

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

STATE OF MINNESOTA

Office of the Attorney General

TO : CHARLES E. CURREN
Policy Analysis Director
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul

DATE : December 18, 1992

FROM : MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Rule Relating to Labor Education Advancement Program

The above-referenced rule has been approved as to its legality by the Attorney General on December 18, 1992.

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:jj

cc: Gilbert S. Buffington
William Brown, Chief Judge
MaryAnn Hruby

Stat Authority 175.171
The department of labor and industry shall have the following powers and duties
To adopt reasonable and proper rules relative to the exercise of its powers and duties

Chapter 335 Article 1 subd 7
Can't find - wrong cite Chapter 335, Article 1 Sec 30 subd 7
end of comment period 9-23-92

Bad SONAR - to General -
new material - is this mandatory?

cite should be Chapter 335, Article 1
Sec 30 Subd 7

To LCRAR

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY

INTER-OFFICE CORRESPONDENCE

DATE: August 21, 1992

TO: Maryann V. Hruby
Legislative Commission to Review
Administrative Rules

FROM: John B. Lennes, Jr.
Commissioner

SUBJECT: Transmittal of Rules

Attached is a copy of the Statement of Needs and Reasonableness for Rules Relating to Labor Education Advancement Programs along with a copy of the Proposed Permanent Rules Relating to Labor Education Advancement Programs.

JBL:jkb

Attachs.

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY

Proposed Permanent Rules Relating to
Labor Education Advancement Programs (L.E.A.P.)

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN That the Minnesota Department of Labor and Industry (hereinafter "Department") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes 175.171 (2) and Laws of Minnesota for 1989 Chapter 335, Article 1, Subd. 7.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The comment period will end on 9/23/92.

Any person may make a written request for a public hearing on the rules 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 rules addressed, the reason for the request and any change proposed. If a public hearing is required, the Department will proceed pursuant to Minnesota Statutes 14.131 to 14.20.

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

Charles E. Curren, Policy Analysis Director
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155
Telephone (612) 297-5797

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

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Legal Services Section, 443 Lafayette Road, St. Paul, MN 55155.

If no hearing is required, upon adoption of the rule, the rule and 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 Legal Services Section, Minnesota Department of Labor and Industry, 443 Lafayette Road, St. Paul, MN 55155.

Dated: 8-10-92

John B. Lennes, Jr.
Commissioner

STATEMENT OF NEEDS AND REASONABLENESS FOR RULES RELATING TO LABOR EDUCATION ADVANCEMENT PROGRAMS (L.E.A.P.)

INTRODUCTION

The Minnesota Legislature has instructed the Commissioner of Labor and Industry to develop and implement an application process for organizations seeking to receive funding from the labor education advancement program. The process is to include criteria for the selection of grant recipients which includes, but is not limited to, the number of minority people served and the ability of organizations to match state money received with non-state resources.

The rules for the application and the criteria to be used in the selection of grantees to operate labor education advancement programs were drafted by the Minnesota Department of Labor and Industry. Notice of Solicitation of Outside Information regarding proposed rules governing the criteria used in the selection of Labor Education Advancement Program (L.E.A.P.) grantees was published in the **State Register**, Monday, 25 November, 1991. Comments and information received, in response to the notice, were considered when the rules were drafted.

The Labor Education Advancement Program is operated with the objective of providing racial minorities, females and other economically disadvantaged individuals with information, educational training and assistance to obtain meaningful employment in construction and in other industries that operate apprenticeship training programs and employ people with certified trade skills.

The Department of Labor and Industry has been awarding Labor Education Advancement Program grants to community organizations since 1983. The initial funding was provided by an appropriation of money in the Laws of 1983, Chapter 301, Section 32. Subsequent appropriations, by the Legislature, has permitted continued funding for the Labor Education Advancement Program.

The need to develop rules grew out of information that the Legislature received reflecting citizen interest in expanding the utilization of the Labor Education Advancement Program concept. In response to citizen concern, the Legislature has instructed the Commissioner to develop and implement an application process for organizations seeking to receive funding from the Labor Education Advancement Program (Laws of 1989, Chapter 335, Article I, Section 30).

All parties that have made known their interest will be invited to review the draft and present comments about changes that they feel should be considered.

SMALL BUSINESS - IMPACT OF THE RULES

Labor Education Advancement Program activities tend to focus on employers who are sponsors or co-sponsors of apprenticeship training programs. These employers are required to comply with the mandates of the Minnesota State Plan for Equal Employment Opportunity in Apprenticeship pursuant to the provisions of Title 29 Code of Federal Regulations, Part 30, and applicable provisions of other state and federal laws related to the employment of individuals. The proposed rules will have no measurable effect on this group of employers who operate small businesses.

Small business employers who are not sponsors or co-sponsors of apprenticeship training programs and apply for grants will be obligated to keep and maintain records and report the progress and status of trainees employed under the Labor Education Advancement Program.

The factors in M.S. 14.115, Subd. (a) - (e) have been considered. Since knowledge of the status of each enrollee is an integral part of the Labor Education Advancement Program, less stringent standards for small businesses are not feasible.

AGRICULTURE - IMPACT OF RULES

These rules will have no impact or effect on agricultural activities.

LOCAL GOVERNMENT - IMPACT OF RULES

Local government may participate in Labor Education Advancement Program activities by: (1) employing of individuals referred by grantees; and (2) contributing to the support of a grantee's labor education advancement program operations. The proposed rules on criteria to be used in the selection of labor education advancement grantees will not have an impact on local government because there is no obligation for participation.

NEED FOR AND REASONABLENESS OF RULES

In Laws 1983, Chapter 301, Section 32, the Minnesota Legislature set aside $250,000 each year for the operation of Labor Education Advancement Program (L.E.A.P.) by the Minneapolis and St. Paul Urban Leagues.

In the rider language on this appropriation, the Legislature provided:

> "Before payment of these grants, the Commissioner shall secure an approved contract that specifies the detailed budget to be submitted for use of each grant, the frequency and format of periodic reports on actual use of the grants, and audit requirements. The Legislative Auditor may conduct

"post-award audits of these grants as requested by the Commissioner and approved by the Legislative Audit Commission. Twenty percent of each grant in each year, or $25,000, shall be available for payment upon demonstration of a dollar-for-dollar match from non-state contributions. If continuation of state funding is anticipated in the 1985-1987 fiscal biennium, the Commissioner shall develop an application process by which organizations currently established or organizations seeking to become established as providers...may seek funding..."

In the 1985 and 1987 State Department's appropriation bills (Laws of 1985 First Special Session, Chapter 13, Section 32; and Laws of 1987, Chapter 404, Section 31), no specific rider language was included in the State Department's appropriation bills for the funding of Labor Education Advancement Programs. However, in 1989, specific rider language was once again included in the Department's appropriation. Laws of 1989, Chapter 335, Article I, Section 30, set aside $225,000 each year for L.E.A.P. grants. The Legislature went on to provide:

"Notwithstanding Laws of 1983, Chapter 301, Section 32, the Commissioner of the Department of Labor and Industry shall develop and implement an application process for organizations seeking to receive funding from the Labor Education Advancement Program. Criteria for selection of grant recipients shall include but not to be limited to the number of minority people served and the ability of organizations to match the state money with nonstate resources..."

Having received specific instructions from the Legislature, it is the Department's opinion that the application process should be implemented by utilization of the rulemaking process.

NEED

Increased interest in the Labor Education Advancement Program grants has created the need for a more comprehensive method of processing applications and a more effective way of communicating what criteria will be used to select grantees to operate Labor Education Advancement Programs.

The Legislature has indicated its desire to expand the application process to existing and new organizations seeking to receive funding from the labor education advancement program. To accomplish this objective, the application process and the criteria used to select grantees' needs to be published and made available to interested organizations throughout the State of Minnesota.

REASONABLENESS

These rules were drafted to comply with instructions that the Department received from the Legislature. The instructions received require the Commissioner of the Department of Labor and Industry to develop and implement an application process for organizations seeking to receive funding from the Labor Education Advancement Program. The Legislature also provided the Department with certain provisions the application process could have.

The scope of the rules that have been drafted for adoption is confined to the subject material which the Legislature communicated and expressed an interest in. Provisions provided by the Legislature have been included in the rules.

The Department has also attempted to create provisions that will serve as a foundation for future expansion of program activities and which will accommodate changes in economic conditions and help cushion the impact of shifts in the demographic makeup of communities.

The provisions of the rules insure all interested organizations an equal opportunity to apply for and compete for funds to operate a labor education advancement program. There are also provisions which ensure administrative consistency, protect state funds and ensure that state money will be properly distributed and accounted for.

The rules focus on matters that are directly related to the application process and criteria needed to select organizations to run Labor Education Advancement Programs. The Department of Labor and Industry has been awarding grants to fund the cost of operating Labor Education Advancement Programs since 1983. The Department's years of experience administering Labor Education Advancement Program grants was used to draft rules that it feels are both reasonable and practical.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Labor Education Advancement Programs

AGENCY: Department of Labor and Industry

MINNESOTA RULES: Chapter 5227

The attached rules are approved for publication in the State Register

Marie O'Neill

Marie E. O'Neill
Assistant Revisor

Department of Labor and Industry

Proposed Permanent Rules Relating to Labor Education Advancement Programs

Rules as Proposed

5227.0100 SCOPE.

Parts 5227.0100 to 5227.0130 govern the application process and criteria to be used in the selection of organizations to receive grants to operate labor education advancement programs.

5227.0110 DEFINITIONS.

Subpart 1. Scope. The terms used in parts 5227.0100 to 5227.0130 have the meanings given in this part.

Subp. 2. Commissioner. "Commissioner" means the commissioner of the Minnesota Department of Labor and Industry.

Subp. 3. Department. "Department" means the Minnesota Department of Labor and Industry.

Subp. 4. Grantee. "Grantee" means an organization that has applied for and received funding to operate a labor education advancement program.

Subp. 5. L.E.A.P. "L.E.A.P." means a labor education advancement program.

5227.0120 PROPOSAL PROCESS.

Subpart 1. Notification by commissioner. To initiate the process for awarding grants for the operation of labor education advancement programs, the commissioner shall publish a notice requesting grant proposals in the State Register. Interested organizations must submit proposals to the commissioner. Proposals must be received by the commissioner by the deadline established in the notice.

Subp. 2. Proposals; requirements. Proposals must be submitted in the form or format specified by the commissioner. A proposal must include the following information:

A. a chart of the applying organization that

Approved by Revisor MEO

identifies:

(1) the organization's administrative structure; and

(2) the makeup of its advisory committee or council;

B. identification of the geographic area for which services will be provided;

C. demographic data of the service area, including:

(1) the rate of unemployment in the service area;

(2) comparative data on the ratio of unemployment between minorities and nonminorities in the targeted service area;

(3) the percentage of racial minorities in the service area population; and

(4) the source of demographic data;

D. a budget plan itemizing details of estimated operating costs, sources of nonstate matching funds, and amount of state funding requested;

E. a program narrative outlining the organization's goals, objectives, and performance indicators;

F. evidence of the ability to deliver services, which may include:

(1) existing compacts with employers, employees, and employer or employee representatives;

(2) previous experience providing job training and job placement services to economically disadvantaged individuals, diverse ethnic and racial minority groups, and females; and

(3) previous experience operating labor education advancement programs, providing details of the results of L.E.A.P. operations;

G. assurances that the department or the state may conduct post-grant audits, and that the periodic performance and financial reports will be submitted promptly;

H. assurance that the applying organization has an effective equal employment policy; and

Approved by Revisor _____

I. evidence of workers' compensation coverage as required by Minnesota law.

5227.0130 EVALUATION OF PROPOSAL.

The commissioner shall evaluate each proposal that is determined to be complete. The commissioner shall base the evaluation and any grants on the following factors:

A. the technical and economic feasibility of the proposed program;

B. the applicant's ability to implement the program in a timely manner upon receipt of the grant award;

C. the consistency of the proposal with department objectives and priorities;

D. the extent to which the proposal promotes equal employment opportunities in apprenticeable jobs;

E. the ability to obtain nonstate matching funds for L.E.A.P. operations;

F. the ability to develop employment contacts with employers, labor organizations, and state or governmental units;

G. the ability to develop and implement processes that will help noncollege bound youth obtain marketable job skills;

H. the applying organization's basic mission and objectives; and

I. the amount of funds available for the operation of labor education advancement programs.

Approved
by Revisor _____

RECEIVED
DEC 04 1992
Office of the Attorney General
Government Services Section
Capitol Office Bldg. - Suite
525 Park Street
St. Paul, MN

Department of Labor and Industry

Proposed Permanent Rules Relating to Labor Education Advancement Programs

Rules as Proposed

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G. assurances that the department or the state may conduct post-grant audits, and that the periodic performance and financial reports will be submitted promptly;

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Approved
by Revisor _____

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C. the consistency of the proposal with department objectives and priorities;

D. the extent to which the proposal promotes equal employment opportunities in apprenticeable jobs;

E. the ability to obtain nonstate matching funds for L.E.A.P. operations;

F. the ability to develop employment contacts with employers, labor organizations, and state or governmental units;

G. the ability to develop and implement processes that will help noncollege bound youth obtain marketable job skills;

H. the applying organization's basic mission and objectives; and

I. the amount of funds available for the operation of labor education advancement programs.

Approved
by Revisor _____

Office of the Revisor of Statutes

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AGENCY: Department of Labor and Industry

MINNESOTA RULES: Chapter 5227

The attached rules are approved for publication in the State Register

Marie O'Neill

Marie E. O'Neill
Assistant Revisor

Department of Labor and Industry

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G. the ability to develop and implement processes that will help noncollege bound youth obtain marketable job skills;

H. the applying organization's basic mission and objectives; and

I. the amount of funds available for the operation of labor education advancement programs.

RECEIVED
DEC 04 1992
Office of the Attorney General
Government Services Section
525 Park Bldg., Suite
St. Paul, MN

APPROVED AS TO FORM AND LEGALITY
December 18 1992
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassady
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 18 1992
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 18 1992
Secretary of State

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FILED
DEC 18 1992
Secretary of State

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PB

DEPARTMENT : Labor and Industry - *Helping Minnesota Work*

STATE OF MINNESOTA
OFFICE MEMORANDUM

DATE : December 2, 1992

TO : Martha Casserly, Special Assistant Attorney General
Public Finance Division
525 Park Street, #500
St. Paul, Minnesota 55103

RECEIVED
DEC 04 1992
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite
525 Park Street
St. Paul, MN

FROM : Mary Miller
Attorney

PHONE : 296-8726

SUBJECT : **LEAP Rules**

Attached are copies of the documents in the Rules Relating to Labor Education Advancement Programs (LEAP).

As required by Minnesota Rules Part 2010.0300 and identified by the letters in that Rule you will find the following items:

A. Notice of Solicitation of Outside Opinion as published in the State Register
B. n/a
C. n/a
D. Proposed rule with Revisor's Certificate of Approval as to form
E. Notice of intent to adopt as mailed
F. Statement of Need and Reasonableness
G. Affidavit of Mailing and Notice and Certificate of Mailing List
H. Notice of Intent to Adopt as published in the State Register
I. Four copies of the Rule as Adopted
J. n/a
K. The Findings, Conclusions and Order of the Commissioner
L. Written requests and Comments
M. Declaration of Attorney General
N. No requests
O. n/a

Also enclosed is a copy of the material submitted to the Legislative Commission to Review Administrative Rules.

If you have questions feel free to contact Nancy Christensen or me. We are confident that you will find all in order in the file and hopeful that you will assist us in expediting this rulemaking process. We look forward to hearing from you soon.

MM/cj (190-1)

cc: Nancy Christensen
David Johnson
Steve Buffington

SONAR to General

MJAAC 12/8/92

RULE REVIEW CHECKLIST

File No. 1977
DATE RECEIVED 12-4-92
REVIEW DATE ~~12-13-92~~ 12-14-92
DUE DATE 12-18-92
(DIS)APPROVED 12-18-92 mjC
WITHDRAWN

Docket No. 05.0009.0600
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 12-8-92
REVISOR (DIS)APPROVED 12-10-92
FILED W/SEC. OF STATE 12-18-92
RETURNED TO AGENCY 12-18-92

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
Nov. 25, 1991 Date published in State Register
Comments

Petition for Adoption of a Rule

Board's Authorizing Resolution
Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
175.171 Statutory Authority Laws of MN 1989 Chapter 335 Article 1 Subd 7 missed Sec 30
NA Small Business Statement
Expenditure of public money statement
8-10-92 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
August 20, 1992 Dated 30/25 days before adoption
Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
August 24, 1992 Date 30/25 days before adoption

? 180-day deadline from:
see notes 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
November 17, 1992 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Steve Buffington Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

(F)

STATEMENT OF NEEDS AND REASONABLENESS FOR RULES RELATING TO LABOR EDUCATION ADVANCEMENT PROGRAMS (L.E.A.P.)

INTRODUCTION

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Local government may participate in Labor Education Advancement Program activities by: (1) employing of individuals referred by grantees; and (2) contributing to the support of a grantee's labor education advancement program operations. The proposed rules on criteria to be used in the selection of labor education advancement grantees will not have an impact on local government because there is no obligation for participation.

NEED FOR AND REASONABLENESS OF RULES

In Laws l983, Chapter 30l, Section 32, the Minnesota Legislature set aside $250,000 each year for the operation of Labor Education Advancement Program (L.E.A.P.) by the Minneapolis and St. Paul Urban Leagues.

In the rider language on this appropriation, the Legislature provided:

> "Before payment of these grants, the Commissioner shall secure an approved contract that specifies the detailed budget to be submitted for use of each grant, the frequency and format of periodic reports on actual use of the grants, and audit requirements. The Legislative Auditor may conduct

"post-award audits of these grants as requested by the Commissioner and approved by the Legislative Audit Commission. Twenty percent of each grant in each year, or $25,000, shall be available for payment upon demonstration of a dollar-for-dollar match from non-state contributions. If continuation of state funding is anticipated in the 1985-1987 fiscal biennium, the Commissioner shall develop an application process by which organizations currently established or organizations seeking to become established as providers...may seek funding..."

In the 1985 and 1987 State Department's appropriation bills (Laws of 1985 First Special Session, Chapter 13, Section 32; and Laws of 1987, Chapter 404, Section 31), no specific rider language was included in the State Department's appropriation bills for the funding of Labor Education Advancement Programs. However, in 1989, specific rider language was once again included in the Department's appropriation. Laws of 1989, Chapter 335, Article I, Section 30, set aside $225,000 each year for L.E.A.P. grants. The Legislature went on to provide:

"Notwithstanding Laws of 1983, Chapter 301, Section 32, the Commissioner of the Department of Labor and Industry shall develop and implement an application process for organizations seeking to receive funding from the Labor Education Advancement Program. Criteria for selection of grant recipients shall include but not to be limited to the number of minority people served and the ability of organizations to match the state money with nonstate resources..."

Having received specific instructions from the Legislature, it is the Department's opinion that the application process should be implemented by utilization of the rulemaking process.

NEED

Increased interest in the Labor Education Advancement Program grants has created the need for a more comprehensive method of processing applications and a more effective way of communicating what criteria will be used to select grantees to operate Labor Education Advancement Programs.

The Legislature has indicated its desire to expand the application process to existing and new organizations seeking to receive funding from the labor education advancement program. To accomplish this objective, the application process and the criteria used to select grantees' needs to be published and made available to interested organizations throughout the State of Minnesota.

REASONABLENESS

These rules were drafted to comply with instructions that the Department received from the Legislature. The instructions received require the Commissioner of the Department of Labor and Industry to develop and implement an application process for organizations seeking to receive funding from the Labor Education Advancement Program. The Legislature also provided the Department with certain provisions the application process could have.

The scope of the rules that have been drafted for adoption is confined to the subject material which the Legislature communicated and expressed an interest in. Provisions provided by the Legislature have been included in the rules.

The Department has also attempted to create provisions that will serve as a foundation for future expansion of program activities and which will accommodate changes in economic conditions and help cushion the impact of shifts in the demographic makeup of communities.

The provisions of the rules insure all interested organizations an equal opportunity to apply for and compete for funds to operate a labor education advancement program. There are also provisions which ensure administrative consistency, protect state funds and ensure that state money will be properly distributed and accounted for.

The rules focus on matters that are directly related to the application process and criteria needed to select organizations to run Labor Education Advancement Programs. The Department of Labor and Industry has been awarding grants to fund the cost of operating Labor Education Advancement Programs since 1983. The Department's years of experience administering Labor Education Advancement Program grants was used to draft rules that it feels are both reasonable and practical.

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY

INTER-OFFICE CORRESPONDENCE

DATE: November 12, 1992

TO: Mary Miller
Legal Services

FROM: Nancy Christensen NC
Assistant Commissioner

SUBJECT: LEAP Grants

Attached is a FAX dated September 23 which is a comment about the LEAP Rules published in the State Register. Since it is not date-stamped, I cannot ascertain for certain that it arrived during the open comment period.

I have not forwarded this to you sooner because it was misfiled and apparently not seen by Mr. Curren. I think we should treat it as though it had been received in the open-comment period.

Please note, though, that the comments are not directed at the rules, but at the LEAP title which is an acronym for the statutory name of the grant. I believe the Legislature is the body which would have to change the title of this grant.

NC:jb

Attach.

St. Paul Urban League

401 Selby Avenue St. Paul, MN 55102 (612) 224-5771 Fax 224-8009

FACSMILE TRANSMISSION

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Walter J. Rock
Rev. Kneely Williams

PRESIDENT AND CHIEF EXECUTIVE OFFICER
Willie Mae Wilson

DATE: September 23, 1992

TO: Nancy Christensen
Assistant Commissioner

FROM: Willie Mae Wilson

THIS TRANSMISSION CONSISTS OF 2 PAGES (INCLUDING THIS PAGE).

IF YOU HAVE PROBLEMS RECEIVING THIS TRANSMISSION PLEASE CALL THE SENDER AT 224-5771

MESSAGE: Original to Follow

(L)

St. Paul Urban League

401 Selby Avenue St. Paul, MN 55102 (612) 224-5771 Fax 224-8009

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PRESIDENT AND CHIEF EXECUTIVE OFFICER
Willie Mae Wilson

September 23, 1992

Mr. Charles E. Curren
Policy Analysis Director
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155

Dear Mr. Curren:

We have received your Notice of Intent to Adopt Rules relating to Labor Education Advancement Programs, and we wish to comment on the following part of the Proposed Permanent Rules:

5227.0110 DEFINITIONS--Subpart 9: L.E.A.P.

The title "LEAP" was coined in 1967 by the National Urban League to designate the special program of the National Urban League and its affiliates under the U.S. Department of Labor's "Apprenticeship Outreach Program." In 1969 the National Urban League was awarded a contract by the U.S. Department of Labor and began to distribute Apprenticeship Outreach funds to its thirty-three affiliates. At that time other agencies awarded Apprenticeship Outreach contracts used other titles, but not the title "LEAP." The U.S. Department of Labor and the unions all understand LEAP TO BE A TITLE OF Urban League programs. Therefore, for the State of Minnesota to adopt "LEAP" as a title might create confusion for those who have been involved in the past and may be involved in the future.

Thank you for your consideration of these remarks.

Sincerely,

Willie Mae Wilson/DV

Willie Mae Wilson
President and CEO

L

MEMORANDUM

To: Charles Curren, Program Analyst Minnesota Department of Labor and Industry

From: Laura Scott-Williams, Associate Vice President, Employment and Training, Minneapolis Urban League

Subject; Criteria For Selection of LEAP

Date: December 20, 1991

The Labor Education Advancement Program (LEAP), was designed and operated by the National Urban League via its affiliates one of which was the Minneapolis Urban League. Originally funded by a grant from the Department of Labor, the program was to gain access to the building and construction skilled jobs for African Americans, other minorities and women through apprenticeship programs.

The program recruited minorities and women, assessed, and counseled them, provided tutorial services, and job development for these individuals to enter the construction and trade skilled labor positions (journey person status) which historically had been by inside referral of friends and relatives. Thus you had a whole industry dominated by white males with access by other groups completely blocked. African Americans and other minorities did participate in the industry, but mostly as common laborers and/or unlicensed craftsperson. They were unable to go state to state, job to job, and community to community to find work. Neither were they able to earn wages appropriate to their skills. They were locked out of the industry due to a lack of union sanctioning.

In most program design efforts, the scientist/professional say "why re-create the wheel". That analogy is applicable to the LEAP Program. The Department has a LEAP Program functioning, and if it would, as they say, see the forest instead of just looking at the "trees" they might be able to accept a realistic view of the effectiveness of the Program. This is particularly important when you look at the issues and barriers.

LEAP was funded to fight a condition created primarily by racism and racist controlled entree into the market. It was organized to deal with this racism in the building and trades infra structures and to work with those (LEAP clients) who have been the recipients of a value system and barriers as a result of years of discrimination and oppression.

Although equal opportunity became the law of the land, translating that law into the reality of jobs and training is not that easily achieved. So in identifying the criteria, one needs to ask questions such as: What is the timetable, who will the program impact, and in what way? What are the barriers/problems, who are all of the players, and what decision/impact does each one make in the overall solution of the problem, and of course, who is the target population, area served? Finally, who can best serve the needs of that group.

While these questions may at first glance appear to be an over simplification of the problem, a closer look reveals that some very serious answers are needed.

One of the criteria for funding a LEAP Program is "demonstrated effectiveness" to quote from the U.S. Department of Labor criteria.

The Minneapolis Urban League has "demonstrated effectiveness". You can come to that conclusion by answering the above questions and relating the answer to MUL LEAP Program activities/results. One has to keep in mind the narrow scope of potential effectiveness against a much larger picture (community vs state). Also, what was the responsibility of LEAP, then one realizing that to get 2, 10, 50, 100 African Americans from the inner city into the union was very effective and has had a tremendous effect on the economy (ability to earn decent wages/union scale/own business) of many minorities. A lot of currently active in the trades (minority perspective) came through LEAP.

For instance: Who is the target population? Answer: African American males, other minorities and women. Each group has barriers, some unique, others are across the board. First is, discrimination, second, victim of poor academic training, lack of role models, no track for school to work transition, language, non-traditional work, etc.

Another is funding: What is the number of people you can get from A-Z with X number $'s. This is especially important when you look at the players, i.e., client, apprenticeship selection committees, job opportunities with general contractors. If you have a sluggish economy and general contractors are not hiring, can you expect that UNDER THE PRESENT SYSTEM, you can get people trained. We could take each question and come up with some complex issues and responses.

MUL LEAP is a starting point. It has a working relationship with major players, i.e., labor unions, general contractors. It certainly has the confidence of the community.

LEAP is a part of a major civil rights organization, who advocates on many fronts on behalf of African Americans and other disenfranchised groups.

The Urban League and LEAP has a track record in the area of finding employment including skilled labor jobs, training, education, and other opportunities for African Americans.

SUMMARY

The criteria for funding LEAP should be experience, ability to operate programs, commitment to serve the target groups, an organization with a vision and purpose, credibility, results oriented, proven track record, and to borrow an old cliche, "has paid some dues".

RECEIVED
JAN 2 1992
ASST. TO COMMISSIONER'S OFFICE
DEPT. OF LABOR & INDUSTRY

ANISHINABE
Council of Job Developers, Inc.
3010 Bloomington Avenue South
Minneapolis, MN 55407
(612)729-5654

RECEIVED
DEC 31 1991
Commissioner's Office
Dept. Of Labor & Industry

December 17, 1991

John B. Lennes, Jr., Commissioner
Attention: Charles Curren
MN Department of Labor and Industry
443 Lafayette Road
St. Paul, Minnesota 55155

RE: Notice of Solicitation of Outside Information regarding Proposed Rule governing the Criteria used in the selection of Labor Education Advancement Program (LEAP) Grantees.

Dear Sir:

The Anishinabe Council Board of Directors and Staff have discussed at length this very controversial issue. We are recommending that the following rules be considered when governing the criteria which awards LEAP grantees.

1. Non-profit organizations who perform like or similar work must have a track record, particularly in successfully placing minorities and women in apprenticeship and skilled construction jobs.

2. LEAP grantees must have cultural sensitivity to all protected class members and women where the objective is in the development of a real employment solution.

3. An outstate action plan which is representative of protected class members and women.

4. Publicize the annual report detailing activities and work realized to show the apprenticeship program is working and to include data collection of job seekers.

5. Careful evaluation of proposals by a panel or advisory of specialists where all protected class members and women are represented followed by an organizations oral presentation.

6. Link education & training and apprenticeship in a collaborating effort.

   The average of U. S. apprentices is in the mid-twenties compared to many countries where youth typically move directly from school into apprenticeships at 16-17 years of age. Linking education & training and apprenticeship in this country should substantially reduce the unproductive time that many youth spend looking for a place in the labor market.

A school to work program wherein students begin an apprenticeship in the last year of high school and acquire credit toward completion of their apprenticeship while in school.

7. Joint solicitation by employer and labor organizations and non-profits serving protected class members and women are encouraged focused on placing protected class members and women into apprenticeships.

   Historically, this concept has been used but has not shown positive results. This concept needs enforcement policies which must be adhered to by the Department of Labor and with MN Department of Human Rights.

9. A collaborating effort between LEAP and MNDOT in placement of protected class members and females.

In conclusion, although we focus on apprenticeship and job placement, we foresee that working with high schools and their curriculum will produce positive results for our youth entering the work force.

Many of the above recommendations do take into consideration, discriminatory and hiring practices prevalent in these types of jobs.

Thank you for asking for our input. If clarification is needed, please call.

Sincerely,

Wilma G. Mason
Executive Director

cc: LEAP file
Board of Directors

Member Minnesota Electrical Association
THE SIGN OF DEPENDABLE ELECTRICAL SERVICE

Minnesota Electrical Association, Inc.

(OF CONTRACTORS AND ASSOCIATES SINCE 1928)

3100 HUMBOLDT AVENUE SOUTH / MINNEAPOLIS, MINNESOTA 55408-2588

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December 4, 1991

Mn. Department of Labor & Industry
443 Lafayette Rd.
St. Paul, MN. 55155
Attn: Mr. Charles Curren

Dear Mr. Curren:

This letter is a follow-up of our conversation of 11/26/91 concerning Minnesota Electrical Association, Inc. continuing education programs. These courses are offered throughout Minnesota - the courses scheduled (some are already over) are as follows: Fergus Falls/Nov. 7, Brainerd/Nov. 14, Eveleth/Nov. 15(cancelled), ST. Cloud/Dec. 5, Rochester/Dec. 12, Mankato/Dec. 13, Marshall/Dec. 19, Minneapolis/Dec. 20 and Thief River Falls/Jan. 10, 1992.

The instructor is Mr. Woody Pierce, retired Minnesota State Board of Electricity area representative, having served the industry for over thirty years. The courses have been approved for 6 hours of continuing education credits by the states of No. Dakota, So. Dakota, Montana, Wyoming and Idaho. Minnesota as yet does not require continuing education before license renewal. Enclosed please find the workbook and certificate of completion sent to each registrant.

MEA offers to members and their employees a Prep Class designed to reinforce licensed electrical contractor knowledge and to advance and prepare apprenctices about to take either the state journeyperson or master test. The instructor for this course is Mr. Cloyd Starbuck, retired electrical instructor from Dunwoody Industrial Institute in Minneapolis. The Prep Classes are held either here in our office or if the enrollment is over 20 students, they are held at Dunwoody. The Prep Classes are held every other month. MEA's instructor fees are $50.00 per hour and mileage at the current IRS approved rate of .275¢ per mile.

I respectfully request your consideration when awarding grants/contracts. If additional information is needed please give me a call.

Sincerely,

Glenn Strub

Glenn Strub
Executive Secretary

GS/pl
ENC.

ANISHINABE
Council of Job Developers, Inc.
3010 Bloomington Avenue South
Minneapolis, MN 55407
(612)729-5654

L

September 10, 1992

RECEIVED
OCT 06 1992
COMMISSIONER'S OFFICE
DEPT. OF LABOR & INDUSTRY

Commissioner John Lennes
State of Minnesota
Department of Labor and Industry
443 - Layfayette Road
St. Paul, MN 55155

Re: Proposed Permanent Rules Relating to Labor Education Advancement Programs (LEAP)

Dear Sir:

On behalf of the Anishinabe Council Board of Directors, we are requesting that a public hearing be held regarding the above proposed rule

Thank you.

Sincerely,

Wilma Mason

Wilma Mason
Executive Director

cc: Board of Directors

RECEIVED
DEC 04 1992
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite
525 Park Street
Saint Paul, MN

(6)

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the matter of the Proposed Adoption of the Rule of the State Department of Labor and Industry Relating to Labor Education Advancement Programs

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)

Jane Bric, being sworn says:

I hereby certify that the list of persons and associations who have requested , pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Department of Labor and Industry, Workplace Services Division rulemaking mailing list is accurate, complete, and current as of this 20 day of August, 1992.

That on the 20th day of Aug., 1992 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]~~ [United States mail] a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Jane Bric
[Name]

Secretary
[Title]

Subscribed and sworn to before me
this 20th day of August, 1992

Julie A. Kress

MM/cj (190-1)

JULIE A. KRESS
NOTARY PUBLIC—MINNESOTA
DAKOTA COUNTY
MY COMMISSION EXPIRES 10-30-97

M

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed
Permanent Rules Relating to Labor
Education Advancement Programs

DECLARATION OF COUNSEL

I, Gilbert S. Buffington, 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 .0600.

Gilbert S. Buffington
Special Assistant Attorney General

Dated: November 30, 1992


RECEIVED
DEC 04 1992
Office of the Attorney Gener
Government Services Sectior
Capitol Office Bldg., Suite
525 Park Street
Paul, MN

(E)

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY

Proposed Permanent Rules Relating to
Labor Education Advancement Programs (L.E.A.P.)

Notice of Intent to Adopt Rules Without a Public Hearing

(1) NOTICE IS HEREBY GIVEN That the Minnesota Department of Labor and Industry (hereinafter "Department") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes 175.171 (2) and Laws of Minnesota for 1989 Chapter 335, Article I, Subd. 7.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged (3) Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The comment period will end on 9/23/92.

Any person may make a written request for a public hearing on the rules 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 rules addressed, the reason for the request and any change proposed (7) If a public hearing is required, the Department will proceed pursuant to Minnesota Statutes 14.131 to 14.20.

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

(5)
Charles E. Curren, Policy Analysis Director
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155
Telephone (612) 297-5797

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

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

(12)

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Legal Services Section, 443 Lafayette Road, St. Paul, MN 55155.

(9) If no hearing is required, upon adoption of the rule, the rule and 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 Legal Services Section, Minnesota Department of Labor and Industry, 443 Lafayette Road, St. Paul, MN 55155.

Dated: 8-10-92

John B. Lennes, Jr.
Commissioner

(K)

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Permanent Rules Relating to Labor Education Advancement Programs

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

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on August 24, 1992 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 August 20, 1992. (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.

One comment on the rule was received by the agency. (3) No timely requests for a public hearing on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency. (7)

No changes have been made to the rule as proposed.

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

(6) 1. One commenter requested that the name of the program be changed because of the association of the program name with certain agencies. While the point is well taken no other comments expressed a similar concern at this time. The Department will make contacts to see whether there is agreement on the issue. However, the need to promulgate the implementing rules overcomes the need at this time to change the name used by the legislature.

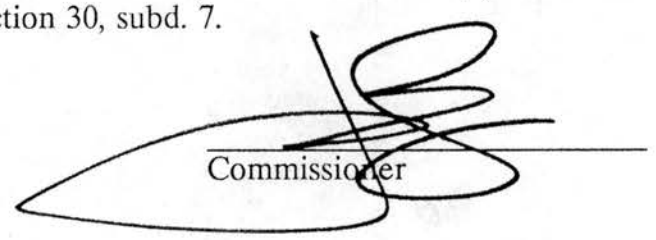
2. That the Department has complied with all procedural requirements of law or rule in adopting the proposed rule.

3. That the Department has acted within its statutory authority in adopting these proposed rules. (8)

4. That the above captioned rule is needed and reasonable as set forth in the Statement of Need and Reasonableness.

(9)

NOW, THEREFORE, IT IS ORDERED that the rule identified as Rule Relating to Labor Education Advancement Programs is adopted this 17th day of November, 1992, pursuant to authority vested in me by Minnesota Statutes, section 175.171 (2) and Laws of Minnesota for 1989 Chapter 335, Article 1, Section 30, subd. 7.



Commissioner

KB/cj (190-1)

RECEIVED
DEC 04 1992
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite
525 Park Street
St. Paul, MN

C. For gambling equipment received by a distributor from a manufacturer on or after August 1, 1990, a distributor shall place a state registration stamp on each master flare for a group of ~~up to~~ 100 paddleticket cards, on the front of each paddlewheel, on the front of each paddlewheel table, and on each device for selecting bingo numbers. This requirement does not apply to sales by distributors to out-of-state customers for use out of state.

[For text of items D to G, see M.R.]

[For text of subp 4, see M.R.]

REPEALER. *Minnesota Rules*, part 7861.0100, subparts 1, 4, and 5, are repealed.

Department of Labor and Industry

Proposed Permanent Rules Relating to Labor Education Advancement Programs

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Labor and Industry (hereinafter "Department") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 175.171 (2) and *Laws of Minnesota for 1989* Chapter 335, Article 1, Subd. 7.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. The comment period will end on 23 September 1992.

Any person may make a written request for a public hearing on the rules 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 rules addressed, the reason for the request and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* 14.131 to 14.20.

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

Charles E. Curren, Policy Analysis Director
Minnesota Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155
Telephone: (612) 297-5797

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and the reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Legal Services Section, 443 Lafayette Road, St. Paul, MN 55155.

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 Legal Services Section, Minnesota Department of Labor and Industry, 443 Lafayette Road, St. Paul, MN 55155.

Dated: 10 August 1992

John B. Lennes, Jr.
Commissioner

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.

Rules as Proposed

5227.0100 SCOPE.

Parts 5227.0100 to 5227.0130 govern the application process and criteria to be used in the selection of organizations to receive grants to operate labor education advancement programs.

5227.0110 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 5227.0100 to 5227.0130 have the meanings given in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Labor and Industry.

Subp. 3. **Department.** "Department" means the Minnesota Department of Labor and Industry.

Subp. 4. **Grantee.** "Grantee" means an organization that has applied for and received funding to operate a labor education advancement program.

Subp. 5. **L.E.A.P.** "L.E.A.P." means a labor education advancement program.

5227.0120 PROPOSAL PROCESS.

Subpart 1. **Notification by commissioner.** To initiate the process for awarding grants for the operation of labor education advancement programs, the commissioner shall publish a notice requesting grant proposals in the *State Register*. Interested organizations must submit proposals to the commissioner. Proposals must be received by the commissioner by the deadline established in the notice.

Subp. 2. **Proposals; requirements.** Proposals must be submitted in the form or format specified by the commissioner. A proposal must include the following information:

A. a chart of the applying organization that identifies:

(1) the organization's administrative structure; and

(2) the makeup of its advisory committee or council;

B. identification of the geographic area for which services will be provided;

C. demographic data of the service area, including:

(1) the rate of unemployment in the service area;

(2) comparative data on the ratio of unemployment between minorities and nonminorities in the targeted service area;

(3) the percentage of racial minorities in the service area population; and

(4) the source of demographic data;

D. a budget plan itemizing details of estimated operating costs, sources of nonstate matching funds, and amount of state funding requested;

E. a program narrative outlining the organization's goals, objectives, and performance indicators;

F. evidence of the ability to deliver services, which may include:

(1) existing compacts with employers, employees, and employer or employee representatives;

(2) previous experience providing job training and job placement services to economically disadvantaged individuals, diverse ethnic and racial minority groups, and females; and

(3) previous experience operating labor education advancement programs, providing details of the results of L.E.A.P. operations;

G. assurances that the department or the state may conduct post-grant audits, and that the periodic performance and financial reports will be submitted promptly;

H. assurance that the applying organization has an effective equal employment policy; and

I. evidence of workers' compensation coverage as required by Minnesota law.

5227.0130 EVALUATION OF PROPOSAL.

The commissioner shall evaluate each proposal that is determined to be complete. The commissioner shall base the evaluation and any grants on the following factors:

A. the technical and economic feasibility of the proposed program;

B. the applicant's ability to implement the program in a timely manner upon receipt of the grant award;

C. the consistency of the proposal with department objectives and priorities;

D. the extent to which the proposal promotes equal employment opportunities in apprenticeable jobs;

E. the ability to obtain nonstate matching funds for L.E.A.P. operations;

F. the ability to develop employment contacts with employers, labor organizations, and state or governmental units;

G. the ability to develop and implement processes that will help noncollege bound youth obtain marketable job skills;

H. the applying organization's basic mission and objectives; and

I. the amount of funds available for the operation of labor education advancement programs.

State Board of Technical Colleges

Proposed Permanent Rules Relating to Education; Technical Colleges; Teacher Licenses; Services; Occupations; Renumbering

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Technical Colleges intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Friday, September 25, 1992, 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 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 either:

M. Robert Babcock, Supervisor
State Board of Technical Colleges
314 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-296-1867

Georgia Pomroy, License Revision Specialist
State Board of Technical Colleges
322 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: 612-297-2204

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

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

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 M. Robert Babcock or Georgia Pomroy at the above address and phone, upon request.

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 either M. Robert Babcock or Georgia Pomroy at the above-mentioned address.

Helen Henrie, Deputy Chancellor
State Board of Technical Colleges

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independent living skills, health maintenance programs, peer counseling; individual and group social and recreational activities, information, referral and assistance with housing, transportation, attendant care, and legal and economic rights and benefits. The program is administered by the Division of Rehabilitation Services of the Department of Jobs and Training.

Committee meetings are held quarterly with sub committee meetings in the interim. Expenses of members are reimbursed and reasonable accommodations will be made to meet particular needs including interpreter service for persons with hearing impairment.

Persons who wish more information or an application for should contact:

Scott Rostron, Director
Independent Living Program
Division of Rehabilitation Services
390 North Robert Street
Fifth Floor
Saint Paul, Minnesota 55101
(612) 297-5085

The deadline for application is December 4, 1991 or until all vacancies are filled.

Department of Labor and Industry

Notice of Solicitation of Outside Information Regarding Proposed Rule Governing the Criteria Used in the Selection of Labor Education Advancement Program (L.E.A.P.) Grantees

NOTICE IS HEREBY GIVEN that the Minnesota Department of Labor and Industry is seeking information or opinions, from sources outside the agency, in preparing to propose the adoption of rules governing the criteria that will be used to determine which applicant(s) should be awarded grant/contracts for the operation of Labor Education Advancement Programs (LEAP). The adoption of a rule relating to such subject matter is authorized by *Minnesota Statutes*, Section 175.171(2), which permits the agency to make rules which (a) relate to the administration of its official duties, and (b) are not inconsistent with any other provisions contained in Chapter 14 of *Minnesota Statutes*.

Interested persons or groups may submit data or views on the subject matter in writing or orally. Written statements should be addressed to:

John Lennes, Commissioner
Attention: Charles Curren
MN Department of Labor and Industry
443 Lafayette Road
St. Paul, MN 55155

Oral statements will be received during normal business hours (8:00 a.m.-4:30 p.m.) over the telephone at (612) 297-5797 and in person at the above-listed address.

All statements of information or opinions will be accepted until December 31, 1991. Any written material received by the Minnesota Department of Labor and Industry will become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge in the event that any rule regarding such subject matter is adopted.

Dated: 13 November 1991

Department of Labor and Industry

Division of Labor Standards

Notice of Prevailing Wage Determinations for Commercial Projects

On December 1, 1991 the commissioner certified prevailing wage rates for commercial construction projects in the following Minnesota counties: **Anoka, Benton, Big Stone, Carver, Chippewa, Chisago, Dakota, Douglas, Grant, Hennepin, Isanti, Kanabec, Kandiyohi, McLeod, Meeker, Mille Lacs, Morrison, Pine, Pope, Ramsey, Scott, Sherburne, Stearns, Stevens, Swift, Todd, Traverse, Washington, Wright.**

Copies of the determined wage rates for Minnesota counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155, or calling (612) 296-6452. The charges for the cost of copying and mailing are $1.00 for the first copy and $.50 for any additional copies. Please note that the cost for one county varies according to the number of pages per county.

John Lennes, Commissioner
Department of Labor and Industry