

**2013 Administrative Rule
Final Rule Form**

Revisor's ID Number: 4207

Submitting Agency: Department of Employment and Economic
Development

Date: 4/3/14

Rule Contact: Katrina Gulstad

E-mail Address: katrina.gulstad@state.mn.us

Phone #: 651-259-7241

Title: (Short descriptive title)	Proposed Permanent Rules Relating to Unemployment Insurance; Modifying Appeals, Employer Records, and Worker Status Provisions
Chapter number(s):	3310, 3315
Comments/controversies received since Notice of Intent to Adopt:	Two comments were received since the Notice of Intent to Adopt: (1) Glenda Niemiec from the Minnesota Recruiting and Staffing Association Legislative Committee sought clarification on a few of the amendments. The email from Ms. Niemiec and our response are attached. (2) Charles Thomas, attorney with Southern Minnesota Regional Legal Services, submitted comments regarding the proposed amendments. The email from Mr. Thomas and our response are attached.
If a hearing was requested explain why and attach ALJ Report:	No one requested a hearing.
List changes from draft rules proposal:	In consideration of the comments received, the following changes were made to the draft rules in order to ensure consistency of use and understanding of particular terms: (1) 3310.2901—Scope and Purpose —added "all" to determination appeals that result in hearings as well as a list of some determination types. (2) 3310.2902-Definitions—Subp. 2a —added the statutory definition of "applicant;" and Supb. 4a —added the statutory definition of "electronic transmission." (3) 3310.2905, Subp. 2(B) —removed "duly" from "duly authorized representative."

	<p>(4) 3310.2905, Subp. 2(I) and 3310.2921(E), both changed the language from "a clear and simple definition of 'preponderance of the evidence'" to "statutory definition of 'preponderance of evidence.'" This change was made to ensure consistency and proper understanding of the term "preponderance of evidence."</p> <p>(5) 3310.2905, Subp. 2(J) was changed from "a clear and simple definition of 'good cause'" to "statutory definition of 'good cause,'" again to ensure consistency and proper understanding of the term "good cause."</p> <p>(6) 3310.2908, Subp. 1—reinserted "inability to participate due to illness" to reasons for rescheduling a hearing.</p> <p>(7) 3310.2916—removed "duly" from "duly authorized representative."</p> <p>(8) 3315.0555 Determining Worker Status—Subp. 1—removed "essential" from "essential factors;" Subp. 1(E)—changed "determination" to "outcome," to eliminate confusion with department determinations, and removed "essential" from factors, then added "factors in items A to E," to clarify what factors are referenced.</p>
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Katie Clark Sieber

Commissioner's Signature

4-7-14

Date

THIS SECTION TO BE COMPLETED BY THE GOVERNOR'S OFFICE

I have reviewed the above information and have approved this administrative rule. The Agency may formally submit this rule to the Office of Administrative Hearings for approval and filing with the Office of Secretary of State.

Governor's Policy Advisor

Date

