

'78 July 31

# STATE REGISTER

STATE OF MINNESOTA

RULES

PROPOSED RULES

STATE CONTRACTS

OFFICIAL NOTICES

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VOLUME 3, NUMBER 4

JULY 31, 1978

Pages 113-148

# STATE REGISTER

## Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
<b>SCHEDULE FOR VOLUME 3</b>			
5	Monday July 24	Monday July 31	Monday Aug 7
6	Monday July 31	Monday Aug 7	Monday Aug 14
7	Monday Aug 7	Monday Aug 14	Monday Aug 21
8	Monday Aug 14	Monday Aug 21	Monday Aug 28
9	Monday Aug 21	Monday Aug 28	Monday Sept 4

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

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# MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in this issue of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here although they are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* will be published on a quarterly basis and at the end of the volume year.

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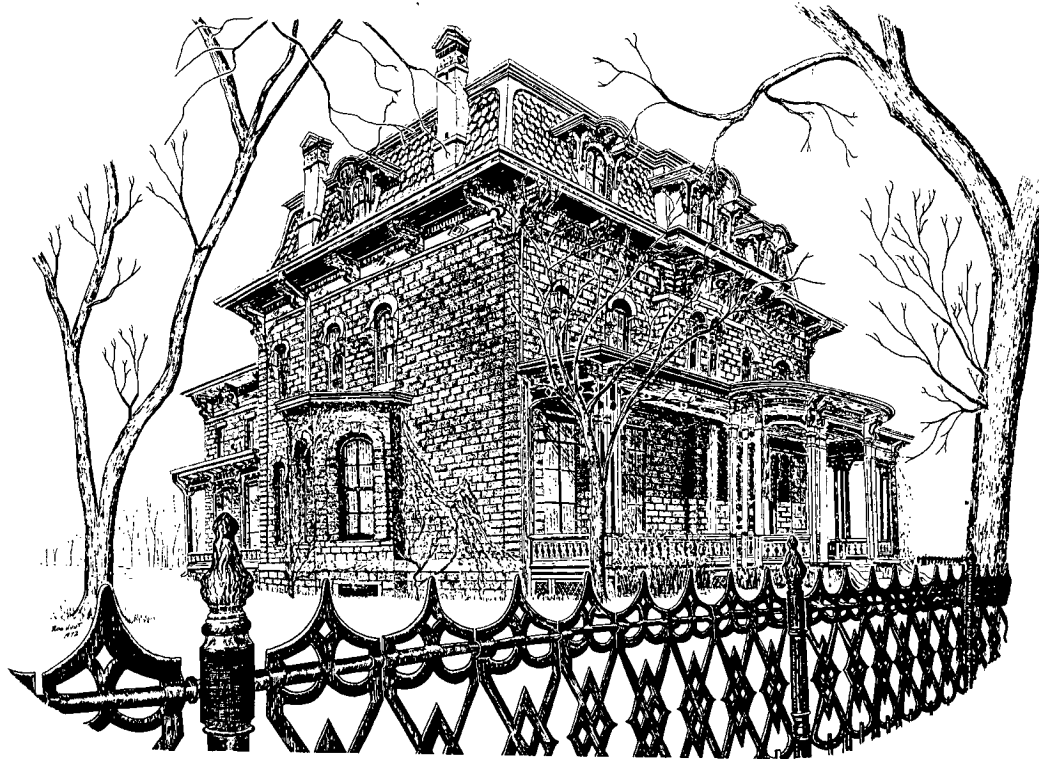
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The Alexander Ramsey House, built in 1872 by Minnesota's first governor, serves as a visitors' center and is open year round at 265 South Exchange St., St. Paul. Drawing by Ron Hunt reprinted, with permission, from *A Living Past: 15 Historical Places in Minnesota*, copyright 1973, 1978 by the Minnesota Historical Society.

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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.

## Municipal Board Adopted Rules Relating to Orderly Annexation

The rules proposed and published at *State Register*, Volume 2, Number 37, pp. 1731-1732, March 20, 1978 (2 S.R. 1731) are adopted and are identical to their proposed form, with the following amendments:

### Rules as Adopted

#### MMC 21 Orderly annexation.

(a) A. Acceptance by the board. An orderly annexation joint agreement ~~may~~ shall be accepted and filed by the board if its terms are consistent with applicable state law and in the best interests of the parties and affected persons.

(b) B. Initiating an annexation within the orderly annexation area. If any provision of the orderly annexation joint

## RULES

resolution resolves to annex an area designated for orderly annexation upon the effective date of the joint resolution, the board shall, after accepting the joint resolution, treat this provision as a separate resolution initiating annexation.

(c) C. Evidentiary requirements for annexation within the designated area. The party proposing an annexation with the designated area shall demonstrate ~~that~~ whether or not the proposed annexation is consistent with the joint agreement.

(d) D. Reporting requirements. One year after the joint agreement has been accepted by the board, and every year thereafter, for as long as the joint resolution is in effect, the parties shall inform the board of any changed conditions, which would mandate action by the terms of the agreement within the area designated for orderly annexation. If there have been no changed conditions, the parties shall so inform the board.

(e) E. Amending the joint agreement. The joint agreement can only be amended by joint resolution submitted to the board by all of the parties to the joint agreement. The board may shall accept the amendment, subject to proper notice and hearing as set forth in Minn. Stat. § 414.09, if it is consistent with applicable state law and the remainder of the joint agreement and in the best interests of the parties and affected persons.

(f) Effect of noncompliance. If a party to the joint agreement continually does not comply with its provisions, the board or an aggrieved party by resolution may initiate a hearing, conducted pursuant to Minnesota Statutes 414.09. If the evidence demonstrates that there has been continuing noncompliance, and, further, that, as a result of this noncompliance, the basis of the agreement has been substantially undermined, the board may rescind the agreement and any pending annexations being considered within the designated area.

## Board of Pharmacy Adopted Rule Relating to Controlled Substances

The rule relating to controlled substances proposed and published at *State Register*, Volume 2, Number 34, p. 1594, February 27, 1978 (2 S.R. 1594), is adopted by ac-

DPW 17

tion of the Board of Pharmacy taken on May 24, 1978, and is identical to its proposed form.

David E. Holmstrom  
Executive Secretary  
Board of Pharmacy

## Department of Public Welfare Social Services Division Adopted Rule Governing Reimbursement for Mentally Ill Patients Relocated to Community Placement by the Closing of Hastings State Hospital

The rule published at *State Register*, Volume 2, Number 29, pp. 1404-1407, January 23, 1978 (2 S.R. 1404-1407), is adopted with the following changes to its proposed form.

### Rule as Adopted

DPW 17 Reimbursement for mentally ill patients relocated ~~to community placement~~ by the closing of Hastings State Hospital.

#### A. Introduction.

1. This rule governs state financing for costs of care for mentally ill persons ~~who were in patients at the Hastings State Hospital on May 20, 1977 and are placed in community facilities~~ pursuant to Minn. Stat. ch. 453, § 21 (Laws of 1977) and 1978 Minn. Session Laws, Chapter 793, Sec. 30, Subd. 2. This rule will be effective only as long as funds specifically appropriated by the legislature are available for this purpose.

#### 2. Definitions.

a. County welfare board: single or multi-county boards established under the authority of Minn. Stat. ch. 393.

b. Human service board: single or multi-county

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

# RULES

## DPW 17

boards established under the authority of Minn. Stat. ch. 402, as amended.

c. Community mental health board: single or multi-political subdivision boards organized under the authority of Minn. Stat. §§ 245.61-245.69 to provide local mental health programs and services.

d. Mentally ill person: a person defined by Minn. Stat. § 253A.02, subd. 3.

e. Discharge treatment plan: a written plan, based on an assessment of each individual patient's strengths and disabilities, which includes specific goals appropriate to the individual, states how the goals will be met, and by what means and who will carry out the plan.

f. Residential care program: a living unit established primarily for the accommodation and treatment of mentally ill persons which is licensed, or eligible to be licensed, under DPW Rule 36.

g. Social and rehabilitative services: those activities provided to carry out the individualized treatment plan for each mentally ill person.

h. State agency: Minnesota Department of Public Welfare.

i. County of financial responsibility: defined by Minn. Stat. § 256D.18.

### B. Standards for the awarding of grants.

1. The state agency will reimburse quarterly the county welfare board, or human service board, of the county of financial responsibility for the county's shares of expenditures incurred in caring for those persons described in A.1. in accord with individual discharge treatment plans.

2. As a condition of qualifying for this reimbursement, the aforementioned county welfare boards or human service boards shall first make use of all available public income maintenance programs, Medical Assistance (Title XIX) and private insurance coverage for which patients are eligible. The county's share of any eligible expenditures shall be reimbursable.

3. An initial advance shall be available upon request of the responsible county, equivalent to the anticipated expenditure, based on a spending plan which has the prior approval of the state agency.

4. Reimbursement will be available for eligible persons who are placed in the most suitable available community program if:

~~a. The program is located within Ramsey, Washington, or Dakota County, or;~~

~~a. b. Ramsey, Washington or Dakota County is the county of financial responsibility; and,~~

~~b. e. suitability is determined by the legally responsible county as that program deemed most able to carry out the individual's discharge treatment plan.~~

### 5. In order to be eligible, a person must:

a. have a current primary diagnosis of mental illness; and,

b. have been a patient of the Hastings State Hospital ~~on May 20, 1977;~~ and,

~~c. be discharged as a result of the closing of the Hastings State Hospital, and; within the limits of the 1978 Minn. Session Laws, chapter 793, sec. 30, subd. 2; and,~~

~~d. be placed within Ramsey, Washington or Dakota County or;~~

~~d. e. if placed in a county other than those in B.4.d. above, then Ramsey, Washington or Dakota County must be the county of financial responsibility.~~

C. Eligible for inclusion in individual discharge treatment plans and for reimbursement.

1. Services eligible for reimbursement under this rule include, but are not limited to:

a. day programming (day activity, work and pre-work training, recreation and education);

b. twenty-four hour crisis intervention aimed primarily at aiding medical and nonmedical crises of persons eligible under B.5. of this rule;

c. independent living training unit which assists individuals or groups who need preparation and/or support in finding and maintaining housing, finding and keeping a job, managing money, developing suitable recreational activities and other related services needed, in order to increase their ability to function independently and responsibly;

d. drop-in centers for socialization and recreation where people with a history of mental illness may go for semi-structured activities and social support from others with similar backgrounds;

e. residential maintenance (board and care) living costs not reimbursable from other sources, including Sup-



# RULES

plemental Security Income, Minnesota Supplemental Aid, Medicaid, and applicable group health insurance;

f. program costs (excluding room and board) provided for residents of residential care programs in accordance with the individual program plans of eligible persons; if an individual is able to move to independent living and qualifies for any available income maintenance or medical assistance program for which the county of financial responsibility would have some share of financial responsibility, that amount is reimbursable from this appropriation;

g. outpatient therapy, either on an individual or group basis.

### D. Conditions for reimbursement.

1. Each county welfare or human service board having financial responsibility for one or more eligible patients of the Hastings State Hospital shall, before the actual termination of the direct care services of the hospital, determine with the state agency and the hospital which individual patients are potentially eligible. They shall determine, with the appropriate assistance of the community mental health board which serves the county of financial responsibility, the individual discharge-treatment plans for each eligible patient, subject to the final approval of the state agency.

2. The responsible agencies, as stated in D.1. shall

## SecStat 4001

have the responsibility of reviewing the individual treatment plans at least quarterly. Expenditures incurred as a result of changes in the individual treatment plans will also be eligible for reimbursement within the terms and conditions of this rule.

3. The financially responsible county welfare or human service board shall certify quarterly to the state agency the costs eligible for reimbursement, by eligible persons.

4. The county welfare boards or human service boards may apply to the state agency for an advance to provide, purchase, or initiate the services necessary to carry out the individual treatment plans for eligible persons, under the terms of B.3. of this rule.

### E. Miscellaneous.

1. Subordination of rule to state and federal laws. Any provision of this rule which is inconsistent with any state or federal law is superseded thereby.

2. Severability. The provisions of this rule shall be severable and if any 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 agency, person or circumstances shall not be affected thereby.

## Office of the Secretary of State Election Division

### Adopted Temporary Rule Governing Content of Voter's Certificate on Back of Absentee Ballot Return Envelope

The rule published at *State Register*, Volume 2, Number 46, p. 2098, May 22, 1978 (2 S.R. 2098) as Proposed Temporary Rule SecStat 4001, is adopted as of July 14, 1978, and is identical to its proposed form, with the following amendments:

### Temporary Rule as Adopted

SecStat 4001

#### ABSENTEE VOTER'S CERTIFICATE OF

(Print legal name of voter)

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

**RULES**

**SecStat 4001**

County of \_\_\_\_\_

State of \_\_\_\_\_

I do swear that I am a citizen of the United States; that I am an eligible voter; that I am an actual resident of the election precinct indicated by my address in my application; that I do not intend to abandon my residence in said precinct prior to the election date; that at said time I will be a qualified voter in said precinct. meet all of the requirements provided by law to vote by absentee ballot.

\_\_\_\_\_  
(legal signature of voter)

County of \_\_\_\_\_

State of \_\_\_\_\_

(Signed)

\_\_\_\_\_  
(Voter)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_, 19\_\_\_\_, and I hereby certify that the affiant exhibited the enclosed ballots to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballots and enclosed and sealed the same in the ballot envelope; or that he was physically incapacitated from marking his ballots and that at his request I marked the ballots for him; that the affiant was not solicited or advised by me for or against any candidate or measure; that if the affiant registered to vote by enclosing a voter registration card in the return envelope then he provided one of the following proofs of residence: option number \_\_\_\_\_ below as proof of his residence.

\_\_\_\_\_  
(signature of person taking acknowledgement)

\_\_\_\_\_  
(On the above line write name and address of attesting witness and indicate name of his office or official character such as notary public, postmaster, etc., or that the witness is an eligible voter in the absentee voter's county)

OPTIONS THAT A VOTER MAY USE TO PROVE RESIDENCY FOR REGISTERING

1. Minnesota Driver's License or receipt therefor: Number \_\_\_\_\_
2. Minnesota Identification Card or receipt therefor: Number \_\_\_\_\_
3. A registered voter, (Print Name: \_\_\_\_\_), of the precinct who certifies by his signature that the applicant is also a resident of that precinct.

\_\_\_\_\_  
(Legal signature and residence of registered voter making certification)

4. A current registration indicating a previous address within the same precinct.
5. A notice mailed by the county auditor indicating an insufficiently-completed voter registration card.
6. A student's valid address on one of the following:
  - (a) a student identification card; Number \_\_\_\_\_
  - (b) a student fee statement; Number \_\_\_\_\_

**RULES**

**SecStat 4001**

(c) or, a student registration card, Number \_\_\_\_\_

A preregistered voter of the precinct willing to certify to the residency of the voter wishing to register.

-----  
-----

(Attesting witness)

-----  
-----

(Official title or address where witness is registered voter or address of residence from which the witness voted if he resides where there was no permanent registration):

-----  
-----

(Here write name of office or official character of attesting witness, such as notary public, postmaster, etc., or that the witness is an eligible voter in the absentee's county, who has voted within the last four years.)

-----

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# 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.



Elizabeth Kinney (1886-1952), founder of the Sister Kinney Institute in Minneapolis, began her humanitarian career as a nurse, or "sister," in the Australian army. After emigrating to America in 1940, Sister Kinney began treating polio victims and opened the institute in 1942. Today it is one of the most comprehensive rehabilitation centers for physically disabled people in this country.

## Department of Personnel Proposed Rules Governing the Examination, Referral and Appointment of Candidates, Retirement, Layoff, Vacation and Sick Leave, Appeal Procedures, and the Definition of Probationary Employee, Provisional Employee and Reemployment List

### Order for Hearing

It is hereby ordered that a public hearing on the above-captioned rules be held in Room 83, State Office Building, St. Paul, Minnesota 55155 on August 31, 1978 commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

It is further ordered that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

It is further ordered that the Notice of Hearing be published in the *State Register*.

Clarence E. Harris  
Commissioner of Personnel

July 17, 1978

### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Room 83, State Office Building, St. Paul, Minnesota 55155 on August 31, 1978 commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

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 Harry Crump, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8111, either before the hearing or within 5 working days after the close of the hearing.

The proposed amendments, if adopted, would amend 2 MCAR §§ 2.039 to delete the requirement that the selection process for incumbents of reallocated positions must be the same process as last given for the class to which the position

## PROPOSED RULES

has been reallocated; 2.040 to require that applications contain a statement on the verification of information; 2.044 to provide a six month retest prohibition for oral and written examinations; 2.048 to delete the tie breaking provision; 2.064 to clarify when eligible lists would be cancelled or merged and provide for the term of individual candidate eligibility; 2.082 and 2.085 to clarify that appointments are pursuant to Minn. Stat. ch. 43 and the personnel rules; 2.084 to provide for the certification of additional names as authorized by Laws of 1978, chs. 708 and 734; 2.086, 2.087, 2.088 and 2.109 to consolidate all provisions relating to seniority into one rule and make other changes relating to emergency and provisional appointments; 2.106 to delete the provision which prohibits an individual from being an employee of the state after his or her 65th birthday; 2.134 to provide that vacation and sick leave hours may not be used during the payroll period in which they are earned; 2.135 and 2.136 to clarify that appointing authorities may establish vacation and sick leave provisions for those unclassified employees listed in 2.004 and to move language relating to sick leave from 2.142 to 2.136; 2.175 to update what appeal procedures are available to state employees; 2.235, 2.239 and 2.241 to redefine probationary and provisional employees and reemployment list; and would repeal 2 MCAR § 2.043.

Copies of the proposed rules are now available and one free copy may be obtained by writing to the Department of Personnel, 3rd Floor Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing. A Statement of Need explaining why the agency feels the proposed rules are necessary and a Statement of Evidence outlining the testimony the department will be introducing at the hearing will be filed with the Office of Hearing Examiners at least 25 days prior to the hearing and will be available there for public inspection.

The agency's authority to promulgate the proposed rules is contained in Minn. Stat. ch. 43 and Laws of 1978, chs. 708 and 734.

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

### 2 MCAR § 2.039

exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612) 296-5615.

Clarence E. Harris  
Commissioner of Personnel

July 17, 1978

### 2 MCAR § 2.039 Eligibility to compete.

A. Open competitive selection processes. Competitive selection processes shall, after public notice, be open to all applicants who meet the reasonable standards or requirements fixed by the commissioner with regard to factors that relate to the ability of the candidates to perform the duties of the position with reasonable efficiency and effectiveness. Persons with physical disabilities who, when demonstrated to the satisfaction of the commissioner, could not be selected in the normal manner, shall be selected in such a manner that will fairly test their ability to perform the duties of the position.

In the case of an applicant who is blind, the department will provide the applicant with either a braille selection process, or the services of a reader chosen by the applicant with the approval of the department, or subject to the approval of the applicant, whichever means of screening is available to the department.

No applicant shall be rejected because the applicant lacks educational qualifications, unless such qualifications relate directly to the duties of the class for which the announcement is made, or where such educational requirements are established by federal agencies making grants-in-aid or otherwise contributing to state programs.

B. Promotional selection processes. Promotional selection processes shall be open to all permanent or probationary employees in the agency or other organization unit for which the selection process is being held who meet the requirements described in the announcements. All unclassified employees appointed for a period in excess of six months, and permanent or probationary employees in the classified service in any branch of state government who meet the established requirements may apply for promotional selection processes for positions designated as managerial or professional. Emergency, temporary and provisional employees in the classified service; unclassified employees appointed for a period of less than six months; pre-service trainees and interns are not eligible to compete in promotional selection processes for positions designated as professional or managerial.

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## PROPOSED RULES

### 2 MCAR § 2.039

C. Selection processes for incumbents of reallocated positions. The incumbent of a position which has been reallocated in accordance with 2 MCAR § 2.019 shall be permitted to compete in the ~~same or equivalent~~ selection process as ~~last given~~ for the class to which the position has been reallocated, provided:

1. the incumbent did not participate in a written or competitive oral examination process for such a position ~~less than~~ in the six months previous to the date of reallocation;

2. the reallocation did not result from the assignment of the incumbent to work out of class in a manner so as to bypass the selection process or to a vacancy in a new position which had not been allocated to a class, or from other action taken without regard to the appropriate selection process.

If the incumbent examined in accord with the above successfully completes the examination process, notwithstanding the provisions of 2 MCAR § 2.084, the commissioner may certify only the name of the eligible incumbent, provided the position has been reallocated to another class in the same occupational category as the initial classification.

In certifying eligibles to a position reallocated to a class in a different occupational category than the initial classification of the position, the provisions of 2 MCAR § 2.084 shall apply.

Where the incumbent of a position which has been reallocated has failed to qualify in the selection process and/or otherwise is ineligible to continue in the position in the new class, the employee must be removed from the position within 30 calendar days from the date of notification to the appointing authority of the incumbent's failure to qualify.

Where the incumbent is ineligible to continue in the position and is not transferred, promoted or demoted, the lay-off provisions of the Personnel Law and Rules apply.

### 2 MCAR § 2.040 Applications and admissions.

A. The form of application. The application shall be made on forms prescribed by the commissioner. The forms shall require information requested by the commissioner and requested on the announcement. The application form shall contain a statement that wrongful statements on the application may subject the applicant to the penalty provisions of Minn. Stat. § 43.35 and 2 MCAR §§ 2.108, 2.110, or 2.111 and a statement regarding the responsibility of the appointing authority pursuant to Minn. Stat. § 43.162 to verify information provided on the application.

B. Selection processes. Persons whose applications are received within the Department of Personnel on or before the last date for filing, and whose applications clearly show that the applicants meet the requirements for admission to the selection process as specified in the official announcement, shall be admitted to compete in the selection process for which they are applying. Where doubt exists as to whether an applicant meets the admission requirements, the commissioner may conditionally authorize the applicant to participate in the selection process, but such action shall not be construed as entitling the applicant to become eligible for certification or appointment until the circumstances leading to the conditional acceptance are clarified to the commissioner's satisfaction. Each individual whose application has been accepted shall be notified of the date, time and place for those parts of the selection process which require the candidate to appear in person. No person shall be admitted to any part of the selection process without proper authorization, or satisfactory evidence of acceptance or conditional acceptance of the application by the commissioner.

### ~~2 MCAR § 2.043 Character of selection processes.~~

~~A. Competitive selection process. Competitive selection processes for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the candidate to discharge efficiently the duties, processes or employment sought by them.~~

~~B. Noncompetitive selection processes. The Commissioner may authorize the appointing authority to appoint an employee to a position requiring peculiar and exceptional qualifications of an administrative, scientific, professional or expert character.~~

~~The Commissioner shall require such tests or other evidence of qualifications as deemed necessary and each such appointment shall be subject to the appropriate probationary period.~~

**2 MCAR § 2.044 Conduct of selection processes.** Any or all parts of the selection processes shall be held at such times and places as in the judgment of the commissioner most nearly meet the needs of the service, convenience of the applicants, practicability of administration, and the convenience of applicants. needs of the service. The selection process shall be conducted either by the commissioner or persons designated by the commissioner. No person whose application has been accepted shall be entitled to take any part of the selection process on a date, time or place other than those determined by the commissioner. In order to protect the security of examinations by providing a reasonable period between test administrations, applicants shall be prohibited from participating in the same written or oral tests more than once within any six month period. However, if the same written or oral test is used for more than one classification or if a classification is opened for competition

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on both a competitive and promotional basis within a six month period, an applicant who would otherwise be prohibited from participating in an examination because of the six month retest prohibition shall, upon submission of another application, have the scores obtained on the written or oral portion of the initial examination apply to the subsequent examination.

**2 MCAR § 2.048 Order of names on eligible list.** Names of eligibles shall be placed on the eligible list in the order of their final earned rating plus preference credit, provided that the earned rating was a passing grade. In the case of a tie between a veteran and nonveteran, the name of the veteran shall be placed ahead of a nonveteran. ~~In case of other ties in final ratings, names shall be placed on the list in order of rating on the part of the selection process given the greatest weight. Any remaining ties shall be broken by arranging names on the basis of the last four digits of the Social Security number using a random point of origin.~~ In other cases where two or more candidates have identical final scores, their names shall be placed on the eligible list in random order.

**2 MCAR § 2.064 Duration of eligible lists.** The commissioner shall determine the period during which promotional or open competitive eligible lists shall remain in effect. However, this period shall not be less than six months for open competitive lists or one year for layoff, reemployment or promotional lists, nor more than three years for any list except for layoff lists, where the eligibility of a candidate shall be extended to a period of time equal to the employee's length of continuous service to a maximum of eight years. If an eligible list exists for any class and the commissioner deems it necessary to establish another such list for the same class, the existing list ~~shall ordinarily~~ may be cancelled, at the discretion of the commissioner, based on consideration of the following factors: the number of anticipated vacancies, the frequency of previous examination administrations, continued candidate availability, or changes in the selection process. At the discretion of the commissioner, an existing list may be combined with the new list by placing names of eligibles in order of final ratings as provided in these rules. The eligibility of individuals placed on such combined lists shall expire at the end of the period established by the commissioner, but at the discretion of the commissioner, such eligibility may be extended for an additional period or periods not to exceed three years, ~~except for persons on lay-off lists, whose eligibility shall be extended to a period of time equal to the employee's state seniority to a maximum of eight years.~~ With eligible lists for classes for which continuous or frequent testing is conducted, the term of individual candidate eligibility shall begin on the date of

## 2 MCAR § 2.084

placement of the candidate's name on the eligible list and continue for a period established by the commissioner, based on consideration of the following factors: the number of anticipated vacancies, continued candidate availability, or changes in the selection process.

**2 MCAR § 2.082 Methods of filling vacancy upon receipt of request for an employee.** The commissioner shall certify the proper number of names from the appropriate eligible list, or authorize some other kind of appointment as provided in Minn. Stat. ch. 43 and these rules. No appointment, except an emergency appointment, shall be made without such certification or prior authorization. If the position ~~to be filled~~ is a permanent one, to be filled by certification from an eligible list, the commissioner shall first certify from the agency layoff list. If no such layoff list exists, the commissioner shall certify from the agency promotional list. In the absence of the above lists, the commissioner shall certify from the eligible list deemed appropriate, taking into consideration any requests made by an appointing authority as to the list to be used.

However, if an appointing authority submits specific written statements that the interest of the state would be served best by certification from some list other than the agency promotional lists and that the use of such list is not practical, or the commissioner finds that there are better qualified people on other eligible lists, the commissioner may certify names from some eligible list other than the agency promotional list. In the case of a vacancy in a managerial or professional class, the commissioner shall certify only from the layoff list, the state-wide promotional eligible list, the reemployment list, lists secured from other jurisdictions under the provisions of 2 MCAR § 2.068 or an open competitive list as provided for in the Personnel Law.

## 2 MCAR § 2.084 Certification of eligibles.

### A. Order of certification.

1. In the case of a layoff list, the one name highest on the layoff list shall be certified for one vacancy.

2. In the case of competitive eligible lists, upon initial entry into the state service, the commissioner shall certify the first ten names, when available, on such lists; together with the names of any persons having the same score as the tenth name so certified; and as many additional names as may be necessary to comply with Minn. Stat. § 43.15, subd. 5.

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3. In the case of promotional eligible lists, the commissioner shall certify the first three names on such lists shall be certified, together with the any additional names of any persons having examination ratings within three points of the person on the list with the highest examination rating; the names of any persons having the same score as the last name certified in accordance with the above; and as many additional names as may be necessary to comply with Minn. Stat. § 43.15, subd. 5.

4. Eligibles shall be certified in strict order of standing without regard to sex or special qualifications, except when the commissioner is satisfied that the facts and reasons specified by the appointing authority warrant such action, certification may be limited to the eligibles possessing the special qualifications.

~~B. Multiple vacancies. If more than one vacancy is to be filled, the name of one additional eligible for each additional vacancy shall be certified.~~

~~C. B. Concurrent certification. Groups of eligibles shall be certified to the vacancies in order of receipt of requisitions for employees, with due regard for the right of eligibles standing highest on the list. This section shall not require simultaneous certification of the same names on different certifications made concurrently, but certification in such instances shall be consistent with guidelines established by the commissioner.~~

~~D. C. Fewer than the required number of eligibles. Whenever there are not sufficient names on an eligible list to make a complete certification, the commissioner may augment those names by a sufficient number of names from other appropriate lists to make a complete certification.~~

~~E. D. Incomplete certification. Where the number of names available to fill a vacancy are fewer than authorized by the law, except in the case of certification from the layoff list, the commissioner may proceed to fill the vacancy in any other manner provided by the law or these rules. If there are fewer candidates on the eligible list for a class than the number of names that can be certified to a vacancy as provided by the law and these rules, the commissioner may determine that the existing eligible list is a complete certification for consideration by the appointing authority.~~

~~F. E. Certification from related lists. The commissioner may certify from eligible lists for higher classes to vacancies occurring in lower classes or from eligible lists for one class for vacancies in another class where the commissioner determines the examination reasonably measures the ability of the eligible to perform the duties in the class to which certification is made.~~

~~G. F. Nonappointment of a veteran when certified. In the event of rejection by the appointing authority of an eligible entitled to veterans' preference under Minn. Stat. § 43.30, when certified for a promotion or to fill a vacancy or a new position, the appointing authority shall forthwith file in writing the reasons for such rejection and shall furnish to the rejected veteran a copy thereof.~~

~~H. G. Withdrawal of certification. In the event the appointment is not reported within ten days of the date of certification, the commissioner may withdraw such certification and shall certify the names of eligibles included in such certification on the next requisition received for the appropriate class of employment.~~

**2 MCAR § 2.085 Permanent appointments from eligible lists.** All vacancies in positions in the classified service having a duration in excess of six months shall be filled by appointment through certification from eligible lists except as otherwise provided in Minn. Stat. ch. 43 and these rules. In making an appointment from an eligible list, the appointing authority shall give consideration to the quality and length of service of any eligible state employee in addition to the primary consideration of the knowledges, skills and abilities of the candidate in relation to the specific vacancy and the needs of the agency. An appointment shall be effective on the date stated on the report of appointment.

**2 MCAR § 2.086 Temporary appointment.** Temporary appointments shall, when practicable, be made from eligible lists. If after the commissioner has made a reasonable effort to certify eligibles for temporary appointments from existing eligible lists and has found it impractical to make such certification, the commissioner may authorize the temporary appointment of an individual designated by the appointing authority. ~~If the person appointed to the temporary position has status in another class, such employee status and seniority will accrue in the class from which the employee was appointed.~~

**2 MCAR § 2.087 Emergency appointment.** An emergency appointment is an appointment for a period not exceeding ten consecutive working days made under conditions necessitating immediate action to provide for carrying on work that must be continued in the public interest. ~~The Commissioner shall not approve successive emergency appointments nor shall the Commissioner approve more than three emergency appointments for one person within one calendar year.~~ (Minn. Stat. § 43.20, subd. 3)

Prior approval shall not be required in the case of emergency appointments, but each such appointment shall be reported to the commissioner before payment for services can be made.

In any case in which a need for action in filling a vacancy shall have been known, or could have been known by the



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exercise of due diligence far enough in advance to afford opportunity for appropriate action under some other provision of this law and these rules, no emergency shall be deemed to exist, and no emergency appointment shall be made.

~~When possible, an emergency appointment shall originally be made at the minimum rate for the class to which the position thus filled can be allocated properly. The Commissioner shall allocate the position filled by emergency appointment to the proper class and shall notify the appointing authority of such allocation and the rate of pay applicable thereto. After such notice no payroll reporting a different rate of pay shall be approved.~~

~~No seniority shall be gained as a result of an emergency appointment.~~

**2 MCAR § 2.088 Provisional appointment.** In the absence of an appropriate eligible list and when authorized by the commissioner, the appointing authority may appoint a qualified person to fill a vacant position on a provisional basis. The appointment shall terminate 90 days after establishment of an eligible list from which a selection and appointment could be made as a result of examination, or upon the expiration of six months, whichever comes first. ~~except in individual cases, where the commissioner may grant exceptions based on written documentation of continued shortage of qualified eligibles for the good of the service.~~

~~No person may receive two provisional appointments in a twelve month period except the Commissioner may grant individual exceptions based upon written documentation for the good of the service.~~

The appointing authority in nominating a person for provisional employment, shall transmit to the commissioner a statement of qualifications of the nominee in such form as the commissioner shall prescribe.

~~No seniority shall be gained as a result of a provisional appointment except for the continuance of seniority in a lower class upon provisional promotion to a higher class pending certification and appointment from a promotional list.~~

**2 MCAR § 2.106 Retirement.** Employees in the classified and unclassified service subject to mandatory retirement provisions of the Minnesota State Retirement Act must retire at the end of the day of their birthday in the year they must retire ~~and may not be an employee of the state after their 65th birthday.~~ (Minn. Stat. § 43.054) Employees in the

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classified and unclassified service subject to mandatory retirement provisions of the Teachers Retirement Act must retire at the end of the day on August 31 in the academic year in which they must retire. ~~they reach the age of 65 and may not be an employee of the State after mandatory retirement.~~ (Minn. Stat. § 354.44, subd. 1a)

**2 MCAR § 2.109 Layoff.** The appointing authority may lay off an employee in the classified service by reason of abolition of the position, shortage of work or funds, or other reasons outside the employee's control which do not reflect discredit on the service of the employee.

Duties formerly performed by laid off employees may be assigned to other permanent employees who, in the opinion of the commissioner, hold positions in an appropriate class.

A. Order of layoff. Layoff of probationary or permanent employees shall be made in inverse order of seniority by employment conditions in the class of work and agency or other organizational unit involved, provided, however, that for positions within a class requiring special licensure, certification or registration and for positions which consist of a formally recognized option within a class, seniority shall be applied within the area of specialization. Except as provided above, no probationary or permanent employee shall be laid off from any position while any provisional or temporary employee is continuing in a position of the same class in the agency or other organizational unit involved.

Where it is determined that two or more persons in the class in the agency or organizational unit in which layoff is being made have equal seniority, the order of layoff in such tie cases shall be in inverse order of the date of acquisition of permanent status in the class, except where otherwise provided in written contracts with exclusive bargaining representatives.

Where the determination of seniority as provided in this rule does not establish definite seniority differentials, the order of layoff shall be determined by the average of the last two service ratings, if there are two, or the last such rating if there is only one, and the employee with the lowest such average or rating shall be laid off first. If no service ratings are available, the order of layoff shall be determined by the appointing authority in such a manner as to insure the retention in the state service of those employees deemed most valuable, except where otherwise provided in written contracts with exclusive bargaining representatives.

B. Seniority. Seniority for purposes of layoff or recall

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from layoff shall be the length of service in a specific class in a specific agency or organizational unit. Leave without pay and trainee appointments, except as provided elsewhere in these rules, and service with a different agency or organizational unit, shall not count towards seniority in the class, agency, or organizational unit in which the layoff is taking place. No seniority shall be gained as a result of an emergency appointment. No seniority shall be gained as the result of a provisional appointment except for the continuance of seniority in the lower class upon provisional promotion to a higher class pending probationary appointment in accord with Minn. Stat. ch. 43 and these rules. No seniority shall be gained as a result of a temporary appointment except if the person appointed to a temporary position has status in another class, such employee's status and seniority will accrue in the class from which the employee was appointed.

Seniority of an employee in the class to which that employee is demoted shall be limited to service in the agency. Seniority shall include the total time of the employee's prior seniority in the class from which the employee was demoted, as well as other classes which the commissioner determines as being sufficiently similar to the class to which demotion occurs. Seniority shall begin on the date of original appointment and thereafter such seniority shall be increased each calendar day without interruption except:

1. Upon termination.
2. Upon interruption of service in the agency for any reason other than leave of absence or layoff.
3. Upon expiration of eligibility for reappointment from the layoff list.

In the case of employees in a trainee class or an employee working under a provisional appointment, seniority shall be credited back to the date of hire at the time the employee begins to serve a probationary period in the same or a related classification in the same department.

C. Limited interruption of employment. Any interruption in employment not in excess of 15 calendar days, because of adverse weather conditions, shortage of materials or equipment, or for other unexpected or unusual reasons, shall not be considered a layoff.

D. Layoff notice. The appointing authority shall notify the employee to be laid off at least 15 days before the effective date of such layoff in writing, and shall certify to the commissioner the reasons for such layoff. In any case, when an appointing authority fails to certify before the effective date thereof that the layoff was for reasons not

reflecting to the discredit of the employee, it shall be deemed a dismissal and shall be subject to the rules regarding dismissal.

In case of seasonal, intermittent, part time or other occasional appointment of employees with classified status, the appointing authority may indicate to the employee and the commissioner at the time of the appointment the approximate date of termination of employment, and such notices shall be considered to meet the requirements of law. (Minn. Stat. § 43.23, subd. 2)

E. Names of laid off employees to be placed on eligibility lists. The names of permanent or probationary employees laid off or demoted in lieu of layoff shall be placed in order of seniority on the layoff list for the class and agency or other organizational unit from which the layoff took place. The affected employees shall have their names placed also on the reemployment list.

F. Organizational units. An appointing authority may propose subdivision of the agency into organizational units for the purpose of employment or layoff by submitting to the commissioner a written plan for such subdivision, together with reasons therefor. The commissioner shall consider such proposals and the needs of the state service, and may establish organizational units within agencies. Such organizational units may be established on the basis of geographic areas, function, class of employment, or funding when there are special Federal grants, and may be different for different classes of employment. The commissioner shall notify the appointing authority of establishment of organization units and such units shall thereafter be used for employment or layoff.

The appointing authority shall post a copy of such notice or shall notify affected employees of the establishment of such organizational units.

The commissioner may cancel established organizational units upon notice to the appointing authority at any time the commissioner deems such action to be in the best interest of the state service.

**2 MCAR § 2.134 General regulations governing leaves of absence with pay.** As far as practicable, grants of leaves shall be made prior to the beginning of the period of absence, and no payment for any absence shall be made until leave is properly approved.

Deductions from leave accumulations for an employee on leave with pay shall be made on a working day basis and no charge shall be made from leave accumulations for holidays, non-work days, or non-work days occurring at the beginning or during a period of leave with pay. No charge will be made for holidays or non-work days occurring at the

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end of a period of leave with pay if the employee returns on the first day thereafter or is granted additional leave without pay. If the employee is granted additional leave without pay, such employee will not be credited for a holiday occurring at the end of the period of leave with pay unless and until that employee returns to work at the expiration of the leave without pay.

Vacation and sick leave hours shall not be used in the payroll period in which they are earned. Accrual of vacation leave and sick leave during the period of leave of absence with pay shall occur only if the employee returns to employment on the first working day following the expiration of such leave with pay, or is granted additional leave without pay. If the employee is granted additional leave without pay, the employee will not be credited with vacation or sick leave accruals for the period of leave with pay unless and until returning to work at the expiration of the

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leave without pay. An employee on layoff does not continue to earn vacation and sick leave during such layoff.

**2 MCAR § 2.135 Vacation leave.** This rule applies to all classified state employees in the executive branch except for non-tenured laborers, emergency employees, project employees or temporary appointment employees and also applies to all full-time unclassified employees appointed for a period in excess of 6 months in the executive branch except those listed in 2 MCAR § 2.004. ~~Annual~~ Annual Vacation leave provisions may be established by the appointing authority for those unclassified employees listed in 2 MCAR § 2.004 and for other employees who are not covered by this rule provided they are not specifically excluded from coverage.

Each eligible non-managerial employee shall earn vacation with pay according to the rate listed below.

Hours of Vacation Accrued During Each Payroll Period of Continuous Service

Number of Hours Worked During Pay Period	0 thru 5 years	After 5 thru 8 years	After 8 thru 18 years	After 18 thru 25 years	Over 25 years
0- 9	0	0	0	0	0
10-19	3/4	1	1 1/4	1 1/2	1 1/2
20-29	1	1 1/4	1 3/4	2	2
30-39	1 1/2	2	2 3/4	3	3
40-49	2	2 1/2	3 1/2	3 3/4	4
50-59	2 1/2	3 1/4	4 1/2	4 3/4	5
60-69	3	3 3/4	5 1/4	5 3/4	6
70-79	3 1/2	4 1/2	6 1/4	6 3/4	7
80 and over	4	5	7	7 1/2	8

When sick leave and/or ~~annual~~ annual vacation leave is used in conjunction with the Workers' Compensation benefit, an eligible employee receiving Workers' Compensation benefits shall accrue vacation leave for the total number of hours compensated by Workers' Compensation, sick leave and ~~annual~~ annual vacation leave.

Changes in the rate of accumulation for eligible employees shall be made effective at the beginning of the next payroll period following completion of the specified amount of service.

Service shall begin on the date of state employment. Time on suspension or non-medical leave of absence without pay, if at least one full payroll period in duration, except

as otherwise provided by law or these rules, shall not be counted in determining the date of completion of a full year. An eligible employee being paid for less than the full payroll period of 80 hours will have vacation accrual prorated for that payroll period. A vacation leave shall not be granted or accrued before completion of six calendar months of service. Upon completion of such period, vacation leave shall accrue to the employee from the beginning of the period of continuous service.

Departments or agencies may determine the time and establish schedules governing the use of vacation leave, except that in no instance will vacation leave be granted in increments of less than one-half hour except to permit utilization of lesser fractions that have been accrued.

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Unused vacation leave may be accumulated to a total of 224 working hours. Supervisors should make every effort to schedule vacation leaves for their employees on a regular basis each calendar year in order to reduce the possibility of an employee losing vacation or leave because of a maximum accumulation having been exceeded. An eligible employee on military leave, as provided by these rules, shall not be limited to the maximum accrual of vacation leave. Such employee may immediately upon reinstatement from military leave take all vacation in excess of the maximum accumulation. As an alternative, the employee may elect to be credited with the vacation leave in excess of the maximum accumulation, but such leave shall be taken at a time determined by the appointing authority within two years of the date of reinstatement.

Any eligible employee who is separated from the state service by layoff, resignation, death, or otherwise, shall be paid for the number of working hours of unused vacation leave accumulated to that employee's credit.

An employee who is transferred or accepts employment under the jurisdiction of a new appointing authority, or in the unclassified service of the state, or an unclassified employee who transfers to the classified service, without interruption of services to the state shall be entitled to credit of accumulated unused vacation leave earned in the employee's former employment. Notwithstanding 2 MCAR § 2.004, any state employee except an elected employee

who is separated from the state service or who is transferred or accepts employment under a new appointing authority, is entitled to pay for any accumulated vacation leave. (Minn. Stat. §§ 43.222-43.224)

Department heads and deputies of departments listed in Minn. Stat. § 15A.081, subd. 1, plus the Department of Military Affairs, shall earn vacation pay at the rate of six hours per full payroll period. Covered departments heads and deputies who currently are eligible to receive more than six hours per full payroll period shall continue to accrue at the higher rate.

Employees in positions designated as managerial shall accrue vacation leave in accordance with a schedule established by the commissioner.

**2 MCAR § 2.136 Sick leave.** This rule applies to all classified state employees in the executive branch except for non-tenured laborers, emergency employees, project employees, or temporary appointment employees and all full-time unclassified employees appointed for a period in excess of 6 months in the executive branch except those listed in 2 MCAR § 2.004. Sick leave provisions may be established by the appointing authority for those unclassified employees listed in 2 MCAR § 2.004 and for other employees who are not covered by this rule provided they are not specifically excluded from coverage. Sick leave shall be earned by each eligible employee according to the rate schedule indicated below.

Number of Hours Worked During Pay Period	Hours of Sick Leave Accrued During Each Payroll Period of Continuous Service	
	Less than 900 hours	900 hours and maintained
0- 9	0	0
10-19	3/4	1/4
20-29	1	1/2
30-39	1 1/2	3/4
40-49	2	1
50-59	2 1/2	1 1/4
60-69	3	1 1/2
70-79	3 1/2	1 3/4
80 and over	4	2

Changes in the rate of accumulation for eligible employees shall be made effective following the payroll period in which the 900 hour maximum accrual is attained.

An eligible employee being paid for less than a full payroll period of 80 hours will have sick leave pro-rated for that payroll period unless the employee is on Workers' Compensation, in which case sick leave would be accrued for the total hours compensated by Workers' Compensation, sick leave, and ~~annual~~ vacation leave provided that sick

leave or ~~annual~~ vacation leave is used in conjunction with the Workers' Compensation benefit. Unused sick leave hours may be accumulated to a total of 900 working hours. When the maximum limitation has been accumulated, the rate of accumulation will be reduced to two hours per full payroll period, and these hours shall be placed in a lapsed sick leave bank. Any employee who has such lapsed sick leave recorded may apply to the appointing authority to have the lapsed sick leave restored in the event of an extended illness. The appointing authority may authorize use

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of all or any part of the lapsed sick leave after thorough investigation, including submission of complete medical reports providing both a diagnosis and prognosis of the illness. The appointing authority shall report to the commissioner all instances of lapsed sick leave restored in such form as prescribed by the commissioner.

Time off on authorized sick leave will be deducted from the first 900 hours. Once the employee no longer possesses 900 hours of sick leave, four working hours for each full payroll period will be accumulated until the 900 maximum limit is again obtained.

Employees may utilize their allowance of sick leave, without regard to length of service, on the basis of application to and approval by the appointing authority, where absence is necessitated by inability to perform the duties of the position by reason of illness, pregnancy, or pregnancy-related problems, or disability; by necessity for medical, dental, or chiropractic care; by exposure to contagious diseases under the circumstances in which the health of employees with whom they are associated or members of the public with whom they deal may be endangered by their attendance on duty; or by illness in their immediate family for such periods as their attendance shall be necessary. Employees may also utilize not more than three days sick leave for the birth or adoption of a child. The term "immediate family" shall be limited to the spouse, minor or dependent children, or parent living in the household of the employee and where the parent has no other person to provide the necessary nursing care. Either the appointing authority or the commissioner may require medical examination, medical certificate, or statement from a chiropractor, as deemed necessary for approving the utilization of sick leave. A written statement from a Christian Science practitioner that the employee is a Christian Scientist and is undergoing treatment may be accepted in lieu of a medical statement. Use of a reasonable period of sick leave shall be authorized in case of death of a spouse, the parents of a spouse, and the parents, grandparents, guardian, children, brothers, sisters, or wards of the employee. In no instance will sick leave be granted in increments of less than ½ hour except to permit utilization of lesser fractions that have been accrued.

Employees receiving injury on duty pay shall not have this time deducted from their regular accrued sick leave balance.

A former state employee who is reappointed within four years of separation from the state service under the provisions of the act and these rules except as a provisional,

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temporary or emergency appointee; may have previously accumulated, unused balance of sick leave revived and credited to that employee upon approval of the new appointing authority.

An employee who transfers to the jurisdiction of another appointing authority without interruption in service to the state shall be entitled to a credit in the new employment for the accumulated unused sick leave earned in the former employment.

Employees in the unclassified service of the state who are subsequently appointed to a position in the classified service, or vice versa, without an interruption in service shall have their accumulated but unused sick leave balance posted to their credit in the records of the employing department provided such sick leave is accrued in accordance with the provisions of these rules.

An employee of a merit system jurisdiction or the federal competitive service with probationary or permanent status may transfer or be appointed to a position in the state service and may be credited with the amount of sick leave accumulated at the time of transfer, but not more than 12 days. Such credit shall be reduced proportionately as sick leave is accumulated in the state service.

**2 MCAR § 2.142. ~~Sick and Annual~~ Vacation leave accumulated balance and accrual rates upon reinstatement or reappointment.** An employee who is reinstated or reappointed to state service within one year of the date of resignation in good standing, retirement or layoff shall accrue ~~sick or annual~~ vacation leave at the same rate with the same credit or length of service that existed at the time of such separation.

An employee reappointed to state service after one year but not more than four years from the date of resignation in good standing, retirement or layoff may, at the appointing authority's discretion, accrue ~~sick and annual~~ vacation leave at the same rate and with the same accredited length of service that existed at the time of separation.

Employees in the unclassified service of the state who are subsequently appointed to a position in the classified service, or vice versa, without an interruption in service shall have their accumulated but unused annual and sick leave balance posted to their credit in the records of the employing department provided such sick and annual leave are accrued in accordance with the provisions of these rules.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

## PROPOSED RULES

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### 2 MCAR § 2.175

2 MCAR § 2.175 In addition to the procedures available in this chapter, a number of other appeal procedures may be available to state employees. These include: the Minnesota Personnel Board (Minn. Stat. § 43.24); ~~the Governor's Affirmative Action Program (Executive Order 76, as amended);~~ the formal affirmative action complaint procedures established by each department in accord with the Statewide Affirmative Action Plan; grievance procedures under collective bargaining agreements; the United States Department of Labor; the United States Equal Employment Opportunity Commission; and the Minnesota Department of Human Rights; ~~and municipal human rights commissions.~~

2 MCAR § 2.235 "Probationary employee" means an employee who is serving a probationary period as defined in 2 MCAR § 2.234 in a class to which ~~they have the~~ employee has been appointed either from an eligible list in

accord with Minn. Stat. ch. 43 other than an emergency, temporary, provisional or unclassified appointment.

2 MCAR § 2.239 "Provisional employee" means an employee who has been appointed to a position without having been appointed from an eligible list on a conditional basis in accordance with Minn. Stat. § 43.20, subd. 2, pending examination and probationary appointment in accordance with Minn. Stat. ch. 43 and these rules.

2 MCAR § 2.241 "Reemployment list" means a list of current or former permanent or probationary employees laid off, demoted in lieu of layoff, or separated from the service in good standing whose written applications for consideration for reemployment in the class by the State has have been approved by the commissioner in accordance with 2 MCAR § 2.061.

# STATE CONTRACTS

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

## Department of Corrections Minnesota State Prison — Stillwater

### Notice of Request for Evaluation of Prison Laundry

Notice is hereby given that the Minnesota State Prison intends to engage the services of a qualified consultant to study the prison laundry equipment and operation to bring it up to operating standards. The estimated amount of the contract shall not exceed \$3,500.00.

The proposals must be submitted by 4:30 p.m., August 22, 1978, to Paul Gustafson, Administrative Service Manager, Minnesota State Prison, Stillwater, MN 55082. For information, contact Mr. Gustafson at (612) 439-1910, ext. 318.

## Department of Education Vocational-Technical Education Division

### Notice of Request for Proposals for a Study of the Division of Vocational-Technical Education Organization and Management System

The Department of Education was recently reorganized to bring about a more efficient grouping and delivery of serv-



Discovered in 1891, the petroglyphs at Jeffers probably were made during the Late Archaic-Early Woodland period (3,000 B.C. to 500 A.D.) and the late Woodland period (900-1,700 A.D.) by prehistoric tribal groups. Located on Cottonwood County Road No. 2, the site is open daily during the summer. Drawing by Ron Hunt reprinted, with permission, from *A Living Past: 15 Historic Places in Minnesota*, copyright 1973, 1978 by the Minnesota Historical Society.

ices. In the process of reorganization, certain units within the Division of Vocational-Technical Education were transferred to other divisions within the department as part of the overall plan. Because of these changes and others that have occurred due to growth, legislation, changing patterns of services provided and the like, the division is requesting proposals for a study of the existing organization and management system. In the event that a need is identified, the planning and implementation necessary to assist the division in more effectively fulfilling responsibilities assigned to it would also be a component of the contract.

The contract is estimated to be in the amount of \$14,000, if all phases of it are implemented. The contact person for the study is: Dr. Melvin E. Johnson, Director, Program Improvement and Information Section, Division of Vocational-Technical Education, telephone (612) 296-2421.

Proposals submitted in response to this request must be received by 4:00 p.m., August 21, 1978 at:

Office of the Director  
Program Improvement and Information Section  
Room 548, Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

**Department of Health  
Emergency Medical  
Services Section  
Notice of Request for Proposals for  
Medical Director**

The Minnesota Department of Health is interested in contracting with an eligible physician who would be able to serve as medical director of its Emergency Medical Services Section. Qualifications for the position are: current active practice of emergency medicine or a related specialty; recognized standing in the professional community in the form of current or recent chairmanships and memberships of the American College of Emergency Physicians, Minnesota Medical Association, and other relevant professional associations; experience in working with governmental agencies; familiarity with the federal emergency medical systems grant program and other relevant federal and state programs; and interest in assisting the Department of Health in defining and reaching its goals in regard to the planning and development of emergency medical services, the regulation of current services, and the setting of appropriate guidelines and standards.

Minimum tasks include: developing a plan for improving continuous education opportunities in emergency medicine for Minnesota physicians; assisting in the drafting of rules and regulations; reviewing and coordinating drafts of guidelines for an inventory of critical care services in Minnesota; supervising and coordinating the activities of specialty medical advisors to the Emergency Medical Services Section of the department; coordinating and upgrading in-service training in emergency medical care for department employees; identifying and communicating with physicians in rural Minnesota who are interested in developing or improving systems of emergency medical care; advising the department on standards and guidelines related to emergency medical services; providing regular progress reports; representing the department to various organizations, groups, and agencies; chairing the EMS Advisory Council; and providing general technical assistance to the Department and to emergency medical care systems.

Interested physicians may call Jim Parker, Assistant EMS Section Chief, Minnesota Department of Health, at (612) 296-5281 for details. Candidates must respond in the form of a proposal to enter into a contract as required by the Department of Health. Maximum reimbursement for a total of 800 to 1,000 hours assistance will be \$30,000, which includes travel and expenses. The deadline for proposals is August 21, 1978.

**Higher Education  
Coordinating Board  
Notice of Request for Proposals for  
Graphic Arts Illustration and  
Design**

Notice is hereby given that the Minnesota Higher Education Coordinating Board intends to engage the services of a technical consultant to prepare graphic arts materials on a project by project basis throughout the fiscal year. Proposals, including hourly rate schedules, must be submitted no later than August 21, 1978. Estimated amount of the contract is \$2,000.

Direct inquiries to:

Higher Education Coordinating Board  
Communications Office  
400 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-9684

**Pollution Control Agency  
Water Quality Division  
Notice of Request for Proposals for  
Assessment of Radioactive Air  
Emission Control and Monitoring  
at Minnesota Nuclear  
Power Plants**

The Pollution Control Agency is seeking proposals for an assessment of radioactive air control and monitoring systems at the Monticello and Prairie Island nuclear power plants. The assessment is to include maximum achievable control and maximum effective measurement of radioactive air emissions and operational performance of systems, all with reference to best available technology. Progress and final reports are required.

Estimated Cost: \$14,000

Persons desiring to submit proposals should contact:

Dr. John Ferman  
Nuclear Engineer  
Division of Water Quality



## STATE CONTRACTS

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Minnesota Pollution Control Agency  
1935 West County Road B2  
Roseville, Minnesota 55113

The deadline date for proposals is August 25, 1978.

### **Notice of Request for Proposals for Assessment of Risk Associated with Radioactive Air Emissions from Minnesota Nuclear Power Plants and Efficacy of of Environmental Radioactive Monitoring Programs**

The Pollution Control Agency is seeking proposals for an assessment of whether currently experienced radioactive air emissions from the Monticello and Prairie Island nuclear power plants pose a significant risk to the public and whether current environmental radioactivity monitoring is adequately effective. Progress and final reports are required.

Estimated cost: \$11,000

Persons desiring to submit proposals should contact:

Dr. John W. Ferman  
Nuclear Engineer  
Division of Water Quality  
Minnesota Pollution Control Agency  
1935 West County Road B-2  
Roseville, Minnesota 55113

The deadline for proposals is August 25, 1978.

### **Department of Public Welfare Mental Health Bureau Notice of Availability of Contract for Technical Writing**

Notice is made of availability of a contract for technical writing and completion of final drafts of a quarterly report and project continuation request for the Community Support Project. The estimated amount of the contract will not exceed \$3,000.

Proposals and inquiries should be directed to:

Maureen G. Muller  
CSP Project Manager  
(612) 296-4439

The final submission date for completed proposals is August 21, 1978.

### **Department of Transportation Technical Services Division Notice of Availability of Contract for Reviewing and Abstracting Technical Reports**

The Department of Transportation in co-sponsorship with the Local Road Research Board requires the services of a consultant for reviewing and abstracting technical reports. This contract involves selection, critical review and digesting important reports and articles of interest to Minnesota state, county and municipal engineers engaged in transportation work. It is estimated that over a dozen abstracts will be disseminated monthly.

A seasoned, registered professional engineer (civil engineering) familiar with design, construction and maintenance practices and problems on Minnesota streets and highways and other modes, as well as national research trends, is desired.

The Department of Transportation and the Local Road Research Board has budgeted a maximum of six thousand (\$6,000) dollars for this work.

Consultants based or having established offices in the State of Minnesota are to be given first consideration.

Consultants interested may obtain a request for proposal from R. M. Canner, Jr., Research Coordination Engineer, Minnesota Department of Transportation, Research & Standards Section, Room G-29D, Transportation Building, John Ireland Boulevard, St. Paul, Minnesota 55155, telephone number (612) 296-6569.

Request for proposals will be available through August 7, 1978. All proposals shall be due August 21, 1978.

To be placed in: *State Register* and *The Construction Bulletin*.

# OFFICIAL NOTICES

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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.

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## Department of Commerce Banking Division

### Bulletin No. 1937: Maximum Lawful Rate of Interest for Mortgages for Month of August 1978

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to Minn. Stat. § 47.20, subd. 4, the Conventional Home Loan Assistance and Protection Act, hereby determines that the maximum lawful rate of interest for home mortgages for the month of August 1978, is ten (10.00) percent.

Robert A. Mampel  
Commissioner of Banks

July 18, 1978

## Ethical Practices Board Notice and Order Granting the Minnesota Socialist Workers 1978 Campaign Committee a Limited Exemption from the Campaign Finance Disclosure Provisions of Minnesota Law, the Ethics in Government Act

### Official Notice

Pursuant to 10A.20, subd. 8, and subd. 10, the Ethical Practices Board has granted an exemption from disclosure as set forth in its order approved July 18, 1978. Minn. Stat. 10A.20, subd. 10 provides that if the board receives a written objection from any party within 20 days after publica-



A plot to move the capitol from St. Paul to St. Peter was thwarted in 1857 by Joe Rolette, a picturesque member of the territorial legislature. Rolette, who was chairman of the committee on enrolled bills, went into hiding for a week with the bill in his possession and returned too late for it to be properly passed. Although it was signed by the governor and printed in *Minnesota Laws* for that year, the bill was ruled invalid in a court case.

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tion of its order in the *State Register*, the board shall hold a contested case hearing.

Written objections shall be filed with the Ethical Practices Board, Room 41, State Office Building, St. Paul, MN 55155.

Written objections must be submitted not later than 12 o'clock noon, on Monday, August 21, 1978.

### Order

Pursuant to Minn. Stat. § 10A.20, subs. 8 and 10, the Minnesota Socialist Workers 1978 Campaign Committee has petitioned the Ethical Practices Board to exempt it and its members, contributors, and contributors to principal campaign committees of Socialist Workers Party candidates from the campaign financing disclosure provisions of Minn. Stat. § 10A.20, subs. 3 (b) and (d). These sections require

## OFFICIAL NOTICES

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the treasurer of committees and political funds to disclose the name, address and employer of all contributors donating in the aggregate more than \$50 to legislative candidates and \$100 to statewide candidates. In addition, the treasurer is required to report the name, address, occupation and principal place of business of all loans which, in aggregate, exceed \$100. At the board's public meeting on July 18, 1978, the board voted to grant the committee an exemption from these provisions of Minnesota law. However, all other provisions of Minn. Stat. ch. 10A except for section 10A.20, subds. 3 (b) and (d) remain fully applicable to the committee.

In making its decision to grant this exemption, the board reviewed numerous documents and affidavits relating to allegations of both governmental and private harassment of members of the Socialist Workers Party throughout the nation. Most of the materials involved incidents in states other than Minnesota. The few documents concerning alleged governmental harassment in Minnesota were unsubstantiated and not convincing. Nevertheless, the board believed that the pattern of documented governmental interference with the Socialist Workers Party reflected in the documents submitted by the party to the board would have a material affect on potential contributors to the Minnesota Socialist Workers 1978 Campaign Committee. The board believed that this pattern of governmental harassment demonstrated by clear and convincing evidence that disclosure of the names, addresses and occupations of contributors would expose them to economic reprisals and loss of employment.

The board further believed that the committee demonstrated by clear and convincing evidence that a substantial number of its members and contributors would suffer a restrictive effect on their freedom of association if members were required to seek exemptions individually. Requiring each potential contributor or member to seek an exemption individually would impose undue costs and burdens both on the individuals and the board.

In addition, the state has an extremely small interest in identifying individuals who contribute to the Socialist Workers Party. The party has never won an election in Minnesota and its effect on the political process has been de minimus. For example, the Socialist Workers Party candidate for governor in 1974 polled far less than one percent of the total votes cast for governor. Only a very small number of persons belong to the Socialist Workers Party and the party projects total campaign expenditures for the 1978 campaign of approximately \$3,000.00.

In summary, the board believed that the Minnesota Socialist Workers 1978 Campaign Committee was entitled to a limited exemption under the standard enunciated in Minn. Stat. ch. 10A because of the nationwide pattern of governmental interference with the operations of the

Socialist Workers Party and the minimal interest of the state in obtaining the exempted information.

Roger Noreen  
Chairman

July 24, 1978

### **Advisory Opinion #53 Regarding Assistant Directorship, Crime Control Planning Board**

**Approved by the Ethical Practices Board on July 18,  
1978**

Issued to:

Mr. William L. Lucas  
Assistant Director, Administration  
Crime Control Planning Board  
3124 East Minnehaha Parkway  
Minneapolis, MN 55406

#### **Summary**

53. The Assistant Directors, Crime Control Planning Board, are not required to file Statements of Economic Interest.

The full text of the opinion is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612) 296-5148.

### **Advisory Opinion #54 Regarding Campaign Contributions from Federally Registered Political Committee**

**Approved by the Ethical Practices Board on July 18,  
1978**

Issued to:

Mr. Donald J. Moll  
Assistant Treasurer  
UAW-V-CAP  
8000 East Jefferson Avenue  
Detroit, Michigan 48214

#### **Summary**

54. A federally registered political committee is not required to register in Minnesota, however, the committee is

## OFFICIAL NOTICES

required to provide the treasurer of a Minnesota registered political committee or political fund all the same information required by a registered political committee or political fund as set forth in Minn. Stat. § 10A.20.

The full text of the opinion is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612) 296-5148.

### Notice of Meeting

Friday, August 11, 1978, 11:00 a.m.  
Room 112 State Capitol

#### Preliminary Agenda:

1. Minutes (July 18, 1978)
2. Chairman's Report
3. Legal Counsel Report
4. Biennial Budget Review — Budget Committee
5. Proposed Lobbyist Rules
6. Executive Director's Report
  - a) Fiscal Report
  - b) Delinquent Committee & Funds
7. Other Business
8. Executive Session Pursuant to Minn. Stat. § 10A.02, subd. 11

## Department of Human Rights

### Settlement Agreements and Pre-determination Agreements for the Period Beginning June 2, 1978 and Ending July 17, 1978

#### Settlement Agreements

In addition to specific remedies, standard agreements reached prior to a hearing contain the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat. ch. 363.
2. The respondent agrees to abide by the provisions of Minn. Stat. ch. 363.

**Department of Human Rights, Complainant, vs. Scherr-Tumico, Inc., Respondent, E3035.**

#### Charge:

A person (hereinafter "charging party") filed a charge alleging that Scherr-Tumico, Inc. (hereinafter "respondent") discriminated against him by refusing to hire him because of a non-job related disability. The charging party, who had been previously employed by the respondent, had a past history of mental health problems. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegations.

#### Settlement:

The parties agreed to settle the matter in the following manner:

1. The respondent agreed to pay the charging party \$225.00 in final settlement of the charge.
2. The respondent agreed to offer the charging party a job of similar status and pay to the one previously held by the charging party.

**Department of Human Rights, Complainant, vs. Independent School District #140, Respondent, E2376.**

#### Charge:

A person (hereinafter "charging party") filed a charge alleging that her employer, Independent School District #140 (hereinafter "respondent") discriminated against her because of her sex by paying her less for coaching girls' athletics than the boys' coach was compensated for coaching comparable sports. Following an investigation, the Commissioner of Human Rights found cause to credit the charging party's allegation.

#### Settlement:

The parties agreed to settle the matter in the following manner:

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

#### Pre-determination Agreements

A pre-determination agreement is an agreement reached before the commissioner has determined whether or not there is reason to believe that a discriminatory practice occurred. It is signed by the charging party, the respondent, and the commissioner. By entering into a pre-determination agreement, a respondent makes no admission that a discriminatory practice has occurred. Pre-determination agreements were reached between the department, charging parties, and the following respondents:

## OFFICIAL NOTICES

Abbot-Northwestern Hospital, E4853  
Cherokee Company Real Estate, H985  
Curtis Oil Company, E4985  
Durkee-Atwood, E5010  
Farmers & Merchants State Bank, CR24  
H. B. Fuller Company, E4690  
Gateway Transportation, E5096  
Hennepin County Medical Center, E4615  
Land O'Lakes, Incorporated, E4958  
Lincoln Del, E4995  
Minneapolis Electrical Steel Castings Company, E4964,  
E5006  
University of Minnesota, E5043  
Wayzata Sheet Metal, E4947  
Amherst H. Wilder Foundation, E4852.

### Hearing Notices

Department of Human Rights, Complainant, vs. First Chicago Data Corporation, James H. Hoffman, Joe Van Der Heyden, Diane Walker Van Der Heyden, Respondents, August 22-23, 1978, 9:00 a.m., Hennepin County Government Center, Room 23C, 300 South Sixth Street, Minneapolis, Minnesota 55487.

## Department of Health Notice of Intent to Solicit Outside Information on Proposed Rules Governing the Construction, Equipment, Maintenance, Operation and Licensing of Nursing Homes and Boarding Care Homes

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (supp. 1977), that the Commissioner of Health will propose, as part of the amendments and rewriting of MHD 44-71, the Rules Relating to the Construction, Equipment, Maintenance, Operation and Licensing of Nursing Homes and Boarding Care Homes (see 1 S.R. 741-742), rules relating to the utilization and employment of nursing assistants in nursing homes. These rules will correspond with the rules being developed by the Department of Education, Division of Vocational-Technical Education implementing the provisions of Minn. Stat. §§ 144A.61-144A.611, which relate to the training of nursing assistants in nursing homes (see 2 S.R. 1936). The authority to promulgate these rules is contained in Minn. Stat. § 144A.08.

All interested parties desiring to submit data, views, opin-

ions, comments or other related information concerning the amendment or revision of these rules should write to or telephone H. Michael Tripple, Assistant Section Chief, Survey and Compliance Section, Minnesota Department of Health, Health Systems Division, 717 Delaware Street Southeast, Minneapolis, Minnesota, 55440, telephone (612) 296-5418. Evidence submitted for consideration should be pertinent to the matter at hand. Written material received by the Department of Health will become part of the hearing record.

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 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 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.

Warren R. Lawson, M.D.  
Commissioner of Health

July 20, 1978

## Department of Natural Resources

### Notice of Intent to Solicit Outside Information Regarding Proposed Adoption of Rules Governing Guidelines, Criteria and Standards for Establishment of Lake Improvement Districts by Counties and Cities

Notice is hereby given that the Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing guidelines, criteria and standards for estab-

## OFFICIAL NOTICES

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ishment of lake improvement districts by counties and cities. Any interested persons may submit data or views on this subject in writing or orally to:

Peter Collin  
Department of Natural Resources  
Third Floor, Space Center Building  
St. Paul, Minnesota 55101  
(612) 296-4800

Any written material received by the agency shall become a part of the hearing record in the event rules governing this subject are promulgated.

Theresa Bailey-Morrow

July 24, 1978

### **Pollution Control Agency Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendment of Rules for Control of Wastes from Livestock Feedlots, Poultry Lots or Other Animal Lots**

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) has begun consideration of proposed revisions to regulations for the control of wastes from livestock feedlots, poultry lots or other animal lots. A draft of the proposed revisions has been prepared by the agency staff, and copies of it may be reviewed at Regional Development Commission Offices or can be obtained by contacting:

Terrence E. Huntrods  
Division of Solid Waste  
Minnesota Pollution Control Agency  
1935 West County Road B2  
Roseville, Minnesota 55113

In order to assess the suitability of the draft proposed revisions to rules SW 51-61, the agency hereby requests comments from all interested persons or groups concerning the subject matter of the draft proposal. Written statements of information and comments may be sent to Mr. Huntrods at the above address. Oral statements and comments will be received during regular business hours over the phone at (612) 296-7327 or in person at the above address.

All statements and comments on this proposal must be received by August 31, 1978. Any written material received

by the agency or addressed to Mr. Huntrods at the above address will become part of the hearing record.

Should the agency determine that the proposed draft revisions to SW 51-61, or some other revisions to the Regulations for the Control of Wastes from Livestock Feedlots, Poultry Lots or other Animal Lots should be promulgated, further notice of the rule and of the hearings thereon will be given as required by law, including notice in the *State Register*.

Sandra S. Gardebring  
Executive Director

### **Office of the Secretary of State Administration Division Open Appointment Process: Notice of Openings on State Agencies — Application Procedures**

Pursuant to Laws of 1978, ch. 592, the legislature has implemented an Open Appointment Process by which the public is informed of openings on state multi-member agencies (boards, commissions, councils) created by statute and having statewide jurisdiction.

Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155, (612) 296-3266. Contact the Secretary of State for the Open Appointment Process information brochure and specific agency related information. Applications are due on August 18.

**Human Services Occupations Advisory Council:** One vacancy; public member; open immediately.

**State Board of Investment Advisory Council:** Two vacancies; experienced in corporate or governmental finance or in general investment matters; open immediately.

**Workers' Compensation Advisory Council:** One vacancy; labor representative; open immediately.

**Department of  
Transportation  
Notice of Intent to Solicit Outside  
Information and Opinion  
Regarding Temporary Rules  
Governing Implementation of the  
Rail User Loan Guarantee  
Program**

Notice is hereby given, pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (1976), that the Commissioner of Transportation is seeking information or opinions from sources outside the agency in preparing to propose the adoption of temporary rules governing "Implementation of the Rail User Loan Guarantee Program." These rules are being developed pursuant to Laws of 1978, ch. 667.

Any interested person is invited to submit data or views on this subject in writing or orally to:

Sherri Y. Alston, Assistant Commissioner  
for Public Transportation  
Minnesota Department of Transportation  
413 Transportation Building  
Saint Paul, Minnesota 55155  
(612) 296-8048

Any written material received by the Department of Transportation shall become a part of the hearing record. Information to be submitted must be received by August 7, 1978.

Jim Harrington  
Commissioner of Transportation

July 21, 1978

**Board of Accountancy**

**Notice of Meetings**

Meetings of the Board of Accountancy will be held in the office of the board, Metro Square Building, Fifth Floor, St. Paul, Minnesota on the following dates:

August 18, 1978 at 8:30 a.m.  
September 11, 1978 at 8:30 a.m.

**Department of Commerce  
Insurance Division**

**Notice of Meeting**

Minnesota Comprehensive Health Association

Meeting of the Actuarial Advisory Committee

Friday, August 4, 1978

10:00 a.m.

Northwestern National Life Insurance Company

Minneapolis, Mn.

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building  
408 St. Peter Street  
St. Paul, Minnesota 55102  
(612) 296-8239

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