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LABOR-MANAGEMENT COMMITTEE GRANTS 5520.0120

CHAPTER 5520

BUREAU OF MEDIATION SERVICES

LABOR-MANAGEMENT COMMITTEE GRANTS

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5520.0100 APPLICATION.

Parts 5520.0100 to 5520.0800 apply to the preparation, submission, and approval of applications for grants under the Minnesota Area Labor-Management Committee Grant Program.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0110 POLICY.

Parts 5520.0100 to 5520.0800 shall be liberally construed to accomplish the provisions and purposes of the Minnesota Area Labor-Management Committee Grant Program.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0120 DEFINITIONS.

Subpart 1. Scope. For the purpose of parts 5520.0100 to 5520.0800, the terms defined in this part have the meanings given them.

Subp. 2. Application. "Application" means a written request for grant funds completed on a form developed by and available from the bureau.

Subp. 3. Bureau. "Bureau" means the Minnesota Bureau of Mediation Services.

Subp. 4. Commissioner. "Commissioner" means the commissioner of the bureau or an authorized agent.

Subp. 5. Area Labor-Management Committee or committee. "Area Labor-Management Committee" or "committee" means an organization of representatives from multiple labor organizations and multiple employer enterprises within a geographic area or statewide employment sector which has as its principle purpose the strengthening of union-management relations within the area or sector.

Subp. 6. Grant program. "Grant program" means the Minnesota Area Labor-Management Committee Grant Program, as created in Minnesota Statutes, sections 179.81 to 179.85.

Subp. 7. Office of Cooperative Labor-Management Programs. "Office of Cooperative Labor-Management Programs" means the office within the bureau created to administer the grant program.

Subp. 8. Technical assistance delivery area (TADA). "Technical assistance delivery area (TADA)" means a geographical area or a statewide employment sector outside of the jurisdiction of an established Area Labor-Management Committee that has been designated by the commissioner to receive technical assistance from a grant recipient.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0200 GRANT APPLICATIONS.

Subpart 1. Scope. The procedures in this part will be used by the commissioner in receiving and considering grant program applications.

Subp. 2. Notice and deadline. On or before September 1 of each calendar year, the commissioner shall publish a notice of the availability of funds under the grant program in the State Register. An application for a grant must be submitted to the bureau by October 15 of the previous year.

Subp. 3. Application form and purpose. Each application must be on forms available from the bureau and must include a statement of purpose and a description of the Area Labor-Management Committee requesting grant funds. All current committee members and officers must be identified in the application and a brief description of the committee's existing or proposed operating procedures must be included. A copy of the committee bylaws, if adopted, must also accompany the application.

Subp. 4. Statement of goals. The application must include a descriptive statement of the labor-management climate and major issues or problems existing in the committee's area of jurisdiction, as well as the major purpose or goal of the committee in the context of the problems. The goal statement must describe specific changes or outcomes the committee seeks to accomplish through use of grant program funds. Quantifiable, specific goal and problem statements are encouraged. Applicants should avoid broad, generic, overly-generalized statements.

Subp. 5. Methodology. The application must include a description of the approach and methodology to be used by the committee in solving the problems and achieving the goals identified in subpart 4. The application must include an implementation plan setting forth specific and measurable goals and objectives to be accomplished during the grant period, the major action steps to be taken, a timetable indicating when those action steps will be taken, and when goals and objectives will be accomplished.

Subp. 6. Financial plan. The application must include a four-year financial plan detailing the revenues and expenditures anticipated over a four-year period, commencing with the year for which the grant is being requested. The plan must identify the total amount of state funding necessary to carry out the committee's goals and objectives and the money to be raised from other sources to meet the guidelines of the grant program. The plan must be accompanied by a proposed committee budget over the four-year period detailing how all money, including state grant money, is to be expended. Existing committees must also submit copies of actual financial statements for the four-year period preceding the proposed grant period.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0250 GRANT RESTRICTIONS.

Subpart 1. Labor negotiations, grievances, or disputes. No committee funded, in whole or in part, through the grant program may engage in activities directly or indirectly related to labor negotiations, contract disputes, or grievance procedures. Violation of this subpart is grounds for termination of the grant.

Subp. 2. Prior obligations. No grant money may be used directly or indirectly to cover costs incurred before the effective date of the grant nor to cover costs that are not specifically related to the goals in the application. No finder's fee or other form of payment for successful application shall be permitted in conjunction with the grant program.

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Subp. 3. TADA set-aside. An amount equal to ten percent of the total amount of every grant shall be designated and may only be used to provide technical assistance to the technical assistance delivery area designated by the commissioner, pursuant to a technical assistance work plan approved by the commissioner.

Subp. 4. Delegation or transfer. A successful applicant may not, in whole or in part, delegate or transfer responsibility for the management of the grant or control and use of its funds to any other organization or entity.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0300 GRANT PERIOD AND AMOUNT.

Subpart 1. Grant period. All grants are awarded for a 12-month period commencing January 1.

Subp. 2. Amount. The amount of each grant will be determined by the commissioner after considering the merits and reasonableness of each application, the total funds available in relationship to the total amounts requested, prior awards and experiences with individual applicants, the usual and customary costs of operating a committee, and the overall purposes and goals of the program.

Subp. 3. Ratio of state and nonstate funds. Regardless of the funds available, no grant will be awarded that would be inconsistent with the following ratio of state and nonstate revenues for the committee: (Year 1 is the first year state funds are received under this program, Year 2 is the second, etc.).

	Percent Nonstate Revenues	Percent State Revenues
Year 1	10	90
Year 2	20	80
Year 3 & Beyond	50	50

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0400 TECHNICAL ASSISTANCE DELIVERY AREA.

Subpart 1. Designation. Based upon an assessment of overall needs and potential, as well as the recommendations of grant applicants, the commissioner shall designate an external geographic area or statewide employment sector as a technical assistance delivery area for each grant recipient.

Subp. 2. Work plan. In consultation with the Office of Cooperative Labor-Management Programs, each grant recipient shall prepare and submit a plan for using the TADA portion of its grant to foster the growth and development of an Area Labor-Management Committee within the area or sector designated by the commissioner in subpart 1. The plans are subject to the approval of the commissioner and shall not be amended without advance written consent of the commissioner.

Subp. 3. Reports. Each grant recipient shall provide written quarterly reports to the commissioner concerning progress on its TADA work plan and expenditures of its TADA portion of the grant.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0500 APPLICATION REVIEW PROCEDURES.

Subpart 1. Competitive basis. All timely and complete applications will be

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reviewed on a competitive basis. Grants will be awarded by the commissioner in amounts and to parties as deemed consistent with the overall purposes of the grant program. In evaluating applications and awarding grants, the factors described in this part will be considered.

Subp. 2. Appropriateness. The appropriateness of the proposal must be evaluated. Appropriateness includes:

A. consistency of the proposal's purpose with the public policy objectives of the grant program;

B. the extent and history of labor-management activity within the area to be served by the proposed grant;

C. other past or present cooperative labor-management activities within the designated area;

D. the need for public funding of the endeavor; and

E. the reasonableness of proposed expenditures in relationship to benefits to be derived.

Subp. 3. Attainability of goals. The attainability of the goals in the proposal must be evaluated. Attainability includes:

A. ability of the applicant to articulate quantifiable and meaningful goals and activities;

B. evaluation of the applicant's ability and capacity to implement program activities necessary to achieve stated goals;

C. prior success of the applicant in achieving previous program goals;

D. other labor-management activities in the area; and

E. the relationship of the proposed goals with the overall objectives of the grant program.

Subp. 4. Support for the proposal. Evidence of support for the proposal from multiple labor-management representatives within the area will be reviewed. The evidence may be submitted in the form of letters of endorsement, resolutions of support adopted by ad hoc groups, or other form that permits consultation and verification with individual representatives by the bureau. Established committees must attach a copy of the minutes of the meeting at which the proposal was approved and the minutes should reflect the names and organizations of all persons present for the meeting.

Subp. 5. Financial plans. The thoroughness of the four-year financial plan submitted as a part of the proposal, including an analysis of the overall reasonableness of revenue and expense projections; the detail and reasonableness of projected funding sources and amounts; and the detail and reasonableness of projected expenditures will be considered. Established committees must attach copies of actual financial operating statements that reflect annual revenue sources and amounts and expense categories and amounts for each year of the three-year period preceding the current year, as well as for the current year-to-date.

Subp. 6. Work plans. The thoroughness of detailed plans for achieving the major goals and objectives of the committee will be evaluated to determine the ability of the committee to identify key tasks and action steps necessary to the attainment of goals; the designation of appropriate time frames; relevance of work plans to objectives of the grant program; and the extent of planning undertaken by the applicant with regard to its goals.

Subp. 7. TADA plans. Demonstrated understanding, capacity, and willingness to develop a meaningful technical assistant work plan for an external and independent technical assistance delivery area designated by the commissioner, including an expression of preferred technical assistance area and narrative discussion of potential work plan, will also be considered when evaluating an application.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

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5520.0520 WORK PLAN.

Each grant application must include a work plan that describes the major work steps to be undertaken by the committee during the grant period in achieving its individual goals and objectives. Work plans should describe each area of substantial program activity contemplated by the committee, the key steps necessary to achieving each program activity, and a time frame for determining progress in each activity area. Grantees are responsible for compliance with their work plans and for advising the Office of Cooperative Labor-Management Programs of any significant alterations in the goals, objectives, or work plans of the committee. Written quarterly reports, describing the progress and problems in adhering to the work plan, must accompany financial reports in conformance to the provisions of part 5520.0560.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0540 BUDGET ADJUSTMENTS.

Grant recipients must consult, in writing, with the Office of Cooperative Labor-Management Programs before making budget adjustments that:

A. result in changes in the scope or objectives of the program in the approved application;

B. result in more grant money available than is necessary to meet the needs of the program;

C. result in a change in the percent of state funds available to the grantee that would be inconsistent with part 5520.0300, subpart 3, or Minnesota Statutes, section 179.85; or

D. amount to ten percent or more of the total grant awarded.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0560 QUARTERLY REPORTS.

Each grant recipient must file detailed financial and activity reports on a quarterly basis in accordance with the following schedule:

A. Period covered: January 1 to March 31, date due: April 20;

B. Period covered: April 1 to June 30, date due: July 20;

C. Period covered: July 1 to September 30, date due: October 20; and

D. Period covered: October 1 to December 31, date due: January 20.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0600 ACCOUNTING SYSTEM.

Each grant recipient must establish and maintain a system of financial management of the grant that complies with accepted accounting practices. The system must provide accurate, current, and complete information on the financial status of each grant-supported activity and must include the generation of periodic reports indicating the allocation of funds by activity, the amount expended, and the amount obligated. Each dollar of Area Labor-Management Committee Grant Program money must be traceable through the accounting system.

All accounting documents must be supported by source documentation such as payroll records, invoices, and purchase vouchers. All employees paid in whole or in part from grant funds must prepare time sheets reflecting the number of hours worked on grant activities during the pay period and the payroll must be based on these time sheets. Any purchase of services agreement entered into by the committee must specify the amount and nature of services to be provided in a manner that facilitates determination of an hourly or per-unit rate for those services.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0620 AUDITS.

Subpart 1. **Financial and compliance audits.** All grant recipients must arrange for and undergo a financial and compliance audit at least once every two years. The audits must be performed by qualified individuals who are independent of those persons who authorize, manage, and carry out the expenditure of funds to ensure unbiased opinions, conclusions, or judgments. Grant recipients are responsible for arranging and paying for these audits. The purpose of the audit is to report on whether:

- A. the financial operations have been conducted properly;
- B. financial and other reports submitted as a part of the program have been presented fairly and accurately;
- C. the grantee has complied with applicable laws, regulations, and policies;
- D. resources are used and managed in an economic and efficient manner; and
- E. program objectives and results are being effectively and economically achieved.

Normal accepted auditing methods and standards must be applied in the performance of this audit. Should an auditor become aware of irregularities in financial or programmatic performance, the auditor must promptly notify the commissioner of those irregularities and, if appropriate, higher grantee management officials than the level at which irregularities appear to lie.

Subp. 2. **Audit reports.** A written audit report shall be prepared and include:

- A. a statement of the standards used in the performance of the audit;
- B. financial statements and audit comments on the statements for the period;
- C. audit comments regarding compliance and internal control; and
- D. comments regarding the accuracy and completeness of financial and program reports filed by the grantee.

Three copies of the written audit report must be provided to the commissioner and a copy shall be made available to each member of the committee.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0700 INITIAL PAYMENTS.

No grant payments will be issued until the grant application and required work plans have received final approval by the commissioner and a written grant contract has been executed and approved.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

5520.0710 SUBSEQUENT PAYMENTS.

Subsequent grant payments will be made on a quarterly basis based on submission of a payment request form and other required reports. When computing requests for payment, the recipient should first apply any unused portions of a previous grant payment toward the next month's anticipated expenditures.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*

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5520.0800 TERMINATION OF GRANTS.

Subpart 1. General. Grants shall be suspended, terminated, or withdrawn, in whole or in part, by the commissioner if funds provided are used in a manner inconsistent with the policies of parts 5520.0100 to 5520.0800, or if it appears that funds are being used in a manner inconsistent with the stated goals and purpose of the grant application or approved amendments. Grants shall also be suspended, terminated, or withdrawn if it appears that the applicant is unable or unwilling to fulfill responsibilities set forth in the application.

Subp. 2. Notice. In the event the commissioner believes that there is reason to suspend, terminate, or withdraw a grant, the commissioner shall provide written notice to the grant recipient stating the nature of the contemplated action, the anticipated effective date, and the reasons for the action. The grant recipient may submit a written response to the notice within five working days of receipt of the notice from the commissioner. After investigating the situation, including any information provided by the committee in response to the commissioner's notice, the commissioner shall determine final action with regard to suspension, termination, or withdrawal of the grant. The commissioner shall provide written notice of the final determination to all interested parties.

Statutory Authority: *MS s 179.82 subd 2*

History: *13 SR 2219*