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State Register

STATE OF
MINNESOTA



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48	May 22	May 30 (Tu)	June 5
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EXECUTIVE ORDERS

Emergency Executive Order No. 170

Providing for Assistance to Officials of St. Louis County, Minnesota

I, Rudy Perpich, Governor of the State of Minnesota, by the virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order;

Whereas, the Sheriff of St. Louis County has requested assistance in the search for a lost child and;

Whereas, the dense brush, numerous marshes and open mine pits filled with water contained in the area in which the child was lost precluded an effective search within available resources of St. Louis County officials:

Now therefore, I order:

1. The Adjutant General of Minnesota to order to active duty on or after 21 April 1978, in the service of the state, such elements of the military forces of the state as required, and for such a period of time necessary to successfully complete a search for the lost child.

2. Cost of subsistence, transportation and fuel, and pay and allowances of said individuals will be defrayed from the general fund of the state as provided for by Minn. Stat. § 192.49, subd. 1 and § 192.51 (1976); and Minn. Stat. § 192.52 (1977 Supp.).

This order is effective retroactive to April 21, 1978, and shall be in force until April 23, 1978.

In testimony whereof, I hereunto set my hand on this 26 day of April 1978.



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The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption as proposed and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

State Board of Education Vocational-Technical Education Division

The rules published in the *State Register* Volume 2, Number 21, pp. 1056-1082, November 28, 1977 (2 S.R. 1056), are adopted and are identical in every respect to their proposed form, with the following amendments. (Only the sections that have been changed are printed here.)

Chapter Four-A: General Rules for Vocational-Technical Education

5 MCAR § 1.0070 Definitions. For the purpose of this chapter, the words, phrases and terms defined in this section shall have the meanings respectively ascribed to them.

A.-Q. Unchanged.

R. Internship — A training program involving class instruction followed by a supervised, full-time or part-time position at an approved training station.

R.S. Laboratory instruction — An in-school instructional method involving the practice of skills with appropriate equipment and supplies used within the occupation.

S.T. Local education agency — A public educational agency, at the local level, which exists primarily to operate schools or to contract for educational services.

T.U. Necessary equipment — Items of equipment that meet the criteria as defined in the uniform financial accounting and reporting system (UFARS), and are identified by the local school district as essential to support the teaching of occupational competencies in approved vocational programs.

U.V. Nonexpendable personal property — Tangible personal property having a useful life of more than one year and an acquisition cost of \$300.00 or more, per unit.

V.W. Occupation — Paid or unpaid employment including, but not limited to, salaried jobs, self-employment and homemaking.

W.X. Occupational relations — Learning experiences including work adjustment concepts, interpersonal skills involving relationships with other workers and supervisors, understandings and attitudes common to all work stations, and specific instruction as identified in a training plan.

X.Y. Post-secondary part-time student — Any student attending a post-secondary program fewer than six hours per day or 30 hours per week.

X.Z. Post-secondary vocational education — Vocational education for persons who have completed or left high school and who are enrolled in organized programs of study.

Z.AA. Pre-vocational education — Programs, services, or activities designed to provide youth and adults with orientation, guidance, exploration and instruction to assist them in making meaningful career decisions.

AA.BB. Secondary vocational course — One or more components of a secondary vocational instructional program.

BB.CC. Secondary vocational education — Programs for grades 10-12 that meet the requirements of § 1.00811 B. 1., 2., 3., and work experience/career exploration programs.

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RULES

5 MCAR § 1.0070

~~CC-DD~~. Simulation — An in-school instructional method involving the application of skills with a realistic flow of work and in a realistic setting for the occupation.

~~DD-EE~~. Student full-time equivalent (FTE) — A student enrolled full-time in an approved educational program, six hours per day for 175 days per year or its equivalent.

~~EE-FF~~. Student-staff ratio — The relationship between the number of FTE students and the number of FTE teachers in each approved vocational program.

~~FF-GG~~. Students with special needs — Students who are handicapped or disadvantaged.

1. Students identified as handicapped are defined in Minn. Stat. § 120.03 and cannot succeed in regular vocational programs.

2. Disadvantaged students are those who have academic or economic disadvantages and require special programs, modified programs or supportive services to assist them in succeeding in a vocational education program. Students with academic and economic disadvantages may lack reading, writing, mathematical skills, perform below grade level, the family income is at or below national poverty level, the student or his/her parent(s) or guardian is unemployed, the student or his/her parent(s) is a recipient of public assistance, or the student is institutionalized or under the state's guardianship.

~~GG-HH~~. Support service — Noninstructional activities, services, and functions carried out to aid and improve the quality of vocational education programs.

~~HH-II~~. Teacher full-time equivalent — A certified vocational instructor who teaches the equivalent of six hours per day for 175 days per year or its equivalent.

~~II-JJ~~. Third party appraisal — Establishing a price for nonexpendable personal property by an independent appraiser who is free from any conflicting interests.

~~JJ-KK~~. Training agreement — An agreement signed by the employer, the student, the parent or guardian (when student is below 18), and the instructor-coordinator, which defines their respective responsibilities, and includes pertinent information regarding supervision of the student at the training station.

~~KK-LL~~. Training plan — A written plan developed by the instructor-coordinator, the employer and/or supervisor, and the student that indicates what is to be learned by that student and whether it is to be learned in the classroom or at the training station after a careful analysis of the student's

career objective and the learning opportunities available at the training station.

~~LL-MM~~. Training station — That site at which a student acquires actual work experience.

~~MM-NN~~. Vocational administrator — A person who holds a vocational administration license appropriate to the level being served (secondary, post-secondary and adult) and is assigned to provide management and leadership in vocational education.

~~NN-OO~~. Vocational aid — Categorical, state and federal funding for secondary, post-secondary and adult vocational programs meeting criteria set forth in rules.

~~OO-PP~~. Vocational education — Organized educational programs, services, and activities which are related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring technical skills other than a baccalaureate or advanced degree.

~~PP-QQ~~. Vocational instructional program — An educational activity or a series of instructional components designed to meet the program objectives for the period of instruction.

~~QQ-RR~~. Vocational program advisory committee — A group of persons with competence or interests in an occupational field related to the program being served, selected for the purpose of offering advice to instructors and/or administrators regarding vocational education. At least 50 percent of the members shall be representatives of a directly related business, labor and industry.

~~RR-SS~~. Vocational student organization — Organizations of vocational students which provide the opportunity for the development of leadership abilities, personal improvement of individual members and aid in their transition from school to career.

5 MCAR § 1.0071

E. School districts and centers shall maintain accounting and reporting records according to a uniform financial accounting and reporting system (UFARS) and all such records shall be available to the department of education.

5 MCAR § 1.0074

B. 2. Renewal of the two year license, the one year permit or renewal, and the three year adult supplementary license shall be in accordance with the state plan for vocational-technical education and shall be submitted to the commissioner of education for approval. Renewal of the two year entry license or licenses issued for a maximum of five years shall require upgrading activities as set forth in

RULES

the state plan for vocational-technical education with the content preapproved by the local vocational license committee and subsequently approved by the commissioner of education. If the content is disapproved, approval may be sought from the commissioner of education.

5. Vocational staff shall be subject to the continuing education structure as outlined in the Minnesota state plan for vocational-technical education. Such licensure, except for authorized local administrators as defined in § 1.0070 B., shall be recommended by the local vocational relicensure committee. Vocational staff employed in school districts or state board-approved vocational or cooperative centers currently employing a combination of individuals with standard and vocational licenses shall select one of the options listed below. The selection of alternatives shall be made by a vote of these staff members currently using vocational licensure, and such election shall originally be supervised by the chairperson of the local continuing education committee established under Minn. Stat. § 125.187, subd. 4.

a. Vocational staff may select the existing local relicensure committee, except that five vocationally-licensed vocational staff members currently practicing full-time on a valid vocational license, as elected in secret ballot by the district or state board-approved vocational or cooperative center vocationally licensed staff, shall be the teaching faculty members of the committee whenever issues of vocational licensure arise.

b. A separate local vocational relicensure committee may be formed by the election of five vocationally licensed staff currently practicing full-time on a valid vocational license. The committee will be elected by the staff who are currently using vocational licensure in the district or state-approved vocational or cooperative center. The committee shall also have one representative from administration and one from the residents of the district or center. The administrator is to be elected by the licensed administrators of the district or center. The resident shall be designated by the local school board, but may not be an employee of the district or center. School board members are not considered to be employees of the district. This option shall be limited to those school districts or state board approved vocational or cooperative centers utilizing 25 or more vocational licenses.

c. Vocational staff in two or more districts or state board-approved vocational or cooperative centers situated in close proximity may operate under the provisions of either

5 MCAR § 1.0078

option (a) or (b) with regard to the composition of the local vocational committee and method of identification of committee members.

In the event that a local relicensure committee cannot be established before July 1, 1978, relicensure may be recommended by the local vocational administrator until December 31, 1978.

d. Vocational teachers may be subject to the local continuing education/relicensure committee as currently established, when such teachers teach in a district which employs less than five vocational teachers or which is geographically isolated so it cannot feasibly cooperate with another district.

5 MCAR § 1.0075

A. 2. The local advisory committee may be established for ~~program areas~~, schools, the community or the region in which the eligible recipient is located.

A. 3. The local advisory committee shall be composed of representatives of the general public including ~~at least a representative of business, industry and labor~~, representatives of directly related business, industry and labor.

A. 4. Representatives from several ~~craft~~ program committees, or representatives of several school committees within a local education agency, having the requisite representation in paragraph three, may join together to form a general local advisory committee.

5 MCAR § 1.0078

A. When federal funds are not available to all applicants, the state board for vocational education shall ~~consider~~ use the following criteria in determining the allocation of federal funds:

C. Written plans for the use of federal and state appropriated matching funds shall be submitted to the commissioner of education by eligible agencies or institutions conducting vocational education programs. Claims for expenditures available for aid may be submitted to the commissioner of education requesting reimbursement upon funds already expended. Recommendations regarding payment shall be made by the commissioner of education ~~and approved~~ for approval by the state board for vocational education.

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5 MCAR § 1.0079

5 MCAR § 1.0079

B. 1. c. Nonexpandable personal property with an acquisition cost of over \$1,000: If the property is not needed for its intended vocational-technical purpose, the local education agency shall request disposition instructions from the commissioner of education. If instructions are not received within ~~90~~ 120 days, the local education agency may dispose of the property at their discretion.

C. In addition, when personal property is purchased whole or in part with federal funds furnished by the state board for vocational education, the local education agency shall comply with the appropriate ~~code~~ of federal regulations regarding standards and procedures governing ownership, use and disposition of personal property.

5 MCAR § 1.00791 Student eligibility. All students shall be eligible for enrollment in vocational education programs regardless of race, color, creed, religion, sex, national origin, marital status, age, ~~residency~~ or status with regard to public assistance or disability providing that no federal or state statute or rule specifically provides for valid exclusions for such things as health conditions, age or certain physical conditions.

5 MCAR § 1.00792 These rules shall become effective on July, 1978.

Chapter Five-A: Secondary Vocational Education

5 MCAR § 1.00811

D. 1. b. (4) (b) The program shall consist of a minimum of two 140-hour classes ~~per day~~, and one 280-hour class for the regular school year. The summer school segment of an approved vocational education program in this option shall provide for: cooperative supervised experience, internship, and/or classroom instruction. (Approved programs not currently meeting this rule must comply in the 1980-81 school year.) Or,

D. 1. b. (4) (d) Approved programs currently operating on a 280-hour intensive laboratory experience method of instruction, for the regular school year and 1, 2, or 3 280-hour classes per year shall develop, by the 1980-81 school year, a comprehensive program, ~~including a cooperative placement program for the summer school offering. Other s~~Summer components in addition to a supervised cooperative placement program, such as internship and classroom instructional program are strongly encouraged to support the coop component. (see community-based rules in § 1.00811 G.) Or,

D. 1. b. (4) (e) Any expansion of currently approved

programs must meet agriculture/agribusiness and natural resources option b, ~~3a~~, 2a, b and/or c in the year for which approval is sought, or

D. 1. b. (4) (f) New program requests shall comply with an agriculture/agribusiness and natural resources option b, ~~5a~~, 4a, b, and c by the third year of operation.

D. 4. b. (2) (a) For a consumer-homemaking program, simulation or laboratory and classroom methods shall be a minimum of 280 hours within two consecutive fiscal years. Each component shall be one or more separate courses. Each of the components shall constitute a minimum of ~~45~~ 40 hours of instruction, or

D. 5. a. (2) Auto mechanics occupations. Learning experiences concerned with the inspection, diagnosis and repair of motor vehicle components. Program components include: engine tune-up; emission systems; lubrication and maintenance; power transmission; steering and suspension; brakes; electrical systems; diagnostic and testing equipment; parts-; fuel and emission systems; cooling and heating systems; technical manuals.

D. 5. a. (4) Construction occupations — general. Learning experiences concerned with all major phases of residential construction from financing to finishing. A minimum of five of the following program components shall be included: finance; planning site development; masonry; carpentry; mechanical trades; pipe trades; finishing trades. If a residential unit is to be constructed as a learning experience in this program, it shall not exceed ~~4,000~~ 1,200 square feet. An exception to the square footage maximum may be granted by the commissioner of education when there is a conflict with bona fide local ordinances. A program shall build no more than one unit per year and the unit shall be owned by the school district or center.

D. 5. a. (13) Recreational vehicle repair occupations. Learning experiences concerned with the maintenance and repair of recreational equipment such as snowmobiles, motorcycles, and ~~outboard motors~~, marine engines. Program components include: principles of internal combustion engine operation; diagnostic and testing equipment and tools; snowmobiles; marine products; motorcycles; welding; machine tooling; parts; principles of power transmission; technical manuals.

D. 5. a. (14) Service station occupations. Learning experiences concerned with the inspection service, maintenance, and minor repair of automobiles. Program components include: principles of internal combustion engine operation; engine tune-up; lubrication service; exhaust system service; cooling and heating system service; suspension system service; fuel system service-; brake system service; diagnostic testing equipment; technical manuals.

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D. 5. b. (2) (a) Summer program of 120 hours for programs 5, 6, 7, 8, 12, ~~and 14,~~ and 16.

D. 5. b. (2) (b) 140 hours within one school year for programs 5, 6, 7, 8, 12, ~~and 14,~~ and 16.

D. 6. a. (2) General marketing occupations. Learning experiences concerned with the general application of marketing functions, principles, practices, and procedures without particular emphasis on the kind of environment in which the marketing functions are performed or the kind of products or services involved. The basic knowledge, skills and attitudes developed in this instructional program are applicable in a variety of industries. For example: advertising and display services; apparel and accessories marketing; automotive, recreational, and agricultural vehicles and accessories marketing; finance and credit services; floristry, farm, and garden supplies marketing; food marketing; food services marketing; hardware and building materials marketing; home furnishings marketing; hotel, motel, and lodging services; industrial and institutional marketing; insurance; personal services marketing; petroleum marketing; recreational marketing; real estate marketing; transportation and travel marketing; business services marketing; business ownership.

G. 1. b. ~~A district or center shall provide coordination time for the instructor coordinator at a minimum of 25 minutes per week per student on supervised employment.~~

G. 1. e. ~~b.~~

G. 1. d. ~~c.~~ The student shall be on the job an average of at least two hours per day that school is in session; a minimum of one hour per day, averaging no less than 10 hours per week during the school session. An exception for this rule may be granted by the commissioner of education for handicapped persons whose physical or emotional disability prevents them from working a two-hour day.

G. 1. e. ~~d.~~

G. 1. f. ~~e.~~

G. 1. g. ~~f.~~

G. 1. h. ~~g.~~

5 MCAR § 1.00821

C. A local education agency shall be eligible for aid for

5 MCAR § 1.00831

one licensed vocational administrator at a ratio of one full-time equivalent administrator per ~~20~~ 15 vocational instructional staff in approved programs or one half-time administrator per ten vocational instructional staff. Aid shall be prorated for administrative salaries when the administrative position is between one half-time equivalent and full-time equivalent. Administrative time involved in general education is not eligible for vocational aid.

D. No proration occurs between 0 and ~~9~~ 8 and ~~21~~ 16 and ~~30,~~ 20; however, when instructional staff in approved programs exceeds ~~30,~~ 20, a local educational agency shall be eligible for aid for additional licensed vocational administrative salaries at a ratio of ~~30~~ 20 staff to one full-time equivalent administrator.

E. ~~Local education agencies eligible as of July 1, 1978, for vocational aid for administrative/instructional staff not meeting the minimum ratio for administrative service prior to July 1, 1981, may apply to the commissioner of education for an exception to the rule. An exception will be granted when instructional quality and efficiency would be improved by the exception. Administrative time involved in general education is not eligible for vocational aid.~~

Vocational centers eligible for vocational aid for administrative/instructional staff not meeting the minimum ratio for administrative service may apply to the commissioner of education for an exception to the rule. An exception will be granted on the basis of the following criteria:

1. During the first fiscal year following state board of education approval; or

2. In those instances where the demography of the area served by the center cannot reasonably support 10 vocational instructional staff.

5 MCAR § 1.00831

A. Special needs supportive services shall assist students with special needs enrolled in vocational instructional programs. A district or center shall be eligible for vocational aid for support service personnel when a minimum of one half-time vocational licensed administrator exists to develop and implement the special needs services, and the staff to special needs student ratio in vocational education does not exceed the following:

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RULES

5 MCAR § 1.00831

A. ~~5.~~ One full-time equivalent training specialist in modified vocational course to ten full-time equivalent students.

A. ~~6.~~ 5.

C. In offering an approved child care and guidance occupational program, a local education agency may be eligible for up to one full-time equivalent licensed aide or licensed preschool teacher per full-time equivalent vocational instructor, when licensure of the facility ~~is~~ required by an outside agency or when necessary for the protection and safety of preschool children. Aid is available for those sections when the preschool is used as a laboratory for at least 15 secondary students, and the aide or preschool teacher is responsible only for the educational program of the preschool children.

5 MCAR § 1.0084 Vocational aid. State payments shall be based upon the estimated budget for approved programs operated in accordance with these rules. When state and federal vocational aid is not adequate to pay the state share identified in the vocational aid law, statewide proration of funds shall take place for all eligible estimated budget categories. Payments for salary, travel and equipment shall be based on the estimated budget. Final payment of aids for such categories shall not exceed 100 percent of the estimated budget. be based on actual expenditures.

B. Travel. A district or center shall be eligible for aid at a rate up to 50 percent for travel expenditures for essential licensed personnel traveling to and from school sites and cooperative training stations where students are located or to arrange job sites, and for the costs of necessary travel by secondary vocational education teachers accompanying students to and from vocational student organization meetings held within the state for educational purposes. Student transportation is not eligible for vocational aid.

D. 1. Expenditures jointly funded by vocational and special education or other sources (not including foundation aid and local levy) shall be eligible for aid at a rate not to exceed the maximum of either aid. “Work experience-handicapped” (§ 1.00811 G. 3. d.) is not eligible for vocational categorical aid.

5 MCAR § 1.0087 These rules shall become effective on July 1, 1978.

Chapter Six: Post-Secondary Vocational-Technical Education

5 MCAR § 1.0102

A. 3. Length of internship shall be established by the local board after receiving the recommendation of the program advisory committee and approval by the commissioner ~~for vocational technical~~ of education, except when the internship program is regulated by the accrediting agencies related to that program.

E. The cost of the program shall be related to the benefits ~~of~~ to students and business and industry.

5 MCAR § 1.0103

B. 4. Student financial aid ~~assistance~~ administrator shall be provided and not included in the ratio set forth in B. 2. above.

5 MCAR § 1.0104

F. 4. Collection of tuition shall be on the basis of four periods per year as determined by the local calendar. No single period shall exceed 65 school days. Tuition may not be demanded more than 15 consecutive school days in advance of the time period but a student may pay in advance. Tuition may be delayed only upon initial application for tuition subsidy in any given year to the higher education coordinating board or guaranteed receipt from an agency.

5 MCAR § 1.0107 The distribution of categorical aid shall include be made on the following criteria for districts operating high cost programs which require expenditures in excess of funding available through foundation aid, capital expenditure aid, and local mandatory levy:

5 MCAR § 1.01102 These rules shall become effective on July 1, 1978.

Chapter Six-A: Adult Vocational-Technical Education

5 MCAR § 1.0112 Instructional program approval.

E. 1. Shall employ a minimum of a ~~one-half time~~ forty percent instructor.

5 MCAR § 1.0117 These rules shall become effective on July 1, 1978.

PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new or amended rule. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Ethical Practices Board Proposed Temporary Rules Relating to Campaign Financing

Request for Public Comment

Notice is hereby given that the following rules, 9 MCAR §§ 1.0001-1.0046 Rules and Regulations Relating to Campaign Financing, are proposed for adoption as temporary rules to supersede and repeal EPB Rules 1-39.

Pursuant to Minn. Stat. § 15.0412, subd. 5, the Ethical Practices Board shall afford all interested persons the opportunity to submit their comments on the proposed rules for 20 days immediately following publication of this material in the *State Register* by writing to:

Ethical Practices Board
Room 41
State Office Building
St. Paul, Minnesota 55155

not later than the close of business on Monday, June 5, 1978.

Under Minn. Stat. §§ 10A.01, subd. 11, and 10A.03 (1976), any individual* engaged for pay or other consideration, or authorized to spend money, who spends in excess of five hours in any month or in excess of \$250 in a calendar

*with certain exceptions

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year to influence legislative and administrative action, such as the promulgation of these rules, by communicating with, or urging others to communicate with public officials, must register with the State Ethical Practices Board as a lobbyist within five days.

Temporary Rules as Proposed

Chapter One.

9 MCAR §§ 1.0001-1.0046 (All new material.) Supercedes and repeals EPB Rules 1-39. Pursuant to Laws of 1978, ch. 463, § 103, these temporary rules are adopted to give effect to the campaign financing provisions of Minn. Stat. ch. 10A, the Ethics In Government Act, as amended by Laws of 1978, ch. 463 and ch. 793, and shall be effective until permanent rules are adopted pursuant to Minn. Stat. ch. 15 or until October 1, 1979; whichever occurs first.

9 MCAR § 1.0001 Applicability of rules. These rules apply to principal campaign committees, political committees, political funds, individuals and associations that raise or expend in excess of \$100 in a calendar year to influence the nomination or election of a candidate for the office of governor, lieutenant governor, attorney general, state treasurer, secretary of state, state auditor, state senator, state representative, justice of the state supreme court or judge of state district court.

9 MCAR § 1.0002 Definitions.

A. "Act" means the Ethics In Government Act, Minn. Stat. ch. 10A as amended by Laws of 1978, ch. 463 and 793.

B. "Board" means the Minnesota State Ethical Practices Board.

C. "Business day" means 8:00 a.m. to 4:30 p.m. Monday through Friday except for official state holidays.

D. "Calendar year" in 1978, for purposes of campaign expenditure and contribution limits, means February 28 through December 31, 1978.

E. "File", "Filed", and "Filing" mean delivery to the office of the Board by 4:30 p.m. on the prescribed filing date or postmarked two days prior to the filing date.

F. "Fundraising event" means any dinner, luncheon, rally, coffee party, cocktail party, or other similar gathering

PROPOSED RULES

9 MCAR § 1.0002

of three or more individuals where contributions are solicited to influence the nomination or election of a candidate.

G. "Money" means cash on deposit in banks and other depositories, checks, negotiable instruments and other paper commonly accepted by a bank as a deposit, and transfers through electronic funds transfers.

H. "Periodic report" means the Report of Receipts and Expenditures required to be filed with the Board at prescribed filing dates.

I. "Unpaid bills" means advance of credit.

9 MCAR § 1.0003 Agreement to make loans. An agreement to make a loan to a political committee or fund shall be made in writing, signed by the borrower (and endorsers, if any) and reported on the appropriate schedule.

9 MCAR § 1.0004 Allocation of approved expenditures. Except for a political party expenditure as provided in Minn. Stat. § 10A.275, the treasurer of a political committee or fund making an approved expenditure on behalf of more than one candidate shall allocate the expenditure among such candidates on a reasonable proportionate basis and report the allocation to each candidate on periodic reports.

9 MCAR § 1.0005 Allocation of money from general account refused by a candidate. Monies refused by a candidate from the general account of the State Election Campaign Fund shall be reapportioned to all the office accounts as provided by Minn. Stat. § 10A.31, subd. 5 (1)-(3), and distributed to all qualifying candidates.

9 MCAR § 1.0006 Amendments. The Board or its staff may request a candidate or treasurer of a political committee or political fund to submit an amendment to complete or to correct a statement or periodic report previously filed provided the Board request is in writing. Such amendments shall be filed within 10 business days after receipt of a notice by a candidate or treasurer. This provision does not alter the obligation of the treasurer to file an amended statement or periodic report within 10 days of the time an individual becomes aware of an inaccuracy or omission. The Board may grant an extension of the filing deadline upon written request.

9 MCAR § 1.0007 Anonymous contributions. Any single contribution in excess of \$20 for which no donor can be identified by the committee or fund shall be forwarded in its entirety to the Board within 14 days after its receipt. When forwarding such an anonymous contribution, the treasurer of the committee or fund shall report to the Board the amount of the contribution and the date on which it was received.

9 MCAR § 1.0008 Approved expenditures and determination by the board.

A. No approved expenditure in excess of \$20 on behalf of a candidate shall be made until the individual or association receives a written authorization from the treasurer, deputy treasurer, or candidate of the principal campaign committee containing the following information:

Date	Amount of expenditure
Name of individual/committee/fund making the expenditure	
Purpose of the expenditure	
Candidate on whose behalf expenditure is made	
Office sought	
Expenditure authorized by Signature of treasurer, deputy treasurer, or candidate of principal campaign committee	

B. The Board may determine on a case by case basis when an expenditure, as defined by Minn. Stat. § 10A.01, subd. 10a, on behalf of a candidate by an individual or association was an approved expenditure made without the required written authorization of the treasurer, deputy treasurer or candidate of the principal campaign committee, pursuant to Minn. Stat. § 10A.17, subd. 2.

9 MCAR § 1.0009 Association newsletters on behalf of a candidate. Unless the association is making an independent expenditure, the proportionate cost of preparation and distribution of a newsletter which advocates the nomination or election of a candidate is a donation in kind and must be approved by the candidate if the cost exceeds \$20 per candidate.

9 MCAR § 1.0010 Campaign headquarters. A reasonable proportion of the cost of a political party's headquarters which serves as the headquarters of a candidate must be allocated to the candidate and reported as a campaign expenditure by the principal campaign committee of the candidate.

9 MCAR § 1.0011 Campaign literature. Campaign literature paid for and distributed by a candidate or a principal campaign committee of a candidate running for office which contains pictures of, or incidental references to, another candidate or office holder will not be considered an approved and authorized expenditure on behalf of the other candidate provided the candidacy of the other candidate is

PROPOSED RULES

not mentioned and no direct or indirect appeal for support of the other candidate is made, or if there is an independent expenditure disclaimer.

9 MCAR § 1.0012 Certification.

A. The signature of the treasurer or deputy treasurer of record shall be sufficient certification on forms prescribed by the Board. Notarization is not required.

B. A candidate may sign forms that the treasurer or deputy treasurer of the committee is required to file.

9 MCAR § 1.0013 Change of office sought by candidate.

A. Expenditure limit. When a candidate, who sought nomination or election to one office, subsequently seeks the nomination or election to another office in the same election year, expenditures incurred to influence the nomination or election to the first office will not be counted toward the campaign expenditure limit to the subsequent office sought.

B. Registration requirement. A candidate who seeks another office must designate a separate principal campaign committee and a separate depository for funds for the office sought.

C. Tax credit subsidy & public financing agreements. A candidate may sign a tax subsidy agreement for each office sought until December 31. A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement for another office by September 1 automatically rescinds a previously filed agreement.

9 MCAR § 1.0014 Complaints of violations.

A. Any person who believes a violation of the act or of these rules has occurred may submit an oral or written complaint to the Board.

B. There is no prescribed form for a written complaint, but all such complaints shall be typewritten or handwritten legibly. The name and address of the person making the complaint shall be typewritten or hand printed on the complaint and it shall be signed by such person. A complaint shall name the alleged violator and describe the complainant's knowledge of the alleged violation. Any evidentiary material should be submitted with the complaint. Complaints will not be available for public inspection or copying until after the Board makes a finding. No investigation shall be required if a complaint is frivolous on its face,

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illegible, too indefinite, does not identify the violator or is unsigned.

C. The Board need not investigate an oral complaint. No investigation shall be undertaken if an oral complaint is frivolous on its face, too indefinite, does not identify the violation, or does not identify the complainant. There is no prescribed format for an oral complaint, but all oral complaints must describe in sufficient detail the alleged violator and violation of the act or rules.

D. Any portion of a meeting during which the Board is hearing testimony or taking action concerning any complaint, investigation, preparation of a conciliation agreement, or a conciliation meeting shall be closed to the public. The minutes of such a meeting shall be kept confidential.

9 MCAR § 1.0015 Contributions between principal campaign committees of the same candidate.

A. Exclusive of personal funds of a candidate as reported on the periodic reports, the candidate may permit his principal campaign committee to accept contributions up to the applicable contribution limit for a political committee from another principal campaign committee formed to further his nomination or election to the other office.

B. If the other principal campaign committee is a federally registered committee, then the provisions of Minn. Stat. § 10A.22, subd. 7, apply as well as the contribution limit of the receiving committee.

9 MCAR § 1.0016 Contribution disclosure — judgeship.

A candidate for a district or supreme court judgeship shall be considered a statewide candidate for purposes of contribution disclosure set forth in Minn. Stat. § 10A.20, subd. 3 (b).

9 MCAR § 1.0017 Contributions from a nonregistered political committee and fund.

A political committee or fund shall not accept a contribution of more than \$100 from an association not registered with the Board, including federally registered committees and funds, unless the association registers with the Board within 14 days after making the contribution or provides the recipient political committee or political fund with all information required by Minn. Stat. § 10A.20.

9 MCAR § 1.0018 Contribution limits — political party definition.

For purposes of determining an aggregate political party contribution limit, the organization of a political

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party does not include a political party ward organization, a social club of a political party in a congressional district, legislative district, municipality or precinct, an auxiliary committee of a political party unit defined by Minn. Stat. § 10A.27, subd. 4, or any association which uses a political party name and is not listed in Minn. Stat. § 10A.27, subd. 4.

9 MCAR § 1.0019 Employee voluntary contribution plan.

If an individual employee of a corporation doing business in Minnesota makes a voluntary contribution to a state candidate through a program made available by a corporation and the employee retains sole and exclusive control of accumulated funds in the employee's name, the corporation providing the employee benefit on a nonpartisan basis is not required to register and report as a political committee or political fund. The political committee or political fund shall report and disclose receipt of the contribution from the individual on the periodic report as required by Minn. Stat. ch. 10A.

9 MCAR § 1.0020 Expenses incurred to repay loans.

The expenses of raising money to repay outstanding loans from a previous calendar year are reportable as campaign expenditures in the year in which expenses are incurred.

9 MCAR § 1.0021 Forgiveness and payment of a loan.

A. If a political committee or political fund forgives a loan owed to it, the amount becomes a contribution for the period during which the loan was first made.

B. When a loan to a principal campaign committee is forgiven or repaid by an individual, political committee, or political fund, in accordance with Minn. Stat. § 10A.32, subd. 3 (b), a candidate who accepts money from the State Election Campaign Fund and whose aggregate contribution limit is exceeded, shall return to the Board with the required amendment to the periodic report, a check or money order, payable to the State Treasurer for the amount which must be returned in excess of the aggregate contribution limit.

9 MCAR § 1.0022 Forgiveness and payment of unpaid bills.

A. If a political committee or political fund forgives any unpaid bill in excess of \$20 owed to it, the amount is a donation in kind to the recipient for the period in which the unpaid bill was incurred.

B. When a donation in kind in excess of \$20 resulting from the forgiveness of an unpaid bill or payment of an unpaid bill by an individual, political committee or political fund other than the principal campaign committee causes the aggregate contribution limit of a candidate who accepts

money from the State Election Campaign Fund to be exceeded, in accordance with Minn. Stat. § 10A.32, subd. 3 (b), a candidate shall return the amount due by a check or money order made out to the State Treasurer with the required amendment to the periodic report.

9 MCAR § 1.0023 Fundraising event.

A. The expenses of a fundraising event held by the state or local committee of a political party for one or two candidates are a donation in kind and, except for food and beverage consumed at the fundraising event, shall be reported as a campaign expenditure by the candidate or candidates under the following conditions:

1. The fundraising event is expressly or implicitly approved by the candidate, his treasurer, or agent to be held "on behalf of" the candidate; and

2. The candidate or candidates are "clearly identified" in advertisements, tickets, or any advance publicity for the fundraising event; and

3. The candidate receives proceeds, if any, from the fundraising event. "Clearly identified" means that:

(a) the name of the candidate is used; or

(b) a photograph or drawing of the candidate appears; or

(c) the identity of the candidate is apparent by unambiguous reference.

B. A separate committee may be established by two or more candidates to report the contributions and expenditures as required by the act for a fundraising event held jointly. The expenses of the fundraising event shall be allocated among the candidates on a reasonable proportionate basis as donations in kind. A transfer of funds to a candidate combined with the value of donations in kind from that committee, may not exceed the applicable contribution limit to a political committee.

9 MCAR § 1.0024 Inactive registered committees and funds.

A registered committee or fund which receives no income and makes no expenditures or disbursements during a reporting period may so indicate in the space provided on the periodic report and shall thereby satisfy the reporting requirement.

9 MCAR § 1.0025 Joint checks. When a contribution is given on a check written on a joint account, it shall be deemed a contribution by the signator(s) of the check unless otherwise specified by the signator(s). When a contribution is given on a check written on a joint account and specified as a joint contribution, it shall be deemed a contribution by

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each of the holders of the joint account in a proportional amount.

9 MCAR § 1.0026 Joint limits for Governor and Lt. Governor.

A. A candidate seeking the endorsement for Lt. Governor who signs a tax credit subsidy agreement does not bind either the candidate for Governor or his/her candidacy to campaign expenditure limits following their joining of candidacies. Following their joint endorsement or filing for office, the candidates must jointly sign the public financing agreement and/or the tax subsidy agreement if they wish to participate in public financing.

B. Candidates for Governor and Lt. Governor may cause their separate principal campaign committees to be combined as one with no limit on the amount of funds transferred between the two committees. Such action may be taken regardless of whether the action results in either principal campaign committee being terminated with outstanding unpaid bills or loans provided that the unpaid bills or loans are assumed and continuously reported until paid or forgiven by the remaining committee.

9 MCAR § 1.0027 Late filing fees.

A. The Board may grant a waiver of a late filing fee for sickness or injury of the filer, or other compelling reason. A written request for a waiver must be submitted not later than the fifth business day after filing the late statement or periodic report.

B. A late filing fee will be charged through the day preceding the day of filing of a late statement or late periodic report.

C. The Board shall send a delinquency notice by certified mail to the treasurer of a political committee or political fund within ten business days after a filing date. A copy of the notice shall be sent by first class mail to the candidate and the chairman of a political committee or political fund. If a certified letter is returned by the post office to the Board as refused, then the letter shall be deemed to have been received by the addressee. The late filing fee will then commence accumulating on the eighth day after refusal. A certified letter returned to the Board as undelivered or refused shall be forwarded by first class mail to the treasurer.

9 MCAR § 1.0028 Media advertisements — candidates.

If a candidate participates in, but does not pay for, a media advertisement paid for by another candidate advocating the

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nomination or election of other candidates or federal candidates, no portion of the cost of the advertisement shall be considered an approved expenditure on behalf of the candidate who participates provided his candidacy is not mentioned and no direct or indirect appeal for support is made.

9 MCAR § 1.0029 Noncampaign disbursements — constituent services.

A. Expenses paid by the principal campaign committee of a candidate in a nonelection year and before adjournment sine die of the legislature in an election year for the office held, for constituent services including newsletters, public opinion questionnaires, aides to legislators for constituent services during a legislative session, stationery not printed at government expense, postage, and rent for district offices shall be reported as constituent service noncampaign disbursements. Only that portion of the expense actually used or consumed for services to constituents shall be reported as noncampaign disbursements.

B. Costs of constituent services paid from personal funds of an officeholder and provided during nonelection years and through the day of adjournment sine die of the legislature in an election year for the office held are not required to be reported by the principal campaign committee of the candidate.

C. Costs of providing constituent services for an office holder who is a candidate after adjournment sine die of the legislature in the election year for the office held and sought are reportable by the principal campaign committee as campaign expenditures.

9 MCAR § 1.0030 Noncampaign disbursements — miscellaneous. Other expenses which are to be reported as miscellaneous noncampaign disbursements if paid for by the principal campaign committee of the candidate include: costs for child care for the candidate's children when campaigning; fees paid to attend a campaign school; costs of a post-election party during the election year when a candidate's name will no longer appear on a ballot or the general election is concluded, whichever occurs first; interest on loans paid by a principal campaign committee on outstanding loans; and filing fees if permitted by other Minnesota law.

9 MCAR § 1.0031 Organization of political committees and political funds.

A. Any group of two or more persons which receives a

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contribution or makes an expenditure, or a transfer of funds, in aggregate, in excess of \$100 to influence the nomination for election or election of candidates for statewide or legislative office or makes any independent expenditures in excess of \$100 must register a political committee or political fund. If the group has as its major purpose the influencing of election of a candidate or candidates, it shall register a political committee. If the group is an association which has a major purpose other than the influencing of election, it shall establish a political fund. When a person or group merely solicits contributions with the approval of the candidate, a treasurer, deputy treasurer or an agent of a political committee or political fund which are made directly to a reporting committee or fund, such person or group is not required to establish an additional committee or fund.

B. A candidate may be his own chairman and/or treasurer.

C. All monetary assets of a committee or fund shall be kept in designated depositories in accounts named in accordance with Minn. Stat. 10A.15, subd. 3.

D. The funds of a political committee or the contents of a political fund shall not be commingled with any other funds or with the personal funds of a candidate, any officer or member of the committee or fund.

9 MCAR § 1.0032 Payment of compensation for personal services. The gross value of compensation, in excess of \$20, for personal services of an individual or group which are rendered to a candidate, committee or fund, is reported as a donation in kind from the individual or association that makes the payment.

9 MCAR § 1.0033 Prepaid campaign expenses. Goods and services to influence the nomination or election of a candidate, purchased in one year but used in a subsequent year, are charged against the expenditure limit in the year used.

9 MCAR § 1.0034 Public financing. A candidate or officeholder who signs an agreement to participate in the State Election Campaign Fund is bound by the expenditure limits in an election year and nonelection year whether or not the candidate actually receives funds from the State Election Campaign Fund.

9 MCAR § 1.0035 Recording contributions.

A. Every individual, political committee or fund that receives a contribution in excess of \$20 shall record the name, address, and employer, or, if self employed, the occupation of the contributor of each such contribution.

B. Promptly after receipt of any contribution or on de-

mand of the treasurer, the contribution together with any required record shall be transmitted to the treasurer.

9 MCAR § 1.0036 Reporting and disclosing earmarked contributions.

A. Each individual, committee or fund which receives an earmarked contribution of more than \$20 shall record (1) the name, address, and if employed, employer of, or, if self-employed, the occupation of the donor who originally made the earmarked contribution; (2) the name and address of the candidate, committee or fund for whom the contribution is earmarked; (3) the political committee or political fund through which the earmarked contribution is directed; and (4) the amount of each earmarked contribution.

B. An earmarked contribution is reported in periodic reports as miscellaneous income by the political committee or fund through which the contribution is directed to a candidate. When transferred to the candidate by the political committee or fund the information in 9 MCAR § 1.0056 shall accompany the transfer, although the earmarked contribution shall be disclosed on periodic reports by the political committee or fund only when in excess of \$100.

C. The treasurer of a principal campaign committee of a candidate shall disclose on periodic reports the name, address, and, if employed, employer of, or, if self-employed, the occupation of the donor of an earmarked contribution, the individual, political committee or fund through which the contribution was directed, and the fact that the contribution was earmarked when the total aggregate contributions from the same source in a calendar year reach the disclosure thresholds of Minn. Stat. § 10A.20, subd. 3 (b).

9 MCAR § 1.0037 Reporting unpaid bills outstanding as campaign expenditures.

A. For the purpose of reporting campaign expenditures at the end of a calendar year, any unpaid bills, for campaign expenditures used or consumed during the calendar year, owed by the reporting principal campaign committee on December 31 shall be reported as campaign expenditures for the calendar year ending December 31.

B. An unpaid bill paid is reportable as a noncampaign disbursement in the succeeding year except as provided in 9 MCAR § 1.0022.

9 MCAR § 1.0038 Responsibilities of treasurers.

A. A treasurer may transfer records and receipts to a new treasurer relieving that treasurer of record retention responsibility by written notification to the Board by either the new treasurer or the candidate. Such notice shall include date, name and address of the new treasurer.

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B. A copy of a cancelled check with an invoice stating the purpose of the expenditure will be treated as a receipted bill.

C. The treasurer shall report all contributions received or deposited within a reporting period.

9 MCAR § 1.0039 Sample ballot prepared by a candidate. If a candidate chooses to prepare and distribute his own sample ballot and includes the names of other candidates without their approval and authorization, the ballot must contain the proper disclaimer required for independent expenditures. For purposes of campaign expenditure reporting, the total cost of the preparation, printing and distribution of the sample ballot shall be assessed against the candidate causing the ballot to be prepared and distributed.

9 MCAR § 1.0040 Signing tax credit subsidy agreement. A candidate may sign a tax credit subsidy agreement at any time after registration of his principal campaign committee for the office sought or held to December 31. No agreement signed on or after January 1 shall be applicable to a preceding calendar year.

9 MCAR § 1.0041 Tax credits for political party contribution. A political party organization may make a contribution to a candidate who has not signed a tax credit agreement.

9 MCAR § 1.0042 Tax credit subsidy agreement and public financing agreement. A candidate must sign a separate agreement in order to participate in each public financing program.

9 MCAR § 1.0043 Tax credit subsidy receipts — special elections. Candidates shall not issue tax credit receipts for special elections.

9 MCAR § 1.0044 Termination of registration.

A. A Termination Report shall cover the period from the closing date of the last previous report filed through the date of termination.

B. Any terminated committee or fund which subsequently becomes subject to the registration and reporting requirements of the act is required to reregister.

9 MCAR § 1.0045 Severability. If any rule or any part thereof is held invalid, such invalidity shall not effect any other provision of the rule or rules which can be given effect

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without the invalid provision. To this end, the provisions of these rules are declared to be severable.

9 MCAR § 1.0046 Vacated advisory opinions. The following advisory opinions adopted by the Board pertaining to campaign financing are no longer valid upon adoption of permanent rules. However, the essence of many of the opinions have been incorporated into these rules. Advisory opinions #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 19, 21, 24, 26, 26a, 27, 30, 31, 34, 39, and 42.

Department of Public Welfare

Proposed Temporary Rule DPW 63 Governing the Work Equity Project

Request for Public Comment

Notice is hereby given that the following rule, DPW 63, governing administration of the Work Equity Project, is proposed for adoption as a temporary rule as authorized by Minn. Stat. § 15.0412, subd. 5 (1977), pending completion of a full hearing and adoption of DPW 63 as a permanent rule (see Notice of Hearing also published in this issue). Comments from interested and affected persons are requested. Comments must be received at the address given below within 20 days of the date of this publication to be considered. The temporary rule may be revised on the basis of comments received.

Comments on the proposed temporary rule should be sent to:

Gail Olson
Work Equity Project
Minnesota Department of Public Welfare
Fourth Floor
Centennial Office Building
St. Paul, Minnesota 55155

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Department of Public Welfare

Proposed Permanent Rule DPW 63 Governing the Work Equity Project

Notice of Hearing

Notice is hereby given that public hearings on the above-entitled matter will be held at the following dates, times, and locations and continuing until all persons have had an opportunity to be heard:

June 19, 1978, 9:00 a.m., State Office Building, Room 81, Wabasha Street (between Aurora and Fuller), St. Paul, Minnesota 55155.

June 22, 1978, 10:00 a.m., Council Chambers, St. Cloud City Hall Annex, 4th Avenue South, St. Cloud, Minnesota 56301.

June 23, 1978, 9:00 a.m., Appleton Civic Center Auditorium, Appleton, Minnesota.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Natalie Gaul, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8114, either before the hearing or within five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner.

This rule establishes the administration and operation of the Work Equity Project (WEP). The purpose of the Work Equity Project is to provide employment and training services in a uniform manner to recipients of General Assistance, Aid to Families with Dependent Children, and Food Stamps, and to provide a model for evaluation of certain national welfare reform proposals in counties designated by the Commissioner of Public Welfare. Among the provisions covered in the rule are introduction, administration, definition of terms, participation of AFDC and GA recipients, participation of Food Stamp recipients, exemption determination disputes, registration procedures, appraisal certification, appropriate work and training criteria, general benefits for program participants, allowances and incentives for WEP participants, relocation assistance, the WEP components, nonstate or federal employee status, support services, WEP adjudication system, deregistration, and severability clause.

Copies of the proposed rule are now available and one free copy may be obtained by writing to Gail Olson, Work Equity Project, Minnesota Department of Public Welfare, Fourth Floor, Centennial Office Building, St. Paul, Minnesota 55155, (612) 296-1834. Additional copies will be available at the door on the date of the hearing. The agency's authority to promulgate the proposed rule is contained in Minn. Stat. §§ 256.736 and 256D.04. A "statement of need" explaining why the agency feels the proposed rule is necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, phone number (612) 296-5615.

Edward J. Dirkswager, Jr.
Commissioner

May 2, 1978

Proposed temporary rule DPW 63 and proposed rule DPW 63 are identical, as follows:

DPW 63 Administration of Work Equity Project.

A. Introduction.

1. This rule governs administration of the Work Equity Project (WEP) as authorized by Minn. Stat. § 256.736 (amended, 1977) and § 256D.04 (amended, 1977). WEP is a work and training demonstration project jointly administered by the Minnesota Department of Public Welfare (DPW), the Minnesota Department of Economic Security (DES), and the City of St. Paul, and funded through an initial grant of \$6.8 million by the United States Department of Labor (DOL) through the Comprehensive Employment and Training Act (CETA) and the Work Incentive Program (WIN). The purpose of the project is to provide employment opportunities, training, and services in a uniform manner to applicants and recipients of General Assistance, Aid to Families with Dependent Children, and Food Stamps, and to provide a model for evaluation of certain national welfare reform proposals. The provisions of

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this rule are to be read in conjunction with Title IV of the Society Security Act, 42 U.S.C. § 601 et seq. (amended, 1977); the Food Stamp Act of 1964, 1977, 7 U.S.C. § 2011 et seq. (amended, 1977); the Comprehensive Employment and Training Act (CETA) of 1973, as amended, 29 U.S.C. § 801 et seq. (amended, 1977); Titles 7, 29, and 45 of the Code of Federal Regulations; Minn. Stat. ch. 256, 256D, and § 268.10; and DPW 44, 55, and 202.

2. This rule is binding on DPW and DES, all county welfare and human services boards (hereinafter called local welfare agencies), and applicants and recipients as defined and outlined in this rule.

3. The Commissioner of DPW and the Commissioner of DES shall issue handbooks and informational materials to local welfare agencies, to local offices of the Department of Economic Security and the Prime Sponsors, and to people who are referred to WEP, to implement this rule in an orderly and uniform manner.

B. Administration.

1. WEP is a pilot project designed to extend the scope and services available through the WIN program, the General Assistance Work Program, and Food Stamp work registration. In those counties selected by the Commissioner of DPW for participation in WEP, this rule shall be read in conjunction with DPW 44, 55, and 202; any differences shall be resolved in favor of this rule. In those counties not selected for participation in WEP, provisions of DPW 44, 55 and 202 shall apply without change.

2. WEP shall combine the efforts and resources of DPW, DES, and the City of St. Paul to provide appropriate employment or training for designated public assistance applicants and recipients and shall operate in conjunction with the St. Paul and Minnesota Balance of State Prime Sponsors designated pursuant to CETA.

3. Agreements between, among, or within DPW, DES, St. Paul CETA Prime Sponsor and the Balance of State CETA Prime Sponsor shall specify the obligations that they have for the administration of WEP. A representative of each agency shall be named to a Management Board which shall meet regularly to coordinate implementation and operation of WEP. All parties to the agreements shall have copies of the agreements on file, which are public documents available for examination during business hours.

4. WEP shall provide all services traditional to WIN and shall increase the opportunities for training and jobs

available through a work incentive program to additional numbers of public assistance recipients.

5. The Commissioner of DPW shall select the counties to participate in WEP, shall determine the date such participation shall begin and shall supervise WEP in the local welfare agencies in accordance with this Rule and with equitable standards for assistance and administration which shall be mandatory for all counties selected for participation in WEP.

6. No funds allocated to WEP shall be used for any political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Social Security Act with:

a. Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, or lobbying for any matter at public issue;

b. Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election;

c. Any voter registration activity.

7. The local welfare agencies shall be reimbursed for increased local expenditures resulting from operation of the Work Equity Project. DPW shall establish pre-WEP baseline data on county income maintenance, medical, social service, and administrative costs. Local welfare agencies will provide WEP with staff and other resources equivalent to the resources the agency would otherwise be required to allocate to other work and training programs and related services if the applicants and recipients had not been placed in WEP. WEP will reimburse counties for any additional costs incurred by the counties which are directly attributable to WEP, in a manner to be agreed upon between DPW and DES.

In order to determine the reimbursement formulae, counties shall provide necessary information to DPW and shall enter GA and Food Stamp information on the DPW case information system, as required by the Commissioner of DPW.

Payments to or from WEP and the local welfare agencies shall be made on a quarterly basis.

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8. Income maintenance funds which are not expended by local welfare agencies as a result of a recipient's participation in WEP shall be diverted to WEP, in accordance with procedures to be established by DPW and DES. The reimbursement formulae, referred to in B. 7., above, shall be used to determine the amounts, if any, to be diverted to WEP.

Payments to or from WEP and the local welfare agencies shall be made on a quarterly basis.

9. WEP administration shall not deny any person his/her civil rights. The program shall give due regard to the privacy rights of applicants and/or recipients, in accordance with 45 CFR Part 205 and the Minnesota Data Privacy Act, Minn. Stat. § 15.162 et seq. (amended, 1978). No disclosure shall be made of personally identifiable data from records or from applicants or recipients except as permitted by law.

10. Notwithstanding any provisions of this rule, administration of WEP is subject to changes in state or federal law. The Commissioner of DPW shall notify the local welfare agencies of changes affecting the participation of public assistance recipients in WEP. The Commissioner of DES shall notify the local offices of the Department of Economic Security and the Prime Sponsors of changes in WEP and related programs.

11. Operation of WEP is subject to approval by the U.S. Department of Health, Education, and Welfare for the participation of AFDC participants; the approval of the United States Department of Agriculture for the participation of Food Stamp recipients; and the approval of the entire project by the United States Department of Labor (DOL). Operation of WEP is also contingent upon sufficient funding from the DOL. The Prime Sponsors shall give prompt notice to each participant of the project's termination and shall make every reasonable effort to assist each participant to obtain substitute services.

C. Definitions.

1. AFDC (Aid to Families with Dependent Children): A program authorized by Title IV of the Social Security Act, 42 U.S.C. § 601 et seq. (amended, 1977), to provide financial assistance and social services to needy families with dependent children.

2. Applicant: A person who requests AFDC, GA, or Food Stamps from the local welfare agency, whose eligibility has not yet been determined.

3. Appraisal: The interview of a WEP participant by WEP Center staff including support service staff to deter-

mine employability potential, the need for support services, and to initiate an employability plan.

4. Certification: A written notice by the support service staff that necessary support services have been arranged or are available to enable a WEP participant to accept employment, training, or services; or that no such services are needed and that the individual is at that time ready for employment or training.

5. Classroom Training (CT): Vocational or other institutional training, including basic or remedial education, conducted in a non-worksites setting.

6. Commissioner of Economic Security: The Commissioner of the Minnesota Department of Economic Security or his/her designee.

7. Commissioner of Public Welfare: The Commissioner of the Minnesota Department of Public Welfare or his/her designee.

8. Community Work Project (CWP): A subsidized work component that fulfills a public service and provides an individual an opportunity to develop skills and basic work habits helpful in securing unsubsidized employment.

9. Complaints: (See Grievance)

10. Component: A structured, regularly scheduled program activity for certified WEP participants.

11. Deregistration: Termination of an individual's WEP registration.

12. DES: The Minnesota Department of Economic Security.

13. DHEW: The United States Department of Health, Education, and Welfare.

14. DOL: The United States Department of Labor, specifically, its Employment and Training Administration.

15. DPW: The Minnesota Department of Public Welfare.

16. Employability plan: A written plan for a WEP participant that sets forth that individual's occupational goal, and the employability and support services necessary for him/her to reach that goal.

17. Employability services: Employment and training services provided by the WEP Center to improve the work skills of a participant and aid him/her to find employment.

18. Exempt: An AFDC, GA, or FS applicant or re-

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ipient who is not required to register for employment or training under the Work Equity Project as a condition of eligibility for welfare benefits.

19. Food Stamp Program: A program authorized by the Federal Food Stamp Act of 1964, 1977, 7 U.S.C. § 2011 *et seq.* (amended, 1977), to provide assistance to needy families and individuals.

20. General Assistance (GA): A program authorized by Minn. Stat. ch. 256D to provide financial assistance to needy families and individuals.

21. General Assistance Medical Care (GAMC): A program authorized by Minn. Stat. ch. 256D to provide assistance to families and individuals in need of medical care.

22. Grievance: A written complaint initiated by a WEP participant. Grievances may include, but are not limited to, disputes over assignments where the participant is not refusing the assignments; alleged discrimination; and complaints about eligibility for or amounts of WEP allowances.

23. Hearing officer: The hearing officer designated by DES to hear and decide or make recommendations on issues relating to grievances and sanctionable issues involving WEP participants.

24. Incentive payment: A cash payment to an individual, who is participating in a nonwage WEP component. The incentive payment is to be an inducement to the participant to engage intensively in WEP activities as preparation for entering employment; it does not compensate or reimburse a participant for any costs that are incurred in connection with WEP participation.

25. Income maintenance funds: Amounts of AFDC or GA to meet basic living costs of eligible individuals in accordance with established standards of need.

26. Income Maintenance Unit (IMU): The unit of the local welfare agency which determines individual eligibility for AFDC, GA, or Food Stamps.

27. Intensive Manpower Services (IMS): Structured employment-related services; including job development and placement services offered to WEP participants so they may more readily obtain unsubsidized employment.

28. Job service (also known as State Employment

Service): A program within the Department of Economic Security, established in accordance with the provisions of the Wagner-Peyser Act, 29 U.S.C. § 981 *et seq.* (amended, 1977).

29. Management board: Representatives from the City of St. Paul CETA, Balance of State CETA, DES, DPW, and WEP responsible for the design and administration of WEP.

30. Mandatory: A person who is not exempt.

31. Medical assistance (MA): A program authorized by Title XIX of the Social Security Act to provide assistance to needy families or individuals in need of medical care, implemented in Minnesota by Minn. Stat. ch. 256B.

32. Medical verification: A statement signed by a physician or licensed psychologist which attests to an individual's ability or inability to accept employment or participate in other WEP activity. Oral testimony presented in person by such physician or licensed or certified psychologist may also be accepted as medical verification.

33. Nonwage component: An activity, such as IMS, Employability Development Plan (EDP), and Classroom Training, wherein allowances and incentives are paid for suitable participation.

34. On-the-job Training (OJT): Employment of a WEP participant during which he/she is provided with employment training at a work site under a contractual agreement between a public or private employer and the Prime Sponsor. The employer is reimbursed for the extraordinary costs of such training.

35. Participant: An AFDC, GA or Food Stamp applicant or recipient who has registered with WEP.

36. Prime sponsor: A public agency (or private, non-profit corporation) which operates WEP within the jurisdiction(s) in which it is expressly authorized by the DOL to administer funds authorized pursuant to CETA Titles I and II.

37. Public Service Employment (PSE): Subsidized transitional employment with non-profit employers or public employers, funded by CETA.

38. Recipient: An individual who has been determined eligible to receive AFDC, GA or Food Stamps.

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39. Referring agency: The local welfare agency, or local Job Service office responsible for referring applicants and recipients to the WEP center.

40. Sixty-day counseling: Counseling and other services provided by the support service staff to certified WEP participants who have been determined to have refused to participate without good cause. Its purpose is to encourage such individuals to return to active WEP participation.

41. Subsidized employment: Work in a job for which the individual's wages and benefits are directly federally subsidized.

42. Support services: Those social services provided or arranged by support service staff necessary to enable an individual to engage in employment or other WEP activity.

43. Support service staff: Those counselors from local welfare agencies or WEP Center Offices who provide support services to WEP applicants or recipients.

44. Title XX services: A program authorized by Title XX of the Social Security Act to provide social services to families and individuals in need.

45. Transfer: A period during which a participant is assigned to active participation in a program other than WEP as part of an approved WEP employability plan. Necessary employability and support services including incentive and transportation payments not provided under the assigned program shall be provided under WEP.

46. Unsubsidized employment: Work in a job for which the wages and benefits are not subject to a direct federal subsidy for the individual.

47. Volunteer: An AFDC, GA, or Food Stamp applicant or recipient who, though exempt from WEP registration, volunteers for and registers for WEP.

48. Wage component: An activity such as Public Service Employment (PSE), OJT and CWP, whereby a participant performs work for specified hours, and is paid wages and benefits.

49. Welfare benefits: Those payments or services other than those provided in this rule that are available to applicants and recipients of AFDC, GA, or Food Stamps.

50. Welfare appeals referee: The hearing officer designated by the welfare agency to hear and decide or make recommendations on issues relating to exemption or non-exemption for WEP registration or any program-related AFDC, GA or Food Stamp benefit reductions, suspensions or terminations which result from deregistration from WEP.

51. WEP center: A field office of a Prime Sponsor from which WEP services are administered.

52. WEP center staff: Prime Sponsor staff in a WEP Center, or satellite office thereof, part or all of whose time is compensated by WEP funds and staff from other agencies assigned to work in a WEP Center and performing WEP functions.

53. WIN: The Work Incentive Program for AFDC applicants and recipients, authorized by Title IV-C of the Social Security Act.

54. WIN registrant: An AFDC applicant or recipient who has registered with the Work Incentive Program.

D. Participation of AFDC and GA applicants and recipients.

1. All AFDC and GA applicants and recipients eligible for WEP shall be informed of its availability and shall register for WEP unless exempt or otherwise excluded from registration by the Commissioner of Public Welfare.

2. The following AFDC and GA applicants and recipients shall be exempt from WEP registration:

- a. children under 16;
- b. children age 16 through 18, and attending school full time;
- c. persons who are ill;
- d. persons who are incapacitated (AFDC recipients whose WEP exemption is based on incapacity shall be referred to the Division of Vocational Rehabilitation in the Department of Economic Security);
- e. persons over age 65;
- f. persons who live so far away from their WEP Center or placement that more than 2 hours per day (by reasonably available public or private transportation) would be required to travel to and from or training (exclusive of time necessary for transporting children to or from child care), unless such commuting time is normal to the community;
- g. persons whose presence in the home is needed because of the illness or incapacity of another person in the household;
- h. AFDC caretaker of a child under age 6 or GA caretaker of a child under age 18 (only one such exemption is allowed per household);

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- i. the spouse of a WEP or WIN registrant;
 - j. persons receiving General Assistance who are working at least 30 hours per week, at a wage consistent with that paid in the community for similar work;
 - k. persons who are registered in WIN and are in a suitable employability development plan;
 - l. persons receiving General Assistance who have been referred to or applied for work training, work experience, or a similar program, if approved by the local agency and if the waiting period for acceptance into the program does not exceed 30 days.
3. All GA and AFDC recipients who are mandated to or volunteer to register with WEP shall be referred for registration to the local WEP office by the local welfare agency which shall ensure that transportation to and from such registration is available.
 4. AFDC and GA recipients exempt from WEP registration may voluntarily register with WEP, unless the Commissioner of Public Welfare limits participation of volunteers. WEP may exclude from participation individual volunteers whose barriers to employment preclude them from obtaining gainful employment during the existence of WEP.
 5. Treatment of income for AFDC and GA WEP participants.
 - a. WEP incentive payments of not more than \$30 per week shall be disregarded in determining the grant amount for WEP participants.
 - b. Reimbursement for actual cost of training-related expenses shall be disregarded as income for WEP participants.
 - c. Wages paid in Work Equity community work projects shall be considered as earned income.
 - d. All other income shall be handled in accordance with DPW 44 and DPW 55.
 - e. Receipt of earned income by WEP participants shall not cause ineligibility for public assistance benefits (including Title XX services, Food Stamps and MA or GAMC), even though the household would be otherwise ineligible for a public assistance grant payment, until in-

come from unsubsidized employment meets the need as computed in the existing applicable manner.

E. Participation of food stamp recipients.

1. Eligibility for the Food Stamp Program shall be determined by the local welfare agency according to applicable federal law. All Food Stamp applicants or recipients eligible for WEP shall be informed of the program's availability.

2. An individual receiving Food Stamps who is required to register with the Job Service in the Department of Economic Security shall be referred to WEP on a timely basis after 30 days of Job Service registration, unless WEP-exempt. An individual shall be considered WEP-exempt if he/she:

- a. has gained employment of at least 30 hours per week; or
- b. has been referred to and accepted in a work and training program sponsored by a public agency; or
- c. has a job attachment as defined in E. 8. below. WIN-exempt status shall be reviewed monthly thereafter by the Job Service and individuals who become non-exempt shall be referred to WEP on a timely basis.

3. Individuals referred to WEP shall be required to register with WEP and shall also:

- a. report to the local WEP office where he/she is registered, for an appraisal interview, upon reasonable request;
- b. supply additional information regarding employment status or availability for work, if requested;
- c. interview for, accept bona fide offers of, and/or continue in suitable work to which he/she is referred by the local WEP office.

4. Food Stamp recipients exempt from WEP registration may voluntarily register with WEP, unless excluded from registration by the Commissioner of Public Welfare, and shall be referred to the local WEP office by the local Job Service office.

5. Food Stamp recipients exempt from the Job Service registration may voluntarily register with WEP, unless

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excluded from registration by the Commissioner of Public Welfare, and shall be referred directly to the local WEP office by the local welfare agency.

6. Food Stamp recipients exempt from WEP registration may voluntarily register with WEP, unless the Commissioner of Public Welfare limits participation of volunteers. WEP may exclude from participation individual volunteers whose barriers to employment preclude them from obtaining gainful employment during the existence of WEP.

7. A person who becomes ineligible for Food Stamps because of excess income attributable to his/her mandatory participation in WEP may continue in WEP until placed in permanent unsubsidized employment.

8. An individual with a job attachment shall be defined for purposes of this section as one who is on strike; lock-out; seasonal layoff; temporary layoff; has a bona fide job prospect with a definite starting date not to be later than 45 days from the date of registration with the Job Service; or is a member in good standing of a union which provides to its members free placement service and exposure to full employment.

F. Exemption determination disputes.

1. The referring agency shall inform all applicants and recipients of AFDC, GA, and Food Stamps of their rights to contest determination of WEP nonexempt status in accordance with the provisions of this Rule. If a dispute arises between an individual and the referring agency regarding a determination of nonexempt status, the referring agency determination is binding on the individual. If, however, the individual requests a hearing on the issue, as provided in this Rule, he/she shall be considered exempt until his/her status is determined.

2. If an individual contests a determination of non-exemption on the basis of incapacity or illness, the allowable period for receipt of medical verification of such status will be thirty (30) days from the date that the client is notified of the determination. If the individual is a WEP participant, and medical verification or other information is necessary and cannot be obtained within 30 days, the local welfare agency must notify WEP prior to the end of the initial 30-day period of any arrangements that have been made to obtain such information. An acceptable response can also be notification that the determination will be delayed, in which case WEP should not deregister the individual until and unless the referring office's determination necessitates deregistration.

3. If, after referral, WEP Center Staff believe an individual referred as "mandatory" should be exempt, WEP

should register the individual and then state the reasons in writing to the referring office and request a review of the case. The referring office should inform WEP in writing of its findings within 30 days of the request. The decision of the referring office is then binding on WEP.

If WEP receives no response from the referring office within 30 days of its request, it should contact the referring office to determine what action has been taken.

If no action has been taken, the individual should be deregistered as exempt at the end of the 30-day period. However, if an individual is deregistered and the referring office later determines that he/she is nonexempt, he/she shall be reregistered in order to ensure eligibility for welfare benefits.

G. Registration procedures.

WEP Center staff shall register all individuals referred by the respective IMU, Job Service or WIN offices within 3 working days of the day the individual appears for registration. Registration is not complete until all registration requirements are met. WEP Center staff shall:

1. Inform all participants about the WEP program and requirements;

2. Work history: Obtain from each applicant a complete work history, complete the WEP registration forms and provide each participant with written proof of registration;

3. Job market information: Provide all participants, at the time of registration, with job market information and referral to available employment. All appropriate job market information available to WEP, including the Job Service Job Bank, shall be used to provide this information and facilitate such referrals;

4. Registration: Notify the referring office, within 3 working days of registration, that registration has been completed.

H. Appraisal and certification.

1. Appraisal sequence: All participants shall be appraised in the order in which they are registered. Notwithstanding the above, all AFDC-Unemployed Fathers must be appraised within 2 weeks of registration with WEP, and must be certified no later than 30 days after registration. All appraisals shall be completed prior to certification. Certification shall be completed within 30 days of registration.

2. Appraisal interview: The appraisal interview shall be conducted by WEP Center staff, including support service staff, and is intended to assess the registrant's employa-

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bility potential and need for supportive services. Whenever possible, individuals shall be appraised at the time of registration. An employability plan for each participant shall be initiated at the appraisal interview.

3. **Employability plan:** The employability plan shall contain an employment and training services section and a support services section, and shall be designed to lead to a definite unsubsidized job goal attainable in the shortest time period consistent with the participant's skills, and needs, knowledge, ability, support services needs, project resources, and job market opportunities. The employability plan shall be developed jointly by the participant and WEP staff including support service staff. Final approval of the employability plan rests with WEP staff.

4. **Certification:** Support service staff shall certify in writing that the necessary immediate and on-going support services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in WEP. Certification shall be completed within 30 days of registration. At any point during participation certification may be made for additional services.

5. **Support services:** An uncertified participant may be provided preappraisal and appraisal services by the WEP support service staff. The participant must be certified before receiving WEP support services, listed in section "O" of this Rule. A WEP participant may be certified at any time during the registration period and additional certifications may be done, if necessary. After certification, a participant who is not employed may receive certified support services until successful completion of his/her EP. Upon entering employment (either unsubsidized or subsidized), WEP support services may be provided for up to 30 days after entering employment. These services may continue for a maximum of 90 days at the discretion of the support service staff. In an emergency such services may be provided for an additional 30 days beyond the 90 day maximum.

6. **Benefits and job referral:** Welfare benefits shall not be denied by reason of the individual's referral to a job, to WEP, or solely by reason of an individual's participation therein.

I. Appropriate employment and training criteria.

1. **Standards for employment and training assignments:** Except as otherwise provided in this Rule, WEP participants shall accept assignment to employment or other WEP activity as determined appropriate by WEP Center

staff or shall be subject to deregistration. The following standards must be met before participants shall be required to accept employment or training assignments, including OJT, PSE, classroom training and Community Work Projects:

a. **Employability plan:** An employment or training assignment must be within the scope of an individual's employability plan. This plan may be modified jointly by the participant and WEP staff including support service staff. Approval of the employability plan rests with WEP Center staff. If the participant disagrees with the decision, she/he may initiate a grievance;

b. **Performance capability:** The job or training assignment must be related to the capability of the individual to perform the task on a regular basis. Any claim of adverse effect on physical or mental health shall be verified by a physician or a licensed or certified psychologist, and shall attest to the individual's ability or inability to accept employment or participation in other WEP activity. Pending verification the participant shall be assigned to the EDP component as defined in M. 1. below.

c. **Commuting distance:** The total daily commuting time from home to the assigned work or training site and return shall not normally exceed 2 hours, not including time required to transport a child/children to and from a child care facility. If a longer commuting distance and time is normal to the community, the round trip commuting time shall not exceed the norm for that community;

d. **Child care standards:** Required child care shall meet the standards specified by the Department of Public Welfare and shall be available during the hours the individual is engaged in a WEP assignment plus any additional necessary commuting time;

e. **Health and safety standards:** The employment or training site to which the individual is assigned shall not be in violation of applicable federal, State and local health and safety laws, regulations and standards.

f. **Nondiscrimination:** No assignments shall be made which discriminate in terms of age, disability, sex, race, creed, color, national origin, or public assistance status. Employment and training assignments shall in no way contribute to discriminatory hiring practices.

g. **Employability and support services:** No individual shall be referred to employment or training unless

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employability and support services necessary for participation are available. The cessation or withdrawal of such necessary services while the individual is participating in an assignment shall constitute good cause for refusal to participate.

2. Other employment criteria: In addition to criteria in paragraph 1 of this section, appropriate employment criteria shall include the following:

a. Appropriate employment: Appropriate employment may be temporary, permanent, full-time, part-time or seasonal, if such employment meets the other employment standards of this section;

b. Prevailing wages: All participants in WEP employment components shall receive a wage which shall meet or exceed the statutory federal or State minimum wage, whichever is higher, and which is not less favorable than the wage normally paid for similar work by the employing agency or service.

c. Hours of work: The daily and weekly hours of work shall not exceed those customary to the occupation; and

d. Exemption from employment: No individual shall be required to accept employment if:

(1) the position offered is vacant due to a strike, lock-out, or other bona fide labor dispute;

(2) the individual would be required to work for an employer contrary to the conditions of his/her existing membership in the union governing that occupation. However, employment not governed by the rules of a union in which she/he has membership may be deemed appropriate.

(3) the job offered would interrupt a program in progress under an approved WEP employability plan, or would impede return to his/her regular job. This does not, however, preclude temporary employment during the interval prior to an individual's return to his/her regular job.

(4) the individual would be required to join a union, or refrain from joining a bona fide labor union as a condition of being employed, unless union membership is a requirement of a collective bargaining agreement.

3. Other training criteria: In addition to criteria in paragraph 1 of this section, appropriate training criteria shall include the following:

a. The quality of the training must meet local employers' requirements so that individuals will be in a competitive position within the local labor market;

b. The training shall also be likely to lead to employment which will meet the appropriate employment criteria.

J. General benefits for program participants.

1. Worker's compensation: Each participant in an on-the-job training or Community Work Project program under WEP shall be assured of worker's compensation at the same level and to the same extent as other employees of the employer who are similarly employed or engaged and are covered by a State or industry worker's compensation statute. Whether provided through the State's compensation agency or a private insurance carrier, this coverage includes medical and accident insurance as well as income maintenance insurance.

2. Insurance: Where a participant is employed or engaged in a Community Work Project, on-the-job training, or classroom training, where others similarly employed or engaged are not covered by an applicable worker's compensation statute, the participant shall be provided with medical and accident insurance coverage. Whether provided through the State's worker's compensation agency or a private insurance carrier, WEP shall provide such participants with medical and accident insurance coverage comparable to the medical and accident insurance provided under the applicable State worker's compensation statute. However, WEP shall not be required to provide these participants with the income maintenance insurance coverage in the statute.

3. Other fringe benefits: Each participant in an On-the-Job Training or Community Work Project program shall also be assured of health insurance, unemployment insurance (to the extent such benefits are allowable), coverage under collective bargaining agreements and other benefits at the same levels and to the same extent as other employees similarly employed and to working conditions neither more nor less favorable than such other employees similarly employed. Nothing in this section shall be interpreted to require coverage for health insurance, unemployment insurance and similar benefits for participants, such as Community Work Project participants, where there is no employee of the employer performing the same or similar work in the employment situation. In determining whether the work is the same or similar to that of a person regularly employed, the WEP Center staff will take into consideration, but shall not be limited to, employment status, type of work performed, job classification and method of appointment to the position.

K. Allowances and incentives for WEP participants.

1. Incentive payments: Individuals shall receive incentive payments at a rate of \$6 per day (maximum of \$30 per week) for each day in which they participate in a non-wage WEP component. No incentive pay shall be authorized for

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participation in the intake functions of registration, orientation, appraisal and initial employability planning, or while assigned exclusively to support services.

2. Transportation expenses:

a. will be paid to individuals for actual costs they incur because of their participation in non-salaried components such as classroom training, Intensive Manpower Service, or Employability Development Planning. Expenses are based on actual costs of public transportation or car pool payments, or 13¢ per mile for actual number of miles driven, not to exceed 100 miles per day (unless the participant can establish higher transportation costs that are both necessary and reasonable);

b. shall also be authorized for individuals placed in employment, OJT, PSE, or CWP. Payments for transportation expenses shall be continued for no more than 4 weeks or until these individuals receive their first full paychecks, or grant adjustments reflecting new work-related expenses, whichever occurs first.

3. WEP Center staff will determine the amount of subsistence allowances, in addition to incentive and transportation payments, to be paid to individuals for separate maintenance when they are in training facilities beyond normal daily commuting distance from their homes. These allowances shall be paid for each calendar day within the training period, including holidays and weekends, during which individuals are participating in such training, and are residing away from home.

4. Transportation expenses in amounts equivalent to two one-way trips shall be paid to individuals enrolled at training facilities located beyond normal commuting distance. These payments are to cover the initial trip to the training facility and for the final trip home at the completion or other termination of such training. The rate of reimbursement shall be based on actual costs of public transportation or car pool payments, or 13¢ per mile for actual number of miles driven.

5. WEP Center staff will determine and authorize allowances for nonrecurring expenses which are required for employment or training include, but are not limited to, payments for auto repairs, auto insurance, special clothing, tools and equipment.

6. Petty Cash: WEP Center may establish petty cash funds to meet participant's small cash needs incidental to

training, transportation, or referral to employment which cannot be met by other procedures.

L. Relocation assistance. WEP may assist a certified individual to relocate his/her place of residence when WEP staff determines such relocation is necessary in order to enable him/her to become permanently employed and self-supporting. Such assistance shall be given only to an individual who concurs with the relocation and who has a bona fide job offer at the place of relocation at a wage rate which meets full need, as determined by the state in which the individual relocates. Assistance under this section shall not exceed the reasonable costs of transportation for the individual, dependents, and household belongings, plus such relocation allowance as WEP determines reasonable.

M. The WEP components.

1. Employability Development Planning (EDP): The EDP component may include:

a. orientation to services available in WEP or through referral to other resources;

b. in-depth assessments of those individuals who have problems which must be resolved before they can participate in other WEP components or activities;

c. special WEP support services, such as help with money management, marital or emotional problems, for individuals who need such services in order to participate in WEP;

d. those services arranged or provided for by the support service staff for those individuals whose barriers to employment are great and cannot be removed by normal WEP services.

2. Intensive Manpower Services (IMS): The Intensive Manpower Services component provides employment services, which shall include vocational counseling, job development, exposure to labor market information, job placement, job-seeking skills training, and job finding clubs to assist the individual to obtain unsubsidized employment.

If unsubsidized employment is not available, the IMS component shall be used to develop opportunities for individuals in community work projects, on-the-job training, and CETA public service employment. Subsidized

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employment is intended to provide an individual a work-related experience until such time as she/he can be placed in an unsubsidized position.

3. Classroom Training (CT): Classroom training includes vocational or other institutional training, as well as basic or remedial education, conducted by a qualified instructor at a non-work site.

4. On-the-Job Training (OJT):

a. OJT is an employment opportunity which includes training. Under this component, a certified participant is hired by a private or public employer, who provides training subsidized under contract with WEP. Employers provide increased supervision and training for which they will be reimbursed by WEP for the extraordinary costs of such training and supervision.

b. An OJT participant is considered to be employed, insofar as employment affects AFDC, GA, or FS benefit determinations. However, an OJT participant shall remain an active participant, and shall not be deregistered from WEP.

5. Transfer: Certified individuals referred to and accepted by other eligible federal or state-funded employment or training programs, and who meet all eligibility requirements under those programs, shall be temporarily suspended from WEP. Such individuals shall normally be compensated in accordance with and through the provisions of those programs. However, when such compensation is not available or would be disadvantageous to the individual, the participant may choose to accept WEP benefits instead. Notwithstanding such transfer, support and job services which are not provided under the alternative program, but which are necessary to permit the individual to continue in the program, will be provided or arranged for by the support service staff.

6. Community Work Projects (CWP's): CWP's provide participants with subsidized employment until they are able to move into other components or activities or into unsubsidized employment. CWP slots will be developed to meet the individual needs of the participants and shall meet the definition of appropriate work.

CWP's shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours, work, wages, or employment benefits. In addition, CWP's shall be used to support positions for public service needs which have not been met, or to provide new public services in a unit of State or local government, a public agency or institution, or a private non-profit organization.

When developing a CWP position, the WEP staff must determine if there is a collective bargaining agreement between the employer and the employees, or their representatives. Where an agreement exists and is applicable to the establishment and the occupation, the CWP contract must not conflict with the agreement. A statement to this effect, signed by the employer will be made a part of or affixed to the WEP/CWP contract.

7. Public Service Employment (PSE): CETA PSE Title VI positions shall, to the extent possible, be available to WEP participants. Slots shall not be set aside for WEP participants by position or job; the Prime Sponsor shall accept referral of WEP participants for Title VI vacancies. When participants are transferred to CETA Title VI positions, efforts shall be made to place individuals in jobs where they will have an opportunity to retain those positions as unsubsidized employment.

N. Employee status. A WEP participant shall not by virtue of registration in WEP be deemed an employee of any public agency, and shall not be subject to the provisions of laws relating to State or federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and State or Federal employee benefits.

O. Support services.

1. Support services available to WEP registrants for the purpose of facilitating employability plans and self-support goals shall include:

a. Day care service (children): Personal care during the day (for less than 24 hours) in the child's own home or in a nurturing and protective setting to substitute for or supplement the child rearing provided by the child's parents or caretaker, as well as integral but subordinate medical service.

Child care shall be suitable for the individual child, and the caretaker shall be involved in the selection of the child care facility if more than one facility is available. If only one facility is available, the caretaker shall accept it, unless the caretaker can show that it is unsuitable for the child. Such child care arrangements shall be maintained until the caretaker is able to make other satisfactory arrangements. Child care arrangements must comply with standards as set forth in 45 CFR 228.42.

b. Family planning: Services provided to enable individuals to voluntarily limit family size or plan time intervals between children. These are available to participants on a voluntary basis.

c. Counseling services: Professional services to as-

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sist individuals and families in coping with and resolving any personal or relationship concerns.

d. Health services (employment related): Arranging and facilitating access to and use of physical and mental health resources, to identify any physical or mental limitations which would restrict vocational options.

For GA and AFDC recipients, this medical examination is a Medical Assistance or General Assistance Medical Care expenditure and is not to be paid for under WEP.

e. Vocational rehabilitation services: Special employment assistance for individuals who are disabled for social, economic, or mental or physical health reasons (including such things as surgery, psychiatric treatment, prosthetic devices, speech or hearing therapy, visual services, dental care, etc.) to correct or modify a physical or mental condition which inhibits employment.

Vocational rehabilitation services may be provided with WEP funds only when not available through the Division of Vocational Rehabilitation in the Department of Economic Security, and when there is reasonable expectation that the services will lead to unsubsidized employment.

2. The following support services may be arranged for or provided when determined necessary by the WEP Central staff to successful completion of an employability plan:

a. Homemaking service: Providing substitute care in the absence or disability of the caretaker, personal care for ill or disabled individuals, and instruction on effective home management, self-care and social skill methods.

b. Housing services: Assisting individuals to obtain, maintain, and improve housing, and/or to modify existing housing.

c. Legal services: Arranging for assistance in resolving noncriminal legal matters and the protection of legal rights.

d. Money management services: Arranging and providing assistance in developing effective budgets and managing indebtedness.

e. Transportation services: Arranging and providing travel and escort to and from community resources and facilities.

P. WEP adjudication system.

1. General: All Work Equity participants shall have available to them an appropriate system for appealing agency actions within the Project. The particular system used will depend on the conditions under which the participants are registered in WEP; i.e., whether they are applicants for or recipients of AFDC, GA, or Food Stamps; and whether they are mandatory participants or volunteers.

2. Disputes involving WEP registrations: A welfare appeals referee shall conduct welfare hearings pursuant to the procedures prescribed in 45 CFR 205.10, 7 CFR 271.1, and Minn. Stat. § 256.045 (1976), in cases where applicants or participants contest the registration or exemption requirements, or any program-related AFDC, GA, or FS grant reductions, suspensions, or terminations which result from deregistration from WEP. These procedures are available to all AFDC, GA, or FS participants who are required to register with WEP as a condition of eligibility.

3. Issues to be decided under the WEP adjudication system: Grievances and sanctionable actions shall be resolved through the WEP adjudication system. Written records of all disputes shall be maintained by the WEP Center.

a. Grievances are written complaints which do not involve the threat of WEP sanctions. Such complaints may arise over questions of actions by the WEP Center staff or work site staff including:

- (1) wages or allowances;
- (2) hours of work or training;
- (3) work or training assignments;
- (4) disciplinary action; and/or,
- (5) any disputes involving volunteers.

While adjudication is pending, the welfare grant amounts will be determined in relation to earnings available to the recipient.

Grievances shall be initially handled informally by the WEP Center Supervisor. Within 5 working days of receipt of written notice from the participant the matter will be reviewed and a decision issued. An individual who is not satisfied with the disposition of the grievance may request a

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hearing at the WEP Center. This hearing will be conducted according to the WEP adjudication process described in 4 G et. seq. below.

b. Grievances involving discrimination on the basis of race, religion, color, national origin, sex, or age shall be handled according to Equal Opportunity provisions established at 29 CFR 31, and 45 CFR 80, and to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964 and the regulations issued thereunder. This section is not intended to abridge the rights of WEP participants to seek redress for unlawful discrimination through other available administrative and judicial processes.

c. Sanctionable actions are those for which a participant may be deregistered from WEP for failure or refusal to participate without good cause. All sanctionable issues, if appealed, shall be processed through the WEP adjudication system, described in this rule. They include:

(1) Failure or refusal without good cause to attend scheduled WEP appraisals or other interviews;

(2) Failure or refusal without good cause to accept appropriate child care as may be provided for the purpose of enabling the individual to participate in WEP;

(3) Failure or refusal without good cause to accept offers of, or referrals to appropriate employment or training;

(4) Quitting an appropriate job without good cause, or being fired from an appropriate job for cause;

(5) Failure or refusal without good cause to accept assignment to WEP components or to otherwise participate in WEP.

4. Initial conciliation efforts and WEP hearing: If the WEP staff believes that a mandatory WEP participant has committed a sanctionable action, it shall make every effort toward an informal conciliatory resolution of the underlying reasons. The conciliation period shall not exceed 30 days, and may be terminated earlier if it appears no resolution is possible. When all such efforts are exhausted, WEP may issue a Notice of Intended Deregistration.

a. When WEP determines that all informal, conciliatory measures have been exhausted, the Notice of Intended Deregistration shall be issued to the participant. The Notice shall state that the participant has failed or refused to participate in required WEP activities without good cause, and is subject to deregistration. The Notice shall also inform the individual of his/her right to a fair hearing if the individual believes the proposed action is unwarranted. The Notice shall be accompanied by the forms required to file

for a hearing and the instructions necessary to complete and file the forms. If the individual desires a hearing he must request the same within 10 days of the date of mailing of the Notice;

b. Such hearing will be held by a hearing officer of the Department of Economic Security in the manner prescribed by Minn. Stat. § 268.10, subd. 3 (1976); and if an AFDC registrant is involved, also in accordance with 29 CFR 56.66-56.68.

The hearing officer may rule:

(1) that the individual has failed or refused to participate without good cause in WEP and that appropriate deregistration shall be initiated;

(2) that good cause has been shown for failure or refusal to participate and the individual should be retained in the program;

(3) that the request for a hearing is dismissed because:

(a) it was filed untimely without good cause;

(b) it has been withdrawn in writing;

(c) the individual failed to appear at the hearing without good cause; or

(d) reasonable cause exists to believe that the request for a hearing has been abandoned or repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing;

(4) that the participant was appropriately or inappropriately assigned to a WEP activity by the WEP staff; or

(5) render such other rulings as are appropriate to the issues in question.

DES shall mail copies of the hearing officer's decision to the participant, the WEP Center and WEP Central, the local welfare agency, the Department of Public Welfare and other interested parties to the hearing. Copies to the participant and his/her representative, if any, shall be accompanied by the forms required to file an appeal from an adverse decision, and the instructions necessary to complete the forms. Upon receipt of the decision, the local welfare agency shall notify the participant of the sanctions that may be imposed by the county, and the individual's right to appeal.

c. If any party disagrees with the decision of the hearing officer and desires a review of said decision, he must, within 10 days of the date of the decision, request a

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review of the decision. If the county agency or WEP requests review, notice must be given to the registrant at the same time as the request for review is filed. A request for review by any party shall not stay implementation of the hearings officer's decision.

5. Appeal process for AFDC registrants:

a. If the issues decided by the hearing officer involve an AFDC participant, the party who disagrees with the decision of the hearing officer may file the request for review with the Commissioner of Economic Security.

b. A hearing shall be held before the Commissioner of Economic Security or his duly-authorized representative, in the manner prescribed by Minn. Stat. § 268.10, subd. 5 (1976), and in accordance with 29 CFR 56.64. The Department of Economic Security shall mail to all interested parties a notice of the filing of and a copy of the findings and the decisions of the Commissioner or his representative.

c. Any party may file an appeal from the decision of the Commissioner of Economic Security in either of two ways:

(1) with the National Review Panel of the U.S. Department of Labor, in accordance with the provisions of 29 CFR 56.70-75 and 45 CFR 224.70-75; or,

(2) with the Minnesota Supreme Court pursuant to Minn. Stat. § 256.736, subd. 4(4) (amended, 1977) and Minn. Stat. § 268.10, subd. 8 (1976).

6. Appeal process for GA and Food Stamp Participants:

a. If the issues decided by the hearing officer involve a GA or Food Stamp participant, the party who disagrees with the decision of the hearing officer shall file the request for review with the Department of Public Welfare. Such a hearing shall be held in the manner prescribed by Minn. Stat. § 256.045, subd. 2 or subd. 3 (1976).

b. Subsequent appeals may be made pursuant to Minn. Stat. § 256.045, 3 et. seq. (1976).

7. Post-determination actions, counseling: WEP benefits shall cease, protective or vendor payments shall be initiated, and a 60-day counseling period by WEP support service staff shall begin the fifth business day following:

a. the expiration of the prescribed time period for

filing a request for a hearing and proposed deregistration from WEP, or the date on which the request for such hearing is withdrawn; or

b. the date of the DES hearing officer's decision that the registrant has failed or refused to participate in WEP without good cause; or

c. a decision by the appellate body, referred to in P. 5. or 6. supra, which reverses a decision favorable to a WEP registrant. Counseling shall be provided by support service staff for a period of up to 60 days, unless:

(1) the individual is not a certified WEP participant, or

(2) the individual has already received such a counseling period during the current registration, and is therefore not eligible for further counseling and is to be deregistered.

The purpose of the counseling period is to encourage the individual to participate in WEP. Upon completion of the 60-day counseling period, if the WEP support service staff determines that the individual has continued to refuse to participate without good cause, she/he will be deregistered and sanctions shall be initiated. Counseling may be terminated at any time during the 60-day period, when the WEP support services staff determines that counseling efforts are unsuccessful and the individual will not participate in WEP. The WEP support service staff shall notify WEP that 60-day counseling is unsuccessful, and WEP shall deregister the individual for failure or refusal to participate without good cause.

8. Post-determination actions: Sanctions.

a. A voluntary participant shall not have his/her welfare benefits terminated, reduced, or suspended because of failure or refusal to participate in WEP. However, all WEP benefits shall be terminated when the individual is deregistered for failure to participate. The volunteer may subsequently participate in WEP according to the provisions of section P. 9.

b. The following sanctions apply to a mandatory WEP participant who has been deregistered:

(1) if the individual is the only dependent child in an AFDC family, assistance for the entire family is terminated;

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(2) any other individual shall have his/her portion of the GA or AFDC grant deleted. Assistance to the other family members will be provided through protective or vendor payments;

(3) food stamp benefits shall be terminated in accordance with procedures outlined in the Food Stamp Act.

9. Post-determination actions: Readmittance to WEP. If, during the 60-day counseling period, the WEP support service staff determines that a participant is progressing satisfactorily, she/he shall be reassigned to an active WEP component. If the 60-day counseling period is unsuccessful, as determined by the WEP support service staff, and an individual is deregistered from WEP for failure to participate without good cause, she/he must remain deregistered from WEP for 90 consecutive calendar days from the date the welfare grant was reduced or terminated. The individual must give evidence of willingness to participate before he/she may again register for WEP. The person's verbal agreement to cooperate is sufficient evidence of "willingness to participate". If an individual has failed to participate in WEP without good cause two or more times, she/he must remain deregistered for six months from the date the welfare grant was adjusted. WEP need not register any recipient whose prior failure to participate was the result of criminal or other activities which presented a hazard to WEP staff or to other WEP participants.

Q. Deregistration.

1. All deregistrations shall be performed by WEP.

2. Deregistration is necessary when:

a. an individual is found to have failed or refused to participate in WEP without good cause;

b. an incorrect determination of nonexemption has been made;

c. an individual becomes exempt, and the local welfare agency informs WEP Center that she/he does not wish to volunteer;

d. an individual becomes ineligible for welfare benefits, except where she/he is participating in a WEP component or is employed and receiving WEP-funded support services.

3. The local welfare agency shall notify the WEP Center of any change which will affect a welfare recipient's welfare or exemption status in such a way as to warrant deregistration.

4. Volunteers who withdraw from WEP shall be deregistered without penalty.

5. Volunteers who are found to have refused to participate after receiving a Notice of Intended Deregistration, or who have requested a hearing on the matter and have received an adverse decision, shall be deregistered as exempt.

6. Persons who volunteer but for whom no suitable employment or training is available shall be deregistered as exempt.

R. Severability. The provisions of this rule shall be severable and if any phrase, clause, sentence or provision is declared illegal or of no effect, the validity of the remainder of this rule and the applicability thereof to any person or circumstances shall not be affected thereby.

Peace Officer Standards and Training Board

Proposed Temporary Rules Governing the Selection, Training and Licensing of Peace Officers and Constables

Notice of Opportunity for Public Comment

The Minnesota Board of Peace Officer Standards and Training (POST Board) has proposed the following temporary rules pursuant to Minn. Stat. § 15.0412, subd. 5 (1977 Supp.). These temporary rules are proposed for the purpose of effectively implementing the provisions of Minn. Stat. §§ 626.843, subd. 1, and 626.846 (Supp. 1977), as amended by Laws of 1978, ch. 681, § 9, 10, 17, 18 and 23.

All interested parties are hereby afforded the opportunity to submit data and comments on these proposed temporary rules for 20 days after publication of this material in the *State Register* by writing to: Mark K. Shields, Executive Director, POST Board, 5th Floor, Metro Square Building, St. Paul, Minnesota 55101.

Any written material received by the POST Board shall become part of the hearing record in the final adoption of the temporary rules.

Temporary Rules as Proposed:

4 MCAR § 13.001 Introduction.

A. Scope. The Minnesota Board of Peace Officer Standards and Training, which is created pursuant to Minn.

PROPOSED RULES

Stat. § 626.84 (Supp. 1977) *et seq.*, as amended, is authorized to promulgate rules and standards relating to the selection, training and licensing of peace officers and constables in the State of Minnesota. The following temporary rules are adopted pursuant to that enabling legislation.

B. Effective date. These temporary rules shall become effective July 1, 1978.

4 MCAR § 13.002 Construction of terms.

A. Definitions: For the purpose of these rules the words, terms and phrases shall have the meanings hereafter given them, unless another intention clearly appears.

1. Agency: Local or state law enforcement agency employing peace officers.

2. Appointing authority: Executive head of the agency. In cases where there is no executive head or where the executive head is the sole member of the agency, "appointing authority" shall mean the public official, board, commission, or other person or groups of persons responsible for the initial appointment and continued tenure of persons employed by the agency as peace officers.

3. Basic course: A course of training which must be completed by any individual seeking to be licensed as a peace officer and whose content, length, instruction and instructors have been approved by the board.

4. Board: The Minnesota Board of Peace Officer Standards and Training.

5. Bureau: Minnesota Department of Public Safety, Bureau of Criminal Apprehension.

6. Director: Director or head of a school.

7. Executive director: Executive Director of the Minnesota Board of Peace Officer Standards and Training.

8. Field training: A program of on-the-job instruction and evaluation for new peace officers which meets or exceeds the established guidelines of the board.

9. Field training officer (FTO): A licensed peace officer who is responsible for the field training and evaluation of new peace officers and who has met or exceeds the established requirements of the board regarding FTO qualifications.

10. Guest lecturer: A person who may be utilized from

4 MCAR § 13.002

time to time for the purpose of providing specific expertise within a certified course of instruction.

11. Instructor: A person who is qualified to teach in a certified school.

12. Peace officer: As defined in Minn. Stat. § 626.84.

13. Permanent appointment: Any peace officer as defined in Minn. Stat. § 626.84(c) and (d) and who meets the requirements of Minn. Stat. § 626.845, subd. 2; or Minn. Stat. § 626.846, subd. 1; or Minn. Stat. § 626.846, subd. 1(a); or Minn. Stat. § 626.846, subd. 3, shall be considered to have received a permanent appointment for the purposes of these rules.

14. Political subdivision: County, city, town, municipality or other political subdivisions of the State of Minnesota.

15. Post-secondary program: A course of instruction in law enforcement at a college, university or vocational-technical institute that has been certified by the board. Successful completion of one of these certified courses is necessary to enroll in a skills course.

16. Provisional certification: Temporary approval given by the board which permits a school to operate for a period not to exceed one year, provided that the school substantially complies with the board's requirements for certification as set forth in § 13.005.

17. Reimbursement funds: Funds made available to the board for use by political subdivisions to defray the cost of salaries, expenses and substitute protection incurred during the training of peace officers.

18. School: Any training school or program certified by the board.

19. Skills course: A course of training which must be completed by an individual who has successfully completed a certified post-secondary program in order to complete their training and be licensed. The completion of the post-secondary program and the skills course is equivalent to the completion of the basic course.

B. Gender: Words used in the masculine gender shall include the feminine gender as well.

C. Singular and plural: Words used in the singular shall include the plural and words used in the plural shall include the singular.

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4 MCAR § 13.003

4 MCAR § 13.003 Basic Course.

A. The board shall establish and publish minimum requirements for a peace officer basic course. All certified basic courses shall adhere to these minimum requirements and shall furnish such reasonable and necessary proof to the board to verify that the minimum requirements are being met. Nothing in these rules shall preclude any certified basic course from enacting regulations which establish standards of training above the minimum requirements mandated by the board.

B. The board shall have the power to make such changes in the basic course content and length as it may deem necessary.

C. Attendance shall be required of each trainee at all sessions of each basic course. Any trainee who is absent for more than one day of any basic course shall make up such course content to the satisfaction of the director.

D. The board shall determine the maximum number of students to be enrolled per course.

E. Currently employed unlicensed peace officers applying for enrollment in any certified basic course shall receive priority acceptance.

F. All trainees shall be physically and psychologically capable of complete participation in all basic course activities. Any trainee unable to physically or psychologically participate in all aspects of the basic course shall not be certified as having satisfactorily completed the basic course.

G. The director shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the basic course. All basic courses shall be subject to periodic review and evaluation by the board.

4 MCAR § 13.004 Instructors.

A. All instructors who teach law enforcement courses in a certified school, certified post-secondary law enforcement program, or in a course which has been approved by the board, shall be qualified by academic preparation, or have the experience to teach the assigned subject matter and have successfully completed a board-approved instructor's course.

B. These rules shall not preclude a certified school, program or course from utilizing professionally qualified guest lecturers.

4 MCAR § 13.005 Certification of post-secondary programs and schools.

A. All schools and programs shall be reviewed periodically by the board and no certification shall issue unless the school or program files with the board satisfactory proof that the school or program will offer courses meeting prescribed objectives, has the necessary equipment and facilities, and has qualified instructors. Further, the school or program shall also file with the board such other information as it may require (*e.g.*, lesson plans, course outlines, etc.).

B. The director of the school or program shall file all information required at least 30 days prior to the commencement of each proposed course or program.

C. Upon receipt of a properly filed application, the board may grant provisional certification to a school.

4 MCAR § 13.006 Licensing of peace officers.

A. Pursuant to Minn. Stat. § 626.846, subs. 1, 1(a), 2, 3 and 3(a), eligible peace officers shall be licensed by the board commencing July 1, 1978. Similarly, pursuant to Minn. Stat. § 367.41, subs. 2, 3, 4 and 5, and Minn. Stat. § 626.845 subd. 2, eligible constables shall be licensed by the board commencing July 1, 1978.

B. Licenses shall remain valid for a period of not more than three years unless suspended or revoked.

C. All peace officers whose last names begin with "A" through "G" shall be eligible to have their licenses renewed on July 1, 1980. Peace officers whose last names begin with "H" through "M" shall be eligible to have their licenses renewed on July 1, 1981. Peace officers whose last names begin with "N" through "Z" shall be eligible to have their licenses renewed on July 1, 1982.

D. All unlicensed peace officers and constables shall attend a certified basic course no later than within one year from the time of appointment.

1. All peace officers and constables enrolled in a certified basic course shall complete it within six months from the date of enrollment, unless otherwise authorized by the board.

E. Students who successfully complete a post-secondary program shall be eligible to take the academic portion of the licensing examination.

F. Students who successfully pass the academic portion of the licensing examination shall be eligible to enroll in a skills course, subject to the minimum selection standards of the board. Upon successful completion of such skills course, a student shall be eligible to take the skills portion of the board's licensing examination.

1. All persons enrolled in the skills course shall suc-

PROPOSED RULES

successfully complete that course within six months of the date of enrollment, unless otherwise authorized by the board.

G. Any student who successfully completes a post-secondary program which provides both academic and skills courses shall, subject to the selection standards adopted by the board, be allowed to take the complete licensing examination.

H. Upon successful completion of both portions of the licensing examination, a student shall be certified eligible for employment as a peace officer for a period of not more than one year. Any student who obtains employment as a peace officer shall be issued a license upon successful completion of a one-year probationary period with a single agency.

1. Evidence of successful completion of the probationary period shall be furnished to the board by the agency.

I. Any unlicensed peace officer who successfully completes a basic course pursuant to these rules and who successfully completes a one-year probationary period with a single agency calculated from the date of successful completion of the basic course shall be licensed as a peace officer by the board provided that the peace officer successfully completes the licensing examination within that period of time.

J. Licensing examinations shall be offered at least twice a year. The board shall establish the examination schedules. Any student or peace officer seeking to take either portion of the licensing examination shall submit a written application on a form provided by the board at least 30 days prior to the date of the examination. The application shall be accompanied by the appropriate fee. Students or peace officers who fail the examination may be allowed to retake the examination two times upon furnishing a renewed written application to the board. Nonrefundable examination fees as established by the board shall accompany each application.

K. Licensed peace officers who have received a permanent appointment as defined in these rules, and who leave law enforcement in good standing shall be allowed to maintain the license in an inactive status provided they meet the requirements of § 13.008. Any person whose license is inactive desiring to reenter law enforcement shall petition the board and the board shall determine if a petitioner's license shall be returned to active status. The board may direct the appropriate appointing authority to invoke the terms and conditions of § 13.020.

L. Any peace officer who is certified and employed in good standing in another state shall be eligible for licensing in Minnesota provided that:

4 MCAR § 13.010

1. Said peace officer successfully passes the licensing examination pursuant to § 13.006J; and

2. Is employed within the State of Minnesota and complies with § 13.020; and

3. Successfully completes a probationary period with a single agency of not less than one year.

M. All licenses shall remain the property of the board. A copy of the valid license shall be forwarded to the licensee, and such copy shall be surrendered to the board in the event that the license is suspended, revoked or becomes inactive.

4 MCAR § 13.007 Examination and license fees. Reserved for future use.

4 MCAR § 13.008 Peace officer continuing education-training. Reserved for future use.

4 MCAR § 13.009 Field training. Reserved for future use.

4 MCAR § 13.010 Reimbursement program of the board.

A. Statement of purpose. An increase in the minimum number of weeks required for basic training of peace officers and constables has created additional cost to political subdivisions. The reimbursement program of the board is intended to assist political subdivisions paying the salary and expenses of peace officers who have successfully completed basic courses and to help absorb the cost of providing substitute protection while peace officers are being trained. Accordingly, the following rules are promulgated pursuant to the authority vested in the board by Minn. Stat. § 626.843, subd. 3(d).

B. Any agency which meets the following criteria shall be eligible to receive reimbursement funds:

1. The agency shall have complied with § 13.020 of these rules prior to seeking reimbursement funds.

2. The agency or political subdivision shall not require its peace officers to work while attending the basic course, unless it is part of the training program.

3. Each peace officer for whom reimbursement funds are sought shall have successfully completed the basic course within which he was enrolled.

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4 MCAR § 13.010

4. The agency or political subdivision completed and filed all reports requested by the board.

C. Application for reimbursement funds shall be made on forms provided by the board.

D. Separate forms shall be submitted for each peace officer who has successfully completed a basic training course and for whom the political subdivision seeks reimbursement funds.

E. The application for reimbursement funds shall be submitted on behalf of the political subdivision by an official designated by resolution of the governing body. Verification of compliance with these rules shall accompany the application and shall be made in writing by the executive head of the agency.

F. Approval of the application shall be by the board or its designee.

1. After the board or its designee has approved the reimbursement application it shall recommend payment and promptly forward the request form through the appropriate state agencies for disbursement of funds.

2. Upon approval, each political subdivision shall be entitled to an equal share for each peace officer trained from the funds designated for such reimbursement, provided that the eligibility criteria enumerated in subsection B of this section have been fulfilled for all trainees who begin courses subsequent to the effective date of these rules. Any such award shall be conditioned upon the availability of funds.

G. When funds become available for reimbursement for mandated courses other than basic training, political subdivisions shall be entitled, upon approval, to an equal share for each peace officer who completes such a course, provided that the eligibility criteria enumerated in subsection B of this section have been fulfilled for all trainees who begin courses subsequent to the effective date of these rules. Any such award shall be conditioned upon the availability of funds.

H. A political subdivision is not deemed eligible for reimbursement herein when it receives a subsidy from a state or federal agency or program to assist paying a trainee's salary; provided, that if no expenses are allowed under such program, the board may authorize reimbursement for expenses only in an amount not to exceed \$30.00 per week of training per trainee.

I. Applications for reimbursement funds shall be submitted by the appropriate political subdivision within 60 days of their receipt.

4 MCAR § 13.011-13.019. Reserved for future use.

4 MCAR § 13.020 New peace officers.

A. All agencies shall furnish the name, address, date of appointment and other pertinent information concerning a newly appointed peace officer to the executive director within 10 calendar days of his appointment.

B. No agency shall appoint any new peace officer who does not comply with the minimum selection standards hereinafter enumerated; provided, that these standards shall not be construed to restrict an agency from adopting more rigid standards in the areas enumerated.

1. The applicant shall be a citizen of the United States.

2. The applicant shall possess or be eligible to possess a valid Minnesota driver's license.

3. The applicant shall successfully pass a written examination demonstrating the possession of all mental skills necessary for the accomplishment of the duties and functions of a peace officer.

4. The applicant shall be required to complete and submit to the agency a preliminary application form before testing, and a comprehensive application form after testing and prior to hiring. The applicant shall be fingerprinted and a thorough background search shall be made through, but not limited to, the resources of local, state and federal agencies in order to disclose the existence of any criminal record or unacceptable conduct which would adversely affect the performance by the applicant of his duties as a peace officer.

5. The applicant shall not have been convicted of a felony in this state or in any other state or federal jurisdiction or of any offense in any other state or federal jurisdiction which would have been a felony if committed in Minnesota.

6. A licensed physician or surgeon shall make a thorough medical examination of the applicant to determine that he is free from any physical condition which might adversely affect the performance of his duties as a peace officer.

7. An evaluation shall be made by a licensed psychologist to determine that the applicant is free from any emotional or mental condition which might adversely affect his performance of duties as a peace officer.

8. The applicant shall successfully pass a job-related examination of his physical strength and agility demonstrating the possession of physical skills necessary to the accomplishment of the duties and functions of a peace officer.

PROPOSED RULES

9. The applicant must successfully complete an oral examination conducted by or for the agency to demonstrate the possession of skills necessary to the accomplishment of the duties and functions of a peace officer.

4 MCAR § 13.020

C. Periodically the board may make specific recommendations applicable to the implementation of the minimum selection standards set forth in § 13.020B.

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OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Economic Security Vocational Rehabilitation Division

Notice of Request for Proposals for Psychometric Testing of Disabled Clients

The Minnesota Department of Economic Security, Division of Vocational Rehabilitation, is seeking responses to a Request for Proposal wherein a potential contractor would provide psychometric testing to about 4,500 disabled clients of the Division of Vocational Rehabilitation. The testing would be provided in 85 testing locations throughout the State of Minnesota. The potential contractor would be required to administer any or all of seven psychometric tests, and provide scored tests, together with an interpretation of the test results, within two weeks of the testing date, at an estimated cost not exceeding \$110,000.00.

The Request for Proposal document may be obtained by contacting Marvin O. Spears, Director of Client Services, Division of Vocational Rehabilitation, 3rd floor, Space Center, 444 Lafayette Road, St. Paul, MN 55101. (612) 296-5622.

All responses must be received at 444 Lafayette not later than 4:30 p.m. Monday, June 5, 1978.

Minnesota Housing Finance Agency Research Division

Notice of Request for Proposals for Energy-Related Rehabilitation of Rental Housing Research

The Minnesota Housing Finance Agency is seeking proposals for research into the need for energy-related rehabilitation of rental housing in Minnesota, with special emphasis on rental housing of low and moderate income persons. The research should include the collection and analysis of data on the structural characteristics of rental housing relevant to energy consumption, the structural components of energy-related rehabilitation of rental housing, and the costs and benefits of relevant energy-related improvements made to rental housing.

The research will be used to develop and evaluate program options which minimize the financial impact of energy-related rehabilitation of rental housing on low and moderate income persons. The research must be completed by October 31, 1978.

General inquiries and proposals should be directed to:

Michele T. Foster
Minnesota Housing Finance Agency
Nalpak Building, Suite 200
333 Sibley Street
St. Paul, Minnesota 55101
612-296-9819

Approximately \$45,000 will be available for a consultant contract. The closing date for submission of proposals is 4:30 p.m., May 24, 1978.

Department of Natural Resources Minerals Division

Notice of Request for Proposals for a Vegetation/Landscape Analysis of the Peatlands of Northern Minnesota by Remote Sensing Methods

Estimated cost: \$33,000

Contact Person: Barbara Coffin, (612) 296-4807

Submission deadline: May 17, 1978

William Nye
Commissioner

OFFICIAL NOTICES

Department of Natural Resources Minerals Division

Notice of Request for Proposals for an Ecological and Floristic Study of the Peatland Vegetation of Northern Minnesota

Estimated cost: \$33,000

Contact person: Barbara Coffin, 296-4807

Submission deadline: May 17, 1978

William Nye
Commissioner

Minnesota Teachers Retirement Association

Notice of Availability of Actuarial Consultant Contract for the Period Beginning July 1, 1978 and Ending June 30, 1980

Contact Person: Harvey W. Schmidt, Minnesota Teachers Retirement Assn., 302 Capitol Square Building, St. Paul, Minnesota 55101, telephone (612) 296-2409.

Description: Provide actuarial consultant services to Association; prepare and submit actuarial valuations, actuarial surveys and reports as required by Minn. Stat. § 356.215; assist in the preparation of the certification of funds required from the state; consult with the Director of the Board and staff on any matters of actuarial nature; make any necessary special statistical studies in connection with proposed legislation; and perform any other services of an actuarial nature which the Board may deem desirable.

Estimated cost: Approximately \$17,500.00.

Final submission date: May 29, 1978.

Board of Cosmetology

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Continuing Education of Senior Instructors and the Practice of Cosmetology in Nursing Homes

Notice is hereby given that the Minnesota State Board of Cosmetology is seeking information or opinions from sources outside the Board in preparing to propose the adoption of rules governing the continuing education of senior instructors and the practice of cosmetology in nursing homes and other possible amendments to the cosmetology rules. Any interested persons may submit information on these subjects in writing or orally to:

Cynthia Allen
Minnesota State Board of Cosmetology
500 Metro Square Building
St. Paul, Minnesota 55101
(612) 296-9405

Any written material received by the Board shall become a part of the hearing record in the event rules governing these subjects are promulgated.

May 2, 1978

Department of Health Health Manpower Division

Notice of Intent to Solicit Outside Opinion Concerning Procedures for Determining Regulations of Human Services Occupations; Hospital Administrator Registration Program; Registration of Various Human Services Occupations; and Obtaining of Information from Licensed or Registered Health Manpower

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412 subd. 6 (Supp. 1977) that the Minnesota Commissioner of Health will propose the adoption of new rules and the amendment and revision of existing rules as indicated below.

All interested parties desiring to submit data, views, opinions, comments or other related information concerning the proposed adoption, amendment or revision of the rules noted below should write or telephone the persons indicated below at the Minnesota Department of Health, Division of Health Facilities, 717 Delaware Street S.E., Minneapolis, Minnesota 55440. Evidence submitted for consideration should be pertinent to the matter at hand. Written material

OFFICIAL NOTICES

received by the Department of Health will become part of the hearing record.

1. Proposed amendments to the Rules Regarding Procedures for Determining Regulation of Human Services Occupations, 7 MCAR §§ 1.536 to 1.538 (Minn. Rules MHD 536-538), to: (a) define "human services occupations"; (b) make more explicit or define the factors specified in Minn. Stat. § 214.001 subd. 2 (1976) to be used in evaluating whether a human services occupational group should be regulated; and (c) establish criteria for choosing a national standardized test for each occupational group registered. Contact Colleen Coghlan; telephone (612) 296-5393.

2. Proposed amendments to and general revision of the rules relating to the Hospital Administrators Registration Program, 7 MCAR §§ 1.036-1.038 (Minn. Rules MHD 36-38). Contact Collin Eid; telephone (612) 296-5393.

3. Proposed new rules establishing a registration form of regulation, including but not limited to the scope of authorized practice, supervision required, continuing education, career progression, disciplinary procedures, and the development of administration and grading of examinations to verify the qualifications of applicants, pursuant to Minn. Stat. §§ 214.001, 214.13, and 214.14 (1976), for the following human service occupational groups: (a) chemical dependency specialists; (b) speech pathologists; (c) audiologists; (d) emergency medical technicians; (e) environmental health specialists; and (f) contact lens technicians. Contact Colleen Coghlan; telephone (612) 296-5393.

4. Proposed new rules regarding the types of information to be collected and the forms to be used for the collection of data on individuals licensed or registered by the Commissioner or health-related licensing boards. The information is to be collected pursuant to Laws of 1978, ch. 759, for the purpose of making decisions pertaining to health manpower. Contact Mary Volk; telephone (612) 296-5393.

Any materials submitted will be reviewed and considered by the Department of Health during the preparation of the proposed rules. Notice of the public hearing on the proposed rules will be published in the *State Register* and given to all interested parties who have registered with the Secretary of State's Office in accordance with the provisions of the Administrative Procedure Act.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rule-making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends

more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

May 5, 1978

Warren R. Lawson, M.D.
Commissioner

Department of Public Welfare Income Maintenance Division

Notice of Intent to Solicit Outside Opinion Concerning Proposed Amendment of DPW Rule 55, General Assistance

Notice is hereby given that the Minnesota Department of Public Welfare is considering proposed amendments to DPW Rule 55 (12 MCAR § 2.055), General Assistance. The General Assistance rule is designed to provide financial assistance and services to persons unable to provide for themselves, who have not refused suitable employment, and who are not otherwise provided for by Law; to strengthen and preserve the family unit; to aid those persons who can be helped to become self-supporting or to attain self-care; and to provide property tax relief by providing state financing for some welfare costs historically financed by county property tax levies.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Wally Goettl
Department of Public Welfare
Client Eligibility Unit
4th Floor, Centennial Office Building
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3340.

All statements of information and comment must be received by June 5, 1978. Any written material received by the Department shall become part of the hearing record.

**Department of
Transportation
Administration Division**

**Notice of Application and of
Opportunity for Hearing
Regarding Petition of Chicago
and North Western
Transportation Company for
Authority to Retire and Remove
Track Located at Madelia,
Minnesota**

Notice is hereby given that the Chicago and North Western Transportation Company with offices at 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1977 Supp) and § 218.041, subd. 3 (10) (1977 Supp.) to retire and remove 780 feet of Track No. 27 and one turnout, a former CMO track, located in Madelia, Minnesota. The petition recites among other matters that: "The subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense. The Division Manager indicates that there is a lack of sufficient revenue to retain the track. The subject track is located approximately 50 feet from a main crossing and the State has requested removal of the subject track in order to simplify the installation of signals at the main crossing."

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before June 5, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a party to this matter must submit a timely petition to intervene to the Hearing Examiner pursuant to Minn. Reg. HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the object-

ing party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

May 5, 1978

Jim Harrington
Commissioner of Transportation

**Department of
Transportation
Administration Division**

**Notice of Application and of
Opportunity for Hearing
Regarding Petition of Chicago
and North Western
Transportation Company for
Authority to Retire and Remove
Track Located at Windom,
Minnesota**

Notice is hereby given that the Chicago and North Western Transportation Company with offices at 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1977 Supp.) and § 218.041, subd. 3 (10) (1977 Suppl.) to retire and remove 541 feet of former CMO Track No. 105, including turnout, and 105 feet of former CMO Track No. 187, including turnout, located in Windom, Minnesota. The petition recites among other matters that: "The subject tracks are no longer needed for rail transportation service, and constitute a continuing and burdensome maintenance expense. The tracks are not used at the present time and there is no present prospect that the subject tracks will be needed in the future. The only shippers, patrons or members of the public who might have any interest in the retention of the tracks or facilities, or who have used the same to any substantial degree within the past several years is the City of Windom, Minnesota."

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before June 5, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter

OFFICIAL NOTICES

down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a party to this matter must submit a timely Petition to Intervene to the Hearing Examiner pursuant to Minn. Reg. HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

May 5, 1978

Jim Harrington
Commissioner of Transportation

Department of Transportation Administration Division Notice of Application and of Opportunity for Hearing Regarding Petition of Chicago and North Western Transportation Company for Authority to Retire and Remove Track at Minneapolis, Minnesota

Notice is hereby given that the Chicago and North Western Transportation Company with offices at 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1977 Supp.) and § 218.041, subd. 3 (10) (1977 Supp.) to retire and remove track No. 6, 1802 feet long including two turnouts, a former Chicago Great Western track, located in Minneapolis, Minnesota. The petition recites among other matters that: "The subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense. The track is not used at the present time, and there is no present prospect that the subject track will be needed in the future. The Peavey Company is the former owner of certain facilities serviced by the track and it having no continuing interest in the property, raises no objection to the removal of the track except to the extent that any objection may be raised by its vendee, the City of Minneapolis, Minnesota."

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before June 5, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a party to this matter must submit a timely Petition to Intervene to the Hearing Examiner pursuant to Minn. Reg. HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

May 5, 1978

Jim Harrington
Commissioner of Transportation

Department of Transportation Administration Division Notice of Application and of Opportunity for Hearing Regarding Petition of Chicago and North Western Transportation Company for Authority to Retire and Remove Track No. 10, Approximately 517 Feet Long Including Turnout, Located at Lake Elmo, Minnesota

Notice is hereby given that the Chicago and North Western Transportation Company with offices at 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1977 Supp.) and § 218.041, subd. 3 (10) (1977 Supp.) to retire and remove

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approximately 517 feet of former CMO Track No. 10 located at Lake Elmo, Minnesota. The petition recites among other matters that: "The subject track is no longer needed for rail transportation service, and constitutes a continuing and burdensome maintenance expense. The track has not been used in the last three years, and there is no present prospect that the subject track will be needed in the future."

"The only party who might have an interest in the retention of the subject track or who has used it to any degree within the past several years is Girard F. Minea."

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before June 5, 1978. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a party to this matter must submit a timely Petition to Intervene to the Hearing Examiner pursuant to Minn. Reg. HE 210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

May 5, 1978

Jim Harrington
Commissioner of Transportation

Department of Human Rights

Settlement Agreements and Predetermination Agreements from April 7, 1978 through May 1, 1978

Settlement Agreements

Department of Human Rights, Complainant, vs. Independent School District # 141, Respondent, E2295, 2294, and 2293.

Charge:

Persons (hereinafter "charging parties") filed charges alleging that their employer, Independent School District # 141 (hereinafter "respondent"), discriminated against them on the basis of their sex. The charging parties alleged that the school district denied them the full benefits of family insurance coverage because the policy contained a "head of household" clause. The clause in question stated the following: "To qualify for family coverage, an employee must be the principal source of support of legal dependents consisting of a spouse or child or both. An employee is the principal source of support of the family if he has a spouse or legally dependent children or both and provides more than fifty percent of the support of such dependent or dependents". The policy also required that all employees who wanted to qualify for family health and hospitalization coverage must provide the school district with an affidavit certifying that the employee had a dependent spouse or dependent children and he provides the principal source of support for the dependents in that he provides more than fifty percent of that support. The charging parties also contended that the respondent only required female employees to provide a sworn affidavit while male employees were not required to do so. Following an investigation, the Commissioner of Human Rights found that there was cause to credit the charging parties' allegations.

Settlement.

The charging parties and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay to each of the three charging parties one-half of the amount of the difference between family and single coverage which amounted to \$62.50 per charging party.

2. The respondent agreed to change its insurance policy to comply with the Minnesota Human Rights Act and furnish the department with a copy.

Department of Human Rights, Complainant, vs. Montgomery Ward and Company, Respondent, E3179.

Charge.

A person (hereinafter "charging party") filed a charge alleging that Montgomery Ward and Company (hereinafter "respondent"), discriminated against him because of his race. The charging party alleged that the respondent refused to consider him for a position as a teletypist because of his race. The charging party contended that, although he was told the results of a test he took were excellent, when he inquired about the position nearly two weeks later, he was told that someone else had been hired and that he could apply for a warehouse clerk position. Following an investigation, the Commissioner of Human Rights found that there was probable cause to believe that discrimination had occurred.

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Settlement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party \$1,000.00 in full settlement of the charge.

Pre-determination Agreements

A pre-determination agreement is an agreement reached prior to the Commissioner's finding of probable or no probable cause to credit the allegation(s) contained in a charge of discrimination. It is signed by the charging party, the respondent, and the Commissioner. A pre-determination agreement may be reached through a departmental procedure called the 30-Day Waiver Process. Prior to a formal investigation by the department, a charging party and a respondent may mutually agree to request that the department waive investigation of a charge for 30 days while the parties attempt to settle the matter.

Department of Human Rights, Complainant, vs. Fluidyne Engineering Corporation, Respondent, E4767.

Charge.

A person (hereinafter called "charging party") filed a charge alleging that his employer, Fluidyne Engineering Corporation (hereinafter "respondent"), discriminated against him because of his race. The charging party alleged that he was continually harassed during his employment with the respondent in a variety of ways. The charging party contended that he was not considered for promotion to a position for which he was qualified and he did not receive the standard raises that he was entitled to. The charging party maintained that although he spoke to his superiors about the racially derogatory comments made by other employees, the situation did not improve. The charging party stated that he felt he was finally forced to resign because of the differential treatment he received. Prior to a formal investigation, the parties resolved the matter.

Agreement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to refer to its affirmative action officer all allegations of discrimination and all personnel actions that would have an adverse effect on a protected class member.

2. The respondent agreed to provide formal training to the person designated as the affirmative action officer to ensure the decisions made by that officer are based on

knowledge of the types and varieties of discriminatory actions.

3. The respondent agreed to disseminate the following statement to all employees: "Any breach of the company's Equal Opportunity/Affirmative Action Policy shall be grounds for disciplinary action, up to and including discharge. The respondent further agreed to require that all employees sign a statement, within thirty days of the signing of the agreement, affirming that they have read and understood the Equal Opportunity/Affirmative Action statement called for in the agreement.

4. The respondent agreed to examine the possibility of using the Work-study Program and Contract Employee openings more fully as an aid to recruiting and training of underrepresented protected class members.

5. The respondent agreed to expunge any entries from any personnel records kept by the respondent that show that the performance of the charging party was less than satisfactory. The respondent further agreed that no prospective or potential employer would be informed, in any way, of the agreement or the charge filed by the charging party.

6. The respondent agreed to pay the charging party \$3,000.00 in full settlement of the charge.

7. The charging party agreed that if requested he would meet with the respondent and answer questions about the nature and scope of discrimination in the respondent's work environment.

Department of Human Rights, Complainant, vs. Dependable Auto Appraisal Service, Incorporated, Respondent, E4968.

Charge.

A person (hereinafter called "charging party") filed a charge alleging that her employer, Dependable Auto Appraisal Service, Incorporated (hereinafter "respondent"), discriminated against her because of her sex. The charging party maintained that, although employees absent because of illness normally received short-term disability payments, she did not receive this benefit when she was absent because of pregnancy. The respondent normally continued to provide insurance coverage for employees absent because of illness. The charging party alleged that, when she returned to work following her pregnancy leave, the respondent informed her she must reimburse the respondent for insurance premiums paid during her absence. Prior to a formal investigation, the parties agreed to settle the matter.

Agreement.

The charging party and the respondent agreed to settle the matter in the following manner:

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1. The respondent agreed to pay \$434.00 to the charging party for disability benefits that the charging party should have received during her absence.

2. The respondent agreed to restore to the charging party four days of vacation time that were deducted to compensate the respondent for insurance premiums paid for the charging party.

3. The respondent affirmed that the charging party would not be penalized in future considerations for transfers, promotions, and other terms and conditions of employment because of these proceedings and that no other potential employers would be advised in any way of the facts or circumstances of these proceedings.

4. The respondent company agreed not to engage in, or allow any employees to engage in, retaliatory conduct against the charging party, or any party or participant witness to any unlawful employment practice.

5. The respondent agreed to provide to its employees a new insurance package within ninety days of the signing of the agreement. The respondent further agreed to submit to the Commissioner of Human Rights the insurance package for review and comment.

Department of Human Rights, Complainant, vs. Augustana Home, Respondent, E4650.

Charge.

A person (hereinafter "charging party") filed a charge alleging that her employer, Augustana Home (hereinafter "respondent"), discriminated against her because of her disability. The charging party alleged that the respondent was fully aware that she was visually impaired when she was hired in 1970 as a bed maker at the home. In May of 1977, the respondent granted the charging party a leave of absence. About six weeks later, the charging party spoke to the respondent about returning to work. When the charging party returned to work in September, she contended that an unfair evaluation of her work performance was read to her. The charging party stated that she received a separation notice on September 18, 1977. The charging party believed that the respondent discriminated against her because of her disability because the respondent was fully aware at the time she was hired that she was visually handicapped and, during her seven years of employment with the respondent, she had received no previous criticism about her work. Prior to a formal investigation, the parties agreed to settle the matter.

Agreement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to expunge the charging party's personnel file and provide the charging party with the only copy of her negative evaluation.

2. The respondent agreed to re-evaluate the charging party's performance over a seven year period and provide a copy of the evaluation to the charging party.

3. The respondent agreed to pay to the charging party \$100.00 in negotiated settlement of the charge.

Department of Human Rights, Complainant, vs. ADM Milling Company, Respondent, E4658.

Charge.

A person (hereinafter "charging party") filed a charge alleging that his employer, ADM Milling Company (hereinafter "respondent"), terminated him because of his race. The charging party, who stated that he was employed with the respondent for four years, alleged that he was initially hired by the respondent as a relief man. He filled in when other employees were absent or on vacation. The charging party alleged that, on several occasions, he signed up to be considered for vacant positions that were posted but he was not considered for any of the positions although white applicants with no experience were hired. The charging party stated that the reason given to him for his termination was tardiness but the charging party believed that, since he was aware of white employees who had been tardy, he was discharged because of his race. Prior to a formal investigation, the parties agreed to settle the matter.

Agreement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to re-instate the charging party.

Department of Human Rights, Complainant, vs. Northern States Power Company, Respondent, E4669.

Charge.

A person (hereinafter "charging party") filed a charge alleging that his employer, Northern States Power Company (hereinafter "respondent"), discriminated against him because of his disability. The charging party alleged that he was denied the opportunity to advance by the respondent. The charging party believed that this was because the employee who would have supervised him if he was promoted preferred not to work with disabled persons. According to the charging party, the supervisor had made statements to the effect that he "did not want any cripple working for him". Prior to a formal investigation, the parties agreed to settle the matter.

OFFICIAL NOTICES

Agreement.

The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agreed to promote the charging party.

2. The respondent also agreed not to place the charging party under the supervision of the employee who had made the derogatory remark about him.

Department of Commerce Insurance Division

Notice of Meeting

Nominating Committee Minnesota Comprehensive Health Association

Tuesday, May 16, 1978

10:00 a.m.

North American Life and Casualty
Company

1750 Hennepin Avenue
Minneapolis, Minnesota

Errata

1. 2 S.R. 1875: Change "PSC 180 B. 3." to "PSC 180 B.
2. e."

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