# Welcome! October 11, 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.
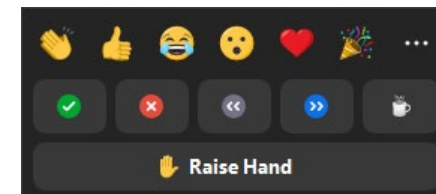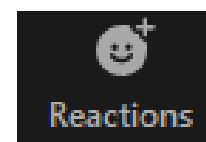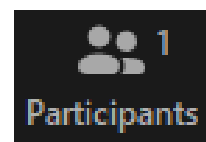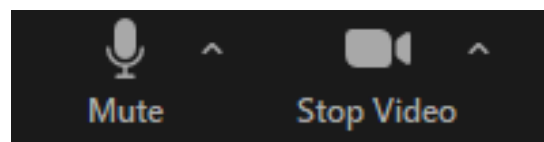
Co-chair welcome

- Welcome to the group

- High-level overview of agenda

- Any changes to the meeting notes from the September meeting?

Task force updates

Materials sent before meeting

- October task force meeting agenda

- October task force presentation slides

  - MAD presentation slides
  - PSC update on engagement activity

- September meeting summary

- Member Updates
  - Susan Fleurant will be the Disability Law Center representative, instead of Dalaine Remes
  - Heidi Hamilton will be replacing Natasha Merz as the DHS representative

Task Force on Eliminating Subminimum Wages Timeline
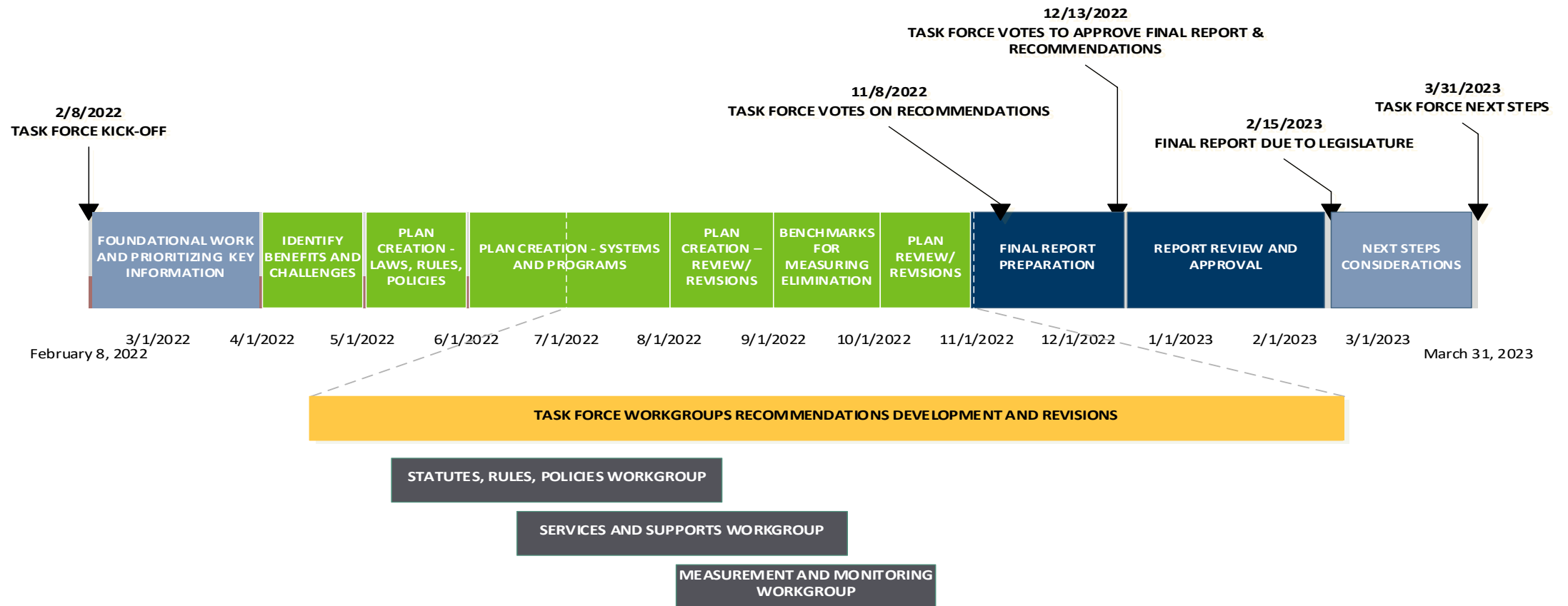
- Workgroup Meetings
  - Workgroup on statutes, rules, and policies and group – had fourth meeting on 9-28
  - Workgroup on services and supports – held fifth meeting on 9-28
  - Workgroup on measuring and monitoring progress and outcomes – working over e-mail
- Recommendation editing and refinement
  - Some of the recommendations are being reviewed or improved by workgroup members, sometimes in partnership with subject matter experts
  - MAD will combine recommendations into a single document and recategorize them according to legislative duties

Workgroup labels and types for recommendations

- The task force has four workgroups on key topics for eliminating subminimum wages—and all four drafted recommendations

- Draft recommendations from some workgroups have overlapped with the key topics for other workgroups

  - So for example, draft recommendations about services and supports for workers have come from the workgroup on statutes, rules and policies and the workgroup on assistance and support for providers

- Set aside any worries today about the labels for the workgroups and the types of recommendations and focus on the drafts themselves

  - After today, you'll have a list of recommendations, and we'll work this month with task force members and others on how to group them for the task force report

TFESW Road Map to Report Milestones

October
- October 14: PSC provides completed feedback
- October 12-24: MAD compiles feedback from task force and updates recommendations
- October 13-28: Admin review of recommendations, funding SMEs provide input on funding recommendations, and transformational experts review for gaps
- October 28-November 2: Task force finishes feedback on recommendations, informal vote on recommendations to move forward (survey or other method)

November
- November 3-4: MAD assembles and analyzes feedback from survey for November 8 task force meeting
- November 8: Task force votes to approve recommendations
- November 8: Task force discussion and vote on future activities
- MAD continues to write draft report, through November 30

December

- December 13: Task force approves final report and recommendations
- December 13-15: MAD final report revisions
- December 15: Report to DHS/DSD for review

January

- January 10: Task force meets, if necessary
- DHS review continues

February

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

PSC Engagement Update

Measurement & Monitoring and Provider Supports Workgroup Updates and Polling

TFESW Measurement and Monitoring Workgroup

- Workgroup made changes based on task force feedback
  - Workgroup dropped non-work activities from the list of what the system would cover to address privacy concerns from task force members
  - Workgroup added county location to the list of information to collect so that outcomes in rural can be compared to outcomes in metropolitan areas

- Workgroup co-leads captured concepts from PSC solutions sessions
  - Option 1 now asks for outcomes data from before the transition for comparisons
  - Notes for report include providers' ideas on progress measures and their limitations

- Workgroup added a 3rd draft recommendation on aligning and using State of MN administrative data if possible for measuring, monitoring

For each recommendation:

1. Discuss what concerns and questions do you have about the recommendation?

2. Polling in Zoom –

Polling Scale
- I love it
- I like it
- I can live with it
- I don't like it
- I hate it

Measuring and Monitoring Recommendations

1. 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. Every organization holding a 14c certificate in Minnesota as of August 1, 2023, must use the system to annually report 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.

If feasible, compile data on the number of people employed and hours worked before the transition away from subminimum wages and compare it data on those measures during and after the transition.

Measuring and Monitoring Recommendations

2. Ongoing data collection system for monitoring phase out of subminimum wages and employment outcomes for people with disabilities: Minnesota will evaluate progress to phase out subminimum wages, monitor increased employment outcomes, and track outcomes for people with disabilities by establishing an ongoing statewide data collection system. Service providers will use the system to report annually on those receiving employment and day services, including each individual who was being paid subminimum wages through their organization as of August 1, 2023. Providers reporting through the system will include waiver- and county-funded employment service providers, waiver- and county-funded day service providers, vocational rehabilitation providers, providers of personal care assistance, and providers of special education in cases where individuals are employed while in school (unless vocational rehabilitation providers are reporting on them). System will include employment status, work, and other key community inclusion measures. Information will be collected by age, county, race, and disability type. If such a survey-based data collection system is cost prohibitive, the State of Minnesota will explore the use of state administrative data to monitor and track outcomes for employees with disabilities.

Measuring and Monitoring Recommendations

3. Administrative data alignment for ongoing performance evaluation:
DEED, MDE and DHS shall enter an interagency data sharing agreement and recommend any needed changes in order to match people receiving services from identified Medicaid funded programs, including Medicaid Home and Community-Based waivers, with Unemployment Insurance 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, after the subminimum wage has been phased out. Further, 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 in order to track employment outcomes. If Minnesota implements an ongoing, survey-based data collection system to monitor and track employment outcomes, as described above, this recommendation regarding administrative data may not be necessary.

10-minute Break

Provider Supports Recommendations

Overview

- Workgroup met September 28 to review recommendations based on task force and PSC feedback.

- Workgroup members continue to refine recommendations

- The workgroup is consulting partner agencies and SMEs for additional input and to ensure there are not potential unintended consequences coming out of recommendations and that agencies agree with what is being asked of them.

For each recommendation:

1. Discuss what concerns and questions do you have about the recommendation?

2. Polling in Zoom –

Polling Scale
- I love it
- I like it
- I can live with it
- I don't like it
- I hate it

Provider Support Recommendations

1. **Employer communications and engagement plan:** DEED, in consultation with business specialists and existing workforce program structures, and Employment Services Providers, will work together to develop a strengths focused communications plan to engage employers across the state about the opportunity and value of employing people with disabilities in competitive, integrated employment.

- This communication plan shall include information on available incentive programs, resources, any needed technical assistance/training, and the importance of workplace inclusion as it pertains to competitive employment for people with disabilities.

- Communication plan shall also include establishing peer-to-peer consultation structures to connect inclusive worksites to employers seeking to expand their workforce.

2. Employer Credentialing Program:

- The Minnesota Departments of Employment and Economic Development and Labor and Industry shall work together to determine the feasibility of establishing a credentialing and training program for community businesses on employment people with disabilities.

- Goals of this program would include establishing standards and best practices to share with businesses for creating inclusive worksites for people with disabilities and award certification to businesses that meet inclusive worksite standards.

Provider Support Recommendations

3. **Transition Resources:** The Minnesota State Legislature should allocate transition resources to support a phase out of subminimum wages in Minnesota. These resources include:

a) Establishing a state-level transition manager through the Department of Labor and Industry to manage the phase out of subminimum wages and reporting to the legislature.

b) Establishing a state technical assistance center through the end of 2028 to support the transition of provider organizations.

c) Establishing a transition grant program for 14c holders through DLI modeled after the provider reinvention grant program

4. Expand training opportunities for employment support professionals:

- The Minnesota Department of Human Services, in collaboration with the Department of Employment and Economic Development, shall expand Customized Employment, CESP, and ACRE Certified training opportunities for employment support professionals in Minnesota.

- This includes both in-person and on-demand, online training opportunities that result in ACRE or CESP credentialing. DHS and DEED shall consider "train-the-trainer" approaches to training opportunities to address workforce turnover.

Provider Support Recommendations

5. **Benefits Information Training:**

- Provide comprehensive training for benefits information, planning, and analysis so that staff and case managers 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.

- Include resources from DB 101, Disability Hub, and E1MN pages.

- Provide education about benefits review process through Goodwill Easter Seals to case managers.

- Build out a robust system of resources for employment support professionals to receive access to thorough training.

- Require education and training to case managers, employment professionals about the different state sponsored resources (E1MN site, DB 101, Disability Hub, HB 101, etc.), that are available to educate people about services and benefits that are available to those receiving services.

Provider Support Recommendations

5b. Benefits planning messaging

Create a Work Benefits You campaign with key messages for PWD and professionals. Develop materials/websites/emails/etc. with key messages for audiences.

5c. Benefits planning core competencies

Require core competencies related to work and benefits (benefits planning) for all professionals using public funds to support people with disabilities in exploring, finding, or keeping employment.

5d Benefits planning communications

Embed messaging and activities about work and benefits (benefits planning) in DHS, DEED and MDE funded programs

6. DWRS Rates Enhancement & DSP Career Laddering:

- Fully Fund the Competitive Workforce Factor: In order to attract new support professionals and retain existing professionals, the Task Force on Eliminating Subminimum Wages recommends that the Minnesota Legislature fully fund the Competitive Workforce Factor.

- PCA rate enhancement: In order 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 Task Force on Eliminating Subminimum Wages recommends that the Minnesota Legislature build in an inflationary adjustment that is automatically updated on a biennial basis to the current PCA rate.

7. PCA and IHS Rate Enhancement

Follow and implement the priorities laid by the Direct Care Workforce Stakeholder Group

1. Increase worker wages and/or benefits

2. Expand the worker pool to ensure that people with disabilities have the workforce they need to live, learn, work, and enjoy life in the most integrated setting.

3. Improve the workforce by enhancing training for direct support professionals.

4. Increase job satisfaction (including quality of the job). Raise public awareness by promoting direct care and support careers.

5. Promote service innovation.

6. Enhance data collection.

Provider Support Recommendations

8. Interagency collaboration and alignment to align rates, procedures, and requirements across employment supports

- Proposal: DHS, MDE, and DEED shall contract with an entity to research and propose needed investments to 1) align rate structures and administrative procedures 2) aligning provider enrollment competency and monitoring standards across employment supports administered by the agencies.

9. Employment navigator services

- Create a new navigator service to assist employers during phase out and ensure there is coordination between employers/service providers.

- Create legislation to create navigator service

10. Strengthening transition programming

- Project SEARCH is one model that improves competitive integrated employment outcomes for transition-aged students with disabilities. The post-program competitive integrated employment rate for youth that have completed the program in MN is 75%. **Recommendation: Funding for expanding sites in MN. (could include hybrid models with students and young adults- see "Hybrid and adult Project SEARCH programming" below)**

- As a part of the rollout of the Minnesota Transition Framework (see Statutes, Rules and Policies Workgroup Recommendations numbers 6 and 8), MDE, DHS, and DEED will define the Student Discovery and Customized Employment model for Minnesota.

Provider Support Recommendations

10. Strengthening transition programming

From there, a comprehensive training series will be provided to school district, VRS/SSB, and service provider personnel on best practices for providing supports to students in work-based learning experiences while still in high school. Participants will learn about the Minnesota Student Discovery and Customized Employment model and other job placement strategies, job coaching, natural supports, and interagency roles and responsibilities related to work-based learning.

As part of the series, participants will develop an implementation plan for their school district and interagency partnership. Participants who engage in the full training series will also have the opportunity to earn graduate credit and will be compensated for their time.

To implement this strategy, funding is needed for the following:

- State-level staff to provide training and technical assistance
- Schools to provide 1:1 customized employment supports and job coaching services
- Substitute teachers and paras for school staff and to attend trainings during the school year or stipends to attend trainings in the summer.
- Service providers to pay their staff while they attend trainings.

11. Hybrid and adult Project SEARCH programming

- Create a funding model that allows for adults with developmental disabilities to participate in the Project SEARCH program. This could include the option of attending a hybrid program (where high school students and adults are together) or a program that is just for adults (those not in high school). The recommendation to implement more Project SEARCH programs would be to serve public and private organizations for the development and implementation of workforce training programs. Minnesota could be authorized to enter into contracts to provide employment skills services to individuals with developmental disabilities under the Project SEARCH program. The program is currently operated by the Cincinnati Children's Hospital and in MN we currently have 9 Project SEARCH sites.

As sub-minimum wages are phased out, funding can be increased to transform business models by using programs like Project Search. As a part of the rollout of the Minnesota Transition Framework (see Statutes, Rules and Policies Workgroup Recommendations numbers 6 and 8), MDE, DHS, and DEED will define the Student Discovery and Customized Employment model for Minnesota.

11. Hybrid and adult Project SEARCH programming

- ✓ 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

Here is our statewide MN PS website: https://mn.gov/projsrch/index.html

Here is the PS website: https://www.projectsearch.us/

Provider support recommendations already voted on

The following recommendations are cross-categorized between the workgroups where voting has already occurred and also the provider supports workgroup:

This recommendation was reworked to be more succinct

a) Strengthening day support services

Continue the work of MTI to establish a statewide promising practices model for inclusive, meaningful community-based day supports and provide training and technical assistance to service providers in delivering that model.

b) Case management – additional training, cap on caseloads, and change to yearly plan review requirements.

- Increase in funding and mandated training for case managers, including comprehensive training for benefits information, disability specific training, planning, and analysis so that 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.

- Case managers will have a cap on caseload (work hours per month divided by hours expected per average plan + 5 = max number of clients for a case manager) \work hours of case manager divided by average number of hours billed per client + 5= max case load.

- In yearly plan review with case manager, case manager will ask if the person would like to continue with job making subminimum wages or move to competitive / customized employment.

Services and Supports for People with Disabilities and Statutes, Rules, and Policies
Polling Results and Workgroup Updates

September polling results: Task force opinions on recommendations

- You used the Zoom polls during your September to register reactions to 16 draft recommendations from 2 different workgroups

- A super majority of task force members were willing to approve all 16 of the recommendations—so 12 of 16 members (75%)
    - In 3 cases, the super majority included task force members who said "I can live with it"
    - In 7 cases, at least one task force member said they were "leery of it"

- We'll review recommendations that left some of you leery to hear about your concerns and ideas for addressing them

3 recommendations about case management drew "leeries"

- The recommendations
  - 2 leeries: Case managers will have a cap on case load
  - 1 leery: Case manager will ask in yearly plan review if the person would like to continue earning subminimum wages or move to a competitive/customized job
  - 1 leery: For enforcement of the employment fidelity model, lead agencies must report annually on employment outcomes for people receiving waiver case management supports
- Share your concerns
  - What worries you about the recommendation?
  - How might the task force address your concern?

3 services and supports recommendations drew "leeries"

- The recommendations
  - o 2 leeries: Repeal the state law that allows subminimum wages and set limits to the number of people who can earn subminimum wages during the phase-out
  - o 1 leery: Require competitive wages in service definitions, so wages at minimum wage or higher
  - o 2 leery: Place limits on how long someone can earn subminimum wages in waiver supports

- Share your concerns
  - o What worries you about the recommendation?
  - o How might the task force address your concern?

1 other recommendation drew "leery," 2 undecideds for another

- 1 leery: Examine day supports waiver service and recommend policy changes to incentivize community-based options

- 2 undecideds (if time allows): Case management—Increase funding and mandate training for case managers, including comprehensive training for benefits information, disability specific training, planning, and analysis so that staff can provide individuals, families with a full view

- Share your concerns
  - What worries you about the recommendation?
  - How might the task force address your concern?

Overview:

- Workgroup members have continued to refine recommendations.

- Since the previous task force meeting, the recommendations on day supports was merged with the provider supports recommendations.

- There have been no updates to the two recommendations in this group:

  - Providing information and education about services and supports
  - Communication and Education to Build Belief

Statutes, rules and policy recommendations overview

Overview:

- Workgroup members have continued to refine recommendations.

- Since the previous task force meeting, the recommendations on case management were merged with the provider supports recommendations.

- There have been no updates to:

  - Repeal of Minn. Stat. §177.28, Subd. 5 (phasing out the 14c certificate) 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

- Members have already given input via polling and approved the five recommendations that follow. The details with the recommendations have been filled/fleshed out more.

Statutes, rules and policy recommendations

1. Clarify role/importance of competitive integrated employment and informed choice (based on Employment First policy

- DHS, in partnership with the CILs carrying out the WIOA required meetings, will create ask for data collection on meetings held including: number of meetings held, when and where meetings were conducted (IE at a provider, in a home, etc.), and the meeting outcome/choice the individual made as a means of gathering data on the efficacy of these meetings.

- DHS will create a specific agenda for any and all informed-choice meetings occurring in the state. This agenda will include a requirement that language be presented in an unbiased manner, that the individual is given a choice of who should attend the meeting, and information that is required to be presented such as what competitive integrated employment could look like for them.

2. Changing fee schedules and allowable reimbursements under Medicaid waiver plans

- Complete a rate study done by an outside entity to evaluate the rate for transportation/mileage within the rate structure for waiver funded services

- Develop clearer language about the usage for transportation within the CBSM language for the usage of transportation service for waivered services

- Develop specific language for utilizing Uber/Lyft transportation – state that it can be utilized within the CBSM language

- Adjust DWRS rates to allow for increased rates when the staff providing the service has a certification such as ACRE, Customized Employment, Etc.

2. Changing fee schedules and allowable reimbursements under Medicaid waiver plans - *continued*

- Increase the rate for employment exploration to match the other employment service rates in order to encourage more providers to provide that service as a means of offering person-centered informed choice

- Allow midday rides to be billable within Day Support Services to encourage more access to the community within those services

- 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

- Develop data collection for the rate setting system that is less than 2 years old to determine current rates

3. Improvements to VRS and SSB Referrals and IEP Processes

- Require by statute that schools provide DEED Vocational Rehabilitation Services (VRS) and/or State Services for the Blind (SSB) the names and contact information ("directory information") of transition-aged students with disabilities, and their parents/guardians when applicable, to ensure that they receive information from VRS and/or SSB about available services. This requirement is currently in effect through an MOU between MDE and DEED/VRS.

- 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.

3. Improvements to VRS and SSB Referrals and IEP Processes - *continued*

- 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.

- Appropriate funding for MDE 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 (IEPs).

4. Interaction between the waiver service providers (DHS) and VRS groups (DEED)
DEED and DHS will 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 that there are no gaps in services. This also includes clarifying funding for individuals who seek career advancement.

DEED and DHS should decide/develop between them the following:
- 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
- An FAQ that is shared between departments with answers to the most asked questions in order to cut down on the amount of contradictory information communicated to providers, individuals, and teams.

5. Collaboration among MDE, DEED, school districts, and service providers

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

- As part of secondary teacher relicensure, teachers must complete CEUs which document professional development training on best practices in partnering with DEED Vocational Rehabilitation Services (VRS) and/or State Services for the Blind (SSB) and waiver services for transition-aged youth.

5. Collaboration among MDE, DEED, school districts, and service providers - *continued*

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

- As part of secondary teacher relicensure, teachers must complete CEUs which document professional development training on best practices in partnering with DEED Vocational Rehabilitation Services (VRS) and/or State Services for the Blind (SSB) and waiver services for transition-aged youth.

- **Next task force meeting**: Tuesday, November 8, 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!