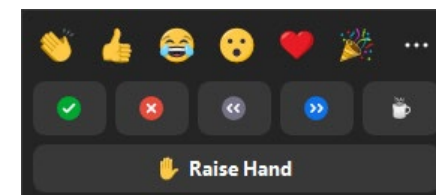
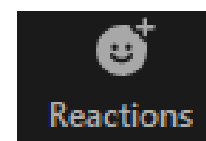
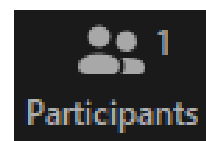
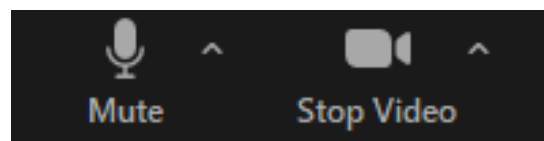


# Welcome! November 8, 2022

- Welcome to the Task Force on Eliminating Subminimum Wages meeting!
- Please use this time to get settled and test the online meeting technology
- Meeting controls to be familiar with during task force meeting (located at the bottom of the screen):
  - **Mute/unmute:** Mute and unmute your microphone.
  - **Stop video/Start video:** Turns your camera on or off.
  - **Participants:** See who's currently in the meeting.
  - **Reactions (smiley face icon):** Provides ability to “raise hand” that appears on-camera.



# Co-chair welcome

- Welcome to the group
- High-level overview of agenda
- Any changes to the meeting notes from the October meeting?

# Meeting Agenda

- Focus of meeting today is on voting on recommendations
- Order of topics is a little different, task force updates and other announcements will come at end of meeting

# Background information for voting on recommendations

# Recommendations – background information

## Recommendations that are necessary, need to be in place

- There are **8** recommendations that are **necessary** to eliminate subminimum wages or that need to be in place when subminimum wages are no longer allowed

## Recommendations for improvements to the system

- There are **14** recommendations that improve the system and advance competitive integrated employment for people with disabilities, including some broad ideas that the task force hopes for in the long run.

# Administrative Review Committee

Administrative Review Committee (task force co-chairs and DHS Disability Services Division staff) met to review recommendations.

The Committee:

- Designated task force members to work on edits to improve clarity and fill in gaps in recommendations. Note: the refined recommendations are what the task force is voting on today
- Categorized recommendations as 1) what's needed to end subminimum wages, and 2) other improvements for the system.

# October polling results: Strong approval for almost all recommendations

- In all but 2 cases, 15 or 16 members were willing to approve the draft recommendations from October
  - Half or more of you didn't like the 2 draft recommendations that cited Project SEARCH by name—recommendations discussed in October and changed for today
- The polling showed 1 member didn't like 4 of the other recommendations
  - Exploring a credentialing program for businesses that hire workers with disabilities
  - Expanding training opportunities for employment support professionals
  - Collecting data to monitor the phase out subminimum wages
  - Increasing waiver rates and improving career ladders for direct support professionals
- Objections to those four all came from a provider
  - If you are a provider who had concerns, flag them when these come up for voting

# Voting Overview



# Voting Today is Actual Voting

- Previous polling was to “take the pulse” of the task force members and learn about amount of support for recommendations.
- Voting today is “actual voting” to determine the recommendations that will move forward to be included in the plan to phase out payment of subminimum wages to people with disabilities on or before August 1, 2025.
- The vote on a recommendation is considered "final". *However, voting on additional recommendations will occur at the December meeting. If a recommendation today needs to be refined before voting, then it can be set aside for more work and voted on next month.*

# Voting Approach-Supermajority

- **If at least 12 of the 16 task force members (75% of the total membership-a supermajority)** support a recommendation, then the task force will advance that recommendation to be included in the plan.
- Those task force members who object to recommendations that the task force advances using a supermajority can submit a summary of their viewpoints about those recommendations to be included in a section of the report.
- Note: MAD will provide a form to allow task force members to express objections to task force recommendations.

# Voting Mechanics

- Zoom voting response options:
  - Yes, I approve this recommendation
  - No, I do not approve this recommendation
- Members will vote on each recommendation but to make the voting easier, the 22 recommendations will be broken into groups of 2-4 recommendations at a time
- Co-chairs will present each recommendation. After the presentation of each recommendation:
  - Task force members will have a chance to flag concerns and discuss them
  - Facilitator will ask: Does this latest version of the recommendation raise any red flags or change your approval for it?
  - Note: if task force members have feedback on language to strengthen recommendation or want changes to the wording in order for them to support a recommendation, then that recommendation may be set aside for more work and then a vote at the December meeting.

# Voting Reference Documents

- TFESW Recommendations Voting Guide – Excel document
  - Recommendation number
  - Recommendation
  - Context and Additional Information
  - Necessary or needs to be in place OR improve the system and advance competitive, integrated employment
  - Engagement themes
  - Checkbox for support or do not support the recommendation
- TFESW Recommendations – Word document
  - Recommendations and context/additional information

# Recommendations

Recommendations necessary to eliminate subminimum wages or that need to be in place when subminimum wages are no longer allowed

# Repeal subminimum wage

## 1. Repeal of Minn. Stat. §177.28, Subd. 5 and Minn. R. 5200.0030

The task force recommends phasing out subminimum wage with a limit on the number of people with disabilities to whom employers can pay subminimum wage during the phase out.

Minnesota Statute §177.28, Subdivision 5 is repealed effective August 1, 2025.

An employer who is authorized to employ individuals with disabilities at subminimum wage pursuant to a special certificate issued under 29 U.S.C. 214(c) or in accordance with rules under Minnesota Statute §177.28, Subdivision 5 must pay minimum wages, as defined by Minnesota Statute §177.24, to:

- a) From January 1, 2024, to December 31, 2024, not less than 60 percent of the individuals with disabilities the employer employs,
- b) From January 1, 2025, to July 31, 2025, not less than 80 percent of the individuals with disabilities the employer employs.

After August 1, 2025, an employer who is authorized to employ individuals with disabilities at subminimum wage pursuant to a special certificate issued under 29 U.S.C. 214(c) or in accordance with rules under Minnesota Statute §177.28, Subdivision 5, may not employ or agree to employ individuals with disabilities at a rate lower than the hourly rate required under Minnesota Statute §177.24.

**Year 1 actions:** Legislature passes a statute repealing Minn. Stat. §177.28, Subd. 5. The statute should include the date upon which the repeal is effective. Repealing the statute will repeal the rule allowing for payment of subminimum wage under Minnesota law.

**Year 2 actions:** Legislature authorizes more funds for cohort work like, the subminimum wage task force, to support the transition. Legislature sets a goal for 50 percent of providers currently utilizing the 14c certificate to eliminate it.

**Year 3 actions:** Legislature sets a goal for 100 percent of providers currently utilizing the 14c certificate to eliminate it.

# Measuring and monitoring plan

## 2. Plan for monitoring statewide progress on ending subminimum wages and tracking employment outcomes for people with disabilities.

The task force recommends Minnesota evaluate progress to phase out subminimum wages, as well as monitor employment and community life engagement outcomes for people with disabilities by 1) establishing an ongoing statewide data collection system and 2) improving administrative data alignment.

**Establish a data collection system for monitoring phase out of subminimum wages:** Minnesota will evaluate progress to phase out subminimum wages and monitor outcomes for people with disabilities by establishing an ongoing statewide data collection system administered by the commissioner of human services. Every organization holding a 14c certificate in Minnesota as of August 1, 2023, must use the system to report annually on each individual who was being paid subminimum wages through their organization as of that date. The system will include employment status, work activities, and other key community inclusion measures. Information will be collected by age, county, race, and disability type. To the extent possible, the commissioner will collect baseline information on employment status and hours worked prior to a statewide phase out of subminimum wages.

This data collection system will be piloted during the statewide phase out of subminimum wages. During this administration, the commissioner will identify resource needs and administrative considerations of expanding the data collection system to more broadly track employment outcomes of people with disabilities who are receiving publicly funded employment supports through programs including: waiver and county funded employment services, vocational rehabilitation services, school supports, and personal care assistant supports.

**Use administrative data alignment for ongoing performance evaluation:** DEED, MDE, and DHS shall use state level administrative data to track employment outcomes of people with disabilities and pursue needed changes to improve state level data. As part of this work, DEED, MDE, and DHS shall enter into an interagency data sharing agreement and recommend any needed changes to match people receiving services from identified Medicaid funded programs, including Medicaid Home and Community-Based waivers, with Unemployment Insurance (UI) wage detail records as well as school data records to verify employment status of individuals served. This data sharing will allow the agencies to track employment outcomes in a timely manner for people, including those receiving school transition programming. DEED, MDE, and DHS should explore strategies to similarly match data for people with disabilities who are receiving county-funded disability services to UI wage detail records and school data records to track employment outcomes.



## **3. The Minnesota State Legislature should allocate transition resources to support a phase out of subminimum wages in Minnesota.**

These transition resources include:

- Establishing a state-level transition manager to manage the phase out of subminimum wages and reporting to the legislature.
- Establishing a state technical assistance center through the end of 2028 to support the transition of provider organizations. This center would include a transition grant program for 14c holders modeled after the provider reinvention grant program.

# Work and benefits education and support

## **4. Provide work and benefits education and supports to every individual currently receiving subminimum wages.**

Within the first 18 months of phase out, DHS and DEED must work together to build strategies to provide work and benefits education and supports to every individual currently receiving subminimum wages. Strategy must include a person-centered process that identifies and addresses concerns, provides tailored information based on individual benefits, stories to teach core concepts and education about key supports (resources, tools and services) to help them along the way.

During the 511 process, individuals and their guardians will be asked if they have any work and benefits concerns and if so will be given core information resources and offered follow up by Disability Hub MN for a deeper conversation.

# Vote

# Strengthening day supports services

## 5. Strengthening day support services

The task force recommends DHS develop statewide promising practices as well as key service outcome measures for the delivery of meaningful, community-based day support services and provide technical assistance to providers in implementing these practices.

Additional information:

- Through public engagement and background research, the task force identified having high quality, meaningful day supports available is an important component of a successful phase out of subminimum wages.
- Day support services help people develop and maintain essential and personally enriching life skills so they can access and participate in activities in their community.
- Day support services can “wrap around” a person’s employment – providing skill development outside of the time a person is working at a job.
- For people who choose not to pursue employment, it is especially important to have meaningful day supports available that lead to an increase in community life engagement.
- For people who have primarily participated in employment or day supports in a service provider facility setting, community-based day support services can help people build skills, confidence and have experiences that support and inform their employment journey.

## 6. Technical assistance to transform business models and funding supports

The task force recommends a phase out of sub-minimum wage over time with technical assistance provided to transform business models and funding supports toward the outcome of competitive integrated employment.

Develop consistent state-level training professionals on:

- Youth in Transition Toolkit (for all)
- “Job Placement 101” (for work-based learning experiences- work coordinators and providers in particular)
- “Job coaching 101” (for work coordinators, paras, and providers)
- Student Discovery and Customized Employment (for school staff)

Provide funding for substitute teachers and paraprofessionals so school district teachers and staff can attend training during the school year and provide stipends when needed to attend training in the summer.

MDE, MDH, and DEED will provide a comprehensive training series to school district personnel on best practices for providing supports to students in work-based learning experiences while still in high school. Participants will learn about customized employment, natural supports, scheduling, staffing plans, and funding sources. As part of the series, participants will develop an implementation plan for their school district. Participants who engage in the full training series could also earn graduate credit and will be compensated for their time.

# Providing information and education

## **7. Providing information and education about services and supports**

This recommendation needs to be in place when subminimum wages end in Minnesota for those individuals covered under state law. It would advance the transition to competitive, integrated employment for individuals not covered under state law.

The task force recommends DHS collaborate to develop, create, and distribute trainings and informational pieces on services available in Minnesota, as well as stories from individuals served about their successes in these services. This information should be offered in multiple languages, both in a written and spoken format.

# Providing information and education, slide 2

DHS will collaborate with the following to develop a comprehensive guide to accessing disability services and the supports in a meaningful way. This guide should include information on all available services and benefits across the full life span:

- DHS Disabilities Services Division
- DEED
- University of Minnesota Institute on Community Integration
- Minnesota Disability Law Center
- The Arc Minnesota
- Autism Society of Minnesota
- The Governor's Council on Developmental Disabilities
- Proof Alliance
- DSM
- PACER Center
- Multi-Cultural Autism Action Network
- DEED State Services for the Blind
- Commission of Deaf Deaf-Blind and Hard of Hearing Services
- Minnesota Council on Disabilities
- Statewide Independent Living Council
- Minnesota Brain Injury Alliance
- National Alliance on Mental Illness
- Self-advocates
  - People with intellectual and developmental disabilities
  - People with diversity of diagnoses
  - People with diversity of Lived Experience
  - Parents
- Olmstead Implementation Office
- Minnesota Ombudsman for Mental Health and Developmental Disabilities
- State Rehabilitation Council
- The A-Team Minnesota
- Minnesota APSE (Association of People Supporting Employment First)
- Family Employment Awareness Training

## Providing information and education, slide 3

DHS will collaborate with entities listed above to create an advisory group to evaluate accessibility of Disability Hub, DB 101 and HB 101 to incorporate the Disability Law Center's Guide to Adulthood into DB 101 and Disability Hub. DHS will collaborate to keep this guide updated and distribute this guide upon request for disability services, MnCHOICES Assessments, service initiations, at the state level transition age (14), annually during transition, and any other points of county social services interactions.



# Reaffirm commitment to E1MN

## 8. Communication and Education to Build Belief

This recommendation needs to be in place when subminimum wages end in Minnesota for those individuals covered under state law. It would advance the transition to competitive integrated employment for individuals not covered under state law.

The task force recommends Minnesota reaffirm its commitment to the state's Employment First Policy and, as part of any transition plan, carry out a comprehensive communication and engagement campaign to reach people who are currently earning subminimum wages and their families to affirm the options and supports available to them in meeting their employment goals and address common concerns they may hold, including:

- Availability of employment supports and job coaching
- Impact of competitive wage work on benefits
- Transportation concerns
- Safety in the community
- Willingness of businesses to hire people with disabilities
- Job security and retention
- Availability of meaningful day supports

# Reaffirm commitment to E1MN, slide 2

This communication and engagement campaign should build off the work started by the task force and efforts through the Provider Reinvention Grant Program, including training of peer mentors who have successfully transitioned to competitive wages, development and sharing of success stories, sharing of employment outcome data from states who have ended subminimum wages, and equipping community partners to help families address questions and concerns. As part of this campaign, all providers holding a 14c certificate should be required to work with a state appointed technical assistance firm to support their communication to families during the ending of subminimum wages. Communications with potential employers and with the public broadly about employment for people with disabilities will help overcome ableism and negative narratives.

# Vote

**Recommendations that improve the system and advance competitive integrated employment for people with disabilities, including some broad ideas that the task force hopes for in the long run.**

# Changing fee schedules and reimbursement rates

## 9. Change fee schedules and allowable reimbursements under Medicaid waiver plans

The task force recommends changes to fee schedules and allowable reimbursements under Medicaid waiver plans, including:

- Use the results from the “Access to Waiver Transportation Used by Minnesota’s Home and Community-Based Program Participants” study commissioned by the Minnesota Legislature in 2019, create equitable transportation frameworks statewide that meet the needs as laid out in the study.
- Update the transportation language in the Community-Based Services Manual (CBSM) to clearly state that rideshare programs such as Lyft and Uber are allowable reimbursements under waiver programs to prevent barriers created by unclear language.
- Increase the rate for employment exploration to match the other employment development service rates to encourage more providers to provide that service as a means of offering person-centered informed choice.
- Create financial incentives for waived service providers to offer transportation during a Day Support Services day to encourage more access to the community.
- Allow separate rates to be used for Day Support Services based on the service provided. For example, one rate for a group service and one for a 1:1 service.

# Changing fee schedules and reimbursement rates, slide 2

## 9. Change fee schedules and allowable reimbursements under Medicaid waiver plans

The task force recommends changes to fee schedules and allowable reimbursements under Medicaid waiver plans, including:

- Use the results from the “Access to Waiver Transportation Used by Minnesota’s Home and Community-Based Program Participants” study commissioned by the Minnesota Legislature in 2019, create equitable transportation frameworks statewide that meet the needs as laid out in the study.
- Update the transportation language in the Community-Based Services Manual (CBSM) to clearly state that rideshare programs such as Lyft and Uber are allowable reimbursements under waiver programs to prevent barriers created by unclear language.
- Increase the rate for employment exploration to match the other employment development service rates to encourage more providers to provide that service as a means of offering person-centered informed choice.
- Create financial incentives for waived service providers to offer transportation during a Day Support Services day to encourage more access to the community.
- Allow separate rates to be used for Day Support Services based on the service provided. For example, one rate for a group service and one for a 1:1 service.

# Require schools to provide information to VRS/SSB

**10. Require by statute that schools provide DEED Vocational Rehabilitation Services (VRS) and/or State Services for the Blind (SSB) the names and contact information of transition-aged students with disabilities, and their parents/guardians, to ensure they receive information from VRS and/or SSB about available services.**

The task force recommends improvements to VRS and SSB referrals and the individualized education program (IEP) processes:

When a student eligible for special education services turns 14 years old, their school district and IEP team must consider whether a student might be eligible for VRS, SSB, waiver services, and/or other disability support services, and if so, make a referral to VRS, SSB, DHS, or the appropriate agency or service provider (see Minn. Stat. 125A.08(b)(1) and Minn. R. 3525.2900).

Transition-aged students eligible for VRS, SSB, and waiver services must have relevant representatives from these entities as required IEP team members.

MDE and DEED shall provide CEU opportunities for school staff, including special education directors and case managers, about DEED services and provide relationship-building opportunities to further connect school staff and transition-age students with VRS and SSB.

MDE needs appropriate funding to hire regional transition specialists, consistent with DEED's regional transition coordinators, to collaborate on training school case managers on proper planning and coordination for IEP meetings, including scheduling and coordinating meetings at least 30 days prior to the IEP meeting and using other practices highlighted in Ten Suggestions for Adding Person-Centered Features in Individualized Education Programs (<https://education.mn.gov/mdeprod/groups/educ/documents/hiddencontent/bwrl/mdg2/~edisp/mde086191.pdf>).

# Improve transition to waiver funded services

## **11. DEED and DHS will work on employment first policy and program options to eliminate gaps in services in the transition from DEED-Vocational Rehabilitation Services (VSR)/State Services for the Blind (SSB) funded job placement services to waiver funded employment support services.**

The task force recommends DEED and DHS work on E1MN policy and program options to improve the transition from DEED-VRS/SSB funded job placement services to waiver funded employment support services so there are no gaps in services. E1MN is Minnesota's state agency partnership to advance Employment First outcomes for youth and adults with disabilities. This recommendation also includes clarifying funding for individuals who seek career advancement.

The gaps and barriers in the system that exist between DEED-VRS services and waiver create concerns up to and including individuals losing their jobs. The process is daunting and stressful, and people choose not to go through it due to prior experiences.

DEED and DHS should work together to do the following:

- Determine what, if any, authorizations can be held open if a provider is dually enrolled and providing supports for an individual through the entire employment process to avoid unnecessary gaps and setup that frustrate individuals and families.
- Develop a list of frequently asked questions (FAQ) that is shared between departments with answers to the most-asked questions to cut down on the amount of contradictory information communicated to providers, individuals, and teams.

**Year 1 actions:** Provide training to case managers from VR about how VR and referrals work. Provide training to DHS and case managers on what happens in transition programs, using E1MN training. Review strategies to support local collaboration on a regular basis.

**Year 2 and Year 3 actions:** Continue local collaboration support. VR to continue meetings with case managers and case manager agencies.



# Vote

# Break

# Required special education training

**12. Schools shall require that special education teachers complete annual professional development training on best practices in partnering with DEED VRS and/or SSB and waiver services for transition-aged youth during opening/workshop week at the beginning of each school year.**

The task force recommends:

- Schools shall require that special education teachers complete annual professional development training on best practices in partnering with DEED VRS and/or SSB and waiver services for transition-aged youth during opening/workshop week at the beginning of each school year.
- As part of teacher preparation training, students preparing to be secondary teachers must complete coursework or demonstrate competency on best practices in partnering with DEED VRS and/or SSB and waiver services for transition-aged youth. As part of secondary Special Education teacher re-licensure, teachers must complete CEUs which document professional development training on best practices in partnering with DEED VRS and/or SSB and waiver services for transition-aged youth.
- Starting in grade nine, require school districts to annually report to MDE the percentage of students who are eligible for special education services and who participated as part of a school program in paid work experience and unpaid work experience in the community.
- Establish a state goal for all students who are eligible for special education services to have paid competitive integrated work experience prior to graduation from high school (see Minn. Stat. 125A.08(b)(1) and Minn. R. 3525.2900).
- VRS staff, SSB staff, case managers, special education teachers, and other disability services professionals will help youth upload plans to Disability Hub MN My Vault to share with their support team to ensure youth who have disabilities aged fourteen through twenty-one leave school with a concrete plan, resources, and contacts for future education, training, or employment.

# Communications and engagement plan for employers

## **13. Create an employer communications and engagement coordinated strategy and plan.**

DEED, in consultation with existing workforce program structures and employment service providers, will work to develop a coordinated strategy and strengths-focused communications plan to engage employers across the state about the opportunity and value of employing people with disabilities in competitive, integrated employment. DEED will leverage existing placement specialists and coordinators, business engagement networks, and other existing structures to carry out this work. Communication will focus on building employer awareness of current resources available, single point of contact coordination, and disability inclusion training.

# Business certification program

**14. DEED will develop a certification program for Minnesota businesses to receive training on hiring people with disabilities, creating inclusive workplaces, and providing accommodations and universal design best practices.**

This training will expand and build off existing DEED resources like Disability Inclusion Bite-Sized Learning Modules.

**Year 1 actions:** Build on existing DEED resources to create an employer certificate program for Minnesota businesses to receive training on hiring people with disabilities, creating inclusive workplaces, and providing accommodations and universal design best practices.

# Vote

# Employment support professional training

## 15. Expand training for employment support professionals.

The task force recommends DHS, in collaboration with DEED, expand customized employment, certified employment support professional (CESP), and Association of Community Rehabilitation Educators (ACRE) certified training opportunities for employment support professionals in Minnesota. This includes both in-person and on demand, online training opportunities that are certified by ACRE or result in CESP credentialing.

DHS and DEED shall consider the following in expanding training opportunities:

- College of Employment Services (CES) online/on-demand coursework aligns with competency requirements for Minnesota's waiver employment services. Online training can be helpful to train large number of people efficiently. Through CES+ there is an opportunity for learners to receive ACRE certification. The CES training is a good guide for obtaining CESP certification as well.
- Through the Minnesota Transformation Initiative (MTI) technical assistance, DHS has learned that expanding Customized Employment training is important in-service provider transitions to competitive employment supports. There is a strong value in having an in person and local area/community connection to this training.
- Training should be available at free or low cost to service providers.
- Consider any needed updates to existing training as well as "train-the-trainer" approaches to training opportunities to address workforce turnover.

**Year 1 actions:** Research strategies for expanding training opportunities, identify best type and source of training, engage stakeholders on expanding training.

**Year 2 actions:** Offer customized employment or ACRE certified training opportunities and increase CESP opportunities.

**Year 3 actions:** Continue to offer training, evaluate impact.

# Embed benefits and work education

## 16. Embed benefits and work education throughout an individual's process.

The task force recommends creating a broad-reaching work and benefits campaign that will help people see how work and benefits can go together. Campaign will also promote the benefits planning resources, tools, and services available to help and create core materials that will be embedded ongoing in DHS, DEED and MDE funded programs.

- DHS, DEED and MDE must ensure each year that people on their programs who use or plan to access Social Security Administration (SSA) benefits receive and understands core information around benefits and work
  - DHS will put together core benefit information together to share people who are on their programs who are on SSA or who plan to access SSA benefits. Specific instances where this must happen shall include:
    - At the time of MnCHOICES assessments
    - One year prior to entering transition services
    - IEP planning meetings during transition services
    - At service initiation with DEED
  - DHS should also address strategies for those who are on county-funded supports to receive benefit and work information.
- The task force also recommends adding language to the informed choice statute under subd. 4a.- 4) will be given benefits planning assistance and supports to understand available work incentive programs as well as the impact of work on benefits.



# Benefits planning competencies

## **17. Build benefits planning professional competencies across the system**

The task force recommends all professionals using public funds to support people with disabilities in exploring, finding, or keeping employment must demonstrate core work and benefits competencies. Competencies to talk about benefits and work, dispel myths, address fears, and use online resources to educate program participants and get answers. Professionals shall be educated on the availability of benefits planning, and the different resources available, including DB101.org.mn, Disability Hub MN, HB101, and the agencies they can utilize to get benefits planning when they need support professionals have access to benefits planning training and a robust system of resources through the Disability Hub MN benefits planning toolkit.

# Vote

# Competitive workforce factor and inflationary data

## **18. Fully fund the competitive workforce factor and update inflationary data.**

In order to attract new support professionals and retain existing professionals, the task force recommends the Minnesota Legislature fully fund the Competitive Workforce Factor.

Additionally, the task force recommends the Minnesota Legislature require that existing biennial inflationary adjustments are based on the most recent available data from Bureau of Labor Statistics (BLS) and Consumer Price Index (CPI). Currently, these adjustments are made using data available 30 months and one day prior.

The task force further recommends that to attract new support professionals and retain existing professionals in support of expanding the availability of Personal Care Assistant (PCA) services that will increasingly be needed for some people with disabilities to succeed in community employment, the Minnesota Legislature build in an inflationary adjustment that is automatically updated on a biennial basis to the current PCA rate.

# Implement legislation and priorities

## **19. Implement the proposed Best Life Alliance Legislation and the priorities of the Direct Care Workforce Stakeholder Group.**

The task force recommends implementing regular adjustments to the Competitive Workforce Factor (CWF) to reduce the wage gap that exists between DSPs and comparable occupations, increasing the CWF by 2 percent on an ongoing basis. (HF 3551/SF 3353) .

- Continue to refine the Disability Waiver Rate System so it is an accurate reflection of market costs by using most currently available data. (HF 3551/SF 3353).
- Study and make recommendations on how the Disability Waiver Rate System can be responsive to the impacts of local and statewide minimum wage increases. (HF 3551/SF 3353).

DHS will look at PCA and waived services through a policy lens to see what barriers exist with receiving both PCA services and Waivered Services. These should specifically look at barriers around:

- PCA being prevented from providing transportation of those supported to provide transportation to worksite.
- For those that reside in CRS and being able to have a PCA at the worksite.

# Employment supports alignment study

## 20. Interagency Employment Supports Alignment Study

This task force recommendation explores opportunities to align rate structures, program requirements and administrative procedures across Minnesota's employment supports to strengthen the state's E1MN collaboration and create a seamless and timely employment support system. DHS, MDE, and DEED shall contract with an entity to research and propose needed investments to 1) align rate structures, 2) align administrative procedures to support seamless and efficient transitions between programs, 3) aligning provider enrollment competency and monitoring standards across employment supports administered by the agencies. Subsequently, this proposal allocates resources allowing the agencies to act upon recommendations in a timely fashion.

Additional Context: DHS, MDE, and DEED all administer separate programs that provide employment supports for youth and adults with disabilities. Each program uses a different rate methodology and has separate reporting and provider requirements – which creates complexity and unintended incentives across programs. As Minnesota deepens our E1MN collaboration to create a seamless and timely employment support system, we need to explore opportunities to align our rates across employment supports.

**Year 1 actions:** Enter into agreement with contracted entity to conduct study

**Year 2 actions:** Conduct study

**Year 3 actions:** Implement recommendations

# Vote

# Case management

## 21. Case management: additional training, cap on caseloads, and change to yearly plan review requirements.

The task force recommends the following:

- Increase rate structure for case management and increase mandated training for case manager by four hours per year to include comprehensive training for benefits information, disability specific training, planning, and analysis so staff can provide individuals and families with a full view of how employment affects benefits to help dispel fears about adverse impacts on Social Security, housing, and other benefits.
- Establish authority to streamline and build efficiencies in support planning-case management. Modify 256b.0911 Subd. 5. (b) to include case management in support plan activities. This will provide authority to streamline case management and support plan activities within the MnCHOICES application. For example, requiring the use of functionality within the MnCHOICES system to align case management practices statewide.
- Establish authority to remediate case management contracts. Amends 256B.049 and 256B.092 to grant the commissioner of health and human services authority in to review case management contracts, provide remediation and require corrective action within timelines identified by the commissioner.
- Mandate reporting on completion of required annual case management training hours. Modify 256b.49 subd. 13 (e) to require reporting on completion of case management training hours and documentation using the commissioner-approved system to track completion of training requirements (reporting and documentation to be completed in TrainLink).
- Appropriate funding for case management workforce data. Amend 256b.49 to appropriate funding for case management labor market data reporting. This would support annual reporting on case management providers, retention rates, vacancy rates, and other valuable information to inform work and decisions related to case management.
- Require assignment of an individual case manager to each person open to the waiver, and that each person must be provided a direct phone number for their case manager, case management provider, and lead agency; this information must be documented in the person's Support Plan. Amend 256B.0911 to include this requirement and remove requirement identified 256B.092 Subd 1a. (C) to align DD case management requirements.
- Caseload caps should be implemented through revision of the current rate structure and by establishing a case load rate factor. This change may be implemented to meet caseload goals over a four-year period to allow time to address staffing needs and staffing shortages.

# Employment Resource Specialist grant program

## **22. Establish a five-year Employment Resource Specialist Grant Program for lead agencies in Minnesota.**

This task force recommendation establishes a five-year Employment Resource Specialist Grant Program for lead agencies in Minnesota to build capacity in supporting competitive integrated employment through creating designated employment resource specialists at lead agencies or regional collaborations of lead agencies in Minnesota. The positions will carry out the following duties:

- Employment planning with transition age youth, people receiving subminimum wages, and their families/guardians to proactively support a path to competitive employment
- Create person centered and individualized employment plans with people
- Help people and their families understanding available supports, both formal and informal, as well as resources available to succeed in competitive employment
- Coordinate and communicate across a person's support team, including case managers, school staff, providers, and Vocational Rehabilitation Services
- Address benefits concerns and assist the person and their families/guardians with applying for needed benefits
- Follow a person during their employment path and provided ad hoc assistance to address barriers or needs that arise.
- Build lead agency and regional capacity to support people with disabilities in competitive employment through:
  - Championing employment
  - Leading organizational employment first collaboration between Vocational Rehabilitation Services, schools, service providers and lead agencies
  - Monitoring outcomes and evaluating lead agency employment efforts
  - Providing case specific consultation and support to case managers
  - Monitoring service authorizations and providing employment training to lead agency case managers



# Employment Resource Specialist grant program, slide 2

The commissioner of human services will administer this program and set up an allocation structure to lead agencies based upon 1) the number of people receiving subminimum wages or who are receiving waiver Prevocational Services for whom the lead agency is the County of Financial Responsibility, 2) the number of students receiving waiver services who will be transitioning out of school services in 2023, 3) other factors identified by the commissioner. Lead agencies may regionally partner and pool funding to establish regional positions or may use funding to create a position specific for their lead agency.

This time limited grant funding will build lead agency capacity to support people in transitioning from subminimum wages to competitive employment as well as support youth who are graduating from school to move to competitive employment. During administration of the program, the commissioner of human services shall develop a recommendation for sustainable funding for positions and evaluate the impact of the Employment Resource Specialist Grant Program on employment outcomes.

# Vote



**DEPARTMENT OF  
HUMAN SERVICES**

# Consultation to DHS – Limiting Subminimum Wages November 8, 2022

# Goals for Today

- Introduce consulting role of task force
- Outline what DHS has heard so far from task force workgroups
- Share questions DHS has on what we have heard so far
- Introduce structure to collect formal task force consultation

# Task Force Consultative Role

- *(2) consult with and advise the commissioner of human services on statewide plans for limiting subminimum wages in medical assistance home and community-based services waivers under Minnesota Statutes, sections 256B.092 and 256B.49*
- Subminimum wages are currently allowable under waiver employment support services and prevocational services
  - FY 2022: 4,255 paid claims for prevocational services
  - As of 10/12/22: 6,107 people authorized to receive employment support services, 1,290 (21%) authorizations at subminimum wages

# Task Force Consultative Role - Considerations

- Immediate ask is for feedback that can help DHS shape our priorities over the coming year
- Future asks as new topics arise or if more clarity is needed on feedback provided

# What DHS has heard so far

- Workgroups have suggested:
  - Move all subminimum wages to prevocational services
  - Phase out Medicaid payments for subminimum wages
  - Revamp monitoring efforts to ensure policy/rules are being followed
  - Create rate incentives for competitive wages in employment support services

# What DHS has heard so far – 511 conversations

- DHS and DEED strengthen informed choice process and streamline WIOA 511 conversations to ensure that people who say “yes” to employment conversations are engaged in a timely fashion and offered available employment supports. Collect information necessary to meet this goal and track outcomes.



# Questions – Employment Support Services

- DHS pursue changes to Minnesota's waiver plans to require competitive wages in any job position for which a person is receiving Employment Support Services.
  - Do you support this advice?
  - What is a good timeline for implementing?
  - How do we support people in transitioning to competitive wages instead of stopping work?
  - What are other things we should think about?

# Questions – Prevocational Services

- DHS pursue changes to Minnesota’s waiver plans to require competitive wages for any wages earned while a person is receiving Prevocational Services.
  - Do you support this advice?
  - What is a good timeline for implementing?
  - How do we honor HCBS Settings Rule statewide transition plan tiered standards?
  - What are other things we should think about?

# Questions – Monitoring and Enforcement of Policy

How can DHS increase monitoring and enforcement of the following state waiver plan requirement:

- *waiver funds are used to reimburse providers' billing claims for providing assistive services and supports to people with disabilities. Waiver funds cannot be used as capital to:*
  - *Finance provider-owned, -controlled and -operated business enterprises*
  - *Supplement a person's wages.*

# Structure to Collect Input

- Today's section set up our request for consultation
- Need a way to follow up to receive more formal and detailed input from the task force
- Survey: Will be sending out a survey after today's meeting requesting individual member perspective on importance of each item and more detailed feedback
- Please complete survey by 11/22/2022
- Contact MAD or Ryan if any questions. Share results in January.

# Questions?

# Task force report to the legislature

# Task force report will focus on task force recommendations

- The legislature told the task force to submit a report with recommendations to end subminimum wages by Aug. 1, 2025
  - The task force has focused its work on its recommendations
  - The report will focus on the recommendations, too
- The report will include all recommendations that the task forces approves
  - Task force recommendations needed to end subminimum wage
  - Other task force recommendations to improve the system
- For each recommendation, the report will add other useful information from task force discussions, the workgroups, and other reviewers
  - Workgroup ideas for what can be implemented when (by Aug. 1, 2025)
  - Context from points shared by task force and workgroup members
  - Main challenges or barriers that each recommendation addresses
  - Estimated costs (to come still from financing experts at state agencies)

- Executive summary
- The legislative Task Force on Eliminating Subminimum Wages
- Subminimum wages and their use in Minnesota
- Task force engagement efforts and findings
- Task force recommendations: A plan to eliminate subminimum wages
- Barriers and challenges, including mention of costs
- Recommendations address challenges, barriers, including costs
- Objections if any from individual task force members
- Appendices



# Task force updates

- Susan Fleurant is now the official task force representative from Disability Law Center

# Task force updates – recommendations editing and reviews

- Recommendation review
  - Administrative Review Committee will compare recommendations with the feedback PSC has gathered, and with the barriers the task force identified to determine if there are any missing themes or ideas.
  - Transformational experts will review the recommendations to determine if there are any major gaps in the recommendations.
  - Funding subject matter experts from state agencies, including DHS, DEED, MDE, and DLI, will review recommendations to provide additional information on potential costs or savings, as well as to potentially identify funding opportunities.

# Task force updates – objections

- Gathering objections to recommendations
  - MAD will provide task force members with an opportunity to note any objections to a task force recommendation.
  - Depending on the objections, they will be noted along with the recommendations in the report, or members can write something for inclusion in the objections section of the report.
  - MAD will gather this feedback between the November and December task force meetings.

# TFESW Road Map to Report Milestones

## **December**

- December 13: Task force votes on additional recommendations
- December 13: Task force votes on whether to continue after 2024
- December 13: Task force approves final report
- December 13-15: MAD final report revisions

## **January**

- January 10: Task force meets, if necessary, to approve final report
- January 15: Report to DHS/DSD for review

## **February**

- February 14: Task force meets, if necessary
- February 15: Final report to legislature

# TFESW continuation beyond March 31, 2024

Subd. 8, The task force must include in the report a recommendation concerning continuing the task force beyond its scheduled expiration

Subd. 10 The task force shall conclude their duties and expire on March 31, 2024

- Task force will discuss continuation beyond March 31, 2024 at the December task force meeting and develop a recommendation

- **Next task force meeting:** Tuesday, December 13, 2022 (on Zoom)
- **Need information more information about the task force work groups?**  
Contact Jessica Burke (Jessica.burke@state.mn.us)
- **Opportunity for member feedback:** please complete the short member feedback survey.
- **Questions between meetings?:** Contact Jessica Burke (Jessica.burke@state.mn.us)

Thank you for your time today!