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1 SUMMER YOUTH EMPLOYMENT; WEATHERIZATION 3300.0300

CHAPTER 3300

DEPARTMENT OF JOBS AND TRAINING SUMMER YOUTH EMPLOYMENT; WEATHERIZATION

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3300.0200 PURPOSE AND STATUTORY AUTHORITY.

Parts 3300.0100 to 3300.0700 govern the administration of the Youth Employment Opportunities program as authorized by the Youth Employment Act of 1977, Minnesota Statutes, sections 268.31 to 268.36.

Statutory Authority: *MS s 268.33*

History: *11 SR 2077*

3300.0300 ALLOCATION OF FUNDS.

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

[For text of subpart 1, item A, see M.R. 1987]

B. Fifty percent of the funds available under the act shall be allocated to counties according to each county's share of the estimated youth population of the state which is from the ages of 14 years up to but not including 22 years, adjusted for:

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

(2) the county's poverty ratio based upon the percent of children from five to 17 years of age living in families below the poverty line as evidenced by the most recent United States Census figures as adjusted by reference to more recent population surveys, provided that reference to more recent population surveys shall be made only if such data is available for all counties in the state; and

(3) the migration of postsecondary school students between counties, where they are counted by the census in March and April, to their home counties where the program is active during the June to September period.

C. The mathematical statement of the allocation to counties is given below:

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$$A_i^c = 0.5(F) \frac{YP_i^c}{\sum_{i=1}^{87} YP_i^c}$$

$$+ 0.5(F) \frac{(YP_i^c) (U_i^c) (P_i^c) (C_i^c)}{\sum_{i=1}^{87} [(YP_i^c) (U_i^c) (P_i^c) (C_i^c)]}$$

$$\text{and } C_i^c = \left[1 - \frac{1.5(SC_i^c)}{YPC_i^c} \right]$$

where:

- (1) A_i^c = total dollar allocation to the i^{th} county;
- (2) F = total funds available for allocation;
- (3) YP_i^c = youth population 14 to 21 years of age in the i^{th} county, determined by interpolation for the current year from projections of the state demographer;
- (4) U_i^c = most recent three year average of official labor force unemployment for the months of June, July, and August for the i^{th} county;
- (5) P_i^c = percent of all families with income below the poverty level and with related children five to 17 years of age as evidenced by the most recent United States census or more recent population surveys as referenced in subpart 2, item B;
- (6) C_i^c = the adjustment factor due to the timing of the census in March and April to account for residency flows of postsecondary school enrolled students between their home county and that of school location;
- (7) SC_i^c = count of number of students 20 and 21 years of age enrolled in school in the i^{th} county as evidenced in the most recent United States census; and
- (8) YPC_i^c = youth population 14 to 21 years of age of the i^{th} county as evidenced in the most recent United States census.

[For text of subp 2, see M.R. 1987]

Statutory Authority: *MS s 268.33*

History: *11 SR 2077*

3300.0400 CONTRACTING.

The commissioner may enter into contracts for operation of the program with organizations enumerated in part 3300.0100, subpart 4. Selection of contractors will be determined by the commissioner. Consideration will be given to contractors with experience in administering summer youth employment programs and to those who have demonstrated efforts to coordinate state and federal summer youth programs locally.

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Statutory Authority: *MS s 268.33*

History: *11 SR 2077*

3300.0500 OPERATION PROCEDURES.

Subpart 1. Regular program. Youths who are at least 14 years of age but less than 22 years of age at the time they are to begin employment under the program established by the act are eligible for program employment. Approximately 60 percent of the youths hired should be from families which meet the definition for economically disadvantaged as established under Public Law Number 97-300, section 4. If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "regular program."

Subp. 2. Postsecondary program. Notwithstanding subpart 1, at least 33-1/3 percent of the funds allocated to the area served by the contractor are to be used to hire youths who are at least 18 years of age, or a high school graduate, but less than 22 years of age who are certified by the department as intending to enroll or are enrolled in a postsecondary educational institution. Approximately 60 percent of the youths hired should be from families which meet the definition for economically disadvantaged as established under Public Law Number 97-300, section 4. If there are insufficient eligible youths from economically disadvantaged families available for employment to meet this goal within an area under the jurisdiction of a contractor which has received an allocation under part 3300.0300, and the contractor certifies such insufficiency to the department and the department concurs, the criteria shall be waived with respect to the funds allocated to the area. Hereinafter, this portion of the program is referred to as the "postsecondary program." A partial waiver from this part may be obtained in accordance with part 3300.0700.

Subp. 3. Eligible youth. Recruitment of eligible youths shall be a cooperative effort between the department and the local contractors selected to deliver the program.

[For text of subp. 4, see M.R. 1987]

Subp. 5. Supervisors. A contractor may designate one eligible youth as supervisor for every ten youths in its employ under the act. Contractors who employ at least five but less than ten youths may designate one youth as a supervisor. Youths designated as supervisors shall be paid the federal minimum wage plus 65 cents per hour for up to 40 hours per week for a period not exceeding 12 weeks.

Subp. 6. Employment of eligible youth. Contractors may begin employing eligible youths upon signing the contract. No youth may be employed while attending school as a full-time student, nor be employed beyond September 30 of each calendar year.

Statutory Authority: *MS s 268.33*

History: *11 SR 2077*

3300.0601 SUPPORT SERVICES.

Contractors shall provide or arrange for support services to eligible youth, using funds allocated under this act. The cost of the support services must not exceed ten percent of the contract. The services may include transportation, meals, career information training, work related protective devices, and other normal expenses associated with employment funded under the act. Contractors

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shall not be required to provide support services to eligible youth when funds received under the act have been exhausted.

Statutory Authority: *MS s 268.33*

History: *11 SR 2077*

3300.1950 SCOPE AND PURPOSE.

Parts 3300.1950 to 3300.3050 govern the provision of extended employment programs by rehabilitation facilities as defined in Minnesota Statutes, chapter 129A. The purpose of extended employment programs is to maximize the vocational potential of persons with disabilities by providing appropriate paid work through establishing the most enabling environment.

Statutory Authority: *L 1988 c 689 art 2 s 267*

History: *12 SR 2783*

3300.2050 DEFINITIONS.

[For text of subps 1 to 12, see M.R. 1987]

Subp. 13. Full-time equivalent (FTE). "Full-time equivalent" or "FTE" means the lesser of the following calculations:

A. A count resulting when the total annual number of work and service hours for each program produced by a rehabilitation facility is divided by 1,560 hours per year for a long term employment program or a community based employment program, by 1,040 hours per year for a work activity program, or by 520 hours per year for a work component program. Service hours may comprise no more than one-quarter of the total hours of participation for each program in a year; or

B. A count of participants in a program during a year. For purposes of this subpart, a participant is counted in the program where the participant accrued the most hours of work during the year and where the participant's annual hours of work and service were at least:

(1) 120 hours in a long term employment program or a community based program;

(2) 80 hours in a work activity program; or

(3) 40 hours in a work component program.

[For text of subps 14 to 16, see M.R. 1987]

Subp. 17. [Repealed, 12 SR 2783]

[For text of subps 18 to 21, see M.R. 1987]

Subp. 22. Participant. "Participant" means a person with severe physical, mental, emotional, or behavioral disabilities who receives one or more days of service or paid work in an extended employment program during a reporting period.

Subp. 22a. Participant productivity. "Participant productivity" means the extent to which a participant is using his or her own current capacity for work in an extended employment program.

[For text of subps 23 to 28, see M.R. 1987]

Subp. 28a. Rehabilitation facility. "Rehabilitation facility" means any entity as defined in Minnesota Statutes, section 129A.01, subdivision 6, that provides one of the extended employment programs as listed in subpart 11, and that is operated by a city, town, county, nonprofit organization, state regional center, or any combination of these.

[For text of subps 29 and 30, see M.R. 1987]

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Subp. 31. [Repealed, 12 SR 2783]

Subp. 32. [Repealed, 12 SR 2783]

[For text of subps 33 and 34, see M.R. 1987]

Statutory Authority: L 1988 c 689 art 2 s 267

History: 12 SR 2783

3300.2150 CERTIFICATION REQUIREMENTS AND TYPES OF CERTIFICATES.

[For text of subpart 1, see M.R. 1987]

Subp. 2. **Full certificate.** Requirements for a full rehabilitation facility certificate are the following:

[For text of subp 2, item A, see M.R. 1987]

B. Accreditation by a national accrediting body for rehabilitation facilities must be acquired and maintained by a rehabilitation facility in order for an extended employment program to be certified. For each program seeking certification, the accrediting body must have been approved by the commissioner as appropriate for each program. The criteria the commissioner will use in determining appropriateness for accrediting bodies is:

[For text of subp 2, item B, subitems (1) to (3), see M.R. 1987]

(4) The agency uses an on-site examination as a basis for securing sufficient and pertinent data concerning the quantitative and qualitative aspects of the program.

[For text of subp 2, item B, subitems (5) to (7), see M.R. 1987]

[For text of subp 2, items C to H, see M.R. 1987]

I. Eligibility for extended employment programs must be established by rehabilitation facilities using appropriate standards and criteria. The standards and criteria must be in writing and be made available to the public. The standards and criteria by which persons with severe disabilities are to be determined eligible for participation in each program must include the following:

(1) assurances that persons with severe disabilities, including those with severe behavioral disabilities, will not be categorically denied access to, admission to, full utilization of, or benefit from any extended employment program because of their severe disabilities;

(2) assurances that persons with severe disabilities seeking admission are in need of participation in an extended employment program and are reasonably expected to develop their vocational potential through participation;

(3) assurances that persons with severe disabilities seeking admission to or being served by an extended employment program will not be discriminated against as provided in the Minnesota Human Rights Act, Minnesota Statutes, chapter 363.

[For text of subp 2, item J, see M.R. 1987]

[For text of subps 3 and 4, see M.R. 1987]

Statutory Authority: L 1988 c 689 art 2 s 267

History: 12 SR 2783

3300.2350 STANDARDS FOR STATE FUNDING.

Subpart 1. Evaluation factors in general. After fulfilling the certification requirements of part 3300.2150 and submitting approved plans and budgets as provided in Minnesota Statutes, section 129A.08, subdivision 2, extended employment programs are eligible to receive state funding. Funding of extended employment programs by the commissioner must take into consideration an evaluation of individual program effectiveness. The evaluation factors to be considered are the following:

[For text of subp 1, items A to G, see M.R. 1987]

- H. the increases in participant productivity;
- I. program efficiency;
- J. the disability levels of the participants served, as measured by the average of their disability index conversion scores;
- K. economic conditions; and
- L. the rate of transfer to long term employment.

Subp. 2. Nonquantifiable evaluation factors. Before an individual program offered by a rehabilitation facility, except a new or expanded program as provided in subpart 6, may receive state funding under part 3300.2550 the individual program must be in full compliance with the nonquantifiable evaluation factors listed in subpart 1, items B, F, G, and H. An individual program, except a new or expanded program as provided in subpart 6, must remain in full compliance with the nonquantifiable evaluation factors during the reporting period as established by audit or have all allocated funds withdrawn as authorized by part 3300.2650, item C.

Subp. 3. Quantifiable evaluation factors. The quantifiable evaluation factors are listed in subpart 1, items A, C, D, E, I, J, and L. The quantifiable evaluation factors applicable to a long term employment program and a community based employment program are those at subpart 1, items A, C, D, E, I, and J. The quantifiable evaluation factors applicable to a work activity program and a work component program are listed in subpart 1, items A, C, D, E, I, J, and L. An individual program, except a new or expanded program as provided in subpart 6, must attain the applicable minimum standard as provided in subpart 4 or have all allocated funds withdrawn as authorized by part 3300.2650, item D.

[For text of subps 4 and 5, see M.R. 1987]

Subp. 6. New program evaluation. An entity offering a new or expanded extended employment program must have been issued a certificate as provided in part 3300.2250 and have submitted an approved plan and budget before it may be eligible to receive state funding and be evaluated under this part. A new or expanded program from its start up must be in full compliance with the nonquantifiable factors listed in subpart 1, items B, F, and G, and must remain in full compliance with those factors during the reporting period as established by audit or have all allocated funds withdrawn as authorized by part 3300.2650, item C. As measured at the end of the first year of operation, a new or expanded individual program must also be in full compliance with the nonquantifiable evaluation factor listed in subpart 1, item H as established by audit, or have all allocated funds withdrawn as authorized by part 3300.2650, item C. As measured at the end of the second year of operation, a new or expanded individual program must meet the applicable minimum standard in subpart 4 or the new or expanded program will be placed on funding probation. After two continuous years on funding probation as established by audit, a new or expanded program must attain the applicable minimum standard by the end of the following year or have all its allocated funds withdrawn as authorized by part 3300.2650, item D.

Statutory Authority: *L 1988 c 689 art 2 s 267*

History: *12 SR 2783*

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3300.2550 ALLOCATION OF FUNDS.

[For text of subpart 1, see M.R. 1987]

Subp. 2. **Statewide program allocation base rate.** The commissioner will use 50.5 percent of each statewide program allocation as calculated in subpart 1 to provide a base rate allocation to each individual program offered by a rehabilitation facility in direct proportion to the number of FTEs in these individual programs. The base rate per FTE is determined by dividing 50.5 percent of the statewide program allocation by the total number of full-time equivalents for the statewide program. The mathematical calculation is represented as follows:

$$\frac{(.505 \times \text{statewide program allocation})}{\text{full-time equivalents}} = \text{Uniform per FTE base rate}$$

The base rate allocation for each individual program is determined by multiplying the per FTE base rate from the above formula by the number of FTEs in the individual program.

Subp. 3. **Statewide program allocation set aside.** The commissioner will set aside 49.5 percent of each statewide program allocation in each current state fiscal year as determined in subpart 1 in order to distribute allocations to individual programs as provided in subpart 4. The distribution in subpart 4, will be based on evaluation factors found in part 3300.2350, subpart 1. The evaluation factors applicable to each statewide program will be weighted in terms of percentages of each statewide program allocation. The factors and percentages applicable to the extended employment programs are the following:

Funding Factor Weightings by Program, Expressed as Percentages of Total Program Allocation

Factor	Program			
	Long term	Work Activity	Work Comp.	Community based
1. Disability Level	7	7.5	7.5	7
2. Economic Conditions	15	15	15	15
3. Program Efficiency	2.5	2.5	2.5	2.5
4. Hourly Earnings	7.5	7.5	7.5	7.5
5. Community based Employment rate	7.5	7.5	7.5	7.5
6. Competitive Employment Placement Rate	5	3.5	3.5	5
7. Competitive Employment Retention Rate	5	3.5	3.5	5
8. Transfer rate to Long term		2.5	2.5	
Total	49.5	49.5	49.5	49.5

[For text of subps 4 to 7, see M.R. 1987]

Statutory Authority: *L 1988 c 689 art 2 s 267*

History: *12 SR 2783*

3300.2750 ELIGIBLE APPLICANTS FOR STATE FUNDING.

An application for state funding may be submitted at times the commission-

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er specifies by a city, town, county, nonprofit organization, state regional center, or any combination of those, which operates or proposes to operate a public or nonprofit extended employment program.

Statutory Authority: *L 1988 c 689 art 2 s 267*

History: *12 SR 2783*

3300.2850 NET PROGRAM COSTS.

The net program costs attributable to each individual program will be derived from each rehabilitation facility's plan and budget. A plan and budget must be submitted at times specified by the commissioner for the commissioner's approval.

Statutory Authority: *L 1988 c 689 art 2 s 267*

History: *12 SR 2783*