

CHAPTER 9500
DEPARTMENT OF HUMAN SERVICES
ASSISTANCE PAYMENTS PROGRAMS

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9500.0900 [Repealed, 12 SR 624]

9500.0930 [Repealed, 12 SR 624]

9500.0960 [Repealed, 12 SR 624]

9500.0970 [Repealed, 12 SR 624]

9500.0990 [Repealed, 12 SR 624]

9500.1000 [Repealed, 12 SR 624]

9500.1060 [Repealed, 12 SR 624]

9500.1070 SERVICES COVERED BY MEDICAL ASSISTANCE.

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

Subp. 2. [Repealed, 12 SR 624]

Subp. 3. [Repealed, 12 SR 624]

Subp. 4. Physician services. In addition to complying with part 9505.0345, physician services must comply with items A and B.

A. Prior authorization must be obtained for individual hourly sessions with a psychiatrist licensed to practice medicine in the United States or Canada in excess of ten per calendar year.

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

Subp. 5. [Repealed, 12 SR 624]

Subp. 6. Other licensed practitioners. The MA program shall pay for psychological services of eligible providers. Eligible providers are individuals currently licensed by the Minnesota Board of Psychologists to practice as licensed psychologists or licensed consulting psychologists in the appropriate service areas.

(1) The following psychological services must receive prior authorization: services in excess of the limitation on the number of visits (see below).

(2) The MA program limits payment for services provided by psychologists as follows:

The MA program will pay for up to ten hourly sessions with a licensed consulting psychologist or a licensed psychologist per calendar year for any eligible recipient.

The MA program will pay for up to 26 additional hourly sessions with a licensed consulting psychologist or a licensed psychologist per calendar year

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when all of the following conditions exist: three or more members of one family unit are all seen together at every session, the 26 hourly sessions extend over a period of time greater than six consecutive months, and at least one of the family members is under age 18.

The MA program will pay for family psychotherapy of two family members as needed for up to two hours per week for a 20 week period. When more than two family members are involved, see subitem (2).

(3) The following psychological services are not covered under the MA program: medical supplies and equipment.

Subp. 7. [Repealed, 12 SR 624]

Subp. 8. [Repealed, 12 SR 624]

Subp. 9. [Repealed, 12 SR 624]

Subp. 10. [Repealed, 12 SR 624]

Subp. 11. [Repealed, 12 SR 624]

[For text of subp 12, see M.R. 1987]

Subp. 13. **Rehabilitative and therapeutic services in long-term care facilities.** Such services must be provided in accordance with applicable federal regulations, state law, and the Department of Human Services rules.

[For text of subp 13, items A to E, see M.R. 1987]

F. The following rehabilitative and therapeutic services are not reimbursable as a separate charge under the MA program when furnished in a long term care facility:

[For text of subp 13, item F, subitems (1) to (15), see M.R. 1987]

(16) Services billed for by any source other than the skilled nursing facility, intermediate care facility, or intermediate care facility for persons with mental retardation or related conditions.

[For text of subps 14 and 15, see M.R. 1987]

Subp. 16. [Repealed, 12 SR 624]

Subp. 17. [Repealed, 12 SR 624]

Subp. 18. [Repealed, 12 SR 624]

Subp. 19. [Repealed, 12 SR 624]

Subp. 20. [Repealed, 12 SR 624]

Subp. 21. [Repealed, 12 SR 624]

Subp. 22. [Repealed, 12 SR 624]

[For text of subp 23, see M.R. 1987]

Subp. 24. [Repealed, 12 SR 624]

Statutory Authority: *MS s 252.28 subd 2; 256B.04 subds 4,12; 256B.092 subd 6; 256B.503*

History: *12 SR 624; 12 SR 1148*

9500.1080 [Repealed, 12 SR 624]

9500.1100 DEFINITIONS.

[For text of subps 1 to 19, see M.R. 1987]

Subp. 20. **Diagnostic categories.** "Diagnostic categories" means the classification of inpatient hospital services according to the diagnostic related groups (DRGs) under medicare with adjustments as follows:

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Diagnostic Categories	DRG Numbers Within the Diagnostic Category
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[For text of subp 20, items A to N, see M.R. 1987]

- O. Newborns and Other Neonates with Conditions Originating in the Perinatal Period

[For text of subp 20, items P to S, see M.R. 1987]

- T. Substance Use and Substance Induced Organic Mental Disorders (Ages 0-20)

(433, 434, 435)

- U. Substance Use and Substance Induced Organic Mental Disorders (Ages over 21)

(433, 434, 435)

[For text of subp 20, items V to JJ, see M.R. 1987]

- KK. Extreme Immaturity (386)

- LL. Prematurity with Major Problems (387)

- MM. Prematurity without Major Problems (388)

- NN. Full term Neonates or Neonates Died or Transferred (385, 389, 390)

[For text of subps 21 to 52, see M.R. 1987]

Statutory Authority: *MS s 256.969 subd 2*

History: *12 SR 1617*

9500.1302 DEFINITIONS.

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

Subp. 1a. **Bona fide offer of employment.** "Bona fide offer of employment" means an offer of employment, made in good faith by an employer.

[For text of subps 2 to 9, see M.R. 1987]

Statutory Authority: *MS s 256D.051 subds 8,14*

History: *12 SR 2789*

9500.1306 APPLICATION PROCESS AND ELIGIBILITY CRITERIA.

[For text of subps 1 and 2, see M.R. 1987]

Subp. 3. **Eligibility criteria.** If the local agency determines that the applicant is ineligible for general assistance, it must determine the applicant's eligibility for the work readiness program. An applicant or registrant is eligible for the work readiness program if the applicant or registrant meets the conditions in items A to E:

[For text of subp 3, items A to D, see M.R. 1987]

E. The applicant has not refused, without good cause, a bona fide offer of suitable employment within 60 days prior to the date he or she is determined to be ineligible for general assistance.

Statutory Authority: *MS s 256D.051 subds 8,14*

History: *12 SR 2789*

9500.1308 REQUIREMENT TO INFORM APPLICANTS.

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

Subp. 2. Duty to inform eligible applicants of work readiness requirements. At the time the local agency determines that an applicant is eligible for the work readiness program, the local agency must provide the applicant with a notice of the determination on a form prescribed by the commissioner, a copy of the program description prescribed under part 9500.1304, subpart 2, and a written notice meeting the standards in part 9500.1252, which informs the applicant of:

[For text of subp 2, items A and B, see M.R. 1987]

C. the disqualification that will be imposed if a registrant voluntarily quits suitable employment without good cause, refuses without good cause to accept a bona fide offer of suitable employment, or fails, without good cause, to comply with other work readiness program requirements; and

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

Statutory Authority: *MS s 256D.051 subds 8,14*

History: *12 SR 2789*

9500.1310 WORK READINESS SERVICES AND PAYMENTS.

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

Subp. 2. Work readiness services. The following services must be provided to a work readiness registrant:

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

B. The vocational adviser shall develop a written employability development plan for each registrant within the registrant's first program month. The plan must be based on the assessment provided under item A and the vocational adviser's knowledge of the level of competition for employment that is or may become available, and must be designed to address the registrant's barriers to employment and prepare the registrant for suitable employment. The registrant must be given a copy of his or her plan and the plan must:

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

(2) require the registrant to accept any bona fide offer of suitable employment;

[For text of subp 2, item B, subitems (3) to (7), see M.R. 1987]

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

[For text of subp 3, see M.R. 1987]

Statutory Authority: *MS s 256D.051 subds 8,14*

History: *12 SR 2789*

9500.1314 REGISTRANT DUTIES.

A registrant shall comply with all requirements of the local agency work readiness program, including the requirements explained under part 9500.1308, subpart 2, and the requirements specified in the employability development plan provided under part 9500.1310, subpart 2, item B. Registrants must inform the local agency of terminations of employment and bona fide offers of suitable employment. Registrants must cooperate with local agency efforts to verify whether good cause for refusing or terminating suitable employment exists.

Refusal to participate in a grant diversion program under Minnesota Statutes, section 256D.09, subdivision 3, is not considered a refusal of a bona fide offer of employment. Except for registrants participating in work readiness under part 9500.1262, a registrant who fails, without good cause, to comply with the local agency work readiness requirements shall be disqualified from the receipt of work readiness services and payments under part 9500.1316.

Statutory Authority: *MS s 256D.051 subds 8,14*

History: *12 SR 2789*

9500.1316 FAILURE TO COMPLY WITH WORK READINESS REQUIREMENTS AND DISQUALIFICATION.

Subpart 1. Determination and notice of failure to comply. If a local agency determines that a registrant has failed, without good cause, to comply with the requirements of the work readiness program, the local agency must notify the registrant of its determination. The notice must meet the standards established in part 9500.1252, and must contain the information in items A to E.

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

B. The notice must specify the particular action the registrant must take to meet the requirements. If the registrant has voluntarily quit suitable employment without good cause or refused without good cause to accept a bona fide offer of suitable employment, then the notice must specify that the particular action the registrant must take to meet the requirements is to accept suitable employment before the effective date of the disqualification.

[For text of subpart 1, items C to E, see M.R. 1987]

[For text of subps 2 to 4, see M.R. 1987]

Statutory Authority: *MS s 256D.051 subds 8,14*

History: *12 SR 2789*

9500.2700 APPLICANT AND RECIPIENT RESPONSIBILITIES.

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

Subp. 13. [Repealed, 12 SR 2787]

Subp. 14. [Repealed, 12 SR 2787]

Subp. 15. [Repealed, 12 SR 2787]

Subp. 16. [Repealed, 12 SR 2787]

Subp. 17. [Repealed, 12 SR 2787]

Subp. 18. [Repealed, 12 SR 2787]

Subp. 19. [Repealed, 12 SR 2787]

Statutory Authority: *MS s 256.736 subd 7*

History: *11 SR 212*

9500.2720 DEFINITIONS.

Subpart 1. Applicability. The terms used in parts 9500.2720 to 9500.2730 have the meanings given them in this part and in part 9500.2060 unless otherwise indicated.

Subp. 2. Employability plan. "Employability plan" means a plan written for a registrant by an employment and training provider in consultation with the registrant that defines the registrant's employment and training goals and outlines the training, education, and support services the registrant needs to achieve these goals.

Subp. 3. Employment search. "Employment search" means the program

authorized under the Code of Federal Regulations, title 45, part 240, which provides AFDC recipients with training and assistance in finding and securing regular, unsubsidized employment.

Subp. 4. **Employment and training services.** "Employment and training services" means programs, activities, and services as defined in Minnesota Statutes, section 256.736, subdivision 1a, paragraph (d).

Subp. 5. **Employment and training service provider or service provider.** "Employment and training service provider" or "service provider" means a provider certified by the commissioner of jobs and training under Minnesota Statutes, section 268.0122, subdivision 3, to deliver employment and training services.

Subp. 6. **Priority caretaker.** "Priority caretaker" means a caretaker who:

- A. is under age 21;
- B. has not graduated from high school or received a general equivalency diploma; or
- C. has received AFDC for 24 or more months out of the last 36 consecutive calendar months.

Statutory Authority: *MS s 256.736 subd 7*

History: *12 SR 2787*

9500.2722 ORIENTATION REQUIREMENT.

Subpart. 1. **Local agency responsibilities.** Each local agency shall:

A. provide or contract with another entity to provide orientation to AFDC caretakers residing in the local agency's jurisdiction who are required to attend orientation under subpart 2; and

B. provide or pay the reasonable cost of child care and transportation needed to enable a caretaker to attend orientation. A local agency is not required to pay child care costs that exceed limits established by the local agency under Minnesota Statutes, section 268.91, subdivision 8.

Subp. 2. **Mandatory participants.** A recipient shall attend an orientation session if the recipient is:

- A. a caretaker who is a principal wage earner in an assistance unit whose eligibility is based on the unemployment of a parent under part 9500.2300;
- B. a priority caretaker; or
- C. a caretaker who is determined eligible for AFDC on or after July 1, 1988, and who has not attended an orientation within the previous 12 calendar months.

Subp. 3. **Orientation content.** Orientation must consist of a presentation that tells a recipient of the identity, location, and phone number of available employment and training services, and support services relevant to the recipient's circumstances. Orientation must encourage recipients to view AFDC as a temporary program providing grants and services to clients who set goals and develop strategies for supporting their families without AFDC assistance. The content of orientation must not imply that a recipient's eligibility for AFDC is time limited. The presentation must also inform recipients of the headstart program and encourage caretakers to have their children screened for enrollment in the program where appropriate.

Subp. 4. **Orientation format.** Videotaped presentations may be used, but orientation must include the opportunity for face to face interaction between the recipient and staff of the local agency or the entity providing orientation.

Subp. 5. **Good cause for failure to attend orientation.** Good cause for failure to attend orientation exists when a recipient cannot attend because of:

- A. illness or injury of the recipient;
- B. illness or injury of a member of the recipient's family that requires the recipient's care during the hours when orientation is offered;

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C. an inability to obtain the necessary child care or transportation;

D. employment, school, or employment and training service obligations that are scheduled during the hours when orientation is offered and that cannot be changed to allow participation in orientation;

E. a judicial proceeding that requires the recipient's presence in court during the hours when orientation is scheduled; or

F. a nonmedical emergency that requires the recipient's presence at a different location during the hours when orientation is scheduled. "Emergency" under this item means a sudden, unexpected occurrence or situation of a serious or urgent nature that requires immediate action.

Subp. 6. Notice to mandatory participants. Except as provided in subpart 7, the local agency shall provide written notice of the orientation requirement to a recipient required to attend orientation under subpart 2. The notice must tell the recipient the time, date, and location of the orientation that the recipient is scheduled to attend, the consequences of failing to attend on the scheduled date, and the recipient's appeal rights in part 9500.2740, subparts 8 to 10. The notice must be mailed or delivered to the recipient at least ten days before the recipient's scheduled orientation date.

Subp. 7. Voluntary early participation in orientation. If the local agency and the applicant or recipient agree, orientation may be provided before issuance of the notice under subpart 6. If the applicant or recipient fails to attend orientation on the agreed upon date, the local agency shall schedule the recipient for orientation under subpart 8 and issue a notice under subpart 6.

Subp. 8. Timing of orientation. A recipient required to attend orientation under subpart 2 must attend orientation on the date scheduled by the local agency under this subpart unless the recipient has good cause for not attending on that date or the local agency and recipient agree on a different date. The local agency must schedule a recipient required to attend orientation under subpart 2, item A or B, for an orientation session to be held before January 1, 1989. The local agency must schedule a recipient required to attend orientation under subpart 2, item C, for an orientation session to be held within 60 days after the local agency mails the recipient's notice of eligibility.

Subp. 9. Sanctions for failure to attend orientation. If a recipient who is required to attend orientation under subpart 2 fails, without good cause, to attend orientation on a scheduled or agreed upon date after issuance of the notice required under subpart 6, the recipient must be sanctioned under items A and B. Before imposing sanctions under item A or B, the local agency must provide the notice required under part 9500.2740, subpart 6.

A. When a recipient fails for the first time to attend an orientation session, the local agency shall issue a maximum of 50 percent of the next monthly payment to which the assistance unit is entitled in the form of a vendor or protective payment. The local agency shall schedule the recipient for another orientation session to be held during the payment month for which the sanction under this item is imposed and shall notify the recipient of the date, time, and location of the session under subpart 6.

B. When a recipient fails for the second time to attend an orientation session, the local agency shall issue 100 percent of the next monthly payment to which the assistance unit is entitled in the form of a vendor or protective payment. The local agency's notice of sanction under this item must include an offer to schedule the recipient for an orientation session. If the recipient contacts the local agency and asks to be scheduled for orientation, the local agency must schedule the recipient's orientation to be held within 30 days of the request. The sanction under this item ends when the recipient attends the orientation. The local agency shall then issue to the recipient any remaining benefits being held for vendor or protective payments.

C. When a vendor payment is required under item A or B, the local agency may continue payments to the caretaker to the extent that no vendor is available.

Statutory Authority: *MS s 256.736 subd 7*

History: *12 SR 2787*

9500.2724 GENERAL EMPLOYMENT AND TRAINING REQUIREMENTS.

Subpart 1. Registration and referral for employment and training services. Except for registration with the local job service office under part 9500.2300, item F, or subpart 2 of this part, completion of the AFDC application form automatically registers the applicant for WIN and for other mandatory employment and training services that require registration. The local agency shall refer to the local WIN office recipients residing in WIN counties who are not exempt from mandatory WIN registration under part 9500.2726, subpart 1. The local agency shall refer to the local job service office recipients who are principal wage earners residing in non-WIN counties whose program eligibility is based on the unemployment of a parent under part 9500.2300.

Subp. 2. Mandatory employment and training participation. Recipients shall participate in WIN if required under part 9500.2726, subpart 1, in employment search if required under part 9500.2728, subpart 1, and in CWEP if required under parts 9505.1050 to 9505.1065 [Emergency]. A principal wage earner who resides in a non-WIN county and whose program eligibility is based on the unemployment of a parent under part 9500.2300 must be currently registered with the local job service office. If an applicant or recipient does not comply with this requirement, the person's entire assistance unit shall be ineligible.

Statutory Authority: *MS s 256.736 subd 7*

History: *12 SR 2787*

9500.2726 WIN REQUIREMENTS.

Subpart 1. Participation in WIN. A recipient living in a WIN county, regardless of the recipient's basis of program eligibility under parts 9500.2180 to 9500.2300, shall cooperate with the local WIN office as a condition of AFDC eligibility unless the local agency determines that the applicant or recipient is exempt. A recipient who is exempt from mandatory WIN registrant status is:

A. A child under the age of 16.

B. A student who is at least 16 but less than 18 years of age and meets the conditions of part 9500.2060, subpart 58, item A, B, C, or F.

C. A person who is 18 years of age and meets the conditions of part 9500.2060, subpart 39, items B and C.

D. A person who, for up to 90 consecutive days, is ill or injured to the extent that the illness or injury temporarily prevents participation in training or employment. Determination of an exemption under this item must be made by the AFDC unit and may be allowed without medical documentation when the illness or injury is evident. An exemption for an illness or injury that extends for 90 days or more must be documented by medical evidence described in item E.

E. A person who, for at least 90 consecutive days, is physically or mentally incapacitated when the incapacitating factors, by themselves or with the person's age, prevent participation in training or employment. The incapacity must be documented by medical evidence. The medical evidence must include a prognosis and diagnosis of the impairment from at least one licensed physician or licensed psychologist. The local agency shall give the applicant or recipient voluntary referral to the Minnesota Department of Vocational Rehabilitation upon determination of the exemption.

F. A person 65 years of age or older.

G. A person whose round trip commuting time from the person's residence to the local WIN office is more than two hours by the means of transportation available to the recipient and exclusive of the time needed to transport children to and from child care.

H. A person needed in the home to care for a physically or mentally incapacitated person living in the household. The incapacity and the need for care must be documented by medical evidence from a licensed physician or licensed psychologist.

I. A parent or caretaker of a child under age six who is providing full-time care for that child. A person who is anticipated to be absent from the child for an average of at least 30 hours per week during the current and following month, exclusive of absences related to providing care for the child, does not qualify for this exemption.

J. A person who is currently employed in unsubsidized employment that is expected to last at least 30 days and that provides a monthly average of at least 30 hours of employment per week.

K. A parent who is not a principal wage earner but who is in an assistance unit whose program eligibility is based on the unemployment of a parent, provided the principal wage earner in the assistance unit is not exempt under the other items of this subpart and is cooperating with WIN.

L. A person, who after applying for AFDC, volunteered to participate under the Volunteers in Service to America (VISTA) program as provided by United States Code, title 42, sections 4951 to 4959 as amended through December 31, 1987.

M. A pregnant woman when the pregnancy has entered the third trimester.

N. A person employed under a work supplement program established under the Code of Federal Regulations, title 45, part 239.

Subp. 2. **Good cause for noncooperation with WIN.** A recipient who has good cause for not cooperating with WIN shall not be sanctioned. Good cause for not cooperating with WIN must be determined under the Code of Federal Regulations, title 45, section 224.34.

Subp. 3. **Determination of noncooperation.** The WIN office shall determine whether a WIN registrant has, without good cause, failed to cooperate with WIN. The WIN office shall notify the local agency of a deregistration action taken against a registrant for noncooperation. When notified of deregistration, the local agency shall sanction the recipient under part 9500.2730, beginning with the first payment month following deregistration in which notification and appeal rights under part 9500.2740, subparts 5 to 10, allow application of those sanctions.

Statutory Authority: *MS s 256.736 subd 7*

History: *12 SR 2787*

9500.2728 EMPLOYMENT SEARCH REQUIREMENTS.

Subpart 1. **Participation in employment search.** Each local agency shall provide a mandatory employment search program for recipients whose participation is mandatory under item A. A local agency may provide a voluntary employment search program for recipients who are not required to participate under item A. The employment search program must be administered in accordance with items A to C.

A. A caretaker who is the principal wage earner in an assistance unit whose program eligibility is based on the unemployment of a parent under part 9500.2300 must participate in employment search as a condition of AFDC eligibility unless:

(1) the caretaker is exempt from WIN participation under part 9500.2726, subpart 1, items A to F or H to N;

(2) the caretaker is currently participating in another employment and training service which can reasonably be expected to improve the recipient's ability to obtain and keep employment;

(3) the caretaker's employability plan specifies other activities that conflict with participation in employment search; or

(4) the caretaker cannot secure employment because of an inability to communicate in the English language as determined by the local agency, a specialist in English as a second language, or a vocational specialist as defined in part 9500.1206, subpart 33, and the recipient is attending a program in English as a second language, if available.

B. In the third month after determining that a recipient is required to participate in employment search, the local agency shall refer the recipient to the employment search service provider and inform the recipient of the consequences of failure to participate and of the recipient's appeal rights.

C. The employment search service provider shall specify the number of weeks and hours that a recipient must participate in employment search. The service provider shall not require a recipient to participate in employment search for more than eight weeks in any 12 consecutive calendar months and for more than 32 hours during any week.

D. A WIN registrant who is suspended from WIN and referred to the employment search program by the local WIN office is not exempt from the employment search program under item A, subitem (2).

Subp. 2. Offers of employment. A recipient who is the principal wage earner in an assistance unit whose program eligibility is based on the unemployment of a parent under 9500.2300 must, as a condition of AFDC eligibility, accept any bona fide offer of employment made by an employer.

Subp. 3. Good cause for refusing or terminating employment or failing to comply with employment search requirements. A recipient who fails to participate in employment search required under subpart 1 or accept employment as required under subpart 2 shall not be sanctioned if the recipient has good cause for the failure. Good cause shall be determined by applying the conditions in items A to I.

A. Good cause exists when a job or employment search is not suited to the physical or mental capacity of the person or when it will have an adverse effect on that person's physical or mental health. Evidence from a licensed physician or licensed psychologist must document a claim under this item.

B. Good cause exists when the round trip commuting time from a person's residence to the employment search or job site is more than two hours by available means of transportation, exclusive of the time to transport children to and from child care.

C. Good cause exists when licensed child care is required but not available.

D. Good cause exists when the work or employment search site is unsafe under health and safety standards established by the Occupational Safety and Health Administration and the Minnesota Department of Jobs and Training.

E. Good cause exists when a person documents discrimination at the job or employment search site on the basis of age, sex, race, religion, or place of national origin.

F. Good cause exists when the hourly gross employment earnings are less than the federal or state minimum wage for that type of employment, whichever applies.

G. Good cause exists when the gross monthly employment earnings are less than 185 percent of the AFDC family allowance for the recipient's assistance unit.

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H. Good cause exists when the job that is offered is vacant due to a strike, lockout, or other bona fide labor dispute.

I. Good cause exists when the recipient incurs unreimbursed out of pocket expenses to participate in employment search.

Subp. 4. Determination of failure to accept employment or participate in employment search. The employment search service provider shall determine whether a recipient has failed, without good cause, to comply with employment search requirements under subpart 1 or accept employment as required under subpart 2. If the employment search or employment offer is provided through WIN, the WIN office shall make the determination. If the service provider determines that a recipient has failed, without good cause, to comply with the participation or employment requirements of subpart 1 or 2, the provider shall notify the recipient under subpart 5.

Subp. 5. Notice of failure to participate or accept employment. If a service provider determines under subpart 4 that a recipient has failed, without good cause, to participate in employment search or accept employment as required, the provider shall mail a written notice of its determination to the recipient at the recipient's last known mailing address. The notice shall provide a detailed explanation of the reasons for the determination, the consequences of failure to participate or accept employment, the actions the service provider believes are necessary for the recipient to comply with the employment and training requirements, the right to request a conciliation conference within 15 days after the date the notice is mailed, and the right to request a hearing under part 9500.2740, subpart 8.

Subp. 6. Conciliation conference. A service provider shall, according to its contract with the local agency, provide a conciliation conference to recipients who request a conference within 15 days after the notice under subpart 5 is mailed. The conciliation conference must be conducted according to items A to D.

A. If a recipient requests a conciliation conference, the service provider shall provide the conference within 30 days after receiving the recipient's written request for a conference. The service provider shall notify the recipient of the conference date at least ten days before the date of the conference.

B. The local agency shall reimburse the recipient for the recipient's reasonable and necessary child care and transportation expenses incurred as a result of the recipient's attendance of the conciliation conference.

C. The service provider shall hold the conciliation conference during regular working hours at the service provider's office. If the service provider and the recipient agree, the conciliation conference may be conducted over the telephone.

D. If a conciliation conference is not requested or if the dispute is not resolved at the conference, the service provider shall provide to the local agency and to the recipient written notification of its determination that the recipient failed or refused without good cause to participate in employment search or accept employment.

Subp. 7. Final determination before sanction. When WIN does not sanction a recipient for failure to accept employment assigned by WIN or participate in an employment and training service provided through WIN, a local agency shall not apply sanctions for the same failure. The local agency shall make a final determination of whether the recipient has failed, without good cause, to accept employment that has not been assigned by WIN or to participate in employment search program that has not been provided through WIN. Upon final determination of failure to participate or accept employment, the local agency shall apply the sanctions under part 9500.2730.

Statutory Authority: *MS s 256.736 subd 7*

History: *12 SR 2787*

9500.2730 SANCTIONS FOR FAILURE TO PARTICIPATE IN A MANDATORY EMPLOYMENT AND TRAINING SERVICE OR ACCEPT EMPLOYMENT.

Subpart 1. **Notice.** If a local agency is notified of WIN deregistration under part 9500.2726, subpart 3, or if a local agency determines under part 9500.2728, subpart 7, that a recipient has failed, without good cause, to participate in employment search or accept employment, the local agency shall notify the recipient that the local agency will impose the sanctions of subpart 2, beginning with the first payment month following deregistration or noncompliance in which notification and appeal rights under part 9500.2740, subparts 5 to 10, allow application of those sanctions.

Subp. 2. **Sanctions.** The following sanctions apply to recipients who do not comply with WIN, employment search, or employment requirements:

A. When a recipient is also the principal wage earner under part 9500.2300, the entire assistance unit is ineligible for three payment months for the first failure to comply or for six payment months for later failures to comply. When, during the period of sanction, the principal wage earner leaves the home or when either parent becomes incapacitated and eligibility is established under parts 9500.2180 to 9500.2260, the sanction period ends for the remaining members of the assistance unit.

B. When a recipient in an assistance unit that qualifies under part 9500.2300 is the parent who is not the principal wage earner, or when the recipient is a parent caretaker in an assistance unit that qualifies under part 9500.2180, 9500.2220, or 9500.2260, the parent caretaker shall be removed from the assistance unit. The parent caretaker shall be ineligible for a period of three payment months for the first failure to comply or for six payment months for later failures to comply. Protective or vendor payments shall be issued for the needs of the remaining members of the assistance unit under part 9500.2680, subpart 2, item A until the period of the sanction ends or the recipient who is under sanction is no longer a member of the assistance unit.

C. When a recipient who is under sanction is a caretaker relative other than a parent or is one of several dependent children, that person must be removed from the assistance unit for three payment months for the first failure to comply or for six payment months for subsequent failures to comply. When the recipient is the only dependent child in the assistance unit, the assistance unit shall be ineligible for AFDC for three payment months following the first occasion of noncompliance or for six payment months following later occasions of noncompliance.

Statutory Authority: *MS s 256.736 subd 7*

History: *12 SR 2787*