

1 Department of Economic Security

2

3 Adopted Rules Relating to Registration for Employment Services
4 and Allowances Under General Assistance

5

6 Rules as Adopted

7

GENERAL ASSISTANCE; REGISTRATION FOR

8

EMPLOYMENT SERVICES AND ALLOWANCES

9 3300.4010 DEFINITIONS.

10 Subpart 1. Scope. As used in parts 3300.4010 to
11 3300.4110, the words or phrases defined in this part have the
12 meanings given them.

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

15 Subp. 3. Department. "Department" means the Department of
16 Economic Security.

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

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

29 Subp. 4- 6. Local agency. "Local agency" means the a
30 county welfare-board-and-any or a multicounty welfare-boards-or
31 departments-if-they-have-been-established-in-accordance-with
32 agency that is authorized by Minnesota law as the agency
33 responsible for the administration of the general assistance
34 program.

35 Subp. 7. Recipient. "Recipient" means an adult who is
36 receiving a grant of general assistance pursuant to Minnesota

1 Statutes, sections 256D.01 to 256D.21, and who has been referred
2 to the department by a local agency pursuant to Minnesota
3 Statutes, section 256D.111, subdivision 1.

4 3300.4020 PURPOSE.

5 Parts 3300.4010 to 3300.4110 clarify and reflect
6 interpretation of those portions of Laws of Minnesota 1983,
7 chapter 312, article 8, whose implementation are the sole
8 responsibility of the department of ~~Economic Security~~ or, in
9 some cases, the joint responsibility of the department and the
10 Department of Economic Security and the Department of Human
11 Services.

12 Nothing in parts 3300.4010 to 3300.4110 precludes an
13 individual from seeking or participating in the full range of
14 services available from the department of ~~Economic Security~~.

15 3300.4030 AVAILABLE FOR WORK.

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

28 3300.4040 REASONABLE REPORTING.

29 As used in Minnesota Statutes, section 256D.111,
30 subdivision 1, "reasonable reporting" means that recipients
31 registered with the department shall report to the office with
32 which they are registered on a reasonable schedule ~~provided by~~
33 ~~the department or~~ as provided in the recipient's employability
34 development plan. The method, frequency, and format of
35 reporting whether in person, by telephone, or by mail shall

1 be prescribed by the department. Frequency of reporting is to
 2 be determined solely by the department prescribed in the
 3 recipient's employability development plan. Availability and
 4 cost of transportation, either public or private, shall be taken
 5 into consideration in the reporting requirement.

6 3300.4050 JOB SEARCH REQUIREMENTS.

7 As used in Minnesota Statutes, section 256D.111,
 8 subdivision 1, "job search requirements" means the reasonable
 9 conditions of the job search established by an employability
 10 development plan developed by the department in consultation
 11 with the recipient. The for suitable employment prescribed in
 12 the recipient's employability development plan must be
 13 consistent with local labor force conditions and demands taking
 14 into account the recipient's skills, knowledge, and abilities,
 15 as well as educational attainment and association with the work
 16 force. The employability development plan must be designed to
 17 aid the recipient in obtaining employment, necessary work
 18 skills, or training necessary to secure employment. The
 19 availability and cost of public or private transportation shall
 20 be considered in determining reasonable job search requirements.

21 3300.4060 SUITABLE EMPLOYMENT.

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

33 3300.4065 EMPLOYABILITY DEVELOPMENT PLAN.

34 The basis for the reasonable reporting and job search
 35 requirements in Minnesota Statutes, section 256D.111, shall be

1 the employability development plan. The department shall
2 prepare a written employability development plan for each
3 recipient in consultation with the recipient. The plan shall be
4 prepared by a qualified person, shall identify the specific
5 conditions applicable to the recipient which limit the
6 recipient's ability to seek or secure suitable employment, shall
7 include reasonable reporting and job search requirements, and
8 shall be consistent with local labor force conditions and
9 demands taking into account the recipient's skills, knowledge,
10 and abilities, as well as education attainment and association
11 with the work force. The plan must be designed to aid the
12 recipient in obtaining employment, necessary work skills, or
13 training necessary to secure employment. In the preparation and
14 execution of the plan, the department shall provide at least the
15 same degree of counseling, job referrals, and other services to
16 the recipient as is provided generally to unemployment insurance
17 claimants exclusive of the federal eligibility review program. A
18 copy of the plan shall be given to the recipient at the time of
19 its preparation. An employability development plan need not be
20 prepared for a recipient who is certified by the department as
21 exempt under Minnesota Statutes, section 256D.111, subdivision
22 2, clause (1).

23 3300.4070 NONCOMPLIANCE.

24 As used in Minnesota Statutes, section 256D.111,
25 subdivisions 1 and 2 and this part, "noncompliance" means that a
26 recipient has failed, without good cause, to comply with the
27 requirements of Minnesota Statutes, section 256D.111,
28 subdivision 1. ~~In-the-absence-of-good-cause~~; A determination of
29 noncompliance shall be certified to the local agency for
30 disposition. A determination of noncompliance may be made with
31 respect to one of the following:

32 A. failure to be available for work as in part
33 3300.4030;

34 B. failure to comply with established reasonable
35 reporting or job search requirements as in parts 3300.4040 and
36 3300.4050; or

1 C. failure to accept any offer of suitable
2 employment; or

3 ~~D.---voluntary-termination-from-suitable-employment as~~
4 in part 3300.4060.

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

10 A final determination of failure to comply with the
11 requirements of Minnesota Statutes, section 256D.111,
12 subdivision 1, shall be made in accordance with notice, hearing,
13 and appeal rights and procedures applicable to the Work
14 Incentive Program pursuant to Minnesota Statutes, section
15 256.736, subdivision 4, clause (4).

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

23 3300.4080 NOT ABLE TO SUCCESSFULLY PERFORM JOB.

24 Through December 31, 1984, for the purpose of implementing
25 Minnesota Statutes, section ~~256D.112, clause-(1)~~ 268.80, an
26 individual will be considered "not able to successfully perform
27 a job" available through the jobs program if:

28 A. following placement in a job reasonably compatible
29 with the individual's skill level and using the same corrective
30 steps as the employer would normally use with other employees in
31 order to improve performance, ~~the-employer-determines-that~~ the
32 individual is unable to carry out tasks required in the job
33 obtained through the Minnesota emergency employment development
34 program; or

35 B. the individual presents medical evidence from a
36 licensed medical authority that he or she is temporarily or

1 permanently unable to carry out the tasks required in the job
2 obtained through the Minnesota emergency employment development
3 program.

4 3300.4090 UNLIKELY TO SECURE JOB.

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

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

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

17 3300.4100 APPLICATION PROCESS.

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

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

28 3300.4110 ALLOWANCE.

29 Through December 31, 1984, for the purpose of implementing
30 Minnesota Statutes, section 268.81, "allowance" means the cash
31 amount paid by the commissioner to individuals satisfying the
32 eligibility standards in Minnesota Statutes, sections 256D.01 to
33 256D.21, who are accepted for participation in the Minnesota
34 emergency employment development jobs program.

35 The commissioner shall pay allowances to persons referred

1 by the local agency in accordance with the assistance standards
2 established by the commissioner of human services pursuant to
3 ~~parts-9555.3400-to-9555.3408~~ part 9555.3402, subpart 1, and
4 shall not exceed these amounts. The initial allowance from the
5 commissioner shall be paid upon the expiration of the period
6 covered by the one-month grant from the local agency. The
7 payments shall be made within ten working days following the
8 date of receipt of the application for the cash allowance by the
9 department. A payment will not be made before the expiration
10 date of the one-month grant made by the local agency.
11 Subsequent payments will be made at one-month intervals.

12 ~~The-allowance-shall-be-paid-in-accordance-with-the~~
13 ~~assistance-standards-established-by-the-commissioner-of-human~~
14 ~~services-pursuant-to-parts-9555.3400-to-9555.3408-and-shall-not~~
15 ~~exceed-these-amounts.~~