859
Accounting Supervisor	2186	3571
Administrative Assistant I	2287	3908
Administrative Assistant II	2446	4179
Administrative Assistant III	2917	4553
Adult Day Care Center Supervisor	1751	2737
Assistant Welfare Director	4087	6068
Auditor	2186	3571
Chemical Dependency Coordinator	1832	2859
Collections and Accounting Unit Supervisor	1918	3122
Collection Services Supervisor II	1918	3122
Community Health Services Supervisor	2186	3571
Computer Programmer	1751	2737
Contract Services Representative	2002	3267
County Agency Social Worker (Licensing Specialist)	1751	2737
County Agency Social Worker	1832	3122
County Agency Social Worker (Child Protection Specialist)	1832	3122
County Agency Social Worker (MSW)	1918	3122
County Agency Social Worker (MSW) (Child Protection Specialist)	1918	3122
Director of Business Management I	2446	4179
Director of Business Management II	3196	4753
Director of Financial Assistance	3196	4753
Director of Planning	3196	4753
Director of Public Health Nursing	2186	3571
Director of Social Services	3196	4753
Employment Guidance Counselor	1675	2510
Family Based Services Supervisor	1832	2859
Family Service Coordinator II	1675	2510
Financial Assistance Supervisor I	1918	3122
Financial Assistance Supervisor II	2186	3571
Financial Assistance Supervisor III	2287	3908
Fiscal Manager	2287	3908
Fiscal Officer	1675	2510
Fiscal Supervisor I	1751	2859
Fiscal Supervisor II	2186	3571
Gerontology Counselor	1918	3122
Human Services Director III	3491	5190
Human Services Supervisor I	2287	3908
Human Services Supervisor II	2859	4460
Jobs and Training Supervisor	1918	3122
Mental Health Program Manager	2446	4179
Mental Health Worker	2002	3267
Methods & Procedures Analyst	1751	2737
Nutrition Project Assistant Director	1751	2737
Nutrition Project Director	2186	3571
Office Services Supervisor II	1603	2510

Approved by Revisor

Planner (Human Services)	2002	3267
Psychologist I	1918	3122
Psychologist II	2186	3571
Psychologist III	2917	4179
Public Health Educator	1751	2737
Public Health Nurse	1918	2985
Public Health Nurse (Team Leader)	2002	3122
Registered Dietician	1751	2737
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	1832	2859
Sanitarian	1751	2737
Senior Staff Development Specialist	2186	3571
Social Services Supervisor I	2287	3908
Social Services Supervisor II	2616	4272
Social Services Supervisor III	2859	4460
~~Staff Attorney~~	~~2287~~	~~3908~~
Staff Development Specialist	1751	2737
Student Social Worker (Intern)	Rate proposed by appointing authority.	
Support Services and Accounting Supervisor	2002	3267
Support Services Supervisor	1832	2859
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	
Volunteer Services Coordinator	1751	2737
Welfare Director I	2673	4179
Welfare Director II	2985	4460
Welfare Director III	3196	4753
Welfare Director IV	3491	5190
Welfare Director V	3730	5547
Welfare Director VI	4653	6612

Subp. 4. **Support personnel.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	1197	1790
Accounting Technician	1282	1918
Adult Day Care Center Program Coordinator	1282	2095
Case Aide	1282	2095
Chemical Dependency Counselor	1565	2232
Child Health Aide	1026	1675
Child Support Officer (Administrative Process)	1675	2510
Child Support Officer I	1499	2232
Child Support Officer II	1675	2510
Collections Officer	1405	2186
Collection Services Supervisor I	1832	2859
Community Service Aide	1026	1675
Community Support Technician	1565	2232
Computer Operations Specialist	1197	1790
Coordinator of Aging	1675	2510
Crisis Center Resource Aide	1282	1918
Employment Technician	1282	2095
Family Based Services Provider	1565	2232
Family Service Aide I	1197	1790
Family Service Aide II	1282	1918
Family Service Coordinator I	1405	2095
Family Service/Home Health Aide	1197	1790
Financial Assistance Specialist	1603	2510
Financial Worker	1282	2095
Home Health Aide	1197	1790
Home Health Aide Coordinator	1405	2095
Housekeeper	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.	

Approved by Revisor _____

Housing Coordinator	1832	2859
Housing Rehabilitation Specialist	1405	2095
Licensed Practical Nurse	1405	2095
Methods and Procedures Technician	1565	2232
Monitoring and Review Specialist	1282	2095
Office Services Supervisor I	1405	2095
Public Health Aide	1026	1675
Senior Citizen's Aide	1197	1790
SILS Program Coordinator	1565	2232
Support and Collections Specialist	1675	2510
Support Enforcement Aide	1197	1790
Welfare Fraud Investigator	1675	2510

Subp. 7. **Clerical.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	1282	1918
Clerk I	882	1435
Clerk II	1026	1675
Clerk III	1197	1790
Clerk-Typist I	963	1565
Clerk-Typist II	1026	1675
Clerk-Typist III	1282	1918
Clerk-Steno	1026	1675
Data Entry Operator	963	1565
Information Systems Specialist	1026	1675
Legal Secretary	1197	1790
Switchboard Operator	963	1565

Subp. 10. **Maintenance and trades.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	963	1565
Bus Driver	1026	1675
Janitor	1026	1675
Maintenance Worker	1197	1790

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY
December 28 1990
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY M J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 07 1991
Joan Anderson Growe
Secretary of State

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 the Compensation Plan (Minnesota Rules, parts 7520.1000-1100).

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

Notice of the Governor's intent to adopt the above-entitled rule was published in the State Register on November 5, 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 October 31, 1990. 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, parts 7520.1000-1100 are adopted this 17th day of December, 1990, pursuant to authority vested in me by Minnesota Statutes, section 12.22, subd. 3.

Rudy Perpich

RUDY PERPICH
GOVERNOR

RECEIVED

DEC 24 1990

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

Stat Authority con't

Health 144.071 ....

The commissioner may also, by rule, cooperate with the federal government in any manner necessary to qualify for federal aid.

- deadline stated December 5, 1990

Public Safety 12.22 subd 3

The governor shall have authority to establish rules in accordance with the law for the proper and efficient operation and administration of the civil defense programs including methods relating to the establishment and maintenance of personal standards on a merit basis...

- deadline stated December 5, 1990

p. 3 A. Statement indicates the ammendments being proposed

Conclusions of Law - Human ~~Services~~ Services instead of rules are needed and reasonable - they have necessary

I think this is very very minor

Stat. Authority

MN Stat 256.012

Human Services

The commissioner of human services shall promulgate by rule personnel standards on a merit basis in accordance with federal standards for a merit system of personnel administration for all employees of county boards engaged in the administration of community social services or income maintenance programs, all employees of human services boards that have adopted the rules of the MN merit system, and all employees of county welfare boards.

end of comment period stated December 5, 1990

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 27 July 1990

Stephanie L. Schwartz
Rules and Bulletin Division

Department of Human Services

Chemical Dependency Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Chemical Dependency Care for Public Assistance Recipients

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the appropriate level of chemical dependency care for public assistance clients, *Minnesota Rules*, parts 9530.6600 to 9530.6650. The amendment of the rule is authorized by *Minnesota Statutes*, section 254A.03, subdivision 3, which requires the commissioner to "establish by rule criteria to be used in determining the appropriate level of chemical dependency care, whether outpatient, inpatient or short-term treatment programs, for each recipient of public assistance seeking treatment for alcohol or other drug dependency and abuse problems" and *Minnesota Statutes*, section 254B.03, subdivision 5, which requires the commissioner to "adopt rules as necessary" to implement *Laws of Minnesota 1986*, chapter 394, sections 8 to 20.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Stephanie L. Schwartz, Rules and Bulletins Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. Oral statements will be received during regular business hours over the telephone at 297-4302 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 27 July 1990

Stephanie L. Schwartz
Rules and Bulletins Division

Departments of Human Services, Health and Public Safety

Notice of Intent to Solicit Outside Information or Opinions Regarding Proposed Merit System Rules Governing Compensation Plans

NOTICE IS HEREBY GIVEN that the State Departments of Human Services, Health and Public Safety are seeking information or opinions from sources outside the agencies in preparing to propose amendments to the rules governing the Minnesota Merit System's compensation plans. The amendments to the rules are authorized by *Minnesota Statutes*, sections 256.012, 144.071 and 12.22, subd 3, which permits the Merit System to establish compensation plans for non-union employees in some local and county welfare, human services, health and emergency management agencies. The amendments would provide for salary adjustments for incumbents and adjustments to the various salary ranges for purposes of continued implementation of comparable worth.

The State Departments of Human Services, Health and Public Safety request information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements of information and comment should be addressed to:

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

Oral statements will be received during regular business hours over the telephone by Ralph Corey at (612) 296-3996 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Minnesota Merit System 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.

Dated: 24 July 1990

Ralph W. Corey
Merit System Supervisor

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

The Notice of Vacancies published in the *State Register* dated July 30, 1990, was in error as to the deadline for application. ***The deadline for application for the following vacancies is August 21, 1990,*** not July 30th. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building.

Environmental Education Advisory Board

VACANCY: Eight citizen members, one from each congressional district; two must be licensed teachers currently teaching in the K-12 system.

Advisory Council on Uniform Financial Accounting and Reporting Standards

VACANCY: One member to be a public school employee whose position involves activities related to school financing and accounting; appointed by the State Board of Education.

Committee on Science & Technology Research & Development

VACANCY: Two members, one to be a resident of the Southwest McKnight region. Members must be qualified in at least one of these areas: economic development, academic and applied research, the administration of research, the review of research processes, the management and development of technology intensive companies.

Board of Architecture, Engineering, Land Surveying & Landscape Architecture

VACANCY: One member, to be a licensed architect; must have been in responsible charge for a minimum of five years.

Ombudsman Committee for Mental Health and Mental Retardation

VACANCY: One member, to be a medical doctor with experience in health care delivery and have knowledge and interest in the health and human services. (NOTE: there is one vacancy at the current time, not fifteen. The committee consists of a total of fifteen members.)

American Indian Advisory Council on Chemical Dependency

VACANCY: One member, to represent the interests of the Grand Portage Reservation to the American Indian Advisory Council and the Chemical Dependency Program Division—D.H.S.

Drug Abuse Prevention Resource Council

VACANCY: One member, with demonstrated knowledge in the area of drug abuse prevention.

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: December 19, 1990

TO: Patricia Nolte
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 to the Merit System, Minnesota Rules, parts 9575.1500, 4670.4210-4240 and 7520.1000-1100.

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

Official documents in this submitted material include:

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

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

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

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

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

mailed to all persons and groups whose names appear on the list.

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

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

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

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

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

11. No requests to be notified of submittal of the rule to the Attorney General.

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

Department of Human Services

Proposed Permanent Rules Relating to Merit System

Rules as Proposed

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, ~~1990~~ 1991.

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum		Maximum	
Accountant	~~1762~~	1832	~~2749~~	2859
Accounting Supervisor	~~2102~~	2186	~~3434~~	3571
Administrative Assistant I	~~2199~~	2287	~~3758~~	3908
Administrative Assistant II	~~2352~~	2446	~~4018~~	4179
Administrative Assistant III	~~2805~~	2917	~~4378~~	4553
Adult Day Care Center Supervisor	~~1611~~	1751	~~2632~~	2737
~~Assistant Human Services Director~~	~~3073~~		~~4570~~	
Assistant Welfare Director	~~3841~~	4087	~~5694~~	6068
Auditor	~~2102~~	2186	~~3434~~	3571
Chemical Dependency Coordinator	~~1762~~	1832	~~2870~~	2859
Collections and Accounting Unit Supervisor	~~1844~~	1918	~~3002~~	3122
Collection Services Supervisor II	~~1844~~	1918	~~3002~~	3122
Community Health Services Supervisor	~~2102~~	2186	~~3587~~	3571
Computer Programmer	~~1684~~	1751	~~2632~~	2737
Contract Services Representative	~~2014~~	2002	~~3141~~	3267
County Agency Social Worker (Licensing Specialist)	~~1611~~	1751	~~2632~~	2737
County Agency Social Worker	~~1684~~	1832	~~3002~~	3122
County Agency Social Worker (Child Protection Specialist)	~~1684~~	1832	~~3002~~	3122
County Agency Social Worker (MSW)	~~1844~~	1918	~~3002~~	3122
County Agency Social Worker (MSW) (Child Protection Specialist)	~~1844~~	1918	~~3002~~	3122
~~Day Care Center Teacher~~	~~1611~~		~~2632~~	
Director of Business Management I	~~2352~~	2446	~~4018~~	4179
Director of Business Management II	~~2805~~	3196	~~4570~~	4753
Director of Financial Assistance	~~2805~~	3196	~~4570~~	4753
Director of Planning	~~2805~~	3196	~~4570~~	4753
Director of Public Health Nursing	~~2102~~	2186	~~3434~~	3571
Director of Social Services	~~2805~~	3196	~~4570~~	4753
Employment Guidance Counselor	~~1611~~	1675	~~2413~~	2510
Family Based Services Supervisor	~~1762~~	1832	~~2749~~	2859
Family Service Coordinator II	~~1611~~	1675	~~2413~~	2510
Financial Assistance Supervisor I	~~1844~~	1918	~~3002~~	3122
Financial Assistance Supervisor II	~~2102~~	2186	~~3434~~	3571
Financial Assistance Supervisor III	~~2199~~	2287	~~3587~~	3908
Fiscal Manager	~~2199~~	2287	~~3587~~	3908
Fiscal Officer	~~1611~~	1675	~~2632~~	2510
Fiscal Supervisor I	~~1611~~	1751	~~2749~~	2859
Fiscal Supervisor II	~~2102~~	2186	~~3434~~	3571
Gerontology Counselor	~~1844~~	1918	~~3002~~	3122
Human Services Director III	~~3357~~	3491	~~4990~~	5190
Human Services Supervisor I	~~2199~~	2287	~~3758~~	3908
Human Services Supervisor II	~~2749~~	2859	~~4288~~	4460
Jobs and Training Supervisor	~~1844~~	1918	~~3002~~	3122
Mental Health Program Manager	~~2352~~	2446	~~4018~~	4179
Mental Health Worker	~~2014~~	2002	~~3141~~	3267
Methods & Procedures Analyst	~~1611~~	1751	~~2632~~	2737
Nutrition Project Assistant Director	~~1611~~	1751	~~2632~~	2737

Approved by Revisor KTH

Nutrition Project Director	~~2102~~	2186	~~3434~~	3571
Office Services Supervisor II	~~1541~~	1603	~~2413~~	2510
Planner (Human Services)	~~2014~~	2002	~~3141~~	3267
Psychologist I	~~1844~~	1918	~~3002~~	3122
Psychologist II	~~2102~~	2186	~~3434~~	3571
Psychologist III	~~2805~~	2917	~~4192~~	4179
Public Health Educator	~~1762~~	1751	~~2749~~	2737
Public Health Nurse	~~1844~~	1918	~~2870~~	2985
Public Health Nurse (Team Leader)	~~1925~~	2002	~~3002~~	3122
Registered Dietician	~~1611~~	1751	~~2632~~	2737
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1762~~	1832	~~2749~~	2859
~~Resident Activity Coordinator~~	~~1611~~		~~1632~~	
Sanitarian	~~1611~~	1751	~~2632~~	2737
~~Senior Public Health Nurse~~	~~2014~~		~~3141~~	
Senior Staff Development Specialist	~~2102~~	2186	~~3434~~	3571
Social Services Supervisor I	~~2199~~	2287	~~3758~~	3908
Social Services Supervisor II	~~2413~~	2616	~~4108~~	4272
Social Services Supervisor III	~~2749~~	2859	~~4288~~	4460
Staff Attorney		2287		3908
Staff Development Specialist	~~1611~~	1751	~~2632~~	2737
Student Social Worker (Intern)	Rate proposed by appointing authority.			
Support Services and Accounting Supervisor	~~2014~~	2002	~~3141~~	3267
Support Services Supervisor	~~1762~~	1832	~~2749~~	2859
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.			
Volunteer Services Coordinator	~~1611~~	1751	~~2632~~	2737
Welfare Director I	~~2632~~	2673	~~3930~~	4179
Welfare Director II	~~2870~~	2985	~~4288~~	4460
Welfare Director III	~~3073~~	3196	~~4570~~	4753
Welfare Director IV	~~3357~~	3491	~~4990~~	5190
Welfare Director V	~~3504~~	3730	~~5218~~	5547
Welfare Director VI	~~4474~~	4653	~~6358~~	6612

Subp. 4. **Support personnel.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum		Maximum	
Account Clerk	~~1151~~	1197	~~1721~~	1790
Accounting Technician	~~1204~~	1282	~~1881~~	1918
Adult Day Care Center Program Coordinator	~~1233~~	1282	~~2014~~	2095
Case Aide	~~1233~~	1282	~~2014~~	2095
Chemical Dependency Counselor	~~1505~~	1565	~~2146~~	2232
Child Health Aide	~~987~~	1026	~~1611~~	1675
Child Support Officer (Administrative Process)	~~1611~~	1675	~~2413~~	2510
Child Support Officer I	~~1380~~	1499	~~2146~~	2232
Child Support Officer II	~~1611~~	1675	~~2413~~	2510
Collections Officer	~~1351~~	1405	~~2102~~	2186
Collection Services Supervisor I	~~1762~~	1832	~~2870~~	2859
Community Service Aide	~~987~~	1026	~~1611~~	1675
Community Support Technician	~~1505~~	1565	~~2146~~	2232
Computer Operations Specialist	~~1204~~	1197	~~1721~~	1790
Coordinator of Aging	~~1541~~	1675	~~2413~~	2510
Crisis Center Resource Aide	~~1204~~	1282	~~1881~~	1918
Employment Technician	~~1233~~	1282	~~2014~~	2095
Family Based Services Provider	~~1505~~	1565	~~2146~~	2232
Family Service Aide I	~~1102~~	1197	~~1721~~	1790
Family Service Aide II	~~1204~~	1282	~~1881~~	1918
Family Service Coordinator I	~~1351~~	1405	~~2014~~	2095
Family Service/Home Health Aide	~~1102~~	1197	~~1721~~	1790
Financial Assistance Specialist	~~1541~~	1603	~~2413~~	2510
Financial Worker	~~1233~~	1282	~~2014~~	2095
Home Health Aide	~~1102~~	1197	~~1721~~	1790

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Home Health Aide Coordinator	~~1351~~	1405	~~2014~~	2095
Housekeeper — Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.				
Housing Coordinator	~~1762~~	1832	~~2749~~	2859
Housing Rehabilitation Specialist	~~1351~~	1405	~~2014~~	2095
Licensed Practical Nurse	~~1351~~	1405	~~2014~~	2095
Methods and Procedures Technician	~~1505~~	1565	~~2146~~	2232
Monitoring and Review Specialist	~~1233~~	1282	~~2014~~	2095
Office Services Supervisor I	~~1351~~	1405	~~2014~~	2095
Public Health Aide	~~987~~	1026	~~1611~~	1675
Senior Citizen's Aide	~~1151~~	1197	~~1721~~	1790
SILS Program Coordinator		1565		2232
Support and Collections Specialist	~~1611~~	1675	~~2413~~	2510
Support Enforcement Aide	~~1151~~	1197	~~1721~~	1790
Welfare Fraud Investigator	~~1684~~	1675	~~2413~~	2510

Subp. 7. **Clerical.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum		Maximum	
Administrative Secretary	~~1215~~	1282	~~1899~~	1918
Clerk I	~~836~~	882	~~1361~~	1435
Clerk II	~~956~~	1026	~~1626~~	1675
Clerk III	~~1137~~	1197	~~1778~~	1790
Clerk-Typist I	~~917~~	963	~~1483~~	1565
Clerk-Typist II	~~956~~	1026	~~1626~~	1675
Clerk-Typist III	~~1215~~	1282	~~1899~~	1918
Clerk-Steno	~~956~~	1026	~~1626~~	1675
Data Entry Operator	~~917~~	963	~~1483~~	1565
Information Systems Specialist	~~956~~	1026	~~1626~~	1675
Legal Secretary	~~1137~~	1197	~~1778~~	1790
Switchboard Operator	~~917~~	963	~~1483~~	1565

Subp. 10. **Maintenance and trades.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum		Maximum	
Auto Driver	~~959~~	963	~~1522~~	1565
Bus Driver	~~1023~~	1026	~~1621~~	1675
Janitor	~~1044~~	1026	~~1588~~	1675
Maintenance Worker	~~1136~~	1197	~~1727~~	1790

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Merit System

AGENCY: Department of Human Services

MINNESOTA RULES: Chapter 9575

The attached rules are approved for
publication in the State Register

Kathleen T. Harrington
Assistant Revisor

Department of Health

Proposed Permanent Rules Relating to Merit System

Rules as Proposed

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, 1991.

Subpart 1. **Plan.**

	Minimum		Maximum	
Assistant Director of Environmental Health	~~2199~~	2287	~~3434~~	3571
Director of Environmental Health	~~2515~~	2616	~~3930~~	4087
Director of Public Health Nursing	~~2102~~	2186	~~3434~~	3571
Public Health Educator	~~1762~~	1832	~~2749~~	2859
Public Health Nurse	~~1844~~	1918	~~2870~~	2985
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1762~~	1832	~~2749~~	2859
Sanitarian	~~1611~~	1751	~~2632~~	2737
~~Senior Public Health Nurse~~	~~2014~~		~~3141~~	

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum		Maximum	
Bookkeeper	~~1204~~	1252	~~1881~~	1956
Home Health Aide	~~1102~~	1197	~~1721~~	1790
Home Health Aide Coordinator	~~1351~~	1405	~~2014~~	2095
Inspector	~~1351~~	1405	~~2014~~	2095
Licensed Practical Nurse	~~1351~~	1405	~~2014~~	2095
Public Health Aide	~~987~~	1026	~~1611~~	1675

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum		Maximum	
Clerk I	~~836~~	882	~~1361~~	1435
Clerk II	~~956~~	1026	~~1626~~	1675
Clerk III	~~1137~~	1197	~~1778~~	1790
Clerk-Typist I	~~917~~	963	~~1483~~	1565
Clerk-Typist II	~~956~~	1026	~~1626~~	1675
Clerk-Typist III	~~1215~~	1282	~~1899~~	1918
Clerk-Steno	~~956~~	1026	~~1626~~	1675
Switchboard Operator	~~917~~	963	~~1483~~	1565

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. **Shift Differential.** Employees in the class specified in subpart 2 who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day work rate.

Subp. 2. **Shift differential; janitors.**

Approved by Revisor KTH

	Minimum	Maximum
Janitor	~~1044~~ 1026	~~1588~~ 1675

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Merit System

AGENCY: Department of Health

MINNESOTA RULES: Chapter 4670

The attached rules are approved for
publication in the State Register

Kathleen T. Harrington
Assistant Revisor

Department of Public Safety

Proposed Permanent Rules Relating to Merit System

Rules as Proposed

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1990~~ 1991;

PROFESSIONAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Administrative Officer Assistant	~~1762~~ 1832	~~2632~~ 2737
Emergency Management Director	~~1541~~ 1675	~~2413~~ 2510
Communications Officer	~~1541~~ 1603	~~2300~~ 2392
Operations Officer	~~1762~~ 1832	~~2632~~ 2737
Public Information Officer	~~1762~~ 1832	~~2632~~ 2737
Radiological Officer	~~1541~~ 1603	~~2300~~ 2392
Safety Services Coordinator	~~1762~~ 1832	~~2632~~ 2737

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1990~~ 1991;

CLERICAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	~~836~~ 882	~~1361~~ 1435
Clerk II	~~956~~ 1026	~~1626~~ 1675
Clerk III	~~1137~~ 1197	~~1778~~ 1790
Clerk-Typist I	~~917~~ 963	~~1483~~ 1565
Clerk-Typist II	~~956~~ 1026	~~1626~~ 1675
Clerk-Typist III	~~1215~~ 1282	~~1899~~ 1918
Clerk-Steno	~~956~~ 1026	~~1626~~ 1675

Approved by Revisor KTH

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Merit System

AGENCY: Department of Public Safety

MINNESOTA RULES: Chapter 7520

The attached rules are approved for
publication in the State Register

Kathleen T. Harrington
Assistant Revisor

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing the Compensation Plan (Minnesota Rules, parts 4670.4210-4240).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) 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.

(2) All persons have 30 days or until 4:30 p.m. on December 5, 1990 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. (3) 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. (4) 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. (6) 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. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(5) 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.

(8) 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.

(11) 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.

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

Administration (5 CFR Part 900).

If adopted, proposed changes to 4670.4210-4240 would provide for a 4% adjustment to most of the salary ranges for professional and administrative, health services support, clerical and building maintenance positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 4670.4210-4240 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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

(13) Adoption of these rules will not result in any cost to local public bodies. (15) A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

Date: 10-22-90

Sr. Mary Madonna Ashton

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 The Compensation Plan (Minnesota Rules, parts 7520.1000-1100).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) 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.

(2) All persons have 30 days or until 4:30 p.m. on December 5, 1990 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. (3) 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. (4) 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. (6) 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. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(5) 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.

(8) 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.

(11) 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.

(11) 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).

If adopted, proposed changes to 7520.1000-1100 would provide for a 4% adjustment to many of the salary ranges for professional and clerical positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 7520.1000-1100 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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

(13) Adoption of these rules will not result in any cost to local public bodies. (15) A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

Date: 10-24-90

Rudy Perpich

RUDY PERPICH
GOVERNOR

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing The Compensation Plan (Minnesota Rules, part 9575.1500).

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) 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.

(2) All persons have 30 days or until 4:30 p.m. on December 5, 1990 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. (3) 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. (4) 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. (6) 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. (7) If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

(5) 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.

(8) 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.

(11) 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.

(11) The Minnesota Merit System rules provide for a system of personnel administration for 73 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, proposed changes to 9575.1500 would provide for a 4% adjustment to most of the salary ranges for professional, support, clerical, and maintenance and trades positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 9575.1500 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classifications and deleting class titles and minimum and maximum salaries for abolished classes.

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

(13) 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. (13) 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.

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

Date: Oct. 22, 1990

ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ANN WYNIA
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 THE COMPENSATION PLAN

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 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, 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. (2) Collectively, the resulting programs are referred to as the "Minnesota Merit System".

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

6. The Minnesota Supreme Court 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.W. 2d 882, (1953). The court stated:

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.

.....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.

7. The above cited proposed rule amendments are promulgated in accordance with the provisions of applicable Minnesota statutes and expressly guarantee the rights of public employers and Minnesota Merit System employees in conformance with the terms of the state's Public Employment Labor Relations Act (Minn. Stat. secs. 179A.61 - 179A.77).

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

A. Compensation Plan
Minnesota Rules, parts 9575.1500, 4670.4200-4670.4240 and 7520.1000-7520.1100

Amendments proposed to these rule parts specifically propose adjustments to the current minimum and maximum salaries for all Merit System classes of positions included in the Human Services, Health and Public Safety Merit System compensation plan rules. The amendments being proposed now to Merit System minimum and maximum salaries shall, by rule, be effective on January 1, 1991, or, for those agencies on a biweekly or four week payroll period, on the beginning date of the first payroll period after January 1, 1991. Merit System rules require that Merit System compensation plans be adjusted annually to reflect changes in the level of salary rates in business and government for similar and competing types of employment and to achieve equitable compensation relationships between classes of positions based on their comparable work value. Amendments to these parts are necessary to provide Merit System agencies with salary ranges for all of their classes that are competitive in terms of salary rates being offered for comparable work by competing employers elsewhere in the public and private sector and also to comply with the provisions of Minn. Stat. section 471.991-471.999 requiring the establishment of equitable compensation relationships between classes of positions based on their comparable work value as determined by a formal job evaluation system.

The Merit System reviewed current compensation plans for competing public employers such as the State of Minnesota and the counties of Hennepin, Ramsey, St. Louis, Dakota, Blue Earth, Olmsted, Scott, Washington and Itasca to compare their salary ranges with those for comparable positions in the Merit System. Those ranges were definitely considered in proposing amendments to minimum and maximum

salaries for Merit System comparable classifications for 1991. In addition, the Merit System conducted a salary survey of salaries paid by counties to their clerical employees not covered by the Merit System. Understandably, counterparts for many Merit System classes of positions are found in the employ of other public jurisdictions rather than private employers. It is critical that Merit System agencies have competitive salary ranges in order to attract high quality job applicants from essentially the same applicant pool used by other public employers with their own personnel systems, including their own compensation plans. Those salaries offered by competing employers become the labor market and, as such, a practical consideration which must be recognized in maintaining the Merit System compensation structure.

The second reason for the proposed amendments to minimum and maximum salaries originated with the passage by the 1984 Legislature of Minn. Stat. sections 471.991 to 471.999 known as the Local Government Pay Equity Act. It required every political subdivision and the Merit System, where applicable, to ensure that equitable compensation relationships between classes of positions be established based on the comparable work value of positions as determined by a job evaluation system. Since the act was passed the Merit System has annually made comparable work value adjustments to minimum and maximum salaries for many Merit System classes. Amendments adjusting minimum and maximum salaries are both reasonable and necessary to maintain competitive compensation levels as required by our own Merit System rules and to reach the objective of complete pay equity as required by the Local Government Pay Equity Act. It is reasonable that adjustments necessary to achieve pay equity be phased in gradually over a period of time. When the Local Government Pay Equity Act was passed, the Legislature did not provide for an appropriation to assist counties, including those that were and still are economically depressed, with the cost of implementing pay equity. Given those circumstances, it was and is prudent to plan and implement pay equity gradually over time. A comparison can be made to pay equity in the state personnel system. When the Legislature passed a bill calling for pay equity in the state personnel system, it also provided an appropriation to assist in its implementation. Even with the appropriation, the state implemented its pay equity system over the course of four years. The Merit System is proposing comparable worth, or pay equity, adjustments for 1991.

An important point to mention is that, under Merit System rules, Merit System compensation plan adjustments to minimum and maximum salaries do not apply to employees in a formally recognized bargaining unit. There are 41 Merit System county agencies where most agency employees are covered by a collective bargaining agreement and employee compensation is the product of negotiation between the appointing authority and the employee's exclusive representative. In those agencies, the only employees subject to Merit System compensation plans are those in positions that are excluded from the bargaining unit by virtue of being supervisory or confidential in nature. A second point is that the only salary increases that agencies are required to make as a result of Merit System compensation plan adjustments are those necessary to bring the salaries of individual employees up to the new minimum salary rate for their classification.

Proposed amendments to parts 9575.1500, 4670.4200 to 4670.4240 and 7520.1000 to 7520.1100 adjust the minimum and maximum salaries for many, but not all, Merit System classes by 4%, the same percentage adjustment as the general salary adjustment for employees in all Merit System classifications for 1991. That kind of adjustment provides that employees will remain on the same salary step in their new range as they were on in their previous salary range. This is reasonable in terms of the practice in other public jurisdictions of adjusting salary ranges by the same percentage amount as the general salary adjustment granted to all employees of the jurisdiction. They are reasonable in light of the Merit System review of not only current salary ranges but agreed to salary adjustments for 1991 for comparable kinds of work in other public jurisdictions and by changes in general economic growth factors. They are adjustments necessary in order to maintain a competitive compensation plan providing equitable and adequate compensation for employees in Merit System agencies.

The Merit System rules (Minnesota Rules, parts 9575.0320 subpart 3a, 4670.1200 subpart 3a and 7520.0620 subpart 3a) require that, annually, the Merit System recommend a general salary adjustment for all employees not covered by a collective bargaining agreement based on a review of adjustments to salary levels by employees with similar and competing types of employment and trends in the Twin City Consumer Price Index. The recommended percentage increase is contained in rule language (Minnesota Rules, parts 9575.0350 subpart 3, 4670.1320 and 7520.0650 subpart 3) and, for 1990, was 4%. That language is not being amended since it was determined that 4% is a reasonable salary adjustment for 1991. However, since the 4% increase in minimum and maximum salaries for most Merit System classes is based on the 4% general salary adjustment for 1991, it is important to provide justification that a 4% general salary adjustment is reasonable rather than some other percentage adjustment. For the period July, 1989, through June, 1990, the Twin City Consumer Price Index for all urban consumers increased 4.3%. In practice, the Merit System also considers other appropriate consumer price indices such as the North Central region (which includes the state of Minnesota) and the U.S. cities average (which includes the cities of Minneapolis and St. Paul). For the period July, 1989, through June, 1990, the Consumer Price Index for the North Central region rose 4.0% and, for the same period, the Consumer Price Index for the U.S. city average rose 4.8%. Another index that is reviewed is the Employment Cost Index. It is published quarterly by the Bureau of Labor Statistics and measures, on a nationwide basis, increases in wages and salaries only for specific groups of employees. One such group of employees is state and local employees. For the period July, 1989, through June, 1990, the Employment Cost Index for wages and salaries only for state and local employees rose 5.7%. As far as adjustments to salary levels by employers with similar and competing types of employment are concerned, the state of Minnesota granted across the board increases of 5% to some 30,000 employees in five different bargaining units effective July 1, 1990. The counties of Ramsey, Scott and Itasca have agreed to 4% increases for both their organized and non-organized employees effective January 1, 1991. The counties of Hennepin and Washington have agreed to 4% increases for their organized employees effective January 1, 1991 but have not settled yet with their non-organized employees. Given the circumstances, it will be extremely difficult for them to offer less than 4% to the non-organized employees. In summary, considering increases in the appropriate

consumer price indices and adjustments to wages and salaries granted by competing employers, a 4% general salary adjustment for Merit System employees is eminently reasonable.

Some proposed amendments to parts 9575.1500, 4670.4200 to 4670.4240 and 7520.1000 to 7520.1100 do not propose a 4% adjustment to the minimum and maximum salaries for certain classes of positions. These adjustments relate to classes of positions where a 4% adjustment is inappropriate because of a need to establish equitable compensation relationships between classes of positions based on their comparable work value or where labor market data would indicate an adjustment of something other than 4% to be proper. Subsequent to passage of Minn. Stat., sections 471.991 to 471.999, the Merit System conducted a formal job evaluation study which determined the comparable work value of all Merit System classes of positions. A basic principle of pay equity is that classes with identical or similar work values should have identical or similar salary ranges. The results of the study revealed a large number of situations where classes of positions with similar comparable work values had very disparate salary ranges. These situations represented compensation inequities and, since the study, the Merit System proposed and had adopted a significant number of comparability adjustments to either equalize or reduce the differences between salary ranges for classes with identical or similar comparable work values. It is both reasonable and necessary to continue this process in 1991 to attain the statutorily-mandated requirements to establish equitable compensation relationships between all classes of positions. Practically all of the proposed salary adjustments varying from 4% are based on attaining the objective of having an internally consistent Merit System compensation plan with reasonable compensation relationships existing between classes of positions based on their comparable work value which is obviously consistent with the objective of the Local Government Pay Equity Act.

Some recommended adjustments involve the reduction of present minimum salaries, maximum salaries or, in some cases, both minimum and maximum salaries for some classes. Given the results of the Merit System's comparable worth study and the need to achieve pay equity, such adjustments are reasonable and necessary but not easy to propose. It would be far easier to recommend some sort of adjustment or a more significant adjustment for these classes. However, that would have been wrong for the following reasons: it would have continued already existing compensation inequities making additional and greater compensation adjustments in the future; it would have the effect of ignoring the results of the Merit System's own pay equity study which was a valid study; it would conflict with the basic objective contained in the Local Government Pay Equity Act of achieving equitable compensation relationships between classes based on their comparable work value as determined by a job evaluation system and, last but not least, it would be a fiscally irresponsible decision in terms of its impact on local appointing authorities. All of these reasons were given consideration in preparing these adjustments.

One point of clarification should be made here. These adjustments to minimum and maximum salaries have no relationship to the 4% general salary adjustment for all employees to be effective January 1, 1991. All employees are entitled to the 4% salary increase regardless of the adjustment proposed to their salary range minimum and maximum salaries.

Minnesota Rules, part 9575.1500 includes the Department of Human Services Merit System compensation plan. The plan contains salary schedules for professional, support, clerical and maintenance and trades classes of positions. Adjustments proposed to minimum and maximum salaries for Human Services Merit System professional classifications are 4% with the following exceptions:

1. Assistant Welfare Director and Welfare Director V minimum and maximum salaries are adjusted approximately 6.5%.

2. Chemical Dependency Coordinator, Community Health Services Supervisor and Psychologist III minimum salaries are adjusted 4% and maximum salaries are reduced approximately 1%.

3. Adult Day Care Center Supervisor, County Agency Social Worker, County Agency Social Worker (Child Protection Specialist), County Agency Social Worker (Licensing Specialist), Fiscal Supervisor I, Methods and Procedures Analyst, Nutrition Project Assistant Director, Registered Dietician, Sanitarian, Social Services Supervisor II, Staff Development Specialist and Volunteer Services Coordinator minimum salaries are adjusted approximately 8% and maximum salaries are adjusted 4%.

4. Director of Business Management II, Director of Financial Assistance, Director of Planning and Director of Social Services minimum salaries are adjusted approximately 14% and maximum salaries are adjusted 4%.

5. Public Health Educator minimum and maximum salary is reduced approximately 1%.

6. Welfare Director I minimum salary is adjusted approximately 1.5% and maximum salary is adjusted approximately 6.5%.

7. Contract Services Representative, Mental Health Worker, Planner and Support Services and Accounting Supervisor minimum salaries are reduced approximately 1% and maximum salaries are increased 4%.

8. Fiscal Officer minimum salary is adjusted 4% and maximum salary is reduced approximately 4%.

9. Financial Assistance Supervisor III and Fiscal Manager minimum salaries are adjusted 4% and maximum salaries are adjusted approximately 8%.

Adjustments proposed to minimum and maximum salaries for Human Services Merit System support classifications are 4% with the following exceptions:

1. Child Support Officer I, Coordinator of Aging, Family Service Aide I, Family Service/Home Health Aide and Home Health Aide minimum salaries are adjusted approximately 8% and maximum salaries are adjusted 4%.

2. Computer Operations Specialist and Welfare Fraud Investigator minimum salaries are reduced approximately 1% and maximum salaries are increased 4%.

3. Accounting Technician, Crisis Center Resource Aide and Family Service Aide II minimum salaries are adjusted approximately 6.5% and maximum salaries are adjusted approximately 2%.

4. Collection Services Supervisor I minimum salary is adjusted 4% and maximum salary is reduced approximately 1%.

Adjustments proposed to minimum and maximum salaries for Human Services Merit System clerical classifications are 4% with the following exceptions:

1. Administrative Secretary and Clerk Typist III minimum salaries are adjusted approximately 5.5% and maximum salaries are adjusted approximately 1%.

2. Clerk III and Legal Secretary minimum salaries are adjusted approximately 5% and maximum salaries are adjusted approximately 3%.

3. Clerk I, Clerk Typist I, Data Entry Operator and Switchboard Operator minimum and maximum salaries are adjusted approximately 5%.

4. Clerk II, Clerk Steno, Clerk Typist II and Information Systems Specialist minimum salaries are adjusted approximately 7% and maximum salaries are adjusted approximately 3%.

Adjustments proposed to minimum and maximum salaries for Human Services Merit System maintenance and trades classifications are 4% with the following exceptions:

1. Automobile/Van Driver minimum salary is adjusted approximately 1% and the maximum salary is adjusted approximately 5%.

2. Bus Driver minimum salary is adjusted approximately .2% and the maximum salary is adjusted approximately 3%.

3. Maintenance Worker minimum salary is adjusted approximately 5% and the maximum salary is adjusted approximately 3%.

Minnesota Rules, parts 4670.4200 to 4670.4240 includes the Department of Health Merit System compensation plan. It contains salary schedules for professional, support, clerical and building maintenance classes of positions.

Adjustments proposed to minimum and maximum salaries for Health Merit System professional classes are 4% with the following exceptions:

1. Public Health Educator minimum and maximum salaries are reduced approximately 1%.

2. Sanitarian minimum salary is adjusted approximately 8% and the maximum salary is adjusted 4%.

Adjustments proposed to minimum and maximum salaries for Health Merit System support classifications are 4% with the following exception:

1. Home Health Aide minimum salary is adjusted approximately 8% and the maximum salary is adjusted 4%.

Adjustments proposed to minimum and maximum salaries for Health Merit System clerical classifications are 4% with the following exceptions:

1. Clerk Typist III minimum salary is adjusted approximately 5.5% and the maximum salary is adjusted approximately 1%.

2. Clerk III minimum salary is adjusted approximately 5% and the maximum salary is adjusted approximately 3%.

3. Clerk I, Clerk Typist I and Switchboard Operator minimum and maximum salaries are adjusted approximately 5%.

4. Clerk II, Clerk Steno and Clerk Typist II minimum salaries are adjusted approximately 7% and maximum salaries are adjusted approximately 3%.

Minnesota Rules, parts 7520.100-7520.1100 includes the Emergency Services Merit System compensation plan. It contains separate salary schedules for professional and clerical classes of positions.

Adjustments proposed to minimum and maximum salaries for Emergency Services Merit System professional classifications are 4% with the following exception:

1. Assistant Emergency Management Director minimum salary is adjusted approximately 8% and the maximum salary is adjusted 4%.

Adjustments proposed to minimum and maximum salaries for Emergency Services Merit System clerical classifications are as follows:

1. Clerk Typist III minimum salary is adjusted approximately 5.5% and maximum salary is adjusted approximately 1%.

2. Clerk III minimum salary is adjusted approximately 5% and the minimum salary is adjusted approximately 3%.

3. Clerk I and Clerk Typist I minimum and maximum salaries are adjusted approximately 5%.

4. Clerk II, Clerk Steno and Clerk Typist II minimum salaries are adjusted approximately 7% and maximum salaries are adjusted approximately 3%.

Amendments are proposed to Minnesota Rules, part 9575.1500 providing for class titles and minimum and maximum salaries for two new classes entitled Staff Attorney and SILS Program Coordinator established in response to a legitimate need for the classes in Merit System agencies. These amendments are both necessary and reasonable to ensure that the Human Services Merit System compensation plan reflects appropriate class titles and salary ranges that are current.

Amendments are proposed to Minnesota Rules, parts 9575.1500 and 4670.4210 deleting the class titles and minimum and maximum salaries for the following classes that have been abolished because there are no employees in them and the employing agencies no longer intend to use the classes: Assistant Human Services Director, Day Care Center Teacher, Resident Activity Coordinator and Senior Public Health Nurse.

This amendment is both necessary and reasonable to ensure that Human Services and Health Merit System compensation plans properly reflect current class titles and salaries that are reflective of functions actually being performed by Merit System employees.

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

If this rule goes to public hearing, it is anticipated that there will be no expert witnesses called to testify on behalf of the agency. The small business considerations in rulemaking, Minnesota Statutes, Section 14.115, do not apply to this rule amendment.

Ralph W. Corey
Merit System Supervisor

Dated: 10/22/90

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Rules of the State Department of Human Services Governing The Compensation Plan, Minnesota Rules, part 9575.1500

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 Bishop, being sworn says:

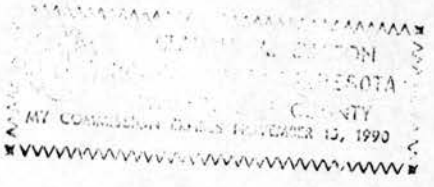
I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Department of Human Services rulemaking mailing list is accurate, complete, and current as of this 31st day of October, 1990.

That on the 31st day of October, 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.

Nancy L. Bishop

Subscribed and sworn to before me
this 31 day of October, 1990.

Claudia A. Ellisson



Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing The Compensation Plan (Minnesota Rules, part 9575.1500).

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 December 5, 1990 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 Merit System rules provide for a system of personnel administration for 73 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, proposed changes to 9575.1500 would provide for a 4% adjustment to most of the salary ranges for professional, support, clerical, and maintenance and trades positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 9575.1500 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classifications and deleting class titles and minimum and maximum salaries for abolished classes.

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: Oct. 22, 1990

ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING THE COMPENSATION PLAN, (MINNESOTA RULES PARTS 4670.4210-4240).

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 30th day of October, 1990.

Christine R. Barton

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING THE COMPENSATION PLAN (MINNESOTA RULES PARTS 4670.4210-4240).

AFFIDAVIT OF MAILING

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

That on the 31st day of October, 1990, 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 hearing by this Department.

Rose Ann Bauer

Subscribed and sworn to before me

this 31 day of October, 1990

Claudia G. Ellison

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing the Compensation Plan (Minnesota Rules, parts 4670.4210-4240).

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 December 5, 1990 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-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, proposed changes to 4670.4210-4240 would provide for a 4% adjustment to most of the salary ranges for professional and administrative, health services support, clerical and building maintenance positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 4670.4210-4240 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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 any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 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: 10-22-90

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING THE COMPENSATION PLAN, (MINNESOTA RULES PARTS 7520.1000-1100).

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 30 day of October, 1990.

Joan M. Lundberg

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING THE COMPENSATION PLAN (MINNESOTA RULES PARTS 7520.1000-1100).

AFFIDAVIT OF MAILING

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

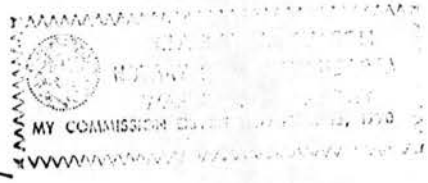
That on the 31st day of October, 1990, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who have requested that their names be placed on file with the Department of Public Safety for the purpose of receiving notice of hearing by this Department.

Rose Ann Bauer

Subscribed and sworn to before me

this 31 day of October, 1990

Claudia A. Eliason



Department of Public Safety

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing The Compensation Plan (Minnesota Rules, parts 7520.1000-1100).

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 December 5, 1990 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 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).

If adopted, proposed changes to 7520.1000-1100 would provide for a 4% adjustment to many of the salary ranges for professional and clerical positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 7520.1000-1100 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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 any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 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: 10-24-90

Rudy Perpich

RUDY PERPICH
GOVERNOR

STATE OF MINNESOTA

DEPARTMENT OF HUMAN SERVICES

In the Matter of the Proposed Adoption of Rules of the State Department of Human Services Governing The Compensation Plan, Minnesota Rules, part 9575.1500

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 31st day of October, 1990, 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:

- The 87 Minnesota County Human Services Agencies
- 10 County Agency Personnel Directors and Administrative Staff
- 3 Merit System Council Members
- 7 Unions
- 1 DHS Affirmative Action Director
- 80 Chairpersons of County Boards under the Merit System

Nancy L. Bishop

Subscribed and sworn to before me

this 31 day of October 1990

Claudia A. Elias

COUNTY

MY COMMISSION EXPIRES NOVEMBER 15, 1990

Department of Human Services

In the Matter of the Proposed Adoption of the Rule of the State Department of Human Services Governing The Compensation Plan (Minnesota Rules, part 9575.1500).

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 December 5, 1990 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 Merit System rules provide for a system of personnel administration for 73 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, proposed changes to 9575.1500 would provide for a 4% adjustment to most of the salary ranges for professional, support, clerical, and maintenance and trades positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 9575.1500 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classifications and deleting class titles and minimum and maximum salaries for abolished classes.

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: Oct. 22, 1990

ANN WYNIA
COMMISSIONER OF HUMAN SERVICES

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING THE COMPENSATION PLAN (MINNESOTA RULES PARTS 4670.4210-4240).

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 31st day of October, 1990, 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

Subscribed and sworn to before me

this 31 day of October, 1990

Claudia G Eliason

Department of Health

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing the Compensation Plan (Minnesota Rules, parts 4670.4210-4240).

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 December 5, 1990 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-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, proposed changes to 4670.4210-4240 would provide for a 4% adjustment to most of the salary ranges for professional and administrative, health services support, clerical and building maintenance positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 4670.4210-4240 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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 any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 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: 10-22-90

Sr. Mary Madonna Ashton

SISTER MARY MADONNA ASHTON
COMMISSIONER OF HEALTH

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

IN THE MATTER OF THE PROPOSED AMENDMENTS TO EXISTING RULES GOVERNING THE COMPENSATION PLAN (MINNESOTA RULES, PARTS 7520.1000-1100).

AFFIDAVIT OF ADDITIONAL MAILING

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

That on the 31st day of October, 1990, 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:

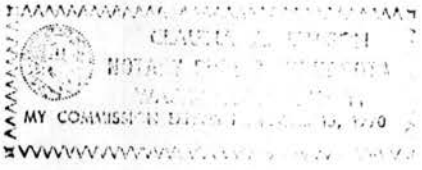
Merit System Council - 3
Local and County Emergency Management Agencies - 22
Affirmative Action Director, Department of Human Services

Rose Ann Bauer

Subscribed and sworn to before me

this 31 day of October, 1990

Claudia G. Eliason



Department of Public Safety

In the Matter of the Proposed Adoption of the Rule of the State Department of Public Safety Governing The Compensation Plan (Minnesota Rules, parts 7520.1000-1100).

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 December 5, 1990 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 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).

If adopted, proposed changes to 7520.1000-1100 would provide for a 4% adjustment to many of the salary ranges for professional and clerical positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 7520.1000-1100 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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 any cost to local public bodies. A fiscal note prepared according to the requirements of Minnesota Statutes, section 3.98, subdivision 2 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.

Rudy Perpich

Date: 10-24-90

RUDY PERPICH
GOVERNOR

Proposed Rules

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

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

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

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

Department of Human Services

Proposed Permanent Rules Relating to Merit System

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 December 5, 1990 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: Ralplh 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 73 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, proposed changes to 9575.1500 would provide for a 4% adjustment to most of the salary ranges for professional, support, clerical, and maintenance and trades positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 9575.1500 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classifications and deleting class titles and minimum and maximum salaries for abolished classes.

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.

Ann Wynia
Commissioner of Human Services

Rules as Proposed

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, ~~1990~~ 1991.

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	~~1762~~ 1832	~~2749~~ 2859
Accounting Supervisor	~~2102~~ 2186	~~3434~~ 3571
Administrative Assistant I	~~2199~~ 2287	~~3758~~ 3908
Administrative Assistant II	~~2352~~ 2446	~~4018~~ 4179
Administrative Assistant III	~~2805~~ 2917	~~4378~~ 4553
Adult Day Care Center Supervisor	~~1611~~ 1751	~~2632~~ 2737
~~Assistant Human Services Director~~	~~3073~~	~~4570~~
Assistant Welfare Director	~~3841~~ 4087	~~5694~~ 6068
Auditor	~~2102~~ 2186	~~3434~~ 3571
Chemical Dependency Coordinator	~~1762~~ 1832	~~2870~~ 2859
Collections and Accounting Unit Supervisor	~~1844~~ 1918	~~3002~~ 3122
Collection Services Supervisor II	~~1844~~ 1918	~~3002~~ 3122
Community Health Services Supervisor	~~2102~~ 2186	~~3587~~ 3571
Computer Programmer	~~1684~~ 1751	~~2632~~ 2737
Contract Services Representative	~~2014~~ 2002	~~3141~~ 3267
County Agency Social Worker (Licensing Specialist)	~~1611~~ 1751	~~2632~~ 2737
County Agency Social Worker	~~1684~~ 1832	~~3002~~ 3122
County Agency Social Worker (Child Protection Specialist)	~~1684~~ 1832	~~3002~~ 3122
County Agency Social Worker (MSW)	~~1844~~ 1918	~~3002~~ 3122
County Agency Social Worker (MSW) (Child Protection Specialist)	~~1844~~ 1918	~~3002~~ 3122
~~Day Care Center Teacher~~	~~1611~~	~~2632~~
Director of Business Management I	~~2352~~ 2446	~~4018~~ 4179
Director of Business Management II	~~2805~~ 3196	~~4570~~ 4753
Director of Financial Assistance	~~2805~~ 3196	~~4570~~ 4753
Director of Planning	~~2805~~ 3196	~~4570~~ 4753
Director of Public Health Nursing	~~2102~~ 2186	~~3434~~ 3571
Director of Social Services	~~2805~~ 3196	~~4570~~ 4753
Employment Guidance Counselor	~~1611~~ 1675	~~2413~~ 2510
Family Based Services Supervisor	~~1762~~ 1832	~~2749~~ 2859
Family Service Coordinator II	~~1611~~ 1675	~~2413~~ 2510
Financial Assistance Supervisor I	~~1844~~ 1918	~~3002~~ 3122

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.

	Minimum	Maximum
Financial Assistance Supervisor II	~~2102~~ 2186	~~3434~~ 3571
Financial Assistance Supervisor III	~~2199~~ 2287	~~3587~~ 3908
Fiscal Manager	~~2199~~ 2287	~~3587~~ 3908
Fiscal Officer	~~1611~~ 1675	~~2632~~ 2510
Fiscal Supervisor I	~~1611~~ 1751	~~2749~~ 2859
Fiscal Supervisor II	~~2102~~ 2186	~~3434~~ 3571
Gerontology Counselor	~~1844~~ 1918	~~3002~~ 3122
Human Services Director III	~~3357~~ 3491	~~4990~~ 5190
Human Services Supervisor I	~~2199~~ 2287	~~3758~~ 3908
Human Services Supervisor II	~~2749~~ 2859	~~4288~~ 4460
Jobs and Training Supervisor	~~1844~~ 1918	~~3002~~ 3122
Mental Health Program Manager	~~2352~~ 2446	~~4018~~ 4179
Mental Health Worker	~~2014~~ 2002	~~3141~~ 3267
Methods & Procedures Analyst	~~1611~~ 1751	~~2632~~ 2737
Nutrition Project Assistant Director	~~1611~~ 1751	~~2632~~ 2737
Nutrition Project Director	~~2102~~ 2186	~~3434~~ 3571
Office Services Supervisor II	~~1541~~ 1603	~~2413~~ 2510
Planner (Human Services)	~~2014~~ 2002	~~3141~~ 3267
Psychologist I	~~1844~~ 1918	~~3002~~ 3122
Psychologist II	~~2102~~ 2186	~~3434~~ 3571
Psychologist III	~~2805~~ 2917	~~4192~~ 4179
Public Health Educator	~~1762~~ 1751	~~2749~~ 2737
Public Health Nurse	~~1844~~ 1918	~~2870~~ 2985
Public Health Nurse (Team Leader)	~~1925~~ 2002	~~3002~~ 3122
Registered Dietician	~~1611~~ 1751	~~2632~~ 2737
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1762~~ 1832	~~2749~~ 2859
~~Resident Activity Coordinator~~	~~1611~~	~~1632~~
Sanitarian	~~1611~~ 1751	~~2632~~ 2737
~~Senior Public Health Nurse~~	~~2014~~	~~3141~~
Senior Staff Development Specialist	~~2102~~ 2186	~~3434~~ 3571
Social Services Supervisor I	~~2199~~ 2287	~~3758~~ 3908
Social Services Supervisor II	~~2413~~ 2616	~~4108~~ 4272
Social Services Supervisor III	~~2749~~ 2859	~~4288~~ 4460
Staff Attorney	2287	3908
Staff Development Specialist	~~1611~~ 1751	~~2632~~ 2737
Student Social Worker (Intern) Rate proposed by appointing authority.		
Support Services and Accounting Supervisor	~~2014~~ 2002	~~3141~~ 3267
Support Services Supervisor	~~1762~~ 1832	~~2749~~ 2859
Trainee Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Volunteer Services Coordinator	~~1611~~ 1751	~~2632~~ 2737
Welfare Director I	~~2632~~ 2673	~~3930~~ 4179
Welfare Director II	~~2870~~ 2985	~~4288~~ 4460
Welfare Director III	~~3073~~ 3196	~~4570~~ 4753
Welfare Director IV	~~3357~~ 3491	~~4990~~ 5190
Welfare Director V	~~3504~~ 3730	~~5218~~ 5547
Welfare Director VI	~~4474~~ 4653	~~6358~~ 6612

Subp. 4. **Support personnel.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	~~1151~~ 1197	~~1721~~ 1790
Accounting Technician	~~1204~~ 1282	~~1881~~ 1918
Adult Day Care Center Program Coordinator	~~1233~~ 1282	~~2014~~ 2095
Case Aide	~~1233~~ 1282	~~2014~~ 2095

	Minimum	Maximum
Chemical Dependency Counselor	~~1505~~ 1565	~~2146~~ 2232
Child Health Aide	~~987~~ 1026	~~1611~~ 1675
Child Support Officer (Administrative Process)	~~1611~~ 1675	~~2413~~ 2510
Child Support Officer I	~~1380~~ 1499	~~2146~~ 2232
Child Support Officer II	~~1611~~ 1675	~~2413~~ 2510
Collections Officer	~~1351~~ 1405	~~2102~~ 2186
Collection Services Supervisor I	~~1762~~ 1832	~~2870~~ 2859
Community Service Aide	~~987~~ 1026	~~1611~~ 1675
Community Support Technician	~~1505~~ 1565	~~2146~~ 2232
Computer Operations Specialist	~~1204~~ 1197	~~1721~~ 1790
Coordinator of Aging	~~1541~~ 1675	~~2413~~ 2510
Crisis Center Resource Aide	~~1204~~ 1282	~~1881~~ 1918
Employment Technician	~~1233~~ 1282	~~2014~~ 2095
Family Based Services Provider	~~1505~~ 1565	~~2146~~ 2232
Family Service Aide I	~~1102~~ 1197	~~1721~~ 1790
Family Service Aide II	~~1204~~ 1282	~~1881~~ 1918
Family Service Coordinator I	~~1351~~ 1405	~~2014~~ 2095
Family Service/Home Health Aide	~~1102~~ 1197	~~1721~~ 1790
Financial Assistance Specialist	~~1541~~ 1603	~~2413~~ 2510
Financial Worker	~~1233~~ 1282	~~2014~~ 2095
Home Health Aide	~~1102~~ 1197	~~1721~~ 1790
Home Health Aide Coordinator	~~1351~~ 1405	~~2014~~ 2095
Housekeeper — Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Housing Coordinator	~~1762~~ 1832	~~2749~~ 2859
Housing Rehabilitation Specialist	~~1351~~ 1405	~~2014~~ 2095
Licensed Practical Nurse	~~1351~~ 1405	~~2014~~ 2095
Methods and Procedures Technician	~~1505~~ 1565	~~2146~~ 2232
Monitoring and Review Specialist	~~1233~~ 1282	~~2014~~ 2095
Office Services Supervisor I	~~1351~~ 1405	~~2014~~ 2095
Public Health Aide	~~987~~ 1026	~~1611~~ 1675
Senior Citizen's Aide	~~1151~~ 1197	~~1721~~ 1790
SILS Program Coordinator	1565	2232
Support and Collections Specialist	~~1611~~ 1675	~~2413~~ 2510
Support Enforcement Aide	~~1151~~ 1197	~~1721~~ 1790
Welfare Fraud Investigator	~~1684~~ 1675	~~2413~~ 2510

Subp. 7. **Clerical.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Administrative Secretary	~~1215~~ 1282	~~1899~~ 1918
Clerk I	~~836~~ 882	~~1361~~ 1435
Clerk II	~~956~~ 1026	~~1626~~ 1675
Clerk III	~~1137~~ 1197	~~1778~~ 1790
Clerk-Typist I	~~917~~ 963	~~1483~~ 1565
Clerk-Typist II	~~956~~ 1026	~~1626~~ 1675
Clerk-Typist III	~~1215~~ 1282	~~1899~~ 1918
Clerk-Steno	~~956~~ 1026	~~1626~~ 1675
Data Entry Operator	~~917~~ 963	~~1483~~ 1565

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.

	Minimum	Maximum
Information Systems Specialist	~~956~~ 1026	~~1626~~ 1675
Legal Secretary	~~1137~~ 1197	~~1778~~ 1790
Switchboard Operator	~~917~~ 963	~~1483~~ 1565

Subp. 10. **Maintenance and trades.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions. Janitors who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day-work rate.

	Minimum	Maximum
Auto Driver	~~959~~ 963	~~1522~~ 1565
Bus Driver	~~1023~~ 1026	~~1621~~ 1675
Janitor	~~1044~~ 1026	~~1588~~ 1675
Maintenance Worker	~~1136~~ 1197	~~1727~~ 1790

Department of Health

Proposed Permanent Rules Relating to Merit System

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 December 5, 1990 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-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, proposed changes to 4670.4210-4240 would provide for a 4% adjustment to most of the salary ranges for professional and administrative, health services support, clerical and building maintenance positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 4670.4210-4240 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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 any cost of local public bodies. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2 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.

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

4670.4210 PROFESSIONAL AND ADMINISTRATIVE COMPENSATION PLAN, 1991.

Subpart 1. **Plan.**

	Minimum	Maximum
Assistant Director of Environmental Health	~~2199~~ 2287	~~3434~~ 3571
Director of Environmental Health	~~2515~~ 2616	~~3930~~ 4087
Director of Public Health Nursing	~~2102~~ 2186	~~3434~~ 3571
Public Health Educator	~~1762~~ 1832	~~2749~~ 2859
Public Health Nurse	~~1844~~ 1918	~~2870~~ 2985
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)	~~1762~~ 1832	~~2749~~ 2859
Sanitarian	~~1611~~ 1751	~~2632~~ 2737
~~Senior Public Health Nurse~~	~~2014~~	~~3141~~

4670.4220 HEALTH SERVICES SUPPORT PERSONNEL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Bookkeeper	~~1204~~ 1252	~~1881~~ 1956
Home Health Aide	~~1102~~ 1197	~~1721~~ 1790
Home Health Aide Coordinator	~~1351~~ 1405	~~2014~~ 2095
Inspector	~~1351~~ 1405	~~2014~~ 2095
Licensed Practical Nurse	~~1351~~ 1405	~~2014~~ 2095
Public Health Aide	~~987~~ 1026	~~1611~~ 1675

4670.4230 CLERICAL COMPENSATION PLAN.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	~~836~~ 882	~~1361~~ 1435
Clerk II	~~956~~ 1026	~~1626~~ 1675
Clerk III	~~1137~~ 1197	~~1778~~ 1790
Clerk-Typist I	~~917~~ 963	~~1483~~ 1565
Clerk-Typist II	~~956~~ 1026	~~1626~~ 1675
Clerk-Typist III	~~1215~~ 1282	~~1899~~ 1918
Clerk-Steno	~~956~~ 1026	~~1626~~ 1675
Switchboard Operator	~~917~~ 963	~~1483~~ 1565

4670.4240 BUILDING MAINTENANCE COMPENSATION PLAN.

Subpart 1. **Shift Differential.** Employees in the class specified in subpart 2 who are required to work for a period of at least five hours after 6 p.m. on a regularly scheduled basis may be paid a shift differential in the amount of one salary step above their normal day work rate.

Subp. 2. **Shift differential; janitors.**

	Minimum	Maximum
Janitor	~~1044~~ 1026	~~1588~~ 1675

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Department of Public Safety

Proposed Permanent Rules Relating to Merit System

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 December 5, 1990 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 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).

If adopted, proposed changes to 7520.1000-1100 would provide for a 4% adjustment to many of the salary ranges for professional and clerical positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 7520.1000-1100 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

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 any cost to local public bodies. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2 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.

Rudy Perpich
Governor

Rules as Proposed

7520.1000 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1990~~ 1991; PROFESSIONAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Administrative Officer	~~1762~~ 1832	~~2632~~ 2737

	Minimum	Maximum
Assistant Emergency Management Director	~~1541~~ 1675	~~2413~~ 2510
Communications Officer	~~1541~~ 1603	~~2300~~ 2392
Operations Officer	~~1762~~ 1832	~~2632~~ 2737
Public Information Officer	~~1762~~ 1832	~~2632~~ 2737
Radiological Officer	~~1541~~ 1603	~~2300~~ 2392
Safety Services Coordinator	~~1762~~ 1832	~~2632~~ 2737

7520.1100 COMPENSATION PLAN (EMERGENCY MANAGEMENT), ~~1990~~ 1991; CLERICAL.

Subpart 1. **Plan.**

	Minimum	Maximum
Clerk I	~~836~~ 882	~~1361~~ 1435
Clerk II	~~956~~ 1026	~~1626~~ 1675
Clerk III	~~1137~~ 1197	~~1778~~ 1790
Clerk-Typist I	~~917~~ 963	~~1483~~ 1565
Clerk-Typist II	~~956~~ 1026	~~1626~~ 1675
Clerk-Typist III	~~1215~~ 1282	~~1899~~ 1918
Clerk-Steno	~~956~~ 1026	~~1626~~ 1675

Department of Labor and Industry

Proposed Permanent Rules Relating to Power Piping Systems

Notice of Hearing

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to *Minnesota Statutes* § 14.14, subdivision 1 in the above-captioned matter. The hearing will be held at 9:00 a.m., December 5, 1990, Room 5 State Office Bldg., 100 Constitution Avenue, St. Paul, Minnesota and continue until all interested persons and groups have had an opportunity to be heard concerning the proposed amendment to *Minnesota Rules* Chapter 5230. The proposed amendment may be modified as a result of the hearing process. You are encouraged to participate if you are in any way affected by these rules.

The statutory authority to promulgate these proposed rules can be found in *Minnesota Statutes*, section 326.47 subd. 6 and section 16A.128. The proposed amendments increase the filing fee from $25.00 to $50.00 and change the formula for calculating the inspection fee. The proposed amendment also clarifies the inclusion of ammonia piping as defined in *Minnesota Statutes* 326.461, subd. 2 (1989).

The proposed amendments follow this notice in the *State Register*. Copies will also be available at the door on the date of the hearing. One free copy of the proposed amendments may be obtained by contacting:

B. James Berg
Code Enforcement
Labor and Industry Building
443 Lafayette Road
St. Paul, Minnesota 55155-4304
Phone: (612) 297-1727

Any person may present views on the proposed rules in one or more of the following ways: by submitting written data to the administrative law judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written material to the administrative law judge during the comment period following the hearing. Statements may be submitted without appearing at the hearing.

Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends. This comment period may be extended for a longer period not to exceed twenty calendar days if so ordered by the administrative law judge

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.

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 the Compensation Plan (Minnesota Rules, parts 7520.1000-1100).

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

(1) Notice of the Governor's intent to adopt the above-entitled rule was published in the State Register on November 5, 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 October 31, 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. (5) No requests for a public hearing on the rule were received by the agency.

(6) No submissions or comments on the rule were received by the agency. (7) 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. (8)

NOW, THEREFORE, IT IS ORDERED that the (9) rule identified as Minnesota Rules, parts 7520.1000-1100 are adopted this 17th day of December, 1990, pursuant to authority vested in me by Minnesota Statutes, section 12.22, subd. 3.

Rudy Perpich

RUDY PERPICH
GOVERNOR

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 the Compensation Plan (Minnesota Rules, part 9575.1500)	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT A PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on November 5, 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 October 31, 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. (5) No written requests for hearing within the 30-day comment period were received.

(3) No requests for notice of submission to the Attorney General were received by the agency.

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

Part 9575.1500, subpart 1, Staff Attorney, page 2, line 16.

Mr. William J. Jeronimus, Staff Attorney, on behalf of the Minnesota County Attorneys Association, in a letter dated November 29, 1990, stated the belief that Minnesota Statutes, Chapters 388 and 375A do not allow for a county to appoint an attorney who is not under the direction and control of the county attorney and that the correct process for appointing counsel, if not done with the consent of the county attorney, is through the referendum process contained in Minnesota Statutes, Chapter 375A. The Minnesota County Attorneys Association proposed that the position of Staff Attorney be deleted from the Merit System proposed rule.

The Merit System proposed the establishment of the position of Staff Attorney as a result of a study of a position in the Lake County Social Service Department. The incumbent, at the time of the Merit System

study, was performing work which included appearing in court as legal counsel for the Lake County Social Service Department. Based upon this fact, the Merit System determined that there was a need for the establishment of a Staff Attorney classification. The proposed salary range for this classification was established in accordance with the principle of equal pay for work of equal value, as required by the provisions of the Minnesota Local Government Pay Equity Act (Minnesota Statutes, Chapter 471).

The Department agrees with Mr. Jeronimus that adopted rules must be consistent with statutes. However, the Department believes the effect of the statutes cited by Mr. Jeronimus in regard to the Staff Attorney position is not clear and that further research is necessary. Due to the amount of research that will need to be done on this issue, and the fact that the Department does not wish to further delay implementation of the salary adjustments to the ranges in part 9575.1500, the Department modifies the rule as follows:

Part 9575.1500, subpart 1, page 2, line 16.

~~Staff-Attorney 2287 3908~~

I hereby conclude that:

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

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

3. All modifications made to the proposed rule are supported by the data and views submitted to the Department and are not substantial changes.

4. The rules, as modified, are necessary and reasonable.

5. The Department has complied with all applicable provisions of law and rule in the promulgation of these rules.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, part 9575.1500, as modified, is adopted this 14 day of December, 1990, pursuant to authority vested in me by Minnesota Statutes, section 256.012.

Julie Brunner

ANN WYNIA
Commissioner

STATE OF MINNESOTA

DEPARTMENT OF HEALTH

In the Matter of the Proposed Adoption of the Rule of the State Department of Health Governing Definitions, The Compensation Plan (Minnesota Rules, parts 4670.4210-4240).

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

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on November 5, 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 October 31, 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. (5) 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. (7) 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. (8)

NOW, THEREFORE, IT IS ORDERED that the rule identified as Minnesota Rules, parts 4670.4210-4240 are adopted this 12th day of December, 1990, pursuant to authority vested in me by Minnesota Statutes, section 144.071.

SISTER MARY MADONNA ASHTON
COMMISSIONER

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

November 30, 1990

William J. Jeronimus, Staff Attorney
The Minnesota County Attorneys Association
40 North Milton Street, Suite 200
St. Paul, Minnesota 55104

Dear Mr. Jeronimus:

This is in response to your letter of November 29, 1990, concerning the department's Notice of Intent to Adopt a Rule Without a Public Hearing.

Due to a need to further research the issue your organization has raised and, given the time frames we are facing in terms of rule adoption, the Merit System will be deleting the title and minimum and maximum salaries for the class Staff Attorney from the proposed rules prior to adoption.

If you have any further questions or concerns, please let us know.

Sincerely yours,

Ralph W. Corey
Merit System Supervisor

RWC:mhp

CC: Craig Anderson, Special Assistant Attorney General

Betty Carlson

THE MINNESOTA
COUNTY ATTORNEYS
ASSOCIATION

40 North Milton Street
Suite 200
St. Paul, Minnesota 55104
612/227-7493

OFFICERS

[illegible] Gerald Wilhelm, President
Martin County Attorney

Roger S. Van Heel, Past President
Stearns County Attorney

Robert M. A. Johnson, Pres-Elect
Anoka County Attorney

Douglas L. Ruth, Secretary
Steele County Attorney

James C. Backstrom, Treasurer
Dakota County Attorney

STAFF

[illegible] Wahlberg
Executive Director

Bill Jeronimus
Staff Attorney

Laurie Light
Legal Assistant

Jane Kleven
Office Manager/Bookkeeper

Jeanie Bisek
Legal Secretary
(Depositions, Publications)

Mary Finnamore
Legal Secretary

Judgment Recovery Project
(612) 227-6228

Cherie Reichow
Administrator/Financial Officer

Bobbi Belde
Finance and File Manager

Joy Linn
Asset Locator

Connie Kronholm
Secretary

Stephanie Powers
Secretary

November 29, 1990

Mr. Ralph Corey
Minnesota Merit System
2nd Floor, Human Services Bldg.
444 Lafayette Road
St. Paul, MN 55155 - 3822

Dear Mr. Corey:

By virtue of a Notice of Intent to Adopt a Rule Without a Public Hearing in the State Register on November 5, 1990, our association has become aware of a problem within the Proposed Permanent Rules Relating to the Merit System.

I have enclosed a copy of this Proposed Rule.

The portion of the Proposed Rule which we object to is the creation of the position of Staff Attorney on page 1048 of the November 5, 1990 version of the State Register.

We object to the creation of this position because Minn. Stat. §388 et. seq., as well as Minn. Stat. §375A, do not allow for a county to appoint an attorney who is not under the direction and control of the county attorney. The correct process for appointing counsel, if not done with the consent of the county attorney, is through the referendum process contained in M.S. §375A.

The change that we would propose is that the position of Staff Attorney under the Merit System be deleted from this Proposed Rule.

We have enclosed copies of the pertinent statutes. We hope this deletion can be effected without the necessity of demanding a public hearing on the matter.

Sincerely,

William J. Jeronimus
Staff Attorney
Minnesota County Attorneys Association

375A.09 MODIFICATION OF THE NUMBER AND METHOD OF ELECTION OF THE COUNTY BOARD.

Subdivision 1. **General.** Notwithstanding any other provision of law specifying the number of members of the board of county commissioners and except as otherwise provided in sections 375A.01 to 375A.13, any county may alter the number of members on the board of county commissioners in accordance with the provisions of this section. Until the adoption of a modification of the number of the members of the board of county commissioners, each county shall elect the number of county commissioners by the method in effect for that county on July 1, 1973. Any of the modifications may be adopted or abandoned by a county by following the procedures set forth in sections 375A.01 to 375A.13.

Subd. 2. **Number of members.** Any county may provide that the board of county commissioners shall consist of three, five, seven or nine members.

Subd. 3. **Qualifications.** Every county commissioner shall be a resident of the county and shall be a resident of the district from which nominated and elected.

Subd. 4. **Districts; nomination.** The county shall be divided into the number of districts from which commissioners are nominated and elected and the population of the county shall be apportioned to the several districts so that each commissioner represents the same number of persons as nearly as may be possible. When the number of commissioners has been changed, the county board shall proceed to redistrict the county accordingly and it shall follow as nearly as possible the times and procedures specified in section 375.025, including determining the two year and four year terms first assigned to districts in order to provide as nearly as possible for an equal number of overlapping four year terms in the future. The resolution redistricting the county shall be adopted not less than 30 days before the first day candidates may file for the office of county commissioner. Commissioners to be elected pursuant to the modification of the county board shall be elected at the general election following the adoption of the modification.

History: *1973 c 542 s 9; 1976 c 239 s 113; 1986 c 444*

375A.10 OPTIONS RELATING TO CERTAIN COUNTY OFFICES.

Subdivision 1. **General.** Notwithstanding the provisions of any other law to the contrary and in addition to the other options provided by sections 375A.01 to 375A.13, any county may adopt one or more of the options provided for in this section. Until the adoption of any one or more of the options herein enumerated, each county shall operate under the plan of county government relating to the county offices enumerated in this section which was in effect for that county on July 1, 1973.

Subd. 2. **Certain offices.** In addition to the other options provided by sections 375A.01 to 375A.13, any county may institute one or more of the following options, except that a county which has adopted the auditor-administrator plan may not provide for the appointment of the auditor or the consolidation of the offices of auditor and treasurer while the auditor-administrator plan is in force:

(a) Provide for the appointment of one or more of the following offices if they have not been abolished by the adoption of other options: County auditor, county treasurer, sheriff, or county recorder;

(b) Provide for the office of county civil counsel;

(c) Consolidation of the offices of county auditor and treasurer.

Subd. 3. **Appointment.** In any county exercising the option provided in subdivision 2, clause (a), relating to the offices of county auditor, county treasurer, sheriff or county recorder, the offices shall be filled by appointment by the board of county commissioners unless the office is hereafter abolished or terminated as provided by law or pursuant to a reorganization or consolidation. The duties, functions and responsibilities which have been heretofore and which shall be hereafter required by statute to be performed by the elected officials whose offices are to be made appointive shall be vested in and performed by the board of county commissioners of that county thereafter

department heads appointed by the board for that purpose. In effecting this option, the board of county commissioners shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions or responsibilities for the purpose of promoting efficiency in county government and make such other administrative changes including abolishing or terminating the offices or the transfer of personnel, as are deemed necessary for this purpose without diminishing, prohibiting, or avoiding those specific duties required by statute to be performed by those officials. The officer elected to the respective office at the time of the adoption of this option shall serve as the head of any department created by the board of county commissioners to perform the functions formerly performed by the office and shall serve until the term of office expires.

Subd. 4. **County counsel; county prosecution.** In any county exercising the option provided in subdivision 2, clause (b), the county board is authorized to establish the office of county civil counsel and may by resolution appoint an attorney at law to the office; provided that if a county adopts either the elected executive or the county manager plan, the county civil counsel shall be appointed and removed by the elected executive or county manager, subject to the approval of the county board. The county board shall determine the compensation for the county counsel. If a county counsel is appointed, the county attorney shall continue to exercise all duties relating to the prosecution of crimes as provided by law. The county counsel shall be the legal advisor to the county board and county officials involving any official act of a civil nature. The county counsel shall prosecute and defend all civil actions and proceedings in which the county or any officer is concerned in official capacity or is a party. County counsel shall perform such additional and related duties as may be prescribed by law and directed by the county board. The county counsel and the county attorney may apply for and shall receive opinions from the attorney general on matters of public importance as provided in section 8.07.

Subd. 5. **Auditor-treasurer.** In any county exercising the option provided in subdivision 2, clause (c), the office shall be known thereafter as the office of auditor-treasurer, if the office is to remain elective. In the exercise of this option, the county board shall direct which of the offices of auditor or treasurer shall be terminated for the purpose of providing for the election to the single office of auditor-treasurer. The duties, functions and responsibilities which have been heretofore and which shall hereafter be required by statute to be performed by the county auditor and the county treasurer shall be vested in and performed by the auditor-treasurer without diminishing, prohibiting or avoiding those specific duties required by statute to be performed by the county auditor and the county treasurer. Nothing in this subdivision shall preclude the county from exercising the option to make the combined office of auditor-treasurer appointive as if it had been specifically enumerated in subdivision 2.

Subd. 6. **Oaths, bonds.** When any of the offices referred to in this section are combined or consolidated, the person filling the combined office shall take the oath of each office and shall give the bond required by the county board provided that if one of the offices combined is the office of county treasurer, the bond shall be in an amount not less than that required of a county treasurer in that county.

History: *1973 c 542 s 10; 1976 c 181 s 2; 1986 c 444*

375A.11 CONSOLIDATION OF THE DUTIES OF COUNTY OFFICES.

Subdivision 1. **Procedure.** Without restriction of the authority of the county board to assign additional duties to the county auditor, county treasurer, court administrator of the district court and county recorder for which additional compensation may be paid, and provided that the office of county auditor, county treasurer, court administrator of district court, county attorney, sheriff or county recorder may not be consolidated with another elective office listed in this subdivision except pursuant to the provisions of section 375A.10, the county board may consolidate the duties of any two or more county offices and may provide additional compensation for the additional duties. The county board shall effect a consolidation by ordinance and may by this

means consolidate any two or more county offices provided that the person holding the consolidated office possesses the qualifications required by law.

Subd. 2. **Performance of duties.** If the duties of officers are consolidated pursuant to this section, the county board by ordinance may elect to separate the duties so consolidated and reconsolidate them in any other manner permitted by law or separate the duties without reconsolidation and provide that the duties of each office shall be performed by a separate person, if it deems the change to be in the public interest. When the duties of offices are united and consolidated, the person filling the consolidated offices shall take the oath of each office and give the bond required by the county board for each office and shall discharge all the duties pertaining to each office.

Subd. 3. **Vacancies in certain elective offices.** (a) If any of the offices of county auditor, treasurer or county recorder shall become vacant before the expiration of the term for the office, a county board may appoint either of the holders of the other two offices to fill the vacancy for the unexpired term. The board may provide additional compensation for the added duties imposed on the appointee by virtue of holding two offices for that period. If the office of county auditor or treasurer becomes vacant, the county board may initiate a referendum by resolution to consolidate the two offices into one elected office. The referendum shall be conducted according to section 375A.12, subdivisions 4 and 5.

(b) The authority granted by clause (a) shall be in addition to the authorities granted by existing law or statute and by the provisions of sections 375A.01 to 375A.13 relating to consolidation and appointment of county offices; the authority granted by this subdivision may be exercised notwithstanding any prohibitions against the holding of two offices that may exist in the laws or statutes of this state.

History: *1973 c 542 s 11; 1976 c 181 s 2; 1986 c 399 art 1 s 24; 1986 c 416 s 6; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

375A.12 METHOD OF ADOPTING OPTIONS.

Subdivision 1. Except as otherwise provided in sections 375A.01 to 375A.13 the options provided in sections 375A.01 to 375A.10 shall be adopted in the manner and at the times specified in this section.

Subd. 2. **Form of government options.** The options provided in sections 375A.01 to 375A.10 shall be adopted in any county only after an affirmative vote of the voters in the county on the question of the adoption of the option. Except as provided in section 375A.01, only one such plan may be submitted at any one election.

Subd. 3. **Referenda; procedure.** Any referendum required to be held as a condition of the adoption of an option may be initiated by a resolution by the county board, a recommendation of a county government study commission or a petition signed by voters equal in number to five percent of the electors voting at the last previous election for the office of governor requesting that a referendum be held on the adoption of one or more of the options provided in sections 375A.01 to 375A.10. If a study commission has been established, a referendum on an option may not be initiated by a resolution of the county board or a petition of voters until after the study commission has completed its study provided for in section 375A.13, subdivision 3.

Subd. 4. **Conduct of election.** When a referendum is required to be held, the county auditor shall conduct the referendum following the procedures provided in chapter 372, as nearly as possible and not inconsistent with sections 375A.01 to 375A.10. The referendum may be held at any primary, general or special election held not less than 30 days before the first day on which candidates may file for county office.

Subd. 5. **Form of ballot.** In the submission of any proposal pursuant to subdivision 2 the ballot shall be substantially in the following form:

(...) FOR the proposal (describe briefly the change proposed)

(...) AGAINST the proposal (describe briefly the change proposed)

Subd. 6. **Optional forms; abandonment.** Any optional plan or other option provided for in sections 375A.01 to 375A.13 may be abandoned by the same proce-

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dures required for the adoption of the optional plan or the option. Except as otherwise provided in sections 375A.01 to 375A.13 any plan or option shall remain in effect until abandoned or another plan or option is adopted, but a plan or option shall remain in effect not less than three years after its adoption before proceedings to abandon may be commenced, except that options consistent with the at-large chair plan and the administrator plan may be adopted at any time after either the at-large chair plan or the administrator plan has been adopted.

History: *1973 c 542 s 12; 1986 c 399 art 1 s 25,26; 1986 c 416 s 7,8; 1986 c 444*

375A.13 COUNTY GOVERNMENT STUDY COMMISSION.

Subdivision 1. **Appointment by county judge.** A county government study commission hereinafter called "the commission" may be established in any county as provided in this section to study the form and structure of county government in the county and other counties both within and outside this state and, if deemed advisable by the commission, recommend to the voters of the county the adoption of any of the optional forms of county government contained in sections 375A.01 to 375A.13. The commission shall be established upon presentation of a petition requesting such action signed by voters equal in number to five percent of the electors voting at the last previous election for the office of governor or a resolution of the board of county commissioners of the county requesting such action. Appointments to the commission shall be made by order filed with the court administrator of the district court of the county and shall be made by the senior county judge having chambers in the county. If there be no judge having chambers in the county, appointments shall be made by the chief judge of the judicial district. The number on the study commission shall be set by the appointing judge but not to exceed 15. A noncommissioner from each commissioner district shall be appointed to a study commission. In addition three members shall be county commissioners and two shall be elected county officials. An appointee who neglects to file with the court administrator within 15 days a written acceptance shall be deemed to have declined the appointment and the place shall be filled as though the appointee had resigned. Vacancies in the commission shall be filled as in the case of original appointments. The county board, the commission, or the petitioners requesting the appointment of the commission may submit to the appointing judge the names of eligible nominees which the appointing judge may consider in making appointments to the commission.

Subd. 2. **Compensation; expenses.** The members of the commission shall serve without compensation but may be reimbursed their necessary expenses in carrying out the business of the commission. The commission may employ and determine the compensation of such staff as it deems necessary. The necessary expenses of the commission and the cost of printing the commission's report and recommendations shall be paid by the county if so ordered by the commission. The amount of reasonable and necessary commission expenses that shall be so paid by the county shall not exceed in any one year the sum of $5,000 but the county board may authorize additional commission expenses as it deems necessary. The county board may levy a tax in excess of tax limitations to pay such expenses.

Subd. 3. **Duration.** The commission's activity shall be limited to one year from the date of the order of the appointing judge but the appointing judge may extend the duration of the committee's activities for such period as the judge shall determine but not to exceed one year.

Subd. 4. **Commission reports.** The commission shall file its final report not later than one year after the commission is established unless its activity is extended by the appointing judge, in which case the final report shall be filed on or before the last day of the extension. The commission may file a partial report at any time. Commission reports shall be signed by not less than a majority of the members of the commission and shall state the scope of its study and its recommendations that a change is not necessary or desirable or that one or more of the options provided in sections 375A.01 to 375A.13 be implemented but may include such other conclusions or recommenda-

tions as the commission determines. If the report contains a recommendation that a referendum be held on an option, the referendum shall be held as provided in section 375A.12.

Subd. 5. **Successive commissions authorized.** After a study commission has filed its final report a new study commission may be established but not before three years shall have expired after the filing of the commission report unless the appointing judge concurs in the request for the appointment of a new study commission.

History: *1973 c 542 s 13; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

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To Gina Washburn | From Ray Schmitz
Co. No. Atty Assoc. | Co. Co Atty - Rochester
Dept. | Phone # 507-285-8138
Fax # | Fax #

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency ma
long as the agency determines that the rules will
without a public hearing, together with the prope
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1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

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

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

Gina Washburn 612 227-0405

Department of Human Services

Proposed Permanent Rules Relating to Merit System

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 December 5, 1990 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 Merit System rules provide for a system of personnel administration for 73 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, proposed changes to 9575.1500 would provide for a 4% adjustment to most of the salary ranges for professional, support, clerical, and maintenance and trades positions covered by Merit System compensation plans, since this is the general salary adjustment being recommended for incumbents. Other revisions to 9575.1500 provide for adjustments of varying amounts to the minimum and maximum salaries for some of the classes covered by the Merit System. These adjustments have been proposed to correct compensation inequities based upon comparable work value.

Amendments are also proposed to part 9575.1500 providing class titles and minimum and maximum salaries for newly established classifications and deleting class titles and minimum and maximum salaries for abolished classes.

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

		Minimum	Maximum
Financial Assistance Supervisor II		~~2103~~ 2186	~~3434~~ 3571
Financial Assistance Supervisor III		~~3199~~ 2287	~~3587~~ 3908
Fiscal Manager		~~3199~~ 2287	~~3587~~ 3908
Fiscal Officer		~~1611~~ 1675	~~2632~~ 2510
Fiscal Supervisor I		~~1611~~ 1751	~~2749~~ 2859
Fiscal Supervisor II		~~2103~~ 2186	~~3434~~ 3571
Gerontology Counselor		~~1844~~ 1918	~~3003~~ 3122
Human Services Director III		~~3357~~ 3491	~~4900~~ 5190
Human Services Supervisor I		~~3199~~ 2287	~~3758~~ 3908
Human Services Supervisor II		~~2749~~ 2859	~~4288~~ 4460
Jobs and Training Supervisor		~~1844~~ 1918	~~3003~~ 3122
Mental Health Program Manager		~~2352~~ 2446	~~4018~~ 4179
Mental Health Worker		~~2014~~ 2002	~~3141~~ 3267
Methods & Procedures Analyst		~~1611~~ 1751	~~2632~~ 2737
Nutrition Project Assistant Director		~~1611~~ 1751	~~2632~~ 2737
Nutrition Project Director		~~2103~~ 2186	~~3434~~ 3571
Office Services Supervisor II		~~1541~~ 1603	~~2413~~ 2510
Planner (Human Services)		~~2014~~ 2002	~~3141~~ 3267
Psychologist I		~~1844~~ 1918	~~3003~~ 3122
Psychologist II		~~2103~~ 2186	~~3434~~ 3571
Psychologist III		~~2806~~ 2917	~~4193~~ 4179
Public Health Educator		~~1763~~ 1751	~~2749~~ 2737
Public Health Nurse		~~1844~~ 1918	~~2870~~ 2985
Public Health Nurse (Team Leader)		~~1925~~ 2002	~~3003~~ 3122
Registered Dietician		~~1611~~ 1751	~~2632~~ 2737
Registered Nurse (A.A. Degree, 3 year Diploma, or B.S. Degree)		~~1762~~ 1832	~~2749~~ 2859
~~Resident Activity Coordinator~~		~~1611~~	~~1632~~
Sanitarian		~~1611~~ 1751	~~2632~~ 2737
~~Senior Public Health Nurse~~		~~2014~~	~~3141~~
Senior Staff Development Specialist		~~2103~~ 2186	~~3434~~ 3571
Social Services Supervisor I		~~2199~~ 2287	~~3758~~ 3908
Social Services Supervisor II		~~2413~~ 2616	~~4108~~ 4372
Social Services Supervisor III		~~2749~~ 2859	~~4288~~ 4460
Staff Attorney		2287	3908
Staff Development Specialist		~~1611~~ 1751	~~2632~~ 2737
Student Social Worker (Intern)	Rate proposed by appointing authority.		
Support Services and Accounting Supervisor		~~2014~~ 2002	~~3141~~ 3267
Support Services Supervisor		~~1763~~ 1832	~~2749~~ 2859
Trainee	Rate proposed by appointing authority and approved by the merit system supervisor and the commissioner of human services.		
Volunteer Services Coordinator		~~1611~~ 1751	~~2632~~ 2737
Welfare Director I		~~2632~~ 2673	~~3930~~ 4179
Welfare Director II		~~2870~~ 2985	~~4288~~ 4460
Welfare Director III		~~3073~~ 3196	~~4570~~ 4753
Welfare Director IV		~~3357~~ 3491	~~4900~~ 5190
Welfare Director V		~~3504~~ 3730	~~5218~~ 5547
Welfare Director VI		~~4474~~ 4653	~~6368~~ 6612

Subp. 4. Support personnel. The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Account Clerk	~~1151~~ 1197	~~1721~~ 1790
Accounting Technician	~~1204~~ 1282	~~1881~~ 1918
Adult Day Care Center Program Coordinator	~~1233~~ 1282	~~2014~~ 2095
Case Aide	~~1233~~ 1282	~~2014~~ 2095

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.

Ann Wynia
Commissioner of Human Services

Rules as Proposed

9575.1500 COMPENSATION PLAN; HUMAN SERVICES, ~~1990~~ 1991.

Subpart 1. **Professional.** The following minimum and maximum salary steps in monthly salary amounts shall be applicable to the specified classes of positions:

	Minimum	Maximum
Accountant	~~1762~~ 1832	~~2749~~ 2859
Accounting Supervisor	~~2102~~ 2186	~~3134~~ 3571
Administrative Assistant I	~~2199~~ 2287	~~3758~~ 3908
Administrative Assistant II	~~2352~~ 2446	~~4018~~ 4179
Administrative Assistant III	~~2805~~ 2917	~~4378~~ 4553
Adult Day Care Center Supervisor	~~1611~~ 1751	~~2633~~ 2737
~~Assistant Human Services Director~~	~~3073~~	~~4570~~
Assistant Welfare Director	~~3841~~ 4087	~~5694~~ 6068
Auditor	~~2102~~ 2186	~~3434~~ 3571
Chemical Dependency Coordinator	~~1762~~ 1832	~~2870~~ 2859
Collections and Accounting Unit Supervisor	~~1844~~ 1918	~~3002~~ 3122
Collection Services Supervisor II	~~1844~~ 1918	~~3002~~ 3122
Community Health Services Supervisor	~~2102~~ 2186	~~3587~~ 3571
Computer Programmer	~~1684~~ 1751	~~2633~~ 2737
Contract Services Representative	~~2014~~ 2002	~~3141~~ 3267
County Agency Social Worker (Licensing Specialist)	~~1611~~ 1751	~~2632~~ 2737
County Agency Social Worker	~~1684~~ 1832	~~3002~~ 3122
County Agency Social Worker (Child Protection Specialist)	~~1684~~ 1832	~~3002~~ 3122
County Agency Social Worker (MSW)	~~1844~~ 1918	~~3002~~ 3122
County Agency Social Worker (MSW) (Child Protection Specialist)	~~1844~~ 1918	~~3002~~ 3122
~~Day Care Center Teacher~~	~~1611~~	~~2632~~
Director of Business Management I	~~2352~~ 2446	~~4018~~ 4179
Director of Business Management II	~~2805~~ 3196	~~4570~~ 4753
Director of Financial Assistance	~~2805~~ 3196	~~4570~~ 4753
Director of Planning	~~2805~~ 3196	~~4570~~ 4753
Director of Public Health Nursing	~~2102~~ 2186	~~3434~~ 3571
Director of Social Services	~~2805~~ 3196	~~4570~~ 4753
Employment Guidance Counselor	~~1611~~ 1675	~~2413~~ 2510
Family Based Services Supervisor	~~1762~~ 1832	~~2749~~ 2859
Family Service Coordinator II	~~1611~~ 1675	~~2413~~ 2510
Financial Assistance Supervisor I	~~1844~~ 1918	~~3002~~ 3122

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.

CHAPTER 388

COUNTY ATTORNEY

388.01 Election; qualifications; term; bond.
388.051 Duties.
388.08 Prohibitions.
388.09 Other attorney employed.
388.10 Assistants.
388.103 Assistants and deputy sheriffs.
388.11 Law partner not to defend.
388.12 Attorney to assist.
388.13 Render account; pay over moneys.
388.14 Contingent fund; expenses.
388.15 Funds for investigation.
388.18 Compensation schedule, salaries.
388.19 County attorneys council.
388.20 Executive director.
388.21 Full time position; establishment.
388.22 Salary; appeal.

388.01 ELECTION; QUALIFICATIONS; TERM; BOND.

There shall be elected in each county a county attorney who shall be learned in the law, and whose term of office shall be four years and until a successor qualifies. Before entering upon duties the county attorney shall give bond to the state in the penal sum of $1,000, to be approved by the county board, conditioned that the county attorney will faithfully and impartially discharge the duties of office and pay over without delay to the county treasurer all moneys received by virtue thereof, which bond and an oath shall be filed for record with the county recorder.

History: *(924) RL s 563; 1943 c 355 s 1; 1959 c 189 s 1; 1965 c 749 s 1; 1973 c 524 s 6; 1976 c 181 s 2; 1986 c 444*

388.02 [Repealed, 1983 c 359 s 151]

388.03 [Obsolete]

388.04 [Repealed, 1969 c 649 s 2]

388.05 [Repealed, 1979 c 233 s 42]

388.051 DUTIES.

Subdivision 1. **General provisions.** The county attorney shall:

(a) Appear in all cases in which the county is a party;

(b) Give opinions and advice, upon the request of the county board or any county officer, upon all matters in which the county is or may be interested, or in relation to the official duties of the board or officer;

(c) Prosecute felonies, including the drawing of indictments found by the grand jury, and, to the extent prescribed by law, gross misdemeanors, misdemeanors, petty misdemeanors, and violations of municipal ordinances, charter provisions and rules or regulations;

(d) Attend before the grand jury, give them legal advice and examine witnesses in their presence;

(e) Request the court administrator to issue subpoenas to bring witnesses before the grand jury or any judge or judicial officer before whom the county attorney is conducting a criminal hearing;

(f) Attend any inquest at the request of the coroner; and

(g) Appear, when requested by the attorney general, for the state in any case instituted by the attorney general in the county attorney's county or before the United States land office in case of application to preempt or locate any public lands claimed by the state and assist in the preparation and trial.

Subd. 2. **Special provisions.** (a) In Anoka, Carver, Dakota, Hennepin, Scott, and Washington counties, only the county attorney shall prosecute gross misdemeanor violations of sections 290.53, subdivisions 4 and 11; 290.92, subdivision 15; 290A.11, subdivision 2; 297A.08; 297A.39, subdivisions 4 and 8; 297B.10; 609.255, subdivision 3; 609.377; 609.378; 609.41; and 617.247.

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(b) The county attorney shall prosecute failure to report physical or sexual child abuse or neglect as provided under section 626.556, subdivision 6, and shall prosecute violations of fifth-degree criminal sexual conduct under section 609.3451.

History: *1979 c 233 s 3; 1983 c 177 s 5; 1983 c 345 s 9; 1984 c 573 s 8; 1985 c 248 s 57; 1985 c 266 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1988 c 529 s 1*

388.06 [Repealed, 1965 c 749 s 5]

388.07 [Repealed, 1965 c 749 s 5]

388.08 PROHIBITIONS.

No county attorney or assistant county attorney shall receive or accept any fee or reward from, or which is paid or given on behalf of, any one for services rendered or to be rendered in the prosecution or conduct of any official duty or business. No person as an attorney who directly or indirectly advises in relation to, or aids or promotes the defense of, any action or proceeding in any court or prosecution which is carried on by a person as county attorney, with whom such attorney is directly or indirectly connected, or who, having prosecuted any action or proceeding as county attorney, shall afterwards advise in relation to or take any part in the defense thereof; nor shall any attorney be allowed to prosecute or assist such county attorney or assistant in any criminal prosecution or other official action where such attorney is interested in any other action or matter pending or to be commenced in which a recovery depends upon the matter involved in such prosecution or other official action. Any person offending against any provision of this section shall be guilty of a misdemeanor.

History: *(929) RL s 568; 1986 c 444*

388.09 OTHER ATTORNEY EMPLOYED.

Subdivision 1. **General provisions.** When there is no county attorney, the county board may employ any competent attorney to perform legal services for the county. The board may employ an attorney to assist the county attorney, to appear for the county or any county officer in any action in which the county or officer in an official capacity is a party, to advise the board or its members in relation to the action, or in relation to any other matter affecting the interests of the county. The county may pay the attorney out of the funds of the county.

Subd. 2. **Misdemeanors; other prosecutions.** Except in the counties of Ramsey and Hennepin, the county board with concurrence of the county attorney may enter into agreements with attorneys or firms of attorneys for the prosecution of gross misdemeanors, misdemeanors or petty misdemeanors, without making these attorneys or members of the firms assistant county attorneys or employees of the county where the county attorney has responsibility for the prosecution of these charges. If there is a contract between the county and any city within it which provides that the county attorney shall also prosecute municipal ordinance, municipal rule or regulation, and charter provision violations for that city, an attorney or firm engaged pursuant to this subdivision may also prosecute these violations.

History: *(930) RL s 569; 1983 c 177 s 6; 1986 c 444*

388.10 ASSISTANTS.

The county attorney of any county in this state who has no assistant is hereby authorized to appoint, with the consent of the county board of the county, one or more attorneys for assistance in the performance of duties. Each assistant shall have the same duties and be subject to the same liabilities as the county attorney and hold office during the pleasure of the county attorney. Each assistant shall be appointed in writing and the assistant's oath and appointment shall be filed for record with the county recorder. The county board of such county shall fix the salary of each assistant county attorney appointed pursuant to the provisions of this section, and the salary when so fixed by such county board shall thereafter be paid by the county in equal monthly installments

upon the warrant of the county auditor during the period for which such salary is so fixed or during such portion thereof as an assistant county attorney continues in office.

History: *(930 1/2) 1921 c 444 s 1; 1925 c 15 s 1; 1941 c 96 s 1; 1951 c 117 s 1; 1965 c 749 s 2; 1967 c 718 s 1; 1976 c 181 s 2; 1986 c 444*

388.103 ASSISTANTS AND DEPUTY SHERIFFS.

The board of county commissioners of any county in which a training camp is established for active training of military or naval forces, or of any adjoining county, may declare an emergency and, in addition to any salaries heretofore authorized by law for assistant county attorneys and deputy sheriffs, may authorize, fix, and pay the salaries of such additional assistant county attorneys and deputy sheriffs as the board deems necessary during such emergency.

History: *1941 c 347*

388.105 [Repealed, 1967 c 718 s 5]

388.11 LAW PARTNER NOT TO DEFEND.

No law partner of the county attorney, or attorney having an office with the county attorney, shall appear for the defendant in any criminal action which it is the duty of the county attorney to prosecute.

History: *(931) RL s 570; 1986 c 444*

388.12 ATTORNEY TO ASSIST.

The judge of any district court may by order entered in the minutes at any term of court appoint an attorney of such court to act as, or in the place of, or to assist, the county attorney at such term, either before the court or grand jury. The person so appointed shall take the oath required by law of county attorneys and thereupon may perform all duties at such term of court, but shall receive no compensation where the county attorney is present at such term, except by the county attorney's consent, and to be paid from the county attorney's salary.

History: *(932) RL s 571; 1986 c 444*

388.13 RENDER ACCOUNT; PAY OVER MONEYS.

On or before January first, in each year, the county attorney shall file in the office of the county auditor a verified account of all moneys received during the preceding year by virtue of office specifying therein the name of the person from whom received, the amount paid by each and on what account; and, unless previously paid, shall at the same time pay over such moneys to the county treasurer, and take duplicate receipts therefor, one of which shall be filed with the county auditor. If the county attorney shall refuse or neglect to account for and pay over any moneys so received, the auditor shall cause an action to be instituted upon the county attorney's bond to recover the same, and damages for failure to account.

History: *(933) RL s 572; 1986 c 444*

388.14 CONTINGENT FUND; EXPENSES.

The county board may set apart yearly a sum, not exceeding $5,000, except in counties containing cities of the first class, where the sum shall not exceed $7,500, as a contingent fund for defraying necessary expenses not especially provided for by law, in preparing and trying criminal cases, conducting investigations by the grand jury, making contributions to a statewide county attorney's organization, and paying the necessary expenses of the county attorney incurred in the business of the county. All disbursements from such fund shall be made upon written request of the county attorney by auditor's warrant, countersigned by a judge of the district court. Any balance remaining at the end of the year shall be transferred to the revenue fund.

History: *(934) RL s 574; 1909 c 233 s 1; 1917 c 307; 1965 c 749 s 4; 1981 c 357 s 104*

388.15 MS 1949 [Renumbered 388.15, subdivision 1]

388.15 FUNDS FOR INVESTIGATION.

Subdivision 1. **Appropriation.** The county board of any county in this state, upon the request of the county attorney of such county, may appropriate, for the use of the county attorney, such funds, not otherwise appropriated, as the county attorney deems necessary for the investigation and the procuring of evidence when the county attorney has reason to believe that any closed bank, savings bank, trust company, or building and loan association incorporated under the laws of the state of Minnesota, has violated any provision of law. Such amount shall be in addition to the contingent fund of such county now allowed by law and shall be disbursed only on order of a district judge of the district in which any such county is located, approving such expenditure.

Subd. 2. **Borrowing money.** The county board, if no funds are available, may borrow such money as it deems necessary to carry out the provisions of this section, but such loan shall not run over one year.

History: *(934-1, 934-2) 1925 c 264 s 1,2; 1986 c 444*

388.16 [Renumbered 388.15, subd 2]

388.17 [Repealed, 1949 c 597 s 5]

388.18 COMPENSATION SCHEDULE, SALARIES.

Subdivision 1. **Minimum salaries.** The county attorneys in all counties in this state with less than 100,000 inhabitants, according to the 1960 federal census shall receive as compensation for services rendered by them for their respective counties annual salaries not less than the following amounts based on the population according to the then last preceding federal census:

(a) In counties with less than 10,000 inhabitants $4,000;

(b) In counties with 10,000 but less than 20,000 inhabitants $5,000;

(c) In counties with 20,000 but less than 30,000 inhabitants $6,000;

(d) In counties with 30,000 but less than 40,000 inhabitants $7,000;

(e) In counties with 40,000 or more inhabitants $8,000.

Subd. 2. **Set by board.** The county board of each of the counties specified in subdivision 1 annually shall set by resolution the salary of the county attorney which shall be paid to the county attorney at such intervals as the board shall determine but not less often than once each month. At the January meeting prior to the first date on which applicants may file for the office of county attorney the board shall set by resolution the minimum salary to be paid the county attorney for the term next following. In the event a vacancy occurs in the office of county attorney the board may set the annual salary for the remainder of the calendar year at an amount less than was set for that year. The board in any case specified in this section may not set the annual salary at an amount less than the minimums provided in subdivision 1 but it may set the salary in excess of such minimums. The salary of the county attorney shall not be reduced during the term for which the county attorney is elected or appointed.

Subd. 3. MS 1949 [Repealed, 1951 c 327 s 6]

Subd. 3. MS 1974 [Repealed, 1975 c 301 s 16]

Subd. 4. **Effect upon certain sections.** Subdivisions 1 to 3 shall not be construed as repealing any existing law which provides for a higher minimum salary in any county than the amount provided in subdivision 1, but shall be deemed to supersede the provisions of any act setting a maximum salary for the county attorney in any of the counties specified in subdivision 1.

Subd. 5. **Budget for office.** The county board by resolution shall provide the budget for (1) the salary of the county attorney, any assistant county attorneys and employees in the county attorney's office; (2) the salary or other fees of any attorneys or firms of attorneys employed or engaged to prosecute misdemeanors, petty misde-

meanors, gross misdemeanors, municipal ordinance violations, or municipal charter, rule or regulation violations, if any; (3) other expenses necessary in the performance of the duties of the office; and (4) the payment of premiums of any bonds required of the county attorney and any assistant county attorney or employee in the county attorney's office. The board is authorized to appropriate funds for those purposes.

Subd. 6. **Appeal from resolution of the board.** The county attorney, if dissatisfied with the action of the county board in setting the amount of the county attorney's salary or the amount of the budget for the office of county attorney, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or in unreasonable disregard for the responsibilities and duties of said office, and the county attorney's experience, qualifications, and performance. The appeal shall be taken within 15 days after the date of the resolution setting such salary or budget by serving a notice of appeal on the county auditor and filing same with the court administrator of the district court. The county board may retain special counsel pursuant to section 388.09 to represent it in the appeal proceedings. The court either in term or vacation and upon ten days notice to the chair of the board shall hear such appeal. On the hearing of the appeal the court shall review the decision or resolution of the board in like manner as though reviewed by certiorari, except new or additional evidence may be taken. The court may order the officer appealing and the board to submit briefs or other memoranda and may dispose of the appeal on such writings. If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner it shall remand the matter to the county board for further action consistent with the court's finding.

History: *1945 c 525 s 1,2; 1949 c 597 s 2-4; 1951 c 327 s 6; 1967 c 718 s 2; 1983 c 177 s 7; 1983 c 345 s 10; 1985 c 281 s 11; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

388.19 COUNTY ATTORNEYS COUNCIL.

Subdivision 1. **Creation.** There is hereby created a county attorneys council hereinafter designated as the "council" to be composed of the county attorney from each of the 87 counties and the attorney general of the state of Minnesota. The members shall meet annually in November of each year and, commencing at the annual meeting in November 1973, shall elect a president, a president-elect, a secretary, and a treasurer, and such other officers and directors as the county attorneys council shall determine. Each of these officers shall hold office for a term of one year and until their successors are elected and qualified. The county attorneys council may adopt such rules as are necessary for the carrying out of its duties. A county attorney may designate in writing an assistant who may act in the county attorney's stead in carrying out any function of the county attorneys council except serving as an officer. The county attorneys council may acquire and hold property, accept gifts, grants, and contributions and may charge fees for services, for seminars, workshops and publications it conducts and produces. All receipts from these sources shall be deposited in one or more special accounts in the state treasury and are appropriated to the county attorneys council for carrying out the duties described in subdivision 4.

Subd. 2. **First meeting.** The first meeting of the county attorneys council shall be called by the attorney general within 60 days of final enactment of Laws 1973, chapter 564. The attorney general, the president, president-elect, secretary, treasurer and immediate past president of the Minnesota county attorneys association shall be the officers of the council until the meeting in November 1973, and shall be the board of governors and shall exercise all the powers and duties of the board of governors until the annual meeting in November 1973.

Subd. 3. **Governing body.** The board of governors of the county attorneys council shall be composed of the president, the president-elect, the secretary, the treasurer, the immediate past president and the attorney general. A vacancy in any office of the board of governors of the county attorneys council shall be filled by appointment of the remaining members of the board of governors of the county attorneys council.

The board of governors shall have such authority and duties as delegated to it by the council.

Subd. 4. **Duties of the council.** The council shall perform such functions as in its opinion shall strengthen the criminal justice system and strengthen and increase efficiency in county government in Minnesota, including but not limited to the following:

(a) Provide training and continuing education for county attorneys and assistants.

(b) Gather and disseminate information to county attorneys including changes in the law by rule, case decisions, and legislative enactment.

(c) Coordinate with law enforcement, courts and corrections providing interdisciplinary seminars to augment effectiveness of the system.

History: *1973 c 564 s 1; 1979 c 337 s 22; 1981 c 357 s 105; 1985 c 248 s 70; 1986 c 444*

388.20 EXECUTIVE DIRECTOR.

Subdivision 1. **Appointment.** In order to carry out the duties of the county attorneys council, the council shall employ an executive director, hereinafter referred to as the director, which office is hereby created. The board of governors of the county attorneys council shall appoint and supervise the executive director.

Subd. 2. **Term, vacancy.** The term of office of the director shall be six years and until a successor is appointed and qualified. The director shall be learned in the law. The director shall be in the unclassified service of the state. The term of office for the first director shall commence on July 1, 1973. Vacancies in the office of director shall be filled for the unexpired term by the appointing authority. The director shall devote full time to duties and shall not engage in the private practice of law.

Subd. 3. **Employees, office space.** The director may hire such employees as are necessary to carry out duties. Such employees shall be in the unclassified service of the state.

The commissioner of administration shall provide the director with suitable office space.

Subd. 4. **Duties.** The director shall carry out the duties assigned to the county attorneys council by Laws 1973, chapter 564 and shall perform such other functions as may be assigned from time to time by the county attorneys council.

History: *1973 c 564 s 2 subds 1-4; 1986 c 444*

388.21 FULL TIME POSITION; ESTABLISHMENT.

Subdivision 1. The county board of any county in Minnesota by resolution may provide that the office of the county attorney shall be a full time position and require that one elected to the office not engage in the private practice of law.

Subd. 2. If the office of county attorney is made a full-time position, the action shall be taken at the January meeting prior to the first date on which applicants may file for the office of county attorney. The salary shall be set by the county board as provided in section 388.18, subdivision 2.

History: *1974 c 262 s 1*

388.22 SALARY; APPEAL.

Subdivision 1. The county board shall pay the salary of the county attorney at intervals as the board shall determine but not less than once each month.

Subd. 2. The county board by resolution shall provide the budget for the salary of the full time county attorney.

Subd. 3. The county attorney, if dissatisfied with the action of the county board in setting the amount of the county attorney's salary, may appeal on the same grounds and in the same manner as provided in section 388.18, subdivision 6.

History: *1974 c 262 s 2; 1986 c 444*

In the Matter of the Adoption of the Rules of the Departments of Human Services, Health and Public Safety Governing The Compensation Plan (Minnesota Rules, parts 9575.1500, 4670.4210-4240 and 7520.1000-1100.)

DECLARATION OF COUNSEL

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

Craig Anderson
Special Assistant Attorney General

Dated: 12-14-90