

CHAPTER 3300
DEPARTMENT OF ECONOMIC SECURITY
SUMMER YOUTH EMPLOYMENT;
WEATHERIZATION

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SUMMER YOUTH EMPLOYMENT

3300.0100 DEFINITION OF TERMS.

Subpart 1. **Scope.** The following terms used in parts 3300.0100 to 3300.0700 shall have the meanings given them.

Subp. 2. **Act.** "Act" means the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Economic Security.

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

Subp. 5. **Department.** "Department" means the Minnesota Department of Economic Security.

Subp. 6. **Prime sponsor.** "Prime sponsor" means a unit of government, combination of units of government, a rural concentrated employment grantee, or an Indian reservation, which has entered into a grant with the United States Department of Labor to provide comprehensive manpower services under the federal Comprehensive Employment and Training Act of 1973, Public Law Number 93-203.

Subp. 7. **Program employer.** "Program employer" means an organization which employs a person under the program established by the act.

Subp. 8. **Subcontract.** "Subcontract" means an agreement entered into between a prime sponsor and a political subdivision or nonprofit organization, or both, for the operation of a youth employment program under the act.

Statutory Authority: *MS s 268.33*

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3300.0200 PURPOSE.

Parts 3300.0100 to 3300.0700, adopted pursuant to Minnesota Statutes, section 268.33 are designed to establish a procedure for the allocation of funds under the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36, and to establish contracting, operating, and invoicing procedures to be utilized in the expenditure of the funds.

Statutory Authority: *MS s 268.33*

3300.0300 ALLOCATION OF FUNDS.

Subpart 1. **Allocations to counties.** The commissioner shall allocate funds available under the act as follows:

A. Fifty percent of the funds available under the act shall be allocated to counties on the basis of each county's share of the estimated youth population of the state which is 14 through 21 years of age.

B. Fifty percent of the funds available under the act shall be allocated to counties according to each county's share of the estimated youth population of the state which is 14 through 21 years of age, adjusted for:

(1) historic summer unemployment rates in the county as evidenced by official labor force estimates for the months of June, July, and August for the most recent three-year period for which such data is available;

(2) the county's proportion of families below the poverty level as evidenced by 1970 United States Census figures as adjusted by reference to more recent population surveys, provided that reference to more recent population surveys shall be made only if such data is available for all counties in the state; and

(3) estimates of postsecondary school enrollment in the county as evidenced by validated statistics from the Minnesota Higher Education Coordinating Board or, in their absence, by the most recent United States Census data.

C. The method of allocation to counties expressed mathematically shall be as follows:

$$A_{ci} = \frac{0.5(YP_{ci})}{YP_s} + \frac{0.5F(YPA_{ci})(U_{ci})(P_{ci})}{\sum_{i=1}^n (YPA_{ci})(U_{ci})(P_{ci})}$$

where:

(1) A_{ci} = allocation to the i^{th} county;

(2) F = funds available under the act;

(3) YP_{ci} = youth population 14 through 21 years of age in the i^{th} county, determined by interpolation for the current year from projections of the state demographer;

(4) YP_s = same as subitem (3) for the state;

(5) YPA_{ci} = youth population as in subitem (3), but adjusted for postsecondary school enrollment as referenced in item B, subitem (3);

(6) U_{ci} = most recent three year average of official labor force unemployment rates for the months of June, July, and August for the i^{th} county; and

(7) P_{ci} = percent of all families with income below the poverty level in the i^{th} county as evidenced by the 1970 United States Census or more recent population surveys as referenced in subpart 2, item B, subitem (2).

Subp. 2. **Allocation to cities and Indian reservations.** After the commissioner has made an allocation to each county, each county's allocation shall be divided as follows:

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A. Each city within the county which has a total population of 2,500 or more shall receive that portion of the county's allocation which is proportionate to the population of the city as compared to the total population of the county as evidenced by the most recent United States Bureau of Census estimates. Each Indian reservation within the county shall receive that portion of the county's allocation which is proportionate to the population of the Indian reservation as compared to the total population of the county as evidenced by 1970 United States Census figures.

B. The remainder of the county allocation, that part which is not allocated to cities and Indian reservations under item A, shall be allocated to the county as a whole.

Statutory Authority: *MS s 268.33*

3300.0400 CONTRACTING PROCEDURES.

Each prime sponsor will be offered a contract for the amount of funds allocated to its area. Upon the offer of a contract, each prime sponsor may exercise the following options:

A. sign the contract for the entire amount of the allocation and directly administer the program;

B. sign the contract for the entire amount of the allocation and subcontract the operation of the program to political subdivisions or nonprofit organizations, or both, within the prime sponsor's jurisdiction;

C. designate all or a part of the allocation to be directly used by a state agency, political subdivision, or a nonprofit organization; or

D. decline the offer of the contract. In such a case, the commissioner shall offer to contract directly with the cities, Indian reservations, and counties in the prime sponsor's area.

Statutory Authority: *MS s 268.33*

3300.0500 OPERATION PROCEDURES.

Subpart 1. **Regular program.** Youths who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program established by the act are eligible for program employment. Approximately 50 percent of the youths hired should be from families which meet the criteria for economically disadvantaged as established by the Employment and Training Administration of the United States Department of Labor at Code of Federal Regulations, title 20, sections 675.4 and 675.5-10 (1980). However, if there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a prime sponsor which has received an allocation under part 3300.0300, and the prime sponsor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "regular program."

Subp. 2. **Postsecondary program.** Notwithstanding subpart 1, at least 33-1/3 percent of the funds allocated to the prime sponsor area are to be used to hire youths who are at least 18 years of age, or a high school graduate, but less than 22 years of age who are certified by the department as intending to enroll or are enrolled in a postsecondary educational institution. Approximately 50 percent of the youths hired should be from families which meet the criteria for economically disadvantaged as established by the Employment and Training Administration of the United States Department of Labor at Code of Federal Regulations, title 20, sections 675.4 and 675.5-10 (1980). However, if there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a prime sponsor which has received an allocation under part 3300.0300, and the

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prime sponsor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "postsecondary program." A partial waiver from this part may be obtained in accordance with the procedures set forth in part 3300.0700.

Subp. 3. **Eligible youth.** To obtain eligible youths, program employers must place a job order with the department and may employ only those youths referred by the department.

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

Subp. 5. **Supervisors.** A program employer may designate one eligible youth as supervisor for every ten youths in its employ under the act. Program employers who employ at least five but less than ten youths may designate one youth as a supervisor. Youths designated as supervisors shall be paid the federal minimum wage plus 25 cents per hour for up to 40 hours per week for a period not exceeding 12 weeks.

Subp. 6. **Employment of eligible youth.** Upon signing a contract or subcontract program employers may begin employing eligible youths referred by the department; however, no youth may be employed while attending school as a full-time student. No youth may be employed beyond September 30 of each calendar year.

Statutory Authority: *MS s 268.33*

3300.0600 INVOICING.

The department shall reimburse contractors for wages paid to eligible youths, employer's contributions to FICA paid in behalf of such youths and workers' compensation insurance costs for such youths. Invoices and specific procedures for reimbursement will be furnished to program employers by the department.

Statutory Authority: *MS s 268.33*

3300.0700 REALLOCATION PROCEDURES.

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

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

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

In addition, the prime sponsors may reallocate up to the equivalent of one full-time slot or position not to exceed \$1,000 between any subdivision above for the purpose of simplified administration of the program.

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

During the period of the contract, the department may shift funds from one prime sponsor to another prime sponsor with the mutual consent of both prime sponsors if the prime sponsor releasing the funds certifies that such funds are surplus and unlikely to be used within his area by the end of the contract period and the prime sponsor receiving the funds certifies that the funds are likely to be used before the end of the contract period.

Statutory Authority: *MS s 268.33*

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WEATHERIZATION ASSISTANCE FOR LOW-INCOME PEOPLE

3300.0800 PURPOSE.

The purpose of parts 3300.0800 to 3300.1900 is to develop and implement a state weatherization assistance program under the authority of Minnesota Statutes, section 268.37 in the dwellings of low-income persons in order both to aid those persons least able to afford higher utility costs and to conserve needed energy.

Statutory Authority: *MS s 268.37 subd 3*

3300.0900 ADMINISTRATION OF GRANTS.

Grants awarded under parts 3300.0800 to 3300.1900 shall be administered in accordance with the following:

A. Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments, issued as Office of Management and Budget Circular A-102 Revised and found in the Federal Register, volume 42, pages 45828-45891 (1977);

B. Grants and Agreements With Institutions of Higher Education, Hospitals, and other Nonprofit Organizations, issued as Office of Management and Budget Circular A-110 and found in the Federal Register, volume 41, pages 32016-32037 (1976);

C. Audit of Federal Operations and Programs, issued as Office of Management and Budget Circular A-73 and found in the Federal Register, volume 43, pages 12404-12406 (1978);

D. Cost Principles for State and Local Governments, issued as Office of Management and Budget Circular A-87 and found in the Federal Register, volume 46, pages 9548-9554 (1981);

E. Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects, issued as Office of Management and Budget Circular A-95 and found in the Federal Register, volume 40, pages 2052-2065 (1976);

F. Notification to States of Grant-in-Aid Information, issued as United States Treasury Circular 1082 and found in the Federal Register, volume 41, page 2652 (1976); and

G. Withdrawal of Cash From the Treasury for Advances Under Federal Grant and Other Programs, issued as United States Treasury Circular 1075 and found in the Code of Federal Regulations, title 31, section 205 (1980).

Statutory Authority: *MS s 268.37 subd 3*

3300.1000 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 3300.0800 to 3300.1900 the following terms have the meanings given them.

Subp. 2. **Agency.** "Agency" means an organization that receives funds under parts 3300.0800 to 3300.1900 to operate a weatherization program.

Subp. 3. **Assistant commissioner.** "Assistant commissioner" means the assistant commissioner of the Division of Training and Community Services of the Department of Economic Security.

Subp. 4. **Community action agency.** "Community action agency" means a private corporation or public agency as defined in Minnesota Statutes, section 268.53, subdivision 1.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Economic Security.

Subp. 6. **Conditioned space.** "Conditioned space" means an area inside the building envelope where the air temperature can be altered by a heating or cooling device.

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Subp. 7. **Cosmetic items.** "Cosmetic items" means items that only enhance the esthetic appearance of the property. Some examples of "cosmetic items" are finishes, decorative fenestration, and elevation materials such as aluminum siding, board and batten, clapboard, brick, stone, shakes, and asphalt siding.

Subp. 8. **Cost of employment.** "Cost of employment" means compensation for services as defined in Office of Management and Budget Circular A-87, Attachment B, A.10, A.13, and A.14, as cited in part 3300.0900, item D.

Subp. 9. **Department.** "Department" means the Department of Economic Security.

Subp. 10. **Dwelling unit.** "Dwelling unit" means a house or household. It includes stationary mobile homes, homes, apartments, and groups of rooms or single rooms occupied as separate living quarters.

Subp. 11. **Elderly person.** "Elderly person" means a person who is 60 years of age or older.

Subp. 12. **Eligible dwelling unit.** "Eligible dwelling unit" means a dwelling unit that is occupied by a low-income family unit.

Subp. 13. **Family unit.** "Family unit" means all persons living together in a dwelling unit.

Subp. 14. **Grantee.** "Grantee" means an organization that receives funds under this rule to operate a weatherization program.

Subp. 15. **Grantor.** "Grantor" means the Division of Training and Community Services, Department of Economic Security, state of Minnesota.

Subp. 16. **Handicapped person.** "Handicapped person" means a person who, in the opinion of a qualified medical person, is permanently physically or mentally disabled. "Qualified medical person" means a qualified physician or chiropractor authorized to practice his profession in the state of Minnesota.

Subp. 17. **Heating degree days.** "Heating degree days" means the difference in temperature, in degrees Fahrenheit between the mean temperature for the day and 65 degrees Fahrenheit on any day when the mean temperature is less than 65 degrees Fahrenheit. Data for this factor is from Monthly Normals of Temperature, Precipitation and Heating and Cooling Degree Days, 1941 to 1970, issued by the National Oceanic and Atmospheric Administration (United States Department of Commerce, 1973).

Subp. 18. **Heating or cooling source.** "Heating or cooling source" means a device that can raise or lower temperatures in a dwelling unit as part of the permanent heating, ventilating, and air conditioning system installed in the dwelling unit. It includes furnaces, heat pumps, stoves, boilers, heaters, fireplaces, air conditioners, fans, and solar devices.

Subp. 19. **Independent contractor.** "Independent contractor" means an entity that furnishes materials or provides labor or both in the weatherization of buildings of low-income persons.

Subp. 20. **Indian tribe.** "Indian tribe" means any tribe, band, nation, or other organized group or community of Native Americans, including any Alaska native village, or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act, United States Code, title 43, sections 1601 to 1628 (1977 and Supplement III 1980), which:

A. is recognized as eligible for special programs and services provided by the United States to Native Americans because of its status as Native American; or

B. is located on or near a federal or state reservation or rancheria.

Subp. 21. **Low-income.** "Low-income" means having a total household income in relation to family size which:

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A. is at or below 125 percent of the poverty level determined in accordance with criteria established by the Director of the Federal Office of Management and Budget in Code of Federal Regulations, title 45, section 1060 (1981); or

B. is the basis for which cash assistance payments have been paid during the preceding 12-month period under titles IV and XVI of the Social Security Act, Statutes at Large, volume 49, page 620, chapter 531 (1935), codified in scattered sections of United States Code, volume 42.

Subp. 22. **Mechanical equipment.** "Mechanical equipment" means control devices or apparatus that is primarily designed to improve the heating or cooling efficiency of a dwelling unit and that will be permanently affixed to an existing heating or cooling source. It includes a flue damper, clock setback thermostat, filter, and replacement limit switches.

Subp. 23. **Multifamily dwelling unit.** "Multifamily dwelling unit" means a dwelling unit that is located in a structure containing more than one dwelling unit.

Subp. 24. **Number of low-income, owner-occupied dwelling units in the county.** "Number of low-income, owner-occupied dwelling units in the county" means the number of those dwelling units in a county as determined by the department.

Subp. 25. **Number of low-income, renter-occupied dwelling units in the county.** "Number of low-income, renter-occupied dwelling units in the county" means the number of those dwelling units in a county as determined by the department.

Subp. 26. **Repair material.** "Repair material" means an item necessary for the effective performance or preservation of weatherization materials. "Repair material" includes lumber used to frame or repair windows and doors that could not otherwise be caulked or weather-stripped, and protective materials, such as paint, used to seal materials installed under this program. "Repair material" also includes furnace efficiency modifications limited to:

- A. replacement burners;
- B. devices for modifying fuel openings, including one-time replacement of furnace filters; and
- C. electrical or mechanical furnace ignition systems that replace standing gas pilot lights.

Subp. 27. **Regional clearinghouse.** "Regional clearinghouse" means the local regional development commission that has the authority under title IV of the Intergovernmental Cooperation Act of 1968, United States Code, volume 42, sections 4231 to 4233 (1977), to review and comment with respect to projects funded by the federal and state governments.

Subp. 28. **Rental dwelling unit.** "Rental dwelling unit" means a dwelling unit occupied by a person who pays periodic sums of money to occupy the dwelling unit.

Subp. 29. **Separate living quarters.** "Separate living quarters" means those in which the occupants do not regularly live and eat with any other persons in the structure and which have either direct access from the outside of the building or through a common hall, or complete kitchen facilities for the exclusive use of the occupants. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

Subp. 30. **Single-family dwelling unit.** "Single-family dwelling unit" means a structure containing no more than one dwelling unit.

Subp. 31. **State.** "State" means the state of Minnesota.

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Subp. 32. **Weatherization crew.** "Weatherization crew" means a group of weatherization laborers with a weatherization supervisor.

Subp. 33. **Weatherization laborer.** "Weatherization laborer" means a person who performs weatherization and repair activities necessary to complete work on eligible dwelling units. The work may include auditing, inspecting, delivery, and physical warehousing of weatherization materials and equipment.

Subp. 34. **Weatherization project.** "Weatherization project" means a project conducted in a single geographical area which undertakes to weatherize dwelling units that are thermally inefficient.

Subp. 35. **Weatherization supervisor.** "Weatherization supervisor" means a person who inspects weatherization and repair activities and who is responsible for crew laborers' conduct, performance, and evaluation.

Subp. 36. **Weatherization materials.** "Weatherization materials" means materials used to weatherize homes as defined in Code of Federal Regulations, title 10, sections 456.101 to 456.914 (1980) amended by Federal Register, volume 45, pages 63449, 63453, 63793 (1980).

Statutory Authority: *MS s 268.37 subd 3*

3300.1100 ALLOCATION OF FUNDS.

Subpart 1. **Determination.** The department shall allocate funds by county to eligible grantees with a demonstrated ability to administer and deliver weatherization services. The department shall determine whether or not a grantee has a demonstrated ability to administer and deliver weatherization services by taking into account the criteria in subpart 4. Equal weight shall be given to each of the criteria. The department shall also allocate funds to eligible grantees who have been engaged in contracting for the construction and repair of real property.

Subp. 2. **Contracts.** All contracts between the state and a grantee will run for six months beginning July 1.

Subp. 3. **Termination of grant.** A grant shall be terminated if the department determines, after a public hearing conducted by the Office of Administrative Hearings, that the grantee has been ineffective in meeting the purpose of Minnesota Statutes, section 268.37.

Subp. 4. **Criteria.** In making a determination under subpart 3, the department shall evaluate the performance of the grantee and shall consider:

- A. how quickly the weatherization project achieves the goals of Minnesota Statutes, section 268.37;
- B. whether the grantee has adhered to the plan submitted;
- C. the quality of work performed through the grantee; and
- D. the number, qualifications, and experience of staff members of the grantee.

Statutory Authority: *MS s 268.37 subd 3*

3300.1200 GRANT APPLICATIONS.

Subpart 1. **Application procedure.** Applications to the department must contain a plan for the use of state funds which is submitted not later than 30 days after receipt of written notice from the department of the availability of funds for each year. The department shall review each timely application and if the submission complies with the applicable provisions of this rule, approve a final budget and issue a notice of grant award.

Subp. 2. **Application.** Each application must include:

- A. the name and address of the grantee responsible for administering the program;
- B. a financial schedule which indicates the monthly funding requirements based on projected production;

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C. staffing patterns for all weatherization personnel to allow local program grantees to attain production goals;

D. a written review of the plan by the regional clearinghouse; and

E. a statement by grantee ensuring that:

(1) no dwelling unit may be weatherized without written documentation that the unit is eligible for weatherization as provided in parts 3300.0800 to 3300.1900;

(2) there is an outreach process used to obtain applications together with a description of that process; and

(3) it will establish a priority system for client applications.

Each application must state the minimum number of dwelling units to be completed by each grantee which are to be established by the department.

Subp. 3. **Maximum amount of material in dwelling unit.** The grantee shall ensure that no eligible dwelling unit receives more than \$750 in material and that each dwelling unit is weatherized according to the priority list established by the department as found in subparts 4 and 5. The department shall waive the \$750 restriction for individual eligible dwelling units on written application documenting that the material costs on the applicant's dwelling exceed \$750 and that all activities are eligible according to the agency's priority list. A waiver will be granted if the eligible dwelling exceeds 1,500 square feet, or is two story, or requires more than 16 storm windows. If a waiver is granted, the total material expenditures may not exceed \$1,000. For purposes of subparts 4 and 5, home types have the following meanings:

A. "Type I" means homes with accessible attics;

B. "Type II" means homes with inaccessible basements;

C. "Type III" means homes with solid walls;

D. "Type IV" means homes with knee wall construction;

E. "Type V" means mobile homes.

Subp. 4. **Department's memorandum; weatherization priorities for home types I-IV, 8-28-81.** The following list of priorities is a departmental memorandum:

Weatherization deliverers will follow the priority list given below. If the particular activity listed currently exists or cannot be done, then an explanation must be made on the Retro Tech Job Sheet. If the client will not permit certain activities, then a statement with an explanation of the refusal to permit work, signed by the client, must be in the file.

Priorities

I. General Heat Waste

A. Caulk all exterior envelope infiltration points including:

1. Window and door frames.

2. Sill plates.

3. Foundation cracks.

4. Corners of buildings.

5. Under door sills.

6. Around all electrical & plumbing entrances.

7. All other infiltration areas.

B. Install hot water heater jackets except where a vent damper is present.

C. Insulate hot water pipes in accessible unheated space.

D. Weatherstrip movable windows and doors between conditioned and unconditioned space, including basement doors, attic scuttles and knee wall entrances.

E. Install gaskets on electrical boxes located on the interior side of exterior walls.

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F. Replace or reset broken or loose glass.

II. Insulate Attic area

A. To R-38

B. Vent in accordance with FHA/HUD Minimum Property Standards. (No vapor barrier 1 to 150 ratio; with vapor barrier 1 to 300 ratio.)

C. Insulate attic scuttle doors to R-30; dam access area allowing entry to attic.

III. Insulate exterior walls to minimum of R-11.

IV. Insulate rim joist area to a minimum of R-19 with vapor barrier on warm side.

V. Insulate above-grade foundation walls to R-11. When insulation is applied to interior side of the foundation wall, extend insulation 2 feet below grade.

On crawl space, either insulate perimeter foundation wall to R-11 or floor to minimum of R-19 where freezing of pipes is not a factor.

VI. Install storm windows on single-glazed windows where storm windows are missing or existing storm windows are deteriorated beyond repair.

VII. Install new primary doors and windows only where old ones are beyond repair and cannot be weatherstripped.

Optional Items--Only after all of the required items are completed and if maximum material limit has not been reached.

I. Clock set back thermostats.

II. Storm doors.

Subp. 5. **Department's memorandum; mobile home priorities, 8-28-81.** The following list or priorities is a departmental memorandum:

Priorities for Type V Home

I. General Heat Waste

A. Caulk all exterior envelope infiltration points including:

1. Window and door frames.
2. Corners of buildings.
3. Under door sills.
4. Around all electrical and plumbing entrances.
5. Along all siding seams.
6. Around all "through the wall" accessories.

B. Install hot water heater jackets on electrical water heaters, or Insulate water heater closet on gas and oil fired water heaters.

C. Insulate hot water pipes where accessible.

D. Replace all worn weather stripping on all moveable windows.

E. Weatherstrip all exterior prime doors.

F. Replace or reset broken or loose glass.

II. Insulate ceiling to maximum extent possible not to exceed R-38 and install at least two 8-inch round vents or equivalent.

III. Insulate floor to maximum extent possible not to exceed R-38.

IV. Install storm windows on those single glazed windows where the original storm is either missing or damaged beyond repair.

V. Install new prime doors and windows where existing ones are beyond repair.

Optional Items (Only after all required items are completed.)

I. Replace damaged or missing storm door.

II. Repair and tighten skirting--certify that permanent vent equaling 36 sq. in. per 25 lineal feet of skirt is installed if skirting repair is done.

Statutory Authority: *MS s 268.37 subd 3*

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3300.1300 SUMMER YOUTH EMPLOYMENT; WEATHERIZATION 2576

3300.1300 ALLOWABLE EXPENDITURES.

Expenditures shall be limited to:

- A. the cost of purchase, delivery, and storage of weatherization materials;
- B. transportation of weatherization materials, tools, equipment, and work crews to a storage site and to the dwelling work site;
- C. maintenance, operation, and insurance of vehicles to transport items in item B;
- D. maintenance of tools and equipment;
- E. purchases of tools, equipment, and vehicles;
- F. payments to an independent contractor for furnishing materials or providing labor or both in the weatherization of dwellings of low-income persons;
- G. the cost of employment of weatherization supervisors;
- H. the cost of employment of weatherization laborers;
- I. the cost, not to exceed \$150 per dwelling unit, for repair materials and repairs to the heating source necessary to make the installation of weatherization materials effective;
- J. building permits where applicable;
- K. the cost of liability insurance for weatherization projects for personal injury and property damage;
- L. administrative expenses not to exceed 7.5 percent of each grantee's allocation; and
- M. weatherization of a building containing eligible rental dwelling units if at least 66 percent of the rental units in the building are eligible dwelling units and if the landlord or landlord's agent agrees in writing that the grantee may do the weatherization work and that rents will not be raised because of the weatherization work.

All purchases in item E with an acquisition value of \$300 or more must have written approval from the department. Purchasing must follow procedures outlined in Office of Management and Budget Circulars A-87, A-102, and A-110, as cited in part 3300.0900.

Statutory Authority: *MS s 268.37 subd 3*

3300.1400 UNALLOWABLE EXPENDITURES.

Grant funds may not be used for any of the following purposes:

- A. to weatherize a dwelling unit that has been weatherized previously with grant funds from the United States Department of Energy or state assistance under Minnesota Statutes, section 268.37 or parts 3300.0800 to 3300.1900, unless the dwelling unit has been damaged by fire, flood, or an act of God, and repair of the damage to weatherization materials is not paid for by insurance;
- B. to weatherize a dwelling unit that is vacant or designated for acquisition or clearance by a federal, state, or local government program within 12 months from the date weatherization of the dwelling unit would be scheduled to be completed; or
- C. to purchase cosmetic items, remodeling items, or a heating or cooling source.

Statutory Authority: *MS s 268.37 subd 3*

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3300.1500 OVERSIGHT RESPONSIBILITY.

The department shall supervise the projects of the grantees in the following manner:

A. At least once every three months the department shall monitor and evaluate the operation of projects carried out by the grantees receiving financial assistance under parts 3300.0800 to 3300.1900 through on-site inspections, reviews of reports submitted by grantees, and inspection of their books and records.

B. The grantee shall give the department access, for the purpose of audit and examination, to any books, documents, papers, information, and records of any weatherization project receiving financial assistance under parts 3300.0800 to 3300.1900.

C. The commissioner shall conduct an annual audit of the records of a grantee receiving financial assistance under parts 3300.0800 to 3300.1900.

Statutory Authority: *MS s 268.37 subd 3*

3300.1600 RECORD KEEPING.

Record keeping shall be in accordance with Office of Management and Budget Circular A-87 as cited in part 3300.0900, item D. Each grantee receiving state financial assistance under parts 3300.0800 to 3300.1900 shall keep records the department requires, including records which fully disclose the amount and disposition by each grantee of funds received under parts 3300.0800 to 3300.1900, the total cost of the weatherization project for which the assistance was given or used, including all sources and amounts of funds for the project or program, and other records the department deems necessary for an effective audit and performance evaluation.

Statutory Authority: *MS s 268.37 subd 3*

3300.1700 MONTHLY REPORTS.

Each grantee receiving financial assistance under parts 3300.0800 to 3300.1900 shall submit a monthly program performance report and a monthly financial report or invoice to the department.

Statutory Authority: *MS 268.37 subd 3*

3300.1800 GRANTING PROCESS.

When the department approves an application for a grant, it shall notify the grantee, in writing, of the approval. The department and the grantee shall sign a grant contract. The grant contract must specify what report requirements and other grant requirements must be met prior to any obligation of funds. Payments on grant contracts shall be made on the basis of grantee activity in the program. Cash on hand in excess of 30-day program requirements shall not be delivered. Payments to grantees shall be reviewed in comparison to expenditures to determine cash needs. Grantees shall report expenditures monthly on forms to be supplied by the department. The department shall require the grantees to project the next month's cash needs on the previous month's expenditure report. If the grantee determines that it cannot fulfill its obligations under the plan in whole or part, the grantee may request an amendment or revision of the existing approved plan and resubmit a new plan or amendments within 30 days after the written notice of request for consideration. The request from the grantee must be in writing detailing its specific views with supporting data and arguments.

Statutory Authority: *MS s 268.37 subd 3*

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3300.1900 SUMMER YOUTH EMPLOYMENT; WEATHERIZATION 2578

3300.1900 VARIANCES.

Subpart 1. **Granting of variance.** The department shall grant a variance to the use of materials required by part 3300.1000, subpart 36 if it appears that:

- A. product or test standards have changed; and
- B. granting the variance would not adversely affect the public health or safety; and
- C. granting the variance would not conflict with applicable building codes.

Subp. 2. **Written request for a variance.** A grantee may submit to the department a written request for a variance documenting the need to include or exclude additional or existing materials required by part 3300.1000, subpart 36. If the agency initiates the variance as a result of a United States Department of Energy directive it will notify all grantees in accordance with subpart 3. If the agency denies a request for a variance it shall notify the applicant, in writing, of the reasons for the denial.

Subp. 3. **Notification of variance.** The department shall notify all grantees, in writing, that a variance has been granted. Notification will be issued within 30 days after the granting of the variance.

Statutory Authority: *MS 268.37 subd 3*

SHELTERED WORKSHOPS

3300.2000 DEFINITIONS.

Subpart 1. **Scope.** Unless otherwise indicated in parts 3300.2000 to 3300.3200, the terms below are defined as follows.

Subp. 2. **Act.** "Act" means Rehabilitation Services for the Severely Disabled, Minnesota Statutes, sections 121.71 to 121.714.

Subp. 3. **Administrator.** "Administrator" means the director of community long-term sheltered workshop programs.

Subp. 4. **Commensurate wage.** "Commensurate wage" means a rate of pay which, when paid to a nonhandicapped worker performing the same kind and quality of work, would yield to that nonhandicapped worker the minimum wage or prevailing wage, whichever is higher. When clients paid a commensurate wage earn less than the minimum or prevailing wage, it is a result of the limitations imposed by their disability.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of education in the State Department of Education.

Subp. 6. **Long-term sheltered employment program.** "Long-term sheltered employment program" means the provision of paid employment for an indefinite period of time, for severely handicapped persons unable to meet production standards required in competitive employment. The wages paid in long-term sheltered employment are in excess of 25 percent of the applicable minimum.

Subp. 7. **Prevailing wage.** "Prevailing wage" means the wage rate for a specific job prevalent in the area or community in which the work activity or sheltered employment program exists.

Subp. 8. **Work activity program.** "Work activity program" means the provision of purposeful activity, having a productive or work component for which wages are paid, but where the level of productivity is less than that required in sheltered employment (generally 25 percent of the applicable minimum). The work activity program may be transitional in nature or may be considered as an appropriate outcome.

Subp. 9. **Workshop.** "Workshop" means a long-term sheltered workshop.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops. Minnesota Statutes, sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.

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3300.2100 PURPOSE.

The purpose of this act is to improve rehabilitation services for the severely disabled in Minnesota by providing for the development and continuation of long term sheltered workshops and work activity centers. Minnesota Statutes, sections 121.71 to 121.714.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops Minnesota Statutes sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.2200 ELIGIBLE APPLICANTS.

Subpart 1. **Application for funding.** An application for funding may be submitted at any time by a city, village, borough, town, county, nonprofit organization, or any combination thereof, which operates or proposes to operate a public or nonprofit long-term sheltered employment or work activity program.

Subp. 2. **Minimum population base.** In cities there shall be a minimum population base and specified geographic area which the workshop shall serve. The commissioner may, in particular cases, permit modifications of this population range if he finds that such modifications will not impair the purposes of the act.

Subp. 3. **Board of directors.** The applicant shall have a long-term sheltered workshop or work activity center board of directors of not less than nine members to be selected in such manner, be representative of such groups, and function as outlined in Minnesota Statutes, section 121.713.

Subp. 4. **No discrimination.** The applicant shall provide assurance that no person shall be denied service on the basis of race, creed, color, or national origin.

Subp. 5. **Adherence to laws.** The applicant shall adhere to all pertinent state, federal, and local laws pursuant to the operation of a workshop or work activity center.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops Minnesota Statutes sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.2300 ELIGIBLE COSTS.

Subpart 1. **Grant maximum.** The grant may not exceed an amount equal to 75 percent of the normal operating expenses of the long-term sheltered employment or work activity program.

Subp. 2. **Wages.** Wages paid to long-term sheltered workers or work activity participants are to be excluded in determining operating costs.

Subp. 3. **Matching funds.** Funds eligible for matching are those received from local taxation or appropriation, gifts, or funds from other sources, including income derived from subcontract or manufacturing work in excess of that required to pay wages, provided such funds are not state funds.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops Minnesota Statutes sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.2400 APPLICATION CONTENT.

Applications for funding shall be submitted to the administrator in the form and detail required and shall include:

A. a description of both the existing and proposed program of services;

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- B. a description of the existing and proposed staffing plans;
- C. a proposed budget and actual expenditures made in the year previous to the application;
- D. a description of community support for the workshop; and
- E. an agreement to make such administrative and financial reports and to keep such records and accounts as may be required and to make such records and accounts available for audit purposes.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops. Minnesota Statutes, sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.2500 CLIENTELE SERVED.

Severely disabled persons eligible for services are those individuals possessing physical, mental, emotional, or behavioral disabilities who, as a result of such disability, are unable to enter the competitive labor market either temporarily or permanently. Clients referred to the long-term sheltered employment program workshop shall have had appropriate rehabilitation services, such as vocational evaluation and personal adjustment training, in order to render an adequate decision as to the suitability of placement in the workshop.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops. Minnesota Statutes, sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.2600 STANDARDS OF SERVICE.

Subpart 1. **Standards.** These standards govern the operation of any facility engaged in, or seeking to engage in, the provision of long-term sheltered employment or work activity services, and they set forth the requirements necessary for any such program to be funded or certified (see EDU 492.)

Subp. 2. **Purposes.** The purposes of the long-term sheltered employment or work activity program are clearly stated in appropriate publications for distribution to staff, clientele, and referral sources.

The long-term sheltered employment or work activity program describes the habilitation or rehabilitation problems or conditions for which it provides services.

The long-term sheltered employment or work activity program describes in detail the services it provides.

There is a systematic procedure for professional and administrative review of program effectiveness in relation to the stated purposes of the work activity program.

Subp. 3. **Organization and administration.** Unless operated by a governmental agency, the long-term sheltered employment or work activity program is, or is part of, a legally constituted nonprofit corporate entity under the appropriate federal, state, and local statutes.

The makeup of the facility's governing body is in accordance with the requirements of Minnesota Statutes, sections 121.71 to 121.715.

There is a staff organizational chart which specifies the lines of authority, responsibility, and communication.

Subp. 4. **Additional standards for work activity center programs.** Where the work activity program is a cooperative effort involving two distinct organizations, there is a written agreement which details the responsibilities of each organization and which includes, as a minimum, the following:

- A. staff supervision and training;

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- B. contract negotiation and bidding;
- C. issuance of payroll checks;
- D. maintenance of production records; and
- E. client supervision and programming.

Where a work activity program takes place in, or is administered by, a daytime activity center, the DAC is licensed by the Department of Human Services.

The work activity program is the administrative responsibility of a full-time paid staff member of the administering facility.

Where the work activity program is operated by a daytime activity center, it has an established relationship with an advisory body.

Subp. 5. Fiscal management. The long-term sheltered employment and/or work activity programs are identified as separate and distinct entities in the accounting system of the administering organization.

The long-term sheltered employment or work activity program operates on an annual budget which reflects and anticipates the program's needs for realizing its goals and is used during the year as a yardstick to assess the accomplishment of budgetary goals.

The accounting system enables the administering organization to clearly identify both the costs and income attributable to the long term sheltered employment or work activity program.

The facility has a risk protection program adequate to preserve its assets and to compensate its staff, volunteers, clientele, and the public for reasonable claims for which the facility is liable.

Subp. 6. Additional standards for work activity programs. In bidding and executing contracts, an overhead markup of at least 50 percent on direct labor is utilized.

Subp. 7. Additional standards for long-term sheltered employment programs. In bidding and executing contracts, an overhead markup of at least 75 percent on direct labor is utilized.

Subp. 8. Program. There is evidence that the facility has made continuous efforts to insure the availability of significant work to meet the needs and objectives of the long-term sheltered employment or work activity programs.

Work supervisors, responsible for implementing the long-term sheltered employment or work activity plan, have a clear understanding of the goals for the individual client and the methods to be used in reaching those goals.

Whenever clients are engaged in production activity, there is a minimum of one supervisor for every 12 workers.

Each long-term sheltered employee or work activity center participant (or parent/guardian if appropriate) receives a written statement for each pay period which indicates gross pay, hours worked, and all deductions.

There is evidence that continuing efforts are made to maximize productivity level of each long-term sheltered employee or work activity participant.

There is a written plan for each long-term employee or work activity participant which describes the goals and objectives of the services to be provided as well as the expected outcomes.

The progress of each long-term sheltered employee or work activity participant is reviewed on a quarterly basis and the results of that review are recorded.

Subp. 9. Additional standards for work activity programs. The work or production activities are carried out in a physically separate environment from other program or service activities. (Note: The same area may be utilized for production activities if all other activities cease in that area during the time production work is carried out.)

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When the work activity program operates independently, either from a daytime activity center or sheltered workshop, there is evidence that the other program needs of the participants have been considered and provided directly through the work activity program, or made available for other resources. These other services may include, but would not be limited to: recreation; self-care; socialization; and education.

Subp. 10. **Additional standards for long-term sheltered employment programs.** Personnel policies for all long-term workers are established in writing and available to all workers.

Enough work is available to provide employment for each long-term worker 75 percent of the work days during the year.

Subp. 11. **Records and reports.** A client case record is maintained at the long-term sheltered employment or work activity program site for each program participant.

The source of all recorded data is clearly stated.

As a minimum, the case record contains the following basic information:

- A. results of the initial assessment;
- B. a description of the program plan;
- C. progress reports which relate to the program plan; and
- D. the case closure summary.

A yearly review of client records is made by the staff to insure compliance with the above standards.

Policies and procedures have been established to ensure confidentiality of all case records.

Subp. 12. **Wage and hour.** The program has the appropriate federal wage and hour certificate.

All handicapped workers are paid a wage commensurate with that paid nonhandicapped workers in the community.

For each piece-rated job there is a written record of the procedure utilized in establishing that piece rate.

Where a client is involved in nonpiece-rated work, there is a written record of the procedure used in establishing the hourly rate for the client.

The hourly rate of pay for nonpiece rate workers is reviewed at least semiannually and a written record maintained of this review.

Subp. 13. **Additional standards for long-term employment program.** All long-term employees are paid at least 25 percent of the applicable minimum wage.

Subp. 14. **Health and safety.** The long-term sheltered employment or work activity program shall comply with all applicable regulations of the Department of Labor and Industry and the State Fire Marshal's office.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

History: *L 1984 c 654 art 5 s 58*

Note: Sheltered workshops. Minnesota Statutes, sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.2700 WORKSHOP BOARD OF DIRECTORS.

The number, appointment, representation, term, and functions of the long-term sheltered workshop board shall be as prescribed in Minnesota Statutes, sections 121.71 to 121.714.

Those workshops in operation prior to the act shall integrate the principles prescribed in Minnesota Statutes, section 121.713 respect to workshop board of directors where it is possible to do so.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

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Note: Sheltered workshops Minnesota Statutes sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.2800 APPROVAL OF APPLICATION.

Applications for funding will be evaluated to determine the feasibility and effectiveness of the proposed and existing program in achieving the purposes of the act, the adherence to appropriate laws, the adherence to the standards of service, the conformance with the state workshops and rehabilitation facilities plan, and the eligibility of the applicants. Approval or disapproval of applications will be in printed form to the applicant with reasons for disapproval, in that event. The commissioner may require that a technical assistance consultation precede the award of any grant.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops Minnesota Statutes sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.2900 ALLOCATIONS AND PRIORITIES.

Subpart 1. **Allocations.** Allocations of available funds for long-term sheltered workshop programs shall be made by the commissioner as prescribed in Minnesota Statutes, section 121.714, subdivision 2.

Subp. 2. **Priorities.** After the commissioner, at the beginning of each fiscal year, has allocated available funds to long-term sheltered employment or work activity programs for disbursement during the fiscal year and in the event there are inadequate funds appropriated to meet the approved plan and budget of the applicants, the following priorities shall be considered:

- A. relative needs of the population served by the existing or proposed program;
- B. availability of local community support;
- C. effectiveness of the services of the program;
- D. availability of other methods of funding; and
- E. submittal of application, plan, and budget within the required period.

Note: In general, existing workshops will have priority over proposed workshops in order that already existing programs can be continued.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops Minnesota Statutes sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.3000 GRANT AWARDS.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of state funds available for such purpose on the date of the award. The initial award shall also specify the grant period, not in excess of one year, for which support is contemplated if the activity is satisfactorily carried out and state funds are available. For continuation support, grantees must make separate application each year prior to the date set for submission of the continuation application and in the form and detail required.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops Minnesota Statutes sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

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3300.3100 SUMMER YOUTH EMPLOYMENT; WEATHERIZATION 2584

3300.3100 PAYMENTS.

Payments under this authority shall be made on the basis of periodic claims submitted by the long-term sheltered employment or work activity program detailing services provided during that period of time. The commissioner may determine, for each program, an equitable per diem rate of reimbursement.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops. Minnesota Statutes, sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

3300.3200 CERTIFICATION.

Subpart 1. Purpose. The purpose of certification is to ensure that all long-term sheltered employment and work activity programs meet minimum standard of operation.

Subp. 2. General policies. Program certification under this authority shall be a requirement for funding through the division of vocational rehabilitation.

A certificate issued under these provisions does not replace or modify any certificates issued by the United States Department of Labor or the Minnesota Department of Labor and Industry, for purposes of subminimum wage payments.

A single certificate will be issued for a facility, and that certificate will specify the type and location of all approved programs.

In the case of work activity programs operated cooperatively between two separate organizations, the certificate will be issued to the organization responsible for payment of wages.

A program will be certified when it is found to be in substantial compliance with the established standards.

No certificate shall be issued for a period of time in excess of two years.

A provisional certificate may be issued to a new sheltered employment or work activity program for a specified period of time, not to exceed one year.

An applicant for certification shall have the right to appeal any decision of the agency. The regulations of the department, as outlined in Chapter Thirty; EDU 590-619, Procedures for Contested Cases, shall be utilized.

Subp. 3. Application procedures. Any facility operating, or proposing to operate a long-term sheltered employment or work activity program shall submit an application for certification in the form prescribed by the commissioner.

The facility shall receive 30 days prior notification of the proposed date of the on-site review.

Within 30 days following completion of the on-site review, the facility will be provided with a complete set of findings and the review team's decision on certification.

Statutory Authority: *MS s 121.714 subd 4; Laws 1976 ch 332 s 9 subd 3*

Note: Sheltered workshops. Minnesota Statutes, sections 121.71 to 121.714 were repealed by Laws of Minnesota 1976, chapter 332, section 10. Rules under the repealed sections were transferred to what was then the Department of Vocational Rehabilitation - now a division in the Department of Economic Security, by Laws of Minnesota 1976, chapter 332, section 9, subdivision 3. (Sheltered workshops now in Minnesota Statutes, chapter 129A but we have no record of amendments to rules under chapter 129A.)

OPPORTUNITIES INDUSTRIALIZATION CENTERS

3300.3300 OPPORTUNITIES INDUSTRIALIZATION CENTERS; JOB TRAINING.

Subpart 1. Purpose. The purpose of this part is to define "economically disadvantaged" for the purpose of job training and related services through opportunities industrialization centers according to Minnesota Statutes, section 268.61.

Subp. 2. Economically disadvantaged, defined. The term "economically disadvantaged" means an individual who:

A. receives, or is a member of a family which receives, cash welfare payments under a federal, state, or local welfare program;

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B. has, or is a member of a family which has, received a total family income for the six-month period prior to application for the program involved (exclusive of unemployment compensation, child support payments, and welfare payments) which, in relation to family size, was not in excess of the higher of the poverty level determined in accordance with criteria established by the director of the Office of Management and Budget, or 70 percent of the lower living standard income level;

C. is receiving food stamps pursuant to the Food Stamp Act of 1977;

D. is a foster child on behalf of whom state or local government payments are made; or

E. in cases permitted by regulation of the Secretary of the Department of Labor, is an adult handicapped individual whose own income meets the requirements of item A or B, but who is a member of a family whose income does not meet those requirements.

Statutory Authority: *MS s 268.61 subd 4*

History: *9 SR 424*

GENERAL ASSISTANCE; REGISTRATION FOR EMPLOYMENT SERVICES AND ALLOWANCES

3300.4010 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 3300.4010 to 3300.4110, the words or phrases defined in this part have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Department of Economic Security.

Subp. 3. **Department.** "Department" means the Department of Economic Security.

Subp. 4. **Full-time student.** "Full-time student" means a student at a postsecondary institution who attends training for a minimum of 25 hours per week if the training does not involve shop practice and for a minimum of 30 hours per week if the training involves shop practice, or who registers for and attends a minimum of 12 semester hours per semester or 12 quarter hours per quarter.

Subp. 5. **Good cause.** "Good cause" means circumstances beyond the recipient's control, including, but not limited to: illness, illness of another family member which requires the recipient's presence, a family emergency, or the inability to obtain transportation.

Subp. 6. **Local agency.** "Local agency" means a county or a multicounty agency that is authorized by Minnesota law as the agency responsible for the administration of the general assistance program.

Subp. 7. **Recipient.** "Recipient" means an adult who is receiving a grant of general assistance pursuant to Minnesota Statutes, sections 256D.01 to 256D.21, and who has been referred to the department by a local agency pursuant to Minnesota Statutes, section 256D.111, subdivision 1.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4020 PURPOSE.

Parts 3300.4010 to 3300.4110 clarify and reflect interpretation of those portions of Laws of Minnesota 1983, chapter 312, article 8, whose implementation are the sole responsibility of the department or, in some cases, the joint responsibility of the department and the Department of Human Services.

Nothing in parts 3300.4010 to 3300.4110 precludes an individual from seeking or participating in the full range of services available from the department.

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3300.4020 SUMMER YOUTH EMPLOYMENT; WEATHERIZATION 2586

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4030 AVAILABLE FOR WORK.

As used in Minnesota Statutes, section 256D.111, subdivision 1, a recipient is not "available for work" with respect to any period when the recipient is a full-time student in attendance at, or on vacation from, an established postsecondary school, college, university, or a vocational-technical training program except for vocational-technical training for economically disadvantaged persons under the auspices of the Work Incentive Program or the federal Job Training Partnership Act. "Available for work" means available for full-time employment unless the recipient's health limits availability to less than full-time work.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4040 REASONABLE REPORTING.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "reasonable reporting" means that recipients registered with the department shall report to the office with which they are registered on a reasonable schedule as provided in the recipient's employability development plan. The method, frequency, and format of reporting whether in person, by telephone, or by mail shall be prescribed in the recipient's employability development plan. Availability and cost of transportation, either public or private, shall be taken into consideration in the reporting requirement.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4050 JOB SEARCH REQUIREMENTS.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "job search requirements" means the reasonable conditions of the search for suitable employment prescribed in the recipient's employability development plan. The availability and cost of public or private transportation shall be considered in determining reasonable job search requirements.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4060 SUITABLE EMPLOYMENT.

As used in Minnesota Statutes, section 256D.111, subdivision 1, "suitable employment" means any employment which pays at least the applicable minimum wage, provides more than 60 hours of work per month, meets all required health and safety standards, and which the recipient is able to physically and mentally perform. This includes any job provided through the Minnesota Emergency Employment Development Act, Minnesota Statutes, sections 268.671 to 268.686, which meets the above criteria. Availability and cost of public or private transportation shall be considered in determining suitable employment.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4065 EMPLOYABILITY DEVELOPMENT PLAN.

The basis for the reasonable reporting and job search requirements in Minnesota Statutes, section 256D.111, shall be the employability development plan. The department shall prepare a written employability development plan for each recipient in consultation with the recipient. The plan shall be prepared by a qualified person, shall identify the specific conditions applicable to the

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recipient which limit the recipient's ability to seek or secure suitable employment, shall include reasonable reporting and job search requirements, and shall be consistent with local labor force conditions and demands taking into account the recipient's skills, knowledge, and abilities, as well as education attainment and association with the work force. The plan must be designed to aid the recipient in obtaining employment, necessary work skills, or training necessary to secure employment. In the preparation and execution of the plan, the department shall provide at least the same degree of counseling, job referrals, and other services to the recipient as is provided generally to unemployment insurance claimants exclusive of the federal eligibility review program. A copy of the plan shall be given to the recipient at the time of its preparation. An employability development plan need not be prepared for a recipient who is certified by the department as exempt under Minnesota Statutes, section 256D.111, subdivision 2, clause (1).

Statutory Authority: *MS s 268.80*

History: *9 SR 1188* .

3300.4070 NONCOMPLIANCE.

As used in Minnesota Statutes, section 256D.111, subdivisions 1 and 2 and this part, "noncompliance" means that a recipient has failed, without good cause, to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. A determination of noncompliance shall be certified to the local agency for disposition. A determination of noncompliance may be made with respect to one of the following:

- A. failure to be available for work as in part 3300.4030;
- B. failure to comply with established reasonable reporting or job search requirements as in parts 3300.4040 and 3300.4050; or
- C. failure to accept any offer of suitable employment as in part 3300.4060.

Following a final determination of noncompliance, the commissioner shall certify in writing to the local agency that a recipient has failed to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1. A copy of the written certification shall be given to the recipient.

A final determination of failure to comply with the requirements of Minnesota Statutes, section 256D.111, subdivision 1, shall be made in accordance with notice, hearing, and appeal rights and procedures applicable to the Work Incentive Program pursuant to Minnesota Statutes, section 256.736, subdivision 4, clause (4).

Hearings to determine noncompliance shall be conducted by the department in accordance with the Hearing Rules of Practice, Governing Administrative Hearings and Appeals Procedures and Requirements under the Work Incentive Program, April 1983, which is incorporated by reference. Copies of these rules will be provided by the department upon request. These rules are not subject to frequent change.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4080 NOT ABLE TO SUCCESSFULLY PERFORM JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, an individual will be considered "not able to successfully perform a job" available through the jobs program if:

- A. following placement in a job reasonably compatible with the individual's skill level and using the same corrective steps as the employer would

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normally use with other employees in order to improve performance, the individual is unable to carry out tasks required in the job obtained through the Minnesota emergency employment development program; or

B. the individual presents medical evidence from a licensed medical authority that he or she is temporarily or permanently unable to carry out the tasks required in the job obtained through the Minnesota emergency employment development program.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4090 UNLIKELY TO SECURE JOB.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, an individual will be considered "unlikely to secure a job" through the jobs program because of the following conditions:

A. the individual has inadequate preparation or job experience for any of the jobs available through the Minnesota emergency employment development program; or

B. Minnesota emergency employment development jobs are unavailable in locations which, for a one-way trip under normal commuting circumstances, are accessible to the individual within one hour, and the individual elects to withdraw from the program for this reason.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4100 APPLICATION PROCESS.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.80, "application process" means the procedure through which an individual makes a formal request to the commissioner for services under the Minnesota emergency employment development jobs program.

Persons found eligible for the Minnesota emergency employment development program will be referred to an employment administrator for program services. The referral will be in writing and include the address of the employment administrator to which the applicant is being referred.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*

3300.4110 ALLOWANCE.

Through December 31, 1984, for the purpose of implementing Minnesota Statutes, section 268.81, "allowance" means the cash amount paid by the commissioner to individuals satisfying the eligibility standards in Minnesota Statutes, sections 256D.01 to 256D.21, who are accepted for participation in the Minnesota emergency employment development jobs program.

The commissioner shall pay allowances to persons referred by the local agency in accordance with the assistance standards established by the commissioner of human services pursuant to part 9555.3402, subpart 1, and shall not exceed these amounts. The initial allowance from the commissioner shall be paid upon the expiration of the period covered by the one-month grant from the local agency. The payments shall be made within ten working days following the date of receipt of the application for the cash allowance by the department. A payment will not be made before the expiration date of the one-month grant made by the local agency. Subsequent payments will be made at one-month intervals.

Statutory Authority: *MS s 268.80*

History: *9 SR 1188*